

A PROPOSAL FOR FACILITATING THE ATTORNEY GENERAL'S
ADMINISTRATION OF THE DEPARTMENT OF JUSTICE

The wrenching impacts of total war have hit departmental administration in the Federal Government as solidly as they have hit industrial management. The Department of Justice has felt this impact no less than many other Federal agencies and departments. Quick and drastic changes in national needs require alterations in administrative practice, just as more dramatic changes in the character and design of factory output have required extensive industrial retooling.

Unlike the industrial plant, however, the Department of Justice and other public administrative agencies may not "farm out" their requirements to other shops as readily and conveniently when their immediate resources are overtaxed. A machine gun is a mechanical assembly of component parts, each of which can be produced separately. A public service is a blend of elements in human relations which cannot be separately machined and mechanically joined.

As the national safety has demanded public services greater in extensity and intensity than we have heretofore known, the task of the Attorney General in blending the ingredients of the public service, in harmonizing action with policy, has become acute. Peacetime functions with respect to civil liberties, monopolies, patents, and other major issues acquire a new meaning in terms of

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"total war". Aliens, conscientious objectors, espionage, sabotage, international industrial cartels, are but a few of the war problems taxing the creative and directive energies of the Attorney General. The entire program and functioning of the Department of Justice must be geared to the needs, the heightening tempo of an all-out victory effort.

Too frequently the Attorney General cannot "farm out" parts of his responsibility to other agencies or even to his own subordinates. He privately yearns for some method of stretching his working day to 24 hours in order to accommodate the complexity and quantity of his responsibilities.

Regardless of the manner in which he organizes his department, he cannot escape his role as an officer in the executive cabinet, as a symbol of and a spokesman for our national Government. He, and in the public mind he alone, is a member of the select group that plans the nation's course. All major policy and program determinations for his department must be resolved by him. When specific situations catch the public eye or stir the anxieties of individuals or of powerful groups of citizens, the responsibilities of statesmanship are his.

Regardless of the character and extent of his delegation of authority, he also cannot escape the ultimate responsibility for guiding the day-to-day operations under his direction, for integrating the efforts of his bureaus and divisions into a common program. He must guard against the institution, without

his knowledge and consent, of new programs mistakenly considered to be parts of existing programs. He must watch for the outcroppings of new policies erroneously labeled the continuation of existing policy. He must stimulate, encourage, guide, counsel and restrain. His leadership must penetrate to every unit of the administrative organism.

This kind of managerial leadership must be cultivated from the top. It does not grow untilled from the operating levels. It is not enough for the department head to sit back and wait for problems to be presented; to call for activity reports at regular intervals; to bring the staff together in periodic conference. As instruments of action, these devices are unsatisfactory. Their usefulness is limited by the character of items selected for presentation. Unselected phases of operations which may be of equal or greater significance are obscured and ignored.

It becomes apparent that as a responsible statesman in the national Government, the department head must look up and out upon public needs and upon the efficacy of the public service he conducts; that as the chief manager of his department he must keep his senses attuned to the hum and throb of activity below deck. If the latter are ignored, feudal principalities may germinate in the passiveness of his management. Subordinate operating officials, intent upon their particular programs, may assume wide areas of determination in guiding the course of their individual operations. The department head receives full

respect, recognition and obedience, but under him a group of semi-independent principalities form and go their separate ways.

What is needed is the kind of departmental administration which goes down into the shop and absorbs a full and balanced impression of the flow of activities, which steps in and out of the stream of operations as necessary. Such is the course of leadership. It guides, inspires, and strengthens rather than autocratically controls the exercise of delegated responsibilities.

If the department head could split his physical and intellectual personality, he could "farm out" parts of his total responsibility to his second self. This is impossible. A practicable solution does lie in the act of bringing in another person, an assistant, who would be a part of, an expansion and an extension of, the department head's personality in the leadership and supervision of the department.

Problems of administration, policy, and program, continually arising in the Department of Justice, are too numerous for any one individual to handle. The Attorney General must be ultimately responsible in all these matters, but he can delegate the intellectual and physical "legwork" preliminary and subsequent to the guiding determinations which he himself must make.

The attached draft of an administrative order proposes that the Assistant to the Attorney General shall become the Attorney General's administrative alter ego. He would aid, rather than relieve, the Attorney General in the administration of the Department of Justice. He would obtain guidance and direction from the

Attorney General, and then proceed to effectuate the wishes of the latter throughout the Department. He would maintain close contact with departmental operations by supplementing, rather than replacing, the Attorney General's own contact with them. He would bring to the Attorney General's attention situations in which his leadership will find effective expression.

No matter how the department's functions in the administration of Federal justice are grouped and regrouped by bureaus and divisions, there will continue to be points of interdependence, needs for teamwork, opportunities for conflict as well as for cooperation. Granting that any particular division is an administrative "task force" relatively self-contained, it is also true that justice can be obtained and laws can be enforced by alternative methods. Which alternative method to employ in order to achieve maximum realization of central objectives requires coordination and decision at a level higher than that of divisions and bureaus.

The Assistant to the Attorney General, in this important phase of management, would be the Attorney General's eyes, his ears, his voice. The Attorney General necessarily should shape the primary objectives, decide major policies, make the most important decisions, but in doing so would turn to this Assistant for facts, advice, and recommendations, and for the effective implementation and execution of policies, programs, and decisions.

Under this concept of an administrative deputy, the Assistant would act in the name of -- at times in the p

the Attorney General. On both would rest the delicate responsibility for attaining this amplification and synthesis of the Attorney General's personality. The Attorney General would guard against directly contradicting his Assistant for that would be akin to contradicting and weakening his own authority. Similarly, the Assistant to the Attorney General would avoid embarrassing his chief with the necessity for an overruling decision. This does not mean the Assistant would make no decisions, would have no authority, or would childlike seek a helping hand at every administrative obstacle.

It does mean that the Assistant should so understand the attitudes and reactions of the Attorney General that he can act accurately for him in many situations, and recognize those other situations that require referral to the Attorney General or conference between the latter and the bureau or division head. By such means must effective departmental leadership be provided without disrupting or insulating the Attorney General's exclusive responsibility therefor.

By such means also is provided quick attention to the needs of bureau and division chiefs, and an early answer to their proposed plans of action. The Assistant thus becomes a nerve center of departmental administration, receiving and clearing operating problems and issues; transmitting and following up policies, decisions, and approved courses of action; developing and providing the staff services essential to all operating bureaus and divisions.

Under such an arrangement, whether the Assistant to the Attorney General may readily achieve an effective working relationship with the operating heads without clearly making them subordinate to him becomes a pointless question. His influence and his sphere of supervision are as broad or as narrow as the Attorney General in day to day practice wishes them to be. They could never be more than this regardless of what is written in a formal order.

The operating heads must find that dealing with the Assistant to the Attorney General is the same as dealing with the Attorney General. No formal allocation of segments of the department, or of particular functions, to the supervision of the Assistant to the Attorney General would assure this, but instead would nullify the single, unified leadership that is sought.

Beyond the issuance of an order, beyond the necessary adjustments between the Attorney General and the Assistant to the Attorney General, a detailed implementation of the latter's responsibilities is needed to achieve the administrative relationship recommended. A plan of organization and practice must be developed for his office in the light of prevailing operations and practices in the operating divisions of the department and the field. The effectiveness of this plan will largely determine the success or failure of the Assistant to the Attorney General in implementing and facilitating the Attorney General's administration of the Department of Justice.

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When the Assistant to the Attorney General is fully established in his new role, the Attorney General should be better equipped to give continuing leadership and direction to the department. The Department of Justice, as a result, should be better integrated and more fully coordinated to the requirements of a nation at war.