

**Administrative Breakdown
Causal Attributions in Governmental
Investigative Commission Reports**

by

Harald Sverdrup Koht



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Høgskolen i Oslo

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ADMINISTRATIVE BREAKDOWN:
CAUSAL ATTRIBUTIONS IN GOVERNMENTAL INVESTIGATIVE
COMMISSION REPORTS

by

Harald Sverdrup Koht

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of

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in

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ABSTRACT

This dissertation compares governmental investigative commission reports about disasters across two national cultures to assess explanations for changes in the evaluation of administrative failures.

A review of selected commission reports from Norway and the United States suggests that a pattern of blaming individuals for disasters has over time been replaced by a tendency toward faulting organizational systems. A central question is whether this trend is related to changes in the character of the investigated events or to changes in the conceptual framework used by commission members. The research examines three alternative explanations for the adoption of the system view: (1) changes in the professional composition of commissions, (2) the emergence of modern public administration theory, and (3) the dominant political culture at the time. Propositions drawn from general systems theory, cultural theory, and attribution theory are applied to the commission reports.

Data for the dissertation consists of sixty-four commission reports produced by the governments of Norway and the United States. Characteristics of the commissions, their members, and findings are categorized and examined using univariate and bivariate analysis.

The analysis of American reports shows that attributing administrative failure to system errors became prominent at the beginning of the twentieth century concurrent with the influence of the Progressive movement in politics as well as the emergence of public

administration as a subdiscipline of political science. The maintenance of the system view in commission reports of the modern era is shown to be related to the professional composition of the commissions. The analysis shows that in Norway the trend toward system blame manifested itself much later in this century with a reduction of the influence of lawyers and the inclusion of other professions as investigative commission members from the 1960s and onward.

While emphasis on system blame in theory weakens traditional principles of personal and political accountability, the actual shift toward system blame strongly suggests that modern investigative commissions principally serve as policy evaluators and initiators of system change. Thereby commissions help to make public administration more accountable and responsive.

PREFACE

Translations from the Norwegian have been made by the author unless indicated otherwise. In translating the names of Norwegian institutions, I have relied on Patrick Chaffey, ed. (1988), *Norsk-engelsk administrativ ordbok* [Norwegian-English Administrative Glossary] in addition to W.A. Kirkeby (1986), *Norsk-engelsk ordbok. Stor utgave* [Norwegian-English Dictionary. Large Edition]. In the chapters on Norwegian reports references to the "government" are used interchangeably with the "cabinet."

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ABBREVIATIONS

| | | |
|----------------------|-------------------------------|--|
| Ex.Doc | Executive Document | |
| Innst.S. | Innstilling til Stortinget | Parliamentary Committee Report (In English) |
| NOR | Norwegian Official Reports | Norwegian Official Reports (in Norwegian) |
| NOU | Norges offentlige utredninger | Law bill |
| Ot.prp. | Odelstingsproposisjon | |
| Rep.Com. | Committee Report | Report to the Storting (white paper) |
| St.med./ St.meld. | Stortingsmelding | Report to the Storting (parliamentary bill) |
| St.prp. | Stortingsproposisjon | |

1. INTRODUCTION

Research Problem

This dissertation identifies and explains trends in the ascription of causes and blame in cases of administrative breakdown by examining selected reports of governmental commissions of inquiry. While each failure possesses particular traits, it is suggested that the way in which people attribute causality and responsibility is a product of their culture. The database consists of sixty-four commission reports from Norway and the United States, two constitutional countries with advanced administrative systems. Comparing two nations increases the possibility of explaining political and administrative phenomena and eases induction from the specific to the general (Dogan and Pelassy 1990, 10).

Disasters and administrative-political failures are unexpected events that require explanation. While the public may seek simple answers, commissions of inquiry usually initiate a search for the truth with an open mind. They must consider several different aspects and possibilities so as to formulate causal explanations of behavior and events (Larson 1985, 35-36). Popular opinion tends to attribute events to the intentional action of individuals by using simple linear and functional rules, and assuming that big effects must have big causes (Einhorn and Hogarth 1986, 11; Levitt and March 1988, 323). On the other hand, actors involved in the critical events tend to report that they were reacting to some feature of their surroundings (Ross 1978, 347; Larson 1985, 35). It is my contention that in the last thirty to forty years investigative commissions have adopted the perspective of the actor rather than the lay observer. That is, we will find that modern investigative reports emphasize environmental "system errors" such as communications, administrative

procedures, and decision-making structures, rather than directing blame at a single individual (Koht 1988).

Although governments carry out investigations of different types at multiple levels, we focus on investigations at the highest national level: ad hoc presidential or royal advisory commissions appointed to learn the causes of outstanding instances of administrative-political failure. Their short-lived and transitory nature makes them particularly interesting subjects for the study of longitudinal trends, since the commissions start anew with each incident and have no institutional norms and histories. Unlike permanent accident panels, ad hoc investigative commissions should be less biased by a perseverance mechanism, by which prior beliefs are buttressed or sustained in the face of subsequent challenges or attacks (Ross and Anderson 1982, 150). Unlike permanent investigative bodies, we should expect ad hoc commissions to have less of the "capacity of theory-holders to interpret new evidence in a manner that strengthens and sustains their theories" (p. 145), but to be more influenced by contemporaneous events or social trends. Wolanin (1975) finds that presidential commissions have not been standardized in their format or their procedures (pp. 123-4).

To examine whether the supposed trend toward blaming the "system" can be confirmed and explained, our search is conducted on two levels:

1. *Differences in the character of investigated events.* Changes in the judgments of commissions may reflect the fact that the target events have become more complex, administratively and technologically. Shipwrecks in the first decades of this century caused serious loss of life, yet they involved simpler decision-making systems than do accidents in space exploration. Thus we cannot assume that the crew of space craft can be held equally accountable as a ship captain, who has more discretion in commanding the vessel. The astronaut may find that he or she is part of an administrative and technical system so tightly coupled that it

leaves little latitude for making decisions of consequence (Perrow 1984, 256-281, Bella 1987).

2. *Changes in commission behavior.* Just as important for the purposes of this study are changes that may have taken place in attitudes, values, and behavior of the commissions themselves. Such changes can be expected to have consequences for the questions they raise and the conclusions they draw from their investigations. One possible explanation links the emphasis on system error with the commission members' attributes, such as their professional training and experience. We should expect that commissions dominated by jurists are especially attentive to the potential of human error, while engineers presumably would be more concerned with the interface between human actions and technology. An alternative explanation relates changes in commission behavior to the emergence of new concepts and ideas that enable commission members to reinterpret events and seek alternative explanations to those that prevailed in the past (Douglas 1986, 91-100). From this perspective the prevalence of systems thinking by commissions can be linked to the rise of modern public administration theory derived from general systems theory (Shafritz and Hyde 1987, 47-49).

Modern public administration theory does not, however, represent a unified view. Harmon and Mayer (1986, 47-53) have discussed the development of the concept of public accountability as it has been redefined by students of each of several schools of thought since the late 1930s. For this study, it is useful to distinguish between these different approaches to accountability based on their focus: individuals, systems or political culture.

Individuals: "The lonely leader." By recognizing the contribution of administration to the formulation of public policy, rather than the other way around, Paul Appleby (1949) showed the inadequacy of the traditional model of individual accountability based on an "objective responsibility" determined by external standards of correct behavior. For Chester Barnard (1938) accountability was linked to action. It is the individual operator who ultimately carries

out the organizationally directed action and who is held primarily accountable, rather than just those who make the decisions. Of particular relevance to this study is Carl J. Friedrich's (1940) dictum that the individual must cleave to standards of professional and technical competence, with the consequence of separating a domain of administrative activity from political meddling (Harmon and Mayer, 1986, 49). More recently Fredrickson (1971), White (1973), and D.F. Thompson (1980) have emphasized the personal responsibility of the public administrator. These divergent views of individual accountability fit the "paradigm of the lonely leader" (D.F. Thompson 1980).

Systems: "The cog in the wheel." Concerning Talcott Parsons's functional imperatives of system survival, Harmon and Mayer find an implicit lack of emphasis on accountability in the systems theory of organization (1986, 179). Public organizations are seen as systems of communication, administrative procedures, and decision-making structures, rather than just formal hierarchies of authority and accountability. In a complex situation the individual is regarded as a "cog in the wheel" who cannot be blamed for circumstances beyond his or her control. Thus rational managers tend to "play it safe" in terms of accountability (J.D. Thompson 1967, 119).

A question of culture. While the two first schools of thought reflect a public administration approach, a third approach originates in ideas of political culture. Then "'system' or 'person' are dead giveaways," according to Aaron Wildavsky (1987, 16). Holding institutions or individuals at fault expresses different political cultures: egalitarian values that emphasize collective responsibility; or hierarchical and market values that emphasize individual responsibility for social actions.

In this sense, commission behavior can be interpreted as expressions of either conservative or left-oriented (U.S. "liberal") policies. In producing reports, commissions are seen to use perceptual filters colored by institutionalized thinking or ideology. Although much emphasis is usually put on the independence of investigative commissions, we can

expect from this reasoning that commission reports also respond to the values of the governments that appoint them. With social democrats or U.S. Democrats in power, for example, commissions should be less likely to emphasize individual blame than under conservative/Republican regimes.

The garbage can. While ideology may be regarded as just one more dimension to consider in interpreting the work of commissions, other recent theory broadens the cultural approach to encompass the overall context of a particular event. Cohen, March, and Olsen (1972) use "garbage can" to characterize organizations as loosely interconnected collections of actors, issues, feelings, and solutions. From this point of view, commissions can hardly be seen as neutral observers and judges, but are themselves participants in an unfolding series of events within a context larger than that encompassed by the bureaucratic-systemic view. Therefore garbage-can theory apparently recognizes the importance of individual action. Unlike system theory, personal responsibility then cannot be rejected *a priori*.

The reports produced by the investigative royal and presidential commissions in Norway and the United States give the impression of dealing with substantive matters that cannot be easily compared. Commissions have been used to investigate civil disturbances, industrial accidents, military failures, as well as natural disasters. Yet, even if the ultimate cause of an event may have been beyond human control, there is still an urge to analyze the consequences of the accident to learn whether the effects could have been avoided or reduced by proper warnings and better rescue efforts. The investigations have in common their attempt to explain and provide new learning from unexpected events.

This dissertation adopts the stance of attribution theory that "describes processes that operate *as if* the individual were motivated to obtain a cognitive mastery of the causal structure of the environment" (Kelley 1967, 193). According to this theory people are engaged in a "quest for meaning, not cognitive harmony; for validity, not consistency" (Larson 1985, 35). Yet, although any commission may be composed of the most

knowledgeable experts of the day, it works under constraints of time and visibility. To get their work done and attain legitimacy, "the burden of thinking is transferred to institutions" (Douglas 1986, 83), which serve as social conventions. The existence of these legitimate social conventions helps commission members to overcome their differences, standardize expectations, share focus, and reach agreement on facts and judgments.

Research Design

Propositions and Hypotheses

The preceding discussion can be summarized in a series of propositions and hypotheses that are explored by empirical analysis of investigative commission reports. The propositions are:

- Investigative commission reports assign responsibility for administrative failures by using: (1) individual characteristics, such as character flaws and operator errors; and (2) systemic factors such as administrative procedures and communication systems.
- Investigative commission reports show a historical trend toward increased emphasis on system blame.
- This shift toward system blame cannot be explained by a change in the character of administrative failure alone.

If there is evidence to support these propositions, theory suggests three alternative hypotheses to explain the observed trend:

- H₁: Concurrent with the rise of public administration systems theory in the academic community, commission members will increasingly assign system blame in cases of administrative failure.
- H₂: As adherence to egalitarian values increases in a society, commission members will tend to assign system blame in cases of administrative failure.
- H₃: Where the members of investigative commissions have been trained in systemic disciplines, such as engineering and sociology, they will tend to assign system blame

for administrative failure. Conversely, if the members are trained based on individual analysis (law, clinical psychology), they will be more likely to assign individual blame. This dissertation weighs the evidence for each of these hypotheses by longitudinal and cross-national analysis of commission reports.

Data Set

The propositions and hypotheses are explored on the basis of a selection of investigative commission reports from the United States and Norway from the nineteenth and twentieth centuries. The criteria for including reports are:

1. The investigation relates to an unexpected event or series of events of disastrous character arousing public concern on the national level. The commission's task involves fact-finding and recommendations about governmental performance.
2. The investigation is initiated by the executive branch, i.e., by the president, the king-in-council, or a cabinet member. In the American cases the use of presidential commissions dates from the late nineteenth century. For the early part of the nineteenth century it has therefore been necessary to draw on documents produced by the President's Office or Congress.

Table 1. Investigative commission reports included for analysis

| | |
|---|-----------|
| <i>American reports</i> | |
| Early 19th century (1838-44) | 4 |
| Civil War and Reconstruction (1863-77) | 14 |
| Progressive Era (1899-1913) | 7 |
| World War 2 and after (1942-1952) | 6 |
| Great Society and Vietnam Era (1964-75) | 6 |
| Post-modern Era (1979-1986) | 4 |
| Total (American reports) | <u>41</u> |
| <i>Norwegian reports</i> | |
| Early commissions (1814-1934) | 8 |
| Modern commissions (1945-1986) | 15 |
| Total (Norwegian reports) | <u>23</u> |
| Total (all) | <u>64</u> |

The estimated universe consists of forty-one American and twenty-three Norwegian reports. The number of U.S. reports increases to forty-eight if one adds the several case studies of the Eisenhower commission on violence and the Scranton commission on campus unrest, both conducted during the Great Society and Vietnam Era (1964-75).

Methodology

By choosing a binary comparison instead of a single-country analysis, there should be greater opportunity to test the validity of any findings. Comparison serves here as a substitute for the experimental method, and a way of approaching the causes of the observed phenomena with less risk of ethnocentric bias (Dogan and Pelassy 1990). Limiting the analysis to the United States and Norway, two countries with contextual similarities, aids in combining a study in depth with finding what decides the uniqueness of each country (pp. 126-7). While the examination of the U.S. reports is presented in considerable detail, the survey of Norwegian investigations is cursory, focusing on major questions arising from the study of the American cases.

The research questions are explored by examining the commission reports and conducting univariate and bivariate data analyses using the approach taken by the commission as the dependent variable. According to Kelly G. Shaver, the "assignment of blame is the last step in a process of social judgment" (1985, 164). Drawing on Shaver's sequential model of the attribution of blame (p. 166), each commission report will be analyzed for data on the major steps taken in arriving at a conclusion:

- What is the character of the disaster?
- What is the immediate or primary cause of the disaster?
- Are there any underlying or secondary causes?
- Is anyone blamed for the disaster?
- Does the cause of the disaster involve governmental responsibility at the individual or system level?
- What are the main conclusions and recommendations?

Examination of the reports also includes situational data about the membership of commissions, their mandate, and their work:

- Who appointed the investigation commissions, and what was the political affiliation of these authorities at the time?
- What were the members' demographics: with respect to education, experience, and other salient traits, such as gender and race?
- What was the content of the commission mandate? Did it restrict the scope of the investigation or access to evidence? Was a time limit set?
- What methodology was used by the commission to collect, evaluate, and present their data?

Since commission reports do not fit any fixed standard, not all reports contain the needed data. Whenever available, other primary and secondary sources were drawn upon to fill missing information.

Published investigation reports were usually available for inspection or borrowing from the Library of Congress, university libraries in Washington, or the municipal library of Oslo. Each document was examined for information and statements that answered the questions posed by the research design. Care was taken to extract appropriate quotations that reflected the particular content of each report. Although each report dealt with non-recurring events, it was possible to code the data according to the general categories included in the questionnaire.¹

Cumulative data for the main variables are summarized in univariate and bivariate tables and figures throughout. There has been no attempt at multivariate, statistical analysis.

Previous Studies

United States. Although government investigation commissions attract intense contemporaneous publicity, they have not received equivalent attention from scholars. In 1975 Thomas R. Wolanin complained that "the entire literature consists of two books devoted to commissions, a few essays by scholars and journalists . . . and a few case studies" (Wolanin 1975, 5). Except for the addition of new monographs, the current state of the literature is as Wolanin found it.

The dearth of scholarly work on commissions of inquiry may be an expression of an established skeptical view of their utility, although modern scholars may not state it as directly as Gustavus Weber did in 1919:

It is manifestly impracticable even to list, much less to describe in detail, all such inquiries, many of which are recorded in manuscripts filed in the bureaus or departments to which they are related . . . most of them relate to conditions which have long since passed away (Weber 1919, 44).

Meanwhile, Wolanin (1975) provides the most comprehensive analysis of the role of presidential commissions from Truman to Nixon. Commissions from the first half of the

¹The set of operationalized questions are included in Appendix B.

century are covered by Marcy (1945), and for a study of the commissions of the nineteenth century one should turn to the classic work of Leonard D. White (1965).

Wolanin finds that all presidential commissions, including ad hoc investigative boards, seek to be policy analysts. Their instructions include the assessment of a specific problem and recommendations for "whatever actions they deem appropriate to more successfully solve the problem" (1975, 13). Wolanin gives presidential commissions high marks for being broad-minded, data-driven, innovative, integrative, and educational (pp. 32-24). However, he makes no separate assessment of the quality of their work. Indeed, he sees their appearance as a crisis response by the president, created *faute de mieux* or as a palliative (pp. 21-22). Wolanin finds that the resulting report in such cases almost certainly will disappoint the president: "Such commissions will invariably not give him much political advice on how to avoid such tragedies, but will instead tell him he ought to improve those basic social conditions that are seen to be the underlying causes of the crisis events" (p. 194). This observation was made following the inundation of investigative reports in the Great Society and Vietnam Era of 1964-75. Whether or not this statement holds true for recent investigations remains to be seen.

Norway. Legal scholars have made critical examinations of the use of public investigation commissions in Norway. While Knut Blom (1964) concerned himself with legal procedures and safeguards, Anders Bratholm (1986a, 1986b) surveyed investigative commissions as instruments of state power to find facts and distribute responsibility. He criticized some post-1945 reports for their methodological weaknesses and because, in his view, they served to increase social conflict rather than social harmony (1986a, 474).

Conclusion. Neither in the United States nor in Norway can one find systematic studies analyzing the attribution of cause, responsibility, and blame in government investigative commission reports across time and across all categories of disasters and instances of administrative breakdown. In this respect this dissertation charts new territory.

The inclusion of two countries allows us to examine whether the propositions hold across different political entities and provides us with two different samples to test our hypotheses. This strengthens any conclusions and help this research overcome some problems in using small samples across long time spans.

Summary

In the following chapters the presentation of the research follows a chronological pattern to test the primary proposition that there has been a historical change in causal attributions by executive investigation commissions. The exposition deals separately with the U.S. and the Norwegian findings except the joint analysis of the results in the final chapter.

The occurrence of American investigation commissions distributes unevenly over time. Since 1838 there are bursts and gaps that allow for easy categorizing by era (*Table 1*). Investigations by presidential commissions were initiated in the nineteenth century, but the years between 1899 and 1913 saw a sharp escalation in use. Therefore a separate chapter is devoted to the Progressive Era, when the investigation commission served as a tool to operationalize presidential concern with cases of administrative failure.

The modern era of investigation by presidential initiative began with the military disaster at Pearl Harbor in 1941 and culminated with the wave of reports of the Great Society and Vietnam War Era (1964-75). The sporadic use of boards of inquiry 1979-1987 is dealt with separately in a chapter devoted to the investigations into Three-Mile Island (TMI), Beirut massacre, space-shuttle "Challenger," and Iran-Contra failures.

The analysis of Norwegian reports falls into two sections. The early period stretches from 1814 — the year of constitutional independence — to the mid-1930s, when the Labor Party began its long reign. As with the U.S. sample, the modern Norwegian period opens with an investigation into the catastrophic events at the beginning of the Second World

War. The analysis of the modern period ends with an analysis of two investigations into domestic effects in Norway of the Chernobyl accident in the Ukrainian S.S.R. in 1986.

The chronological narrative of American investigative commission conforms to a categorical analysis of investigative commission data of each era in terms of: (1) their composition and mandate; (2) the methodologies used in their investigations; (3) their conclusions regarding primary and secondary causes; (4) and finally—if any, their recommendations and ideas. Throughout, findings and historical trends are summarized in tabular form. This presentation accents analytical clarity rather than narrative accounts of each investigation. Nevertheless, the reader should be able to get some of the individual flavor and content of each report through the many quotations used to substantiate the author's observations and conclusions.

The data on causal attributions in U.S. investigation reports are summarized in the figures and tables discussed in Chapter 7. Separate chapters on Norwegian reports present data and analysis about their historical context, memberships and mandates, and main conclusions about causes and blameworthiness.

The findings of this research into American and Norwegian investigative commission reports are discussed in the final chapter in terms of the hypotheses provided by current theory. While the analysis supports the initial proposition of a secular trend toward the attribution of system blame that cuts across disaster types and nations, it also uncovers a significant time lag between the two countries. The United States adopted this mode of attributing causes several decades before Norway did. In both countries system blame is associated with the admission of new professions as commission members, but in the United States the trend began during the ascendancy of the Progressive movement at the beginning of the twentieth century.

The final chapter includes a discussion of some current dilemmas that face public administration in balancing personal accountability and the promotion of system change.

Instead of attributing responsibility and blame, investigative boards may primarily serve as policy analysts, who make recommendations to prevent the recurrence of disasters and propose legal reforms and social programs. In this context, commission reports also can be regarded as expressions of political culture, reflecting changing perceptions of risk and accountability among the professions that serve on commissions. What can then make a systems-oriented public administration more accountable and responsive? A preliminary answer suggests the necessity of accepting the autonomy of public officials according to norms of liberal society. This would imply that: "If we want better government, we better talk politics" (Rosenbloom 1993, 506). Investigation reports then could provide interpretations of experience that would be vital to exercising accountability as well as contributing to learning and innovation.

2. EARLY AMERICAN REPORTS 1838-1878

This and the following chapter provide an overview of early investigation reports into perceived failures of government in the United States. The set of nineteenth-century investigations discussed in this chapter consists of eighteen reports produced in the forty-year period from 1838 to 1878.

The gaps in the time sequence indicated in *Table 1* show that the use of *ad hoc* investigation commissions was not a regular, instituted feature of American government in the nineteenth century. To provide sufficient examples for analysis, the list includes reports produced by the President's Office (1844) and joint select committees of Congress (1863-1872). These documents largely conform to the structure and contents of investigative reports produced by executive commissions. They provide a factual description, a causal explanation, and an evaluation of accountability for the disaster.

To chart the development of the attribution of causes and responsibility, this overview presents the answers to several questions directed at each report:

On situational issues:

- Who initiated the investigation?
- Who were appointed to investigate?
- How large was the commission?
- What was the mandate?

On the methodologies used:

- How much do the reports tell about data collection and weighing of evidence?

On the matter of events and the attribution of causes:

- What were the circumstances that inspired the investigation?
- How did the commission members assign causes and responsibility?
- What is the distinction, if any, between primary (immediate) and secondary (underlying, fundamental) causes?

On recommendations and ideas:

- What did the commission propose to remedy the failure or prevent further disasters?
- Did the recommendations assign responsibility to random, individual, or systemic factors?
- Does the report reveal assumptions and expectations about leadership, accountability, public administration, and good government?

Table 2. Early U.S. investigation reports 1838-1878

| 1838-44 | | |
|----------------------------------|------------|------|
| Frauds on the Creek Indians | Commission | 1838 |
| The Swartwout default | Commission | 1838 |
| The "Princeton" gun explosion | President | 1844 |
| The Rhode Island rebellion | President | 1844 |
| 1863-78 | | |
| Army of the Potomac I | Congress | 1863 |
| Battle of Bull Run | Congress | 1863 |
| Battle of Ball's Bluff | Congress | 1863 |
| Army of the Potomac II | Congress | 1865 |
| Attack on Petersburg | Congress | 1865 |
| Red River expedition | Congress | 1865 |
| Fort Fisher expedition | Congress | 1865 |
| Light-draught monitors | Congress | 1865 |
| Heavy ordnance | Congress | 1865 |
| Massacre of Cheyenne Indians | Congress | 1865 |
| Reconstruction I | Congress | 1866 |
| Reconstruction II (Ku Klux Klan) | Congress | 1872 |
| Red Cloud and Whetstone agencies | Commission | 1874 |
| El Paso troubles in Texas | Commission | 1878 |

These issues are presented and analyzed in turn. Whenever practicable, data are summarized in tables and figures. In addition each investigation report is briefly

discussed in relation to each question asked.²

Composition and Work

Early investigations into administrative failure occurred in a turbulent period characterized by territorial expansion, internal strife, and early industrialization. Some of these fundamental changes were mirrored in the investigative reports produced between 1838 and 1878. These reports attested to a need to ascribe causality for events that were particularly disastrous or embarrassing to the government. The first executive investigations were chartered in ways that anticipated the presidential investigative commission of the present era.

The Late Jacksonian Era (1838-44)

Only in the final quarter of the nineteenth century can we find presidential investigation commissions with charters and memberships similar to commissions of the twentieth century. However, the 1838-44 period provided precursors for the modern presidential investigation report. These early reports were produced either by the President's office or by especially appointed commissioners, limited to two persons in each case. The commissioners were not only asked to investigate, but they were also instructed to act appropriately on behalf of the federal government. Thus, the commission studying alleged frauds on Creek Indians was also empowered to dismiss and hire certifying agents for the sale of Indian lands in Alabama (Creeks 1832, 2). The commissioners uncovering the defalcation of the New York customs collector in 1838 took steps to recover some of the embezzled funds (Swartwout 1838, 22). Thus these forerunners differed from more recent commissions that were not provided with equivalent executive functions.

²The set of questions used to collect data from the reports is included in the appendix.

The central mandate of the early commissioners included inquiries into the causes of fraud and embezzlement, whether the alleged perpetrators were private land speculators or dishonest officials (Creeks 1838, 2; Swartwout 1838, 18). The commissioners sent to scrutinize the records of Samuel Swartwout, the customs collector, were also asked to consider the need for "new regulations or new laws which may be proper to check and prevent such defaults hereafter" (Swartwout 1838, 18).

These early commissions arose not so much from the desire for independent expertise, but out of a need to delegate work and authority to competent and trustworthy officials able to travel and act on the spot. This was especially the case for the Creek Indian commissioners, who were sent to parts of Alabama with poor communications compounded by war (Creeks 1838, 3). On the other hand, when information was readily available, commissions could be dispensed with, and the President could report directly to Congress. In 1844 President John Tyler delivered two messages of this kind, first about the "Princeton" gun explosion in the same year and next on the 1842 Dorr rebellion in Rhode Island.

Civil War and Reconstruction Era (1863-78)

Most of the reports of 1863-78 period included here were produced by joint select committees of the U.S. Congress. These committees were specifically appointed to investigate critical issues of the Civil War as conducted by the Union troops from 1861 to 1865 and the efforts to restore and reform civil government in the reconquered South from 1865 to 1872.³

Legislative reports are not considered in detail elsewhere in this research. They are included at this point primarily because there are no equivalent presidential investigation

³For a discussion of the impetus behind the establishment of these committees see McPherson (1988, 362-363) and Foner (1988, 239 and 246-47).

reports dealing with critical issues of accountability arising from the Civil War and the Reconstruction. Additionally, these reports distinguished themselves by being mostly unanimous until the end of Radical Reconstruction in 1871, when traditional partisan alignments reappeared (Schlesinger and Bruns 1975). The Civil War reports were remarkable also, since despite their candor, they were published and distributed in large quantities while the war was still raging.⁴ For the purposes of this dissertation these legislative documents easily can be compared with reports issued by executive commissions. The Civil War and Reconstruction reports include factual descriptions, causal explanations, and evaluations of accountability equivalent to reports written by presidential investigative commissions.

Although performance on the battlefield was the main preoccupation of the joint committees on the war, these committees also managed to conduct investigations into the procurement of large guns, the construction of ships for the navy, and a massacre of Indians in the Colorado Territory. Although stressing the attempt to be objective and non-judgmental (Conduct 1863, vol. 1, 60), the first and succeeding joint committees were composed of elected politicians who had clear views on the aims of the war and reconstruction policies (McPherson 1988, 362; Foner 1988, 239).

At the end of the Reconstruction era, the executive branch initiated commissions to investigate problems arising from conflicts on the receding western frontier. The Secretary of the Interior, Columbus Delano, appointed on 16 March 1874 a commission to investigate "certain charges against the agents at Red Cloud and Whetstone agencies, made by one Samuel Walker" (Red Cloud 1874, [3]). The commissioners interpreted their mandate to include an inquiry "into the temper and conditions of the Indians" in the

⁴Fifteen thousand copies were printed of each of the collected volumes (Conduct 1863, vol. 2, p. [2]; Conduct 1865, vol. [1], p. [iii]). In addition individual reports were distributed in similar large quantities.

southern part of the Territory of Dakota bordering Nebraska.⁵ Among the four members of the commission were two officials of the Indian service and two missionary clergy to the Sioux (Dakotas). The chairman was Rev. William H. Hare, the missionary bishop of Niobrara. The report was submitted to the Secretary of the Interior on 22 April 1874.

A commission to investigate a riot over access to salt mines outside El Paso, Texas, in December 1877 was composed of two members appointed by President Rutherford B. Hayes and one member appointed by the Governor of Texas, a southern Democrat, the following January. The chairman was U.S. Infantry Colonel John H. King, while the Texan member, Major John B. Jones, participated in the suppression of the troubles, joined the commission late, and produced his own report (El Paso 1877, 18-31). The commission was asked to "report upon the causes which led to the disturbances and the facts and circumstances of any riots, outrage, or murders that have occurred." The commissioners were also to look into the actions of the Mexican, Texan, and U.S. authorities touching the subject (El Paso 1878, 2).

Although these two reports were initiated because of particular events, they implicitly analyzed American-Indian and American-Mexican attitudes and relationships in the 1870s. There was to be a lapse of twenty-one years before the publication of another presidential investigation report.

Methodology

As discussed in the Introduction, an assumption of this research is that boards of inquiry are truth-seekers striving to base their judgments on facts. How do commissions work to get their data and confirm the validity of their findings? Do they reveal any limitations or biases in their ability to get at the facts and draw reasonable conclusions about causes and effects? This section discusses the methodology used by early commissions, 1838-1878.

⁵This area became the State of South Dakota in 1889.

The Late Jacksonian Era (1838-44)

All commissions report on their methodology. In the 1838 New York Customhouse scandal, the commissioners examined the account books, interviewed subordinate officials, and negotiated with the lawyer of the departed customs collector. They also collected written statements and letters. The two Creek Indian commissioners of 1836-38 did much the same, but faced serious obstacles in getting a complete picture. Their work was marred by "intricacy" and "confusion." (Creeks 1838, 13). The commissioners stressed the use of public hearings of Indian complaints, but many potential witnesses had departed the area, and land speculators were accused of bribing interpreters and intimidating available Indian witnesses (p. 19-20). However, this was not enough to prevent the commission from gathering evidence of widespread fraud and manipulation in the sale of Indian lands to white buyers (p. 15).

The commissioners sent to the customhouse at the port of New York needed only four weeks to prepare their report. In contrast the Creek Indian commission worked in areas ravaged by war and with poor communications even in peacetime. Appointed by the Chief Magistrate (President Andrew Jackson) in 1836, the two commissioners required twenty-two months to complete their task.

Unlike contemporary commissions, the presidential messages of 1844 provided little methodological information. In his message to Congress on 29 February 1844, President John Tyler did not tell how he arrived at his conclusions about the gun explosion aboard the U.S.S. "Princeton" the day before. His message of 9 April 1844, on the Dorr rebellion included copies of several documents that represented the point of view of the *ancien régime* in Rhode Island. The arguments for radical constitutional change demanded by Thomas Dorr and his supporters were only briefly alluded to in the presidential report.

Civil War and Reconstruction (1863-78)

The joint congressional committees on the conduct of the war and the reconstruction relied heavily on oral testimony from a large number of witnesses. To the hearings on the Army of the Potomac, the committee called two hundred military witnesses, including about one hundred generals (Conduct 1863, vol. 1, 4). This committee sought to influence the military organization and strategy of the Union forces by meeting frequently with the president and his cabinet. While the war committee concentrated on the performance of military commanders and other top officials, the reconstruction committees—with the help of field visits—were able to create a detailed and frightening picture of living conditions in the southern states, 1865-72.

Table 3. Methods mentioned in 19th century U.S. investigation reports

| | Creek Indians 1836-38 | Swartwout 1838 | Princeton 1844 | Dorr 1844 | Civil War 1863-65 | Reconstruction 1866-72 |
|----------------------------|--------------------------|-------------------|-------------------|--------------|----------------------|---------------------------|
| Written evidence | | | | | | |
| - Documents, account books | Yes | Yes | No | No | Yes | Yes |
| - Statements | Yes | Yes | No | No | No | No |
| - Letters | Yes | Yes | No | Yes | Yes | Yes |
| - Statistics | No | No | No | No | No | Yes |
| - Questionnaire | No | No | No | No | (Yes) ¹ | No |
| - Newspapers | No | No | No | No | No | Yes |
| Oral evidence | | | | | | |
| - Open hearings | Yes | No | No | No | Yes | Yes |
| - Closed hearings | No | No | No | No | No | No |
| - Informal meet. | No | Yes | No | No | Yes | No |
| Field trips | Yes | Yes | No | No | Yes | Yes |
| Physical tests | No | No | No | No | Yes ² | No |

¹"Interrogatories" were sent to Union commanders in Spring 1865 too late for inclusion of answers in the final report (Conduct 1865, vol. 1, v).

²Refers to reports on light-drawn monitors and heavy ordnance (Conduct 1865).

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collected their data on visits to the sites of the commotion, where they held hearings under oath under adverse conditions. Fear of hostile Indians limited travel for the investigators of the Red Cloud and Whetstone agencies in Dakota Territory (Red Cloud 1874, 13). In El Paso, Texas, the commission met resistance to testifying from witnesses who feared identification through the press (El Paso 1877, 13).

To their dismay, the commissioners in Dakota found little written evidence, since departing Indian agents had acquired the habit of removing all documents, leaving nothing for the aid of their successors. Some available evidence could, however, be rejected outright, because it "was the testimony of a well-known deserter and thief" (Red Cloud 1874, 15-16). Both reports provided vivid, if partisan, descriptions of the antagonisms between the ethnic groups competing for space and natural resources on the disappearing frontier. The Red Cloud commission also sought to admonish the Sioux Indians regarding their duties, but the speech by Bishop Hare, the commission chairman, was not well received (p. 9).

Cause and Circumstance

The disasters and scandals dealt with by the early American investigation commissions, 1838-1878, commonly were exogenous events with a negative impact on government image. Conceivably, military defeats suffered by Union troops could be explained by the superiority of the enemy forces alone. But it accords with attribution theory that these humiliations also resulted in a search for dispositional causes on the Union side — treachery, cowardice, and inactivity among them. Land frauds and riots directed similarly attention to possible weaknesses in government supervision and control (Creeks 1838, Dorr 1844, El Paso 1878).

Only a few investigations in this selection of cases were initiated because of internal, endogenous factors such as possible embezzlement by officials (Swartwout 1838, Red Cloud 1878). All reports dealt with problems of governance. Seven focused on administrative performance and eleven on military performance. In addition, two reports also focused on non-governmental actors: land speculators and gun manufacturers.

The Late Jacksonian Era (1838-44)

Personal blame accounts for three of the four failures investigated in the 1838-44 period. Systematic looting of customs income by Samuel Swartwout caused the loss to the Treasury of \$1,374,119 (Swartwout 1838, 3). Hoping to get some money back through negotiation,

the commissioners limited themselves to accusing the departed customs collector of defalcation; a House committee did not show the same restraint, but gave as the primary explanation, "Cause 1. The irresponsibility of Mr. Swartwout in pecuniary character at the time of his appointment to office" by President Andrew Jackson in 1829 (Swartwout 1839, 2).

The frauds on the Creek Indians were attributed to land speculators who manipulated Indian land owners in Alabama by impersonation, theft, underpricing, intimidation, and deception. These white citizens were characterized by an "instinct impulse as certainly carries the bad, cool, and wary . . . who deliberately practice upon the foibles and vices of the Indians, and filch from them all they owned" (Creeks 1838, 8).

The rebellion of 1842 against the constitutional order in Rhode Island was in the view of President John Tyler "little else designed by M. [Thomas M.] Dorr and his adherents than mere menace with a view to intimidation" for "thereby to obtain concessions from the constituted authorities which might be claimed as a triumph over the existing government" (Richardson 1897, 285-6).

After the "Princeton" gun explosion, 28 February 1844, President Tyler reported that the accident was "produced by no carelessness or inattention on the part of the officers and the crew of thee `Princeton.'" Tyler did not then go on to consider other factors, such as the construction of the gun (interestingly enough called the "Peacemaker") or the quality of the gun powder, but he attributed the accident to "one of those casualties which to a greater or less degree attend upon every service, and which are invariably incident to the temporal affairs of mankind" (p. 280). Tyler's report on the "Princeton" accident is one of the few American reports to take a random or fatalistic view of causality.

The Civil War and Reconstruction (1863-78)

Civil War

The congressional Joint Committee on the Conduct of the War declared at one point that "no great war was ever conducted by any people or government without great mistakes—giving to the critics of the time and those of succeeding generations a wide and ample field for their labors" (Conduct 1863, vol. 1, 63). The committee fulfilled its own prediction by blaming several generals for the defeats of Union troops in several battles of the war.

The committee led by the radical Republican senator, Benjamin F. Wade, had the ambition to write the history of the Civil War, but it concentrated its efforts on evaluating the performance of the Army of the Potomac and its commanding generals, George B. McClellan (July 1861-November 1862), Ambrose Burnside (November 1862-January 1863), Joseph Hooker (January-June 1863), and George C. Meade (June 1863-June 1865).

The large volunteer Army of the Potomac failed to fulfill expectations of conquering Virginia in the early years of the war. The failure of two major campaigns was ascribed to "unreadiness to move promptly and act vigorously," "desire for more troops before advancing," and "references to the greater superiority of numbers of the enemy" (p. 40). This was in particular a critique of General McClellan's military capacity to carry out rapid offensives with his large army. McClellan's successor, General Burnside, took a more offensive posture, but his attack across the Rappahannock in December 1862 was a failure. He also failed to get moral support from many of his own officers, and President Lincoln refused to approve Burnside's plans for disciplinary actions against them (p. 60).

General Hooker took over an army that was demoralized after its defeats and, according to Hooker, hostile to the government because of Lincoln's emancipation proclamation (Conduct 1865, vol. 1, pt. [1], p. xli). Despite reorganization, the battle of Chancellerville in May 1863 was another defeat for the Army of the Potomac. The

committee concluded that the failure had three major causes (p. xlix): (1) There was a stampede or panic among the soldiers of an infantry corps at the front, (2) The army was deprived of direction by an injury to General Hooker during the critical days of the battle, and (3) Major General John Sedgwick did not carry out his orders for "lack of energy and promptness." Although only General Sedgwick was blamed by the committee, General Hooker was soon relieved of his command after a dispute with the general-in-chief.

Hooker's successor, General George Meade, was like McClellan criticized for his military passivity. The committee blamed Meade for the failure of the Army of the Potomac to achieve great and practical success over the enemy (p. lxxv). After the successful battle of Gettysburg in July 1863, he failed to pursue the enemy actively. The primary causes were seen as indecisive advances and retrograde movements. Meade was not regarded as a man of resolution, zeal, activity, and energy (p. lxxvi).

Beyond its running evaluation of the Army of the Potomac, the committee on the conduct of the war reported on particular military disasters involving other Union commanders and their units. Major General Robert Patterson was blamed for not carrying out his orders at the first battle of Bull Run on 21 July 1861. His task was to prevent the forces of the Confederate General J.E. Johnston from joining other enemy troops at Manassas, Virginia. Despite superiority of numbers Patterson failed to hold the enemy in the Shenandoah Valley. The committee found that this was the "principal cause of the defeat on that day" (Conduct 1863, vol. 2, 5). The same year General Charles P. Stone was arrested by the order of the Secretary of War, when the joint committee had found reason to accuse him of passivity during the disastrous effort to cross the Potomac and secure a position at Ball's Bluff (p. 18). Responsibility for the catastrophe that led to the loss of between four and five thousand Union troops in Petersburg in 1864 was laid on the shoulders of the commander, Major General George C. Meade, mostly because he failed to

appreciate the advice of other Union generals, especially General Ambrose Burnside for his plan to dig a mine (tunnel) under the enemy defenses (Petersburg 1865, 10).

General Nathaniel P. Banks, as commander of the Department of the Gulf, had in 1862 been given the task of gaining control of the navigable parts of Mississippi and the Red River, but the campaign that started two years later ended in failure at Sabine Crossroads, where the Union forces "were routed and driven from the field in great disorder" (Conduct 1865, vol. 2, pt.[1], vii). The committee found no military value in the campaign and blamed General Banks for going ahead without explicit orders from Washington and ignoring the advice from his officers to make a tactical retreat as his troops met stronger enemy forces (p. vii).

In late 1864 a powerful combined force of army soldiers, marines, and the navy tried to conquer the Confederate Fort Fisher outside Wilmington, North Carolina. In the first attack, the army soldiers retreated rather than entrench, while the second attack in early 1865 was successful. The committee blamed the failure of the first expedition on the lack of "cordiality and cooperation between the two arms of the service" (Conduct 1865, vol. 2, pt. [2], p. viii). Under the circumstances, the army general, Benjamin F. Butler, was justified in not attacking, yet he was removed from his command by the Army. This report is unusual, inasmuch as it contains testimony from the defeated Confederate commander of Fort Fisher.

At the fringe of the war itself, the joint committee investigated the failed attempt to build armored torpedo boats for use in shallow waters, 1862-64. Quite late it was discovered that the completed light-draught monitors, as they were known, could barely float and could hardly be maneuvered. The master shipbuilder, Chief Engineer of the U.S. Navy, Alban C. Stimers, was blamed for this total failure, caused by faulty design (Conduct 1865, vol. 3, pt. [2]).

The committee also was asked to make a general inquiry into questions about the production and delivery of heavy ordnance, i.e., artillery for use by the army and the navy. The most commonly used cast-iron guns had problems of durability. Due to premature explosion of shells, the guns occasionally burst and killed by-standing operators, with a demoralizing effect on other gun crews (Conduct 1865, vol. 2, pt. [3], p. 3). The committee did not blame anyone for this failure. On the contrary, it wrote favorably of the inventor of the Rodman cast-iron gun, which was developed as a consequence of the explosion of the "Peacemaker" aboard the U.S.S. "Princeton" in 1844 (p. 6).

Another issue on the periphery was the committee's investigation into a massacre of Indians in the Colorado Territory on 28 November 1864. About one hundred peaceful Cheyennes and Arapahoes were tricked into an ambush and killed by army troops. The committee expressed its horror at this disgraceful act, which was blamed on two U.S. Army officers, Major Scott J. Anthony and Colonel John Chivington, the military district commander. The latter was accused of having "deliberately planned and executed a foul and dastardly massacre which would have disgraced the veriest savage among those who were victims of his cruelty" (Conduct 1865, vol. 3, pt. [3], p. v). The committee implied that Covington was motivated by a desire for political preferment or to avoid the performance of more dangerous service in the Civil War.

Reconstruction

After the defeat of the Confederacy in the Civil War, the first joint congressional committee on reconstruction detected a return to the old political order in the South. This meant that "local authorities are at no pains to prevent or punish . . . acts of cruelty, oppression, and murder" carried out against emancipated slaves (Reconstruction 1866, xvii). Sympathizers and officers of the Union were detested and "in some localities prosecutions have been instituted in State courts against Union officers for acts done in the line of official duty" (p.

xviii). With a broad pen the 1866 committee ascribed blame to "whole communities forgetful of the crime they have committed" placing in power "leading rebels, unrepentant and unpardoned" (pp. xvi-xviii).

Despite the important legislation adopted following the investigation by the first reconstruction committee, a second committee found the situation in the South just as deplorable in 1872. The new committee documented many abuses and attacks against blacks and Northern carpetbaggers. Former Confederate General Nathan Bedford Forrest and others associated with the notorious Ku Klux Klan were interrogated. The committee concluded that the lawlessness of the South was not a result of financial conditions, but the effects of a conspiracy, which had harmed the South economically, driving out capital and encouraging emigration. Although the committee held firmly to a dispositional explanation of causality, the members evidently found it futile to intervene against a limited number of offending individuals, since white resistance to political reforms continued to be widespread in most of the former insurrectionary states (Reconstruction 1872, 98-100). Implicitly the committee may have recognized that radical reconstruction had failed, though historians consider that the Reconstruction Era first ended with the inauguration of Rutherford B. Hayes to the presidency in 1877 (Foner 1988).

Frontier Turbulence

At the end of this period other problems of governance caught the attention of the executive branch. Two commissions were appointed to investigate the actions of government officials on the frontier.

The 1874 commission to investigate the federal agents responsible for distributing food and other supplies to Indians in Dakota Territory dismissed the accusations of Samuel Walker as giving no cause for incrimination or blame: "Practices which were irregular were shown to have been unavoidable" and transactions that were not justifiable "have not been

Table 4. Immediate causal attributions by U.S. commissions 1838-1878

| Causes | Reports | N |
|----------------------|--|-----------|
| Individual failure | | |
| Fraud, embezzlement | Creeks 1838, Swartwout 1838. | 2 |
| Distorted ambitions | Cheyennes 1865 | 1 |
| Disloyalty | Dorr 1844, Reconstruction 1866, 1872. | 3 |
| Professional failure | Red River 1865, Monitor 1865. | 2 |
| Military inactivity | Potomac 1863, Bull Run 1863, Ball's Bluff 1863, Potomac 1865, Peters- burg 1865. | 5 |
| Rowdyism | Red Cloud agency 1874. | 1 |
| Personal feud | El Paso troubles 1878. | 1 |
| Total (individual) | | <u>15</u> |
| System failure | | |
| Coordination | Fort Fisher 1865 | <u>1</u> |
| Random event | | |
| Accident | Princeton 1844, Heavy ordnance 1865. | 2 |
| Total N | | <u>18</u> |

wrong-doing, but the mistakes of men new in an office where, peculiarly, the incumbent can learn only from experience" (Red Cloud 1874, 15). Thus, under the circumstances of the frontier, bureaucratic norms of consistency and obedience to rules were not expected to be fully applied.

However, the Red Cloud commission was not so liberal in its judgment of the Dakota Indians. There had been ongoing turbulence at the government agencies by Mimeconjous, Sans Arcs, and Uncpapas, who formed "impetuous hordes . . . removed from civilization and the power of the government" (p. [5]). They were accused of having a bad influence on "better-disposed Indians" and intimidating officials and settlers. Presumably they were also associated with the killing of five (white) people (p. 6). Despite the aggressive tenor of the report, the commissioners stressed that the turbulence did not result from common councils or concentrated action against whites. On the contrary they concluded

that, "The exhibitions of violence in which the turbulence has culminated have been . . . simply those of Indian rowdyism" (p. 6). In other words, this was a causal explanation in terms of character.

The investigation of the salt war in El Paso focused on the cause of the December 1877 riot and how it was handled by the Texan authorities. The immediate cause of the emeute or riot was reduced to a "disagreement or personal feud" between two leading personalities of the border town. Charles H. Howard, lawyer and politician, was opposed in his claim to the salinas by another leading politician, Louis Cardis, who "possessed the entire confidence of the Mexican population" in El Paso (El Paso 1878, 15). A three-day riot followed when Howard shot Cardis dead in cold blood. The Mexican-Americans acted in the "fashion of an ignorant and hot-blooded race" in taking vengeance on the slayer of Cardis. The rioters and their leaders were blamed for five killings, including the death of Howard (pp. 14-15).

Both of these late Reconstruction Era reports dealt with serious clashes of interests between ethnic groups in Dakota and Texas, yet the commissioners reduced the question of primary causation to a matter of character, rowdyism and personal hatred, respectively. While earlier reports (Creeks 1838, Reconstruction 1866, 1872) regarded non-whites as victims, these two reports adopted the emerging racist view of minorities as perpetrators of their own misfortunes.

Conclusion

The nineteenth-century reports considered here relied almost solely on factors of explanation on the individual level to attribute causes and blame for failures of governmental performance (*Table 4*). To the extent one can discern any trend during this forty-year period, it consists of a greater emphasis on failures of proficiency rather than flaws of

character. This observation applies in particular to the reports on the Civil War. In the 1870s character again became the dominant factor in explaining conflict or failure.

Underlying or Secondary Causes

This discussion of immediate causes represents a simplified treatment of the complex causal network considered by investigation commissions. Though the early commissions often attributed responsibility and blame to the immediate causal agent, they also considered secondary direct or indirect influences on the outcome. More or less explicitly, each commission offers a causal model for the perceived disaster or administrative failure.

The Late Jacksonian Era (1838-44)

For T. Hartley Crawford and Alfred Balch, the frauds perpetrated on the Creek Indians in the 1830s were part of the "ravages and roguery" committed against the "ignorant and barbarous wards of the United States." (Creeks 1838, 7). In the background, cooperating with the purchasers, were "unprincipled interpreters," easy to bribe (p. 20). Other contributors to the swindle were certain government certifying agents, such as one Henry C. Bird, "possessing no moral sense, and lamentably wicked," who signed affidavits, leaving blanks for all the material facts (p. 10). Yet, despite the many references to individual transgressors, the chief underlying cause for the fraud was the peculiar situation of the contracting parties as understood by the commission, "On the one side are civilization, wealth, and business capacity; on the other, ignorance, total incapacity for business of any kind, and unacquaintance with our language." (p. 21).

In the New York Customhouse scandal of 1838, the embezzlement by the customs collector was aided by the failure of the cashier and the auditor to report him to the Secretary of the Treasury. But since both of them were appointed by and beholden to Samuel Swartwout himself, they were not accountable (Swartwout 1838, 7). In the gun

explosion of 1844 no underlying factors were considered, such as the quality of gun, shells, or gun powder.

In his report to Congress, President John Tyler blamed the Rhode Island rebellion of 1842 entirely on Thomas Dorr and his supporters. Yet, in the same document he referred to the "controversy which unhappily existed between the people of Rhode Island" (Richardson 1897, 284). At a time when most states had extended the vote to all adult white males, the ruling oligarchy in Rhode Island resisted demands for liberalization of the constitution which originated in the colonial charter issued in the seventeenth century.

Civil War and Reconstruction (1863-78)

Civil War

The congressional Joint Committee on the Conduct of the War was mainly concerned about how orders were given, interpreted, and executed. Other factors were discussed, but tended to stay in the background in favor of issues of personal accountability.

For the Army of the Potomac the failures caused by procrastination of the commanding officers were magnified by the inexperience of many officers, bad weather, transportation problems, and delays. Orders were disputed or misinterpreted (Conduct 1863, vol. 1, 56), and commanders met a lack of confidence from their own officers (Conduct 1865, vol. 1, pt. [1], p. lv). Under General Meade, the Army of the Potomac was said to be plagued by political favoritism and weak corps commanders (p. lxxvi).

Among the underlying factors that contributed to the Union defeat at Bull Run in 1861 was the quality of the troops who actually went into battle: the eight regiments of General Irvin McDowell. They had received little instruction in maneuvering as one body; on the day of the battle they were "very much fatigued" (Conduct 1863, vol. 2, 4), and poor intelligence and lack of support caused the loss of two batteries. In hindsight the committee regretted, "That which now appears to have been the great error of that campaign was the

failure to occupy Centreville and Manassas at the time Alexandria was occupied, in May [1861]" (p. 3).

The investigation of the "most melancholy disaster" at Ball's Bluff focused mostly on the actions of General Stone, but the report also acknowledged the disadvantages of geography and transportation facing the Union troops crossing the Potomac from Maryland to Virginia. The bluff on the Virginia side exposed the Union troops to enemy fire, and the available boats were few and small, "All the testimony goes to prove that the means of transportation were very inadequate" (p. 17).

The disastrous attack on Petersburg on 30 July 1864 was blamed on the commander, General George C. Meade, but a contributing cause of the huge loss of troops was technical. Part of the Union forces successfully dug a mine and set off an explosion in the solid Confederate earth works, but the breach proved to be a trap for the entering Union troops. They were shot at from three sides, and despite renewed attacks by fresh troops, the Union Army was forced to retreat after five hours of fighting. Responsible for the mine project, General Burnside was praised by the committee, but was sent on indefinite leave by the army (Petersburg 1865, 1-10).

Since the committee could find no military rationale for the failed Red River expedition, it speculated that the commanders had been influenced by the prospect of commercial gain. The presence of cotton speculators had "exerted an unfavorable influence on the expedition" (Conduct 1865, vol. 2, pt. [1], p. x). In its study of the acquisition of heavy ordnance, the committee rejected the accusation of profiteering by patent holders on the guns (Conduct 1865, vol. 2, pt. [3]).

In the case of the light-draught armored monitors for the U.S. Navy, the blame for the foundering vessels was put on the chief engineer alone. But the congressional committee also registered the hostility he met from other Navy Department officials, whose lack of

active consultation and supervision may have contributed to the failure of the monitors (Conduct 1865, vol. 3, pt. [2], p. iv).

Primary blame for the massacre of one hundred Cheyennes and Arapahos in Colorado was attributed to the two U.S. Army officers who had plotted the murders. However, they shared responsibility with the governor of the territory, John Evans. He was accused of inflaming and exciting to the utmost white hatred of the Indians. In a proclamation the governor called upon people "to kill and destroy . . . all such hostile Indians." The committee commented, "What Indians he would ever term friendly it is impossible to tell" (Conduct 1865, vol. 3, pt. [3], p. iv).

Reconstruction

The first joint committee on reconstruction conducted a broad survey of social and economic conditions in the Southern states at the end of the Civil War and concluded that, "They were in a state of utter exhaustion . . . The people of these States were left bankrupt in their public finances . . . in a state of complete anarchy" (Reconstruction 1866, vii). However, the committee also attacked President Andrew Johnson for seeking to remedy the situation by quickly recognizing new, but unreformed state governments (p. ix). The Southern press was accused of daily abusing federal institutions and cultivating "deep-seated prejudice against color" (p. xvii).

The second reconstruction committee of 1871-72 found more complex causes for the continued political and social unrest in the South. Besides persistent resistance from supporters of the rebel cause, the committee found that the reconstructed state and local governments had placed unfit white and black men in office. Venality and corruption pervaded state legislatures while northern carpetbaggers contributed to the corruption. Elections were marked by registration frauds, voting under pressure, miscounting of ballots, and arbitrary reversals of results—especially in Louisiana and South Carolina, where most

of the population was black. South Carolina was also singled out as a failure in the committee's analysis of state debts, land policies, railway construction, and taxes in each state. The social order of the South was disrupted, leading not only to the persecution of freedmen, but also to the relative depredation of poor whites. In the North the commission found lack of understanding for the problems of the South (Reconstruction 1872, 98-100).

While the first reconstruction committee saw the problems of the defeated South in simple terms of assigning right or wrong to particular sets of individuals, the second committee produced a broad range of causal attributions. Indeed, some failures of reconstruction were attributed to the efforts of the previous committee at radical reform, which now ended.

The history of the congressional committees on the conduct of the Civil War and the post-war reconstruction is closely linked to the rise and fall of the Radical Republicans. However, it would be too simplistic to accept this as the only explanation for the change in the attribution of blame between 1863 and 1872. The Committee on the Conduct of the War approached its investigatory work as a series of free-standing case-studies of one-shot events. This simplification was taken a further step by applying the military command structure to assign responsibility. This method allowed the committee to narrow the discussion of responsibility and blame to a few leading officers.

In contrast, the two reconstruction committees chose to summarize their hearings on particular issues as broad surveys on the breakdown of the administrative order in the South. In 1866, the first committee still used the military command model to assign blame, directing it at President Andrew Johnson and the former rebel leadership (pp. ix, xiii). After the establishment of reconstructed governments in all the Southern states, the second reconstruction committee faced an administrative situation of diffused responsibility, where the conventional military structure no longer applied as a reference for assigning blame (Reconstruction 1872, 98-100).

Comparison of the war and the reconstruction reports also shows the difficult transition from the simple goal of defeating the enemy in war to the complex, peacetime goals of reforming, rebuilding, and reintegrating a society. In the Civil War reports, secondary causes were pushed to the background; in the last Reconstruction report the underlying social forces came to dominate the interpretation of events, despite the efforts of the committee to attribute major blame to a Ku Klux Klan conspiracy.

Frontier Turbulence

Despite their preference for using character as causal explanation, the commissions of 1874 and 1878 also touched upon underlying influences in their analyses of the turbulence in the southern Dakota Territory and on the Texas-Mexico border at El Paso. For the Red Cloud commissioners the central underlying issue was the failure of the federal government to obtain the full submission of the southern Sioux (Dakotas) to formal treaty provisions. According to the report, "Discussions with [the Ogallallas and the Upper Brulés] revealed most unreasonable expectations, pitiable want of appreciation of the benefits already conferred, and gross misconception of the treaty of 1868." It became apparent to the commission that the "wild children of the plain" and their chiefs never had understood the terms of the treaty (Red Cloud 1874, 9).⁶ Another disturbing factor was the presence of "hostile Sioux" in the north of the territory. These Indians not only contributed to the turbulence at the agencies, but blocked "the present impenetrable heart of the nation to the rays of civilizing influences" (p. 8). Although the Red Cloud commission was initially sent to examine particular charges against federal officials, it ended in analyzing barriers to western expansion.

⁶According to an alternative interpretation, this treaty was quite humiliating to the United States, forcing it to abandon forts and respect Sioux hunting lands (Deloria and Lytle 1984, 8).

Beyond the personal feuds that ignited the El Paso riot of 1877, the investigative board came across a failure of administration. Without "arraigning any official," it found "within its field of duty to say that civil law in this section is very loosely administered" (El Paso 1878, 17). County officials had diverted public funds into an "irregular channel," while the local state force contained "an adventurous and lawless element," which exerted an evil influence, including the shooting of two Mexican prisoners (p. 17). However, the commission found no point in holding these local officials accountable for any excesses during the riot, since most of them were either absent, addicted to drink, unable to speak English, and by "no means well versed in the law" (p. 16). This was in retrospect not so much a failure of the administrative system, as a question of replacing unfit officials with sober, professional officials who spoke English.

Table 5. Secondary or underlying causes considered in 19th century investigations

| Causes | Reports | <i>N</i> |
|--------------------------------------|--------------------------------------|-----------|
| Individual failure | | |
| Inexperience | Army of the Potomac 1863, 1865 | 2 |
| Profiteering | Red River 1865 | 1 |
| Inflammatory action | Cheyennes 1865 | 1 |
| | Reconstruction 1866 | 1 |
| Presidential misjudgment | Reconstruction 1872 | 1 |
| Venality and corruption | | |
| | Total (individual) | <u>6</u> |
| System failure | | |
| Misplaced authority relations | Swartwout 1838 | 1 |
| Restricted suffrage | Dorr 1844 | 1 |
| Failure of training | Bull Run 1863 | 1 |
| Transportation problems | Ball's Bluff 1863 | 1 |
| Consultation and supervision failure | Monitors 1865 | 1 |
| Engineering failure | Petersburg 1865 | 1 |
| Economic breakdown | Reconstruction 1872 | 1 |
| Press propaganda | Reconstruction 1872 | 1 |
| Treaty non-compliance | Red Cloud 1874 | 1 |
| Law and order breakdown | El Paso 1878 | 1 |
| | | 1 |
| | Total (system) | <u>12</u> |
| Random events | | |
| Weather conditions | Army of the Potomac 1863, 1865 | 2 |
| None | Princeton 1844, Heavy ordnance 1865, | |
| | Fort Fisher 1865 | 3 |
| | Total (all) | <u>23</u> |

Note: (N=18). Some reported multiple causes.

Conclusion

When nineteenth-century commissions considered causal factors other than the set of immediate causes, they tended to include other variables besides individual factors. Most of these additional variables can be classified as systemic as in *Table 5*. The presence of systemic and random causal variables contributed in some cases to the modification of criticism directed by commissions at individuals, if not absolving them completely.

Recommendations and Ideas

Although not part of all mandates, the early boards of inquiry usually made recommendations to the President on ways to remedy administrative breakdown and to prevent repetition of disasters. In their discussions these commissions often gave expression to more general ideas about government, administration, accountability, and leadership.

The Late Jacksonian Era (1838-44)

The Creek Indian commission of 1836-38 had power to carry out many of its own recommendations. It set aside contracts that were judged fraudulent and recertified others. The commission removed certifying agents who acted imprudently or without authorization. It recommended that the Secretary of War tighten loopholes in the regulations to prevent Indians from being defrauded by underpricing (Creeks 1838, 25).

The report is highly colored by the legal reasoning of the commissioners. Throughout the report they stressed the importance of fitting and applying laws and regulations to the circumstances at hand so as to benefit the weaker party, in this case the Creek Indians (pp. 20-21). Government had to be based on legal authority and the validity of written contracts. They complained that "want in authority in the agent to certify [land sales] is absolutely destructive of the contract" (p. 25). Since final decisions in most matters rested in Washington, the commission was also greatly concerned with speed of communication. The commission saw the mission of the government as the guardian of the Indians, who were seen as incapable of protecting their own economic interests.

The commissioners who investigated the New York Customhouse scandal of 1838 were mostly concerned with getting money back from the departed customs collector, but the Secretary of the Treasury proposed legislation to prevent other embezzlements. First, he wanted to remove the auditor from the direct control of the customs collector, and in

addition, secure more frequent control with the account books by officials unconnected with the customs house (Swartwout 1838, 7-8).

Civil War and Reconstruction (1863-78)

The reports of the joint committee on the conduct of the Civil War did not include recommendations about legislation, but particularly in its first years the committee pushed hard to influence military strategy and the organization of the Army of the Potomac. It was disappointed over General McClellan's opposition to the organization of his volunteer army into *corps d'armée* (Conduct 1863, vol. 1, 6-7).

The committee expressed its philosophy on military strategy in the conclusion of its first report: "In military movements delay is generally bad—indecision is almost always fatal" (Conduct 1863, vol. 1, 63). This criterion was frequently applied by the committee in its evaluation of civil war battles. The committee had little patience with generals who overestimated the strength of the enemy and delayed their movements and attacks.

Its view of the role of military leadership was quite consistent: Good military leaders showed capacity to act determinedly and quickly, not only in attacking first, but also by following through in pursuit of a weakened enemy. Commanders should listen to their subordinate officers and follow their advice when this was built on first-hand knowledge unavailable to the commander. A good commander enjoyed the loyal support of his officers. A general should follow orders, but also make strong representations if he had serious objections to the plans of his seniors or colleagues. Commanding officers should not be averse to risk, but at the end of the war the committee also rewarded prudence.

The first committee on reconstruction proposed several measures to correct the political and social situation in the South. Most important was a new article (14th amendment) to the Constitution, securing "due process of law" and "equal protection" to

all resident persons, while excluding disloyal Southern officials from public office (Reconstruction 1866, vol. 1, vi).

The second reconstruction committee of 1872 marked the end of radical reconstruction by proposing no new laws and recommending an end to disabilities enacted in 1866 concerning local government officials. However, to combat the Ku Klux Klan, the committee sought to strengthen the federal judiciary in the Southern district and circuit courts (Reconstruction 1872, 99-100). The committee seemed to have realized that the problems of the South were not solely dependent on the character of the political leadership, but required systemic solutions.

While the military occupation of the South was about to end, both the Red Cloud commission of 1874 and the El Paso commission of 1878 recommended an increased military presence in their respective areas of turbulence (Red Cloud 1874, 20; El Paso 1877, 18). The Red Cloud commission rhetorically headlined, "Is war the needed remedy?" (p. 6)⁷; while the El Paso commission considered retaliatory measures against Mexico (El Paso 1877, 18).

⁷Capitalization in the original text omitted.

Table 6. Recommendations in 19th century investigation reports

| Proposals | Reports | N |
|-------------------------|--|----|
| Individual level | | |
| Punitive | Creeks 1838, Cheyennes 1865, Reconstruction 1865, Red Cloud 1878 | 4 |
| Monetary recovery | Swartwout 1838 | 1 |
| | Total (individual) | 5 |
| System level | | |
| Rule making | Creeks 1838, Swartwout 1838, Reconstruction 1872 | 3 |
| Major legislation | Reconstruction 1866 | 1 |
| Organization | Potomac army I 1863 | 1 |
| Military intervention | Red Cloud 1874, El Paso 1878 | 2 |
| Foreign reparations | El Paso 1878 | 1 |
| Gun procurement | Heavy ordnance 1865 | 1 |
| | Total (system) | 9 |
| None | Princeton 1844, Dorr rebellion 1844, other Civil War reports 1863-65 | 9 |
| | Total (all) | 23 |

Note: (N=18). Some reports included multiple proposals.

Despite their forbearance toward the federal Indian agents, the Red Cloud commission proposed several measures to formalize agency routines, but their most far-reaching recommendations aimed at the control and removal of the Sioux to a "climate and soil less discouraging to the efforts of beginners in husbandry" (Red Cloud 1874, 21). This could be accomplished by a "just and generous declaration by the United States Government of what they must do."⁸ Negotiations and treaty-making were to be avoided, since "Indians being their own worst enemies, being bent on a mode of life which is fatal to their own good," could not be relied upon to understand and remember the meaning of treaties (p. 21).

Compared to the Red Cloud inquiry, the recommendations of the El Paso commission were seemingly inconsequential. Yet, besides the garrisoning of two hundred additional troops near El Paso, the commissioners demanded reparations from the Republic of Mexico in case the Mexicans failed to repatriate seventeen fugitive Texan citizens (El Paso 1878, 18).

⁸Italics in the original text omitted.

In retrospect these two commissions arrived at simple solutions to complex issues. To the limited extent they revealed their thinking on public administration, they supported traditional ideas of legalistic control and supervision. American citizens and officials were accountable on the individual level. American Indians were made accountable on the tribal level, also for the wrongdoings of individuals. The role of government was to get Indians and Mexican-Americans to conform to U.S. expectations. Although the Red Cloud commission had found that "the history of our past Indian wars is humiliating," the Indians who refused to bend were threatened with extinction (Red Cloud 1878, 7).

Conclusion

Although individuals were usually blamed in cases of governmental failure in the nineteenth century, investigators regularly concerned themselves with ideas to prevent any repetition or continuation of misconduct by individuals or groups. Beyond punitive action, they proposed changes in existing rules, laws, and organizations or supported the use of military power to maintain the power of the state. With a few exceptions these investigations were not vehicles for major political or social reform. The major exception was the 1866 Joint Committee on Reconstruction which proposed a change in the U.S. Constitution. In this respect, the full potential of the governmental investigation commission was first to be realized in the twentieth century.

Table 7. Presidential investigation boards 1899-1913

| | |
|--|------|
| The Spanish-American War | 1899 |
| Abuses in the Indian Territory | 1904 |
| Disaster to the steamer "General Slocum" | 1904 |
| Wreck of the steamer "Valencia" | 1906 |
| Conditions in the Chicago stock yards | 1906 |
| Conditions of labor and housing on the Isthmus of Panama | 1908 |
| Board of U.S. General Appraisers | 1913 |

3. PROGRESSIVE ERA REPORTS 1899-1913

Composition and Work

In the late nineteenth century, the United States went through an economic revolution with attendant social and demographic upheavals. Despite this strain on the social fabric, there are no presidential investigation reports between 1878 and 1899. This gap may have a simple explanation: According to established historical opinion, this period encompassed the climax of political reaction with the presidency of Benjamin Harrison (1889-93) as the low-water mark in statesmanship (Morison and Commager 1962, vol. 2, 328-29).

In contrast the Progressive Era from 1899 to 1913 comprised a ground-breaking phase in the use of investigations carried out by presidential commissions. These numerous investigations also served as platforms of social reform.

President Theodore Roosevelt (1901-09) is regarded by Wolanin (1975, 5) as the "father of presidential advisory commissions." Some were charged with inquiries into disasters and allegations of administrative malfunctioning. Varying in size from two to nine

members, these commissions also had access to secretarial help and professional expertise (Spain 1899, General Slocum 1904, Valencia 1906, Appraisers 1913). Commission membership was dominated by public officials, civil or military, past or serving. The commission to investigate the conduct of the War Department during the war with Spain in 1898 had an abundance of military officers with only two civilian members. The two shipwreck commissions included both civil servants and naval officers. The remaining commissions of this period were dominated by men of the Progressive movement, which advanced the notion that governing institutions could be improved upon by bringing science to bear on public problems (Shafritz 1988, 447).

The two members of the 1904 Indian Territory commission appointed as "special inspectors," Charles J. Bonaparte and Clinton R. Woodruff, were practicing lawyers known for their interest in civil service reform (Hagan 1985, 252).⁹ B. Reynolds, investigator of labor conditions in the Chicago stock yards as well as on the Isthmus of Panama, was a lawyer known as a social reformer and an activist in the Citizens' Union of New York (*National Cyclopædia* 1909). Another member of the Chicago stock yards commission, Charles P. Neill, had received a Ph.D. in political economy and held the position of commissioner of labor under President Roosevelt and President Taft (*National Cyclopædia* 1947).¹⁰ Among the three members of the general appraisers investigative commission, two, Winfred T. Denison and William Loeb, Jr., were well-connected appointees of the Roosevelt and Taft administrations (*Who Was Who in America* 1943), while the third member was a young social-minded lawyer in the Bureau of Insular Affairs, Felix Frankfurter.¹¹

⁹Bonaparte later became President Theodore Roosevelt's attorney general and the founder of the FBI. Indian Territory was abolished and incorporated into the new State of Oklahoma in 1907.

¹⁰Neill later became known as an arbitrator of labor disputes.

¹¹Frankfurter later became professor at the Harvard Law School and a justice of the U.S. Supreme Court.

The commissioners appointed by Presidents Roosevelt and Taft were mainly well-educated professionals with distinguished careers inside and outside government, but they also identified themselves with the dominant political reform movement of the era. This enabled them to use the investigation of disasters as a vehicle for administrative and social improvements.

All commissions of this period were mandated to find the causes of the disasters or cases of maladministration they might uncover. Although not always specifically requested, all commissions came up with recommendations for executive action. However, unlike their early nineteenth-century forerunners, the commissioners were not empowered to take corrective action on their own. Their role was purely fact-finding and advisory—leaving it to the executive branch or Congress to act.

Three of these reports related to the expansionist policies of turn-of-the century United States: The annexation of former Spanish colonies, the building of the U.S. owned Panama canal, and the gradual decimation of Indian lands in the continental U.S. Although these policies enjoyed popular support, investigations were initiated because of vigorous criticism by the press (Marcy 1945, 89-91). The investigations into the disasters upon the steamers "General Slocum" and "Valencia" essentially concerned private interests, but the

Table 8. U.S. commission membership 1899-1913

| | Size | Dominant group |
|--|--------|------------------|
| The Spanish-American War | 10 (8) | Military |
| Abuses in the Indian Territory | 2 | Lawyers |
| "General Slocum" disaster ⁽¹⁾ | 5 | Naval |
| "Valencia" wreck ⁽¹⁾ | 3 | --- |
| Chicago stock yards ⁽²⁾ | 2 | Lawyer/economist |
| Panama Isthmus ⁽²⁾ | 3 | Lawyers |
| U.S. General Appraisers | 3 | Lawyers |

Notes: (1) L.O. Murray and H.K. Smith of the Department of Commerce and Labor were members of both commissions.

(2) B. Reynolds was a member of both commissions.

Sources: Commission reports, *National Cyclopaedia* 1909 and 1947, *Who Was Who in America* 1943.

significance of the reports lay in their analyses of the role of government in preventing future ship accidents.

The investigation of the meat packing industry in Chicago was prompted by the publication of Upton Sinclair's muckraking novel *The Jungle* in 1906. Intended as an indictment of the brutal exploitation of immigrant workers, the fictional story caused an outcry about corrupted meat supplies (Spiller et al. 1953, 996-7). Although meat production was in private hands, the federal and state authorities were involved in the inspection of slaughter houses (Chicago 1906, 7).

The report on the Board of U.S. General Appraisers followed revelations of inefficiency and fraud at the customs services at the Port of New York in 1909-12.¹²

Methodology

The Progressive Era represented innovation in the methodology of government investigations. The "General Slocum" commission used statistics from the inspection and testing of life-saving equipment to evaluate the efficiency of the federal Steamboat Service in New York. Inspection and reinspection data from 268 ships were collected to "show the general system of neglect, including inefficiency and lax supervision" (General Slocum 1904, 40). This method was also applied in the inquiry into the wreck of the "Valencia." The disaster to a single ship was thus broadened to encompass safety features for a whole industry and the effectiveness of its government regulators.

Later commissions applied the comparative method to find standards of excellence. One member of the Chicago stock yards commission went to New York to examine a "model slaughterhouse," where the "effect of all these excellencies of construction and

¹²Marcy (1945, 90) mentions also the report of the presidential commission appointed in 1903 to investigate the conditions of the immigration station at Ellis Island (Ellis Island 1904). Since this report was unavailable during my visits to the Library of Congress, it is not discussed here.

arrangement is evident in promoting the care of the products and in elevating the morals of the workers" (Chicago 1906, 5). The commission on appraisers hired a former statistician to conduct a comparative study of the methods of customs administration in five countries (Appraisers 1913, 3).

While oral hearings and the collection of written evidence served as standard tools of investigation in other cases, the Chicago stock yards commission decided to dispense with the oral statements and documents it was offered, since "most of these were rejected as being far from proving the facts alleged" (Chicago 1906, 3). Instead the commission relied on visual observation and description. Probably for lack of time, it did not report any findings on the "alleged use of dyes, preservatives, or chemicals in the preparation of cured meats, sausages, and canned goods" (p. 7). This would have required more thorough tests than just visual inspection and was deferred to a later report.

As did the investigators of the Chicago meat scandal, the Panama investigation commission used the comparative method by assessing housing conditions in the Canal Zone after a field trip to the Mesaba Range in Minnesota. There the investigators observed that the U.S. Steel Corporation and International Harvester Company provided the rationale for employer-supplied housing, "This was done in the belief that such provision promoted sobriety in living and hence greater efficiency of service" (Panama 1908, 18). A tentative conclusion is that the use of statistical and comparative evidence fit well with the committees' application of efficiency as a criterion for judging governmental performance.

Table 9. Commission methodology in presidential investigation reports 1899-1913

| | | Spain War 1899 | Ind.Ter 1904 | Slocum 1904 | Valencia 1906 | Chicago 1906 | Panama 1908 | Appraisers 1913 |
|--|-----|-------------------|-----------------|----------------|------------------|-----------------|----------------|--------------------|
| Written evidence | | | | | | | | |
| Documents, logbooks, account books. | | Yes | Yes | Yes | Yes | (No) | No | Yes |
| Newspapers | | Yes | No | No | No | No | (Yes) | No |
| Letters | Yes | Yes | No | No | No | Yes | Yes | |
| Statistics | Yes | No | Yes | No | No | Yes | No | |
| Questionnaire | Yes | No | No | No | No | No | Yes | |
| Oral evidence | | | | | | | | |
| Hearings, open | Yes | No | Yes | Yes | No | No | Yes | |
| Hearings, closed | No | Yes | No | No | No | No | Yes | |
| Interviews | Yes | No | No | Yes | No | No | Yes | |
| Informal meetings | | Yes | No | No | Yes | Yes | Yes | No |
| Field trips | | | | | | | | |
| Inspections, trips | Yes | Yes | Yes | Yes | Yes | Yes | Yes | |
| Tests | | | | | | | | |
| Physical | | No | No | Yes | Yes | No | Yes | No |
| Reinspections | No | No | Yes | Yes | No | No | No | |
| Comparative analyses | | No | No | No | No | Yes | Yes | Yes |
| Illustrations | | | | | | | | |
| Charts | No | No | Yes | Yes | No | No | No | |
| Photos | No | No | No | Yes | No | Yes | No | |

Sources: U.S. Presidential Commission reports.

To collect oral evidence, the Indian Territory commission dispensed with open hearings, "In evaluating the examination of the several witnesses we excluded from the room all persons except the one under examination and the stenographer employed." (Ind.T. 1904, 6). While this commission faced similar problems as those met by the 1838 commissioners on abuses of the Creek Indians, intimidation of witnesses was avoided. However, as in 1838, many witnesses failed to come forward to give evidence (p. 6). Open hearings were, however, a marked feature of the Spanish-American War commission. It held hearings in seventeen cities, lent an ear to anyone who wished to testify, and provided facilities for the press (Spain 1899, 108-109). The "Valencia" commission invited people in Seattle to present their views and proposals for "needed improvements in the nature of light-houses, fog signals, life-saving service, etc." (Valencia 1906, 5). The Panama investigators collected worker complaints, but did not report holding any formal hearings (Panama 1908, 8).

The presidential mandates were without stated limits on the scope and depth of the inquiries, but the commissions met with practical hindrances. The Spanish-American War commission met witnesses who refused to testify about allegations of corruption in the War Department (Spain 1899, 111). The Bonaparte commission sent notices to one hundred potential witnesses, but only sixty appeared at the designated hearing site, Muscogee, Indian Territory, to give depositions. (Ind.T. 1904, 6). The "General Slocum" commission had no powers to enforce the attendance of witnesses. "This state of affairs proved at times a serious hindrance to the progress of the work" (General Slocum 1904, 8).

Apart from problems with witnesses, the Bonaparte commission narrowed the scope of its inquiry by limiting itself to testing the truthfulness of allegations of abuses already made by a representative of the Indian Rights Association and other critics. Instead of dealing comprehensively with the problems of the territory, the report centered on the reliability of those who had made allegations about administrative abuses (Hagan 1985, 252).

In contrast, the later commissions of the Progressive era employed data collection methods that allowed them to expand the scope of their investigations from the analysis of a particular disaster to examining broad issues, such as the role of government in securing safety at sea, improving health and labor conditions, and providing efficient administration (General Slocum 1904, Valencia 1906, Chicago 1906, Panama 1908, Appraisers 1913).

Cause and Circumstance

The commission appointed by President William McKinley in the wake of the Spanish-American War of 1898 sat in an unenviable position. The war had in "less than three months put an end to Spanish colonial power, enfranchised oppressed people, and taught the world at large the strength and nobility of a great Republic." (Spain 1899, 233). So it is not surprising that the commission found no support for charges made in the press of corruption and neglect of duties by War Department officials. Nevertheless, the commission found good reason to criticize several aspects of the otherwise successful campaign.

While some bureaus (then called "departments") of the War Department were praised for their efficiency, others were targeted for severe criticism. The inspector-general's department was not "as efficient as it ought to have been" in acting upon reports from inspections of camps and troops (Spain 1899, 124). The quarter-master's office was seriously deficient in providing land transportation for material at Santiago, Cuba, and other battle theaters (p. 147). As for the War Department as a whole the commission wrote (p. 116):

In the judgment of the commission there was lacking in the general administration of the War Department during the continuance of the war with Spain that complete grasp of the situation which was essential to the highest efficiency and discipline of the Army.

The commission found several causes to account for these failures of the department and its bureaus. The office of the adjutant-general was found praiseworthy but for mistakes that

"were what occur naturally from new experiences, new conditions, unexpected and emerging movements" (p. 120). For other offices the diagnosis cut closer to the bone. To correct the failure of the inspector-general's office to act on reports, the commission advocated a new system of forwarding inspection reports to the Secretary of War (p. 124). The quarter-master office's problems of delivering supplies to the troops at the front were attributed to a host of causes (pp. 147-8):

- lack of physical and financial preparedness at the start of the war,
- lack of delivery systems for provision of supplies to the camps, and
- lack of executive or administrative ability in organizing transportation at one site.

The commission also found reason to criticize the lack of adequate legislation and the burden of routine paper work in the War Department. It found that these deficiencies contributed to hesitation and delay. The department compared unfavorably to a "well-regulated concern or business" (p. 113). However, no official was blamed openly by name. The commission insisted it had "refrained from criticizing certain of the heads of the bureaus for not having acted with foresight . . . , because it has appeared that the national budget fund was not made available until after the declaration of the war (p. 116)." Thus blame was shifted out of the War Department.

Yet, the commission not only faulted the system, but some unnamed people were also blamed. As in the war against Iraq in 1991, actual battle casualties were slight, 23 officers and 257 enlisted men were killed. On the other hand there were 2,630 deaths from other causes among a total force of 274,717 men. Sickness in the military camps caused most of these deaths. The commission visited and collected testimony at seventeen camps in the continental U.S. As a great cause of complaint they found "the inexperience of officers and surgeons as to proper sanitation, [and the] necessity of daily exercise" (p. 120). Yet, the commission concluded that, "the imprudent acts of the soldiers are the first and greatest cause of sickness in the camps." It argued that only experience teaches the soldier

the necessity of complying fully with regulations regarding eating and drinking, not discipline or watching (p. 222).

In evaluating the work of the Spanish-American War commission it must be remembered that the commission had the difficult task of critiquing a successful and popular war. In pointing out serious deficiencies in the performance of the War Department, it was innovative in its consistent use of institutional, legal, and procedural factors as explanatory variables. The only individuals to be blamed were the soldiers who permitted themselves to get sick in the camps.

In the Indian Territory investigation of 1903-04, Bonaparte and Woodruff, the two special investigators appointed by Theodore Roosevelt, followed a more traditional line of reasoning. They confirmed allegations made by the Indian Rights Association of conflicts of interest, fraudulent land transactions, and haphazard administrative practices detrimental to Indians. Most of these abuses were attributed to the members of the Commission to the Five Civilized Tribes, usually known as the Dawes Commission. Its main job since its creation by Congress in 1893 had been the distribution of individual land claims to Indians in the Indian Territory. Members of the commission, including the acting chairman, Tams Bixby, were themselves owners of real estate or shareholders in land-buying corporations in the territory. Stock investments by another commission member, C.R. Breckinridge, "seriously impaired his public usefulness" (Ind.Ter. 1904, 24).

Besides conflict of interest, several other abuses were attributed to the Dawes Commission. The commission had failed to distribute land to individual Indians as near as possible their places of habitation—allowing misunderstanding, conflict, and speculation (pp. 30-31). The commission administration was overstaffed by poorly selected and underpaid subordinates outside the civil service (p. 32). The leases approved by the Dawes commission were often fraudulent and detrimental to "true Indians" (pp. 36-37). Although

criticism was directed at other federal officials, the investigators attributed all responsibility to the members of the Dawes Commission.

The fire aboard the excursion steamer "General Slocum" on 15 June 1904, caused 957 deaths. Over seventy percent of the passengers died, among them mostly families from the St. Marks's Lutheran Church of New York City (General Slocum 1904, 24-25). Among the factors that contributed to the catastrophe, the commission singled out the captain or master, William H. Van Schaick, for neglecting to "fight fire and aid passengers, or to give any orders to such end," and for neglecting to beach the ship properly after the fire broke out (p. 26). The commission also faulted the owners for the flammability and the lack of fire-fighting ability aboard, although the ship only a month earlier had been certified by government ship inspectors.

The "General Slocum" commission next investigated the performance of the federal Steamboat-Investigation Service. By calling upon hull and boiler inspectors from other ports, the commission conducted a reinspection of 268 passenger steamers in the port of New York. The new round of inspections helped the commission to decide how "the actual workings of the system in this port departed from the results at which the statute law was aimed, and toward showing the cause for such variance" (p. 37). The findings were disappointing. Over eighteen percent of the reinspected ships had defective life-preservers and fire hoses (p. 44). The commission attributed responsibility for the negative result to the superior officers of the Steamboat-Investigation Service:

- The two local inspectors, James A. Dunant and Thomas H. Barrett, disregarded the testing of fire hoses.
- They also failed to provide personal instruction and supervision of their assistant inspectors, who did most of the inspections.
- Assistant inspectors conducted only visual inspection of fire hoses, life-preservers, and life-boats.

— The supervising inspector for the district including the port of New York, Robert S. Rodie, must "share responsibility for the existence of such inefficiency and neglect," since his statutory duties required him to "see that the several boards of local inspectors within (the) . . . district execute their duties faithfully" (p. 40)¹³.

The deficiencies were most serious for the type of excursion steamer represented by the "General Slocum," rather than other classes of passenger ships, such as ocean liners, which the commission found in much safer condition. This divergence between types of ships was attributed to the action of the owners. Excursion boats represented a "decidedly precarious business, and the natural tendency of the owners is to reduce expenses in all possible ways, including economizing on safety appliances" (p. 45). Similarly, the good condition of boilers and machinery was explained by the economic self-interest of the owners (p. 46).

Full responsibility for the failure of the Steamboat-Inspection Service remained with the three superior officials. The assistant inspectors, who had carried out much of the work, could not be blamed, since then "there would be no logical need for any superior officers" (p. 49). In other words, accountability could not be delegated.

Another ship disaster occurred shortly afterwards, when the passenger steamer "Valencia" went aground on the rock off Cape Beale, British Columbia, on 23 January 1906 with the loss of 136 of 173 persons aboard. The presidential commission appointed by President Theodore Roosevelt on 7 February 1906 put primary responsibility for the grounding on Captain Oscar M. Johnson. The captain was blamed for faulty navigation. Instead of prudently turning around into the open sea, the captain headed into the haze at the entrance of the Puget Sound (Valencia 1906, 38-39). The commission also evaluated the rescue mission, but did not fix blame for the failure to save more of the passengers.

Both commissions, then, attributed blame for the disaster to the ship masters for failure to fulfill their professional duties. Earlier commissions of the nineteenth century

¹³Ellipsis in the original.

might have explained these failures in terms of personal character flaws, but the "Valencia" board wrote about Captain Johnson that, "He appears to have been a man of good character, sober, and with a good reputation as a seaman" (p. 38). The commission evidently found it tactless to have to "criticize the actions of a man who went down with his ship and who is unable to defend himself" (p. 40). The "General Slocum" commission did not say anything about the personal character of Captain Van Schaick, but said of the steamboat inspectors that there was no evidence of "corruption or improper motives" in the form of "intentional malfeasance" on their part (General Slocum 1904, 50). With these commission reports, professional competence emerges as a separate construction in judging personal accountability.

The other presidential investigation commission of 1906 departed radically from its predecessors in its attribution of causes. The report on the Chicago stock yards did not discuss the accountability of any particular individual or firm. No names of persons or companies were revealed, not even of a model slaughterhouse in New York. The filthy and unsanitary conditions of the meat packing houses were seen as the result of general indifference to matters of cleanliness (Chicago 1906, 4). That employees disregarded any notion of keeping themselves and their working areas clean followed as a "direct consequence of the system of administration that prevails." The plants were run by superintendents "who seem to ignore all considerations except those of the account book" (p. 8).

The Chicago stock yards report was a study in market failure and an indictment of the system of *laissez faire*. Yet, no one was to blame because the attainment of acceptable standards in the meat packing industry "should be the concern of the National Government and the city of Chicago." This meant that "the burden of protecting the cleanliness and wholesomeness of the products and the health of the workers . . . must fall upon the government" (p. 5).

Table 10. Primary or immediate causal attributions 1899-1913

| Causes | Reports | N |
|---------------------------|------------------------------------|----------|
| Individual failure | | |
| Fraud, embezzlement | Indian Territory 1904, | 1 |
| Professional failure | General Slocum 1904, Valencia 1906 | 2 |
| | Total (individual) | <u>3</u> |
| System failure | | |
| Planning | Spanish-American War 1899 | 1 |
| Organization | Panama 1908, Appraisers 1913 | 2 |
| Market regulation | Chicago stock yards 1906 | 1 |
| | Total (system) | <u>4</u> |
| | Total N | <u>7</u> |

The Panama investigation report of 1908 focused on the labor and living conditions of the workers building the new canal. Although the commissioners went to great lengths to praise the canal administration for its accomplishments, they also criticized aspects of worker housing, pay, disability, and vacation systems. The immediate causes for deficiencies in these areas were administrative. As for housing, there were too many unqualified supervisors and too few with any experience. Officials and workers lacked knowledge in getting rid of vermin. The administrations used pay scales so complicated that "certain employees were receiving less remuneration than others for the same work with the same responsibility" (Panama 1908, 11). The commission did not blame any individual for these deficiencies, but referred to U.S. compensation standards. This is the first commission systematically to use efficiency as a criterion of organizational performance (p. 8).

The final report of the Progressive Era followed the prosecution of frauds involving more than \$4,000,000 at the U.S. General Board of Appraisers in the port of New York. Although these frauds were accepted as largely the result of corruption and personal inefficiency in the customs service, the committee of inquiry found, nevertheless, that "a share in the responsibility for the frauds in the past lies unquestionably in defects in the machinery by which appraisements and reappraisements are operated" (Appraisers 1913,

5). The commission took care to weigh individual against systemic factors: "Some members are undoubtedly too much inclined to apply technical rules of evidence and some are inclined in practice to cast the burden of proof on the examiners; but the principal fault is in the system." Since most board members were lawyers, their preference for classifications over reappraisals was "quite natural and to be expected" (p. 5). The problems of the U.S. Board of General Appraisers were thus clearly seen as caused by the failure of management. It was apparently the first investigation commission to use the term "system" without modifier.

In the 1899-1913 period reports divided themselves between those that made a careful examination of individual accountability and those that found system failure as the obvious cause of disaster. These reports differed from their nineteenth-century forerunners in considering matters of organization and market forces. In cases where blame was attributed to individuals, character no longer served as a sufficient causal explanation. A major change in the terminology used in the reports occurred in the years from 1899 to 1913. Concepts such as "management" and "system" were introduced when discussing problems of public administration.

Underlying or Secondary Causes

The Spanish-American War commission relegated the issue of military command to the periphery. Yet, without giving any particulars, the commission complained about conflict at the top, "For many years the divided authority and responsibility in the War Department have produced friction" (Spain 1899, 115). This friction concerned the role of the commanding general in relation to the Secretary of War. Lieutenant-General Schofield had found it impossible to meet expectations as the commanding general and preferred to be

regarded as chief of staff of the Army under the Secretary of War and the President.¹⁴ The commission refrained, however, from offering its own solutions.

The dismal conditions of the Indian Territory had other causes than could be blamed on the Dawes Commission. Pauperization, vagrancy, and high death rates had reduced the "true Indians" to a desperate status: "The future holds out to them no prospect which makes life worth living" (Ind.Ter. 1904, 26). Indians, black freedmen, and white settlers had reason to complain of the lack of local government and the "needless circumlocution in the transaction of public business, and the frequency with which one authority is reversed by another" (p. 28). Confidence in government was further undermined by the haphazard distribution of powers and duties of territorial officials and the lack of coordination between them (p. 29).

In its discussion of duties and responsibilities aboard ship, the "General Slocum" commission stressed the important role of the master of the ship and its owners. However, in its discussion of the disaster the report also pointed out that other officers and crew members had failed in their duties in ways that contributed to the disaster. The pilot showed bad judgment or lack of skill in beaching the vessel after the fire was discovered, so that most of the passengers were forced to jump ship midstream and drowned (Slocum 1904, 21). The crew showed marked inefficiency in helping the passengers, due to lack of organization and training.

As for the inefficiency of the Steamboat-Inspection Service in New York, the commission found that the chief reasons lay in inadequate supervision by superior officers. However, the commission also registered other causes (p.48):

- The inadequate size of the force in New York to carry out proper inspection as contemplated by law.

¹⁴The title presently in use is Chairman of the Joint Chiefs of Staff.

Table 11. Secondary or underlying causes 1899-1913

| Causes | Reports | N |
|---------------------------|---|---|
| Individual failure | | |
| Lack of professionalism | General Slocum 1094 | 1 |
| System failure | | |
| Divided authority | Spanish American War 1899, Indian Ter. 1904 | 2 |
| Inadequate supervision | General Slocum 1904 | 1 |
| Lack of navigational aids | Valencia 1906 | 1 |
| Lack of regulation | Chicago stock yards 1906 | 1 |
| Management failure | Panama Canal 1908 | 1 |
| No division of labor | Appraisers 1913 | 1 |
| | Sum (system) | 8 |
| | Sum (all) | 9 |

- Opposition from passengers who met inconvenience and delay when ships were taken out of service for inspection.
- Reluctance of owners to keep their equipment in proper shape.

The "Valencia" commission of 1906 also investigated the quality of the local Steamboat-Inspection Service. However, this commission praised the service as "excellent in point of efficiency" (Valencia 1906, 45). At the end of the report the commission modified its earlier criticism of Captain Johnson for sailing his ship ashore (p. 46):

Reserving the most important conclusion for the last, the Commission desires to emphasize, as the primary and greatest cause of the loss of life, the defective state of the aids to navigation and preservation of life in the shape of light-houses, fog signals, life-saving equipment, and means of communication in the vicinity of the wreck.

Thus, both shipwreck commissions in the end held the federal government responsible for preventing future accidents of the same type.

While primary blame for the meat packing scandal of 1906 lay with owners and their superintendents, the Chicago stock yards commission also pointed a finger at the federal government. Public meat inspection suffered from a "radical defect" caused by the lack of

inspectors and inadequate regulation (Chicago 1906, 7-10). The underlying reasons for the labor and housing problems during the construction of the Panama Canal were failures of management: lack of experience and instruction among supervisors, partial inefficiency in the organization of work, failure of the wage system, and failure to live up to best standards of business management.

The committee of inquiry into the practices of the U.S. General Board of Appraisers had traced the many problems of the agency to the unpredictable decision-making by the board members. These practices could not be blamed on the individual appraisers, since, "The fundamental cause of these conditions is that the board's two functions are practically inharmonious and can not be satisfactorily exercised by the same tribunal."¹⁵ Failure to separate classification and valuation was "the root of the trouble," according to the committee of inquiry (Appraisers 1913, 6).

While the report on the "General Slocum" disaster implicated more people as accountable when it widened its search for causes, the other commissions of the Progressive era tended to find that the underlying causes were attributable to system or environmental factors rather than personal factors. As *Table 11* shows, commission analysis of secondary causes emphasized the centrality of system variables to explain administrative breakdown in the 1899 to 1913 period. This type of analysis opened the way for radical reforms in American public administration.

Recommendations and Ideas

The Spanish-American War commission of 1899 advocated only minor, systemic changes in the organization of the War Department and the U.S. Army. It supported measures to improve hygiene and training and sought permission for the president to call up retired officers above the age of 64 for active service (Spain 1899, 111). Trying to improve the

¹⁵Capitalized text in the original omitted.

professional quality of the officer corps, the committee recommended giving preference to candidates from military colleges and requiring examinations of all applicants seeking Army commissions, including candidates recommended by a governor (p. 112). On the question of leadership the committee declared that the Army must have a general-in-chief who had "that confidence which is necessary to perfect harmony" in order to overcome the problems of divided authority (p. 116).

The Bonaparte commission of 1904 asked for drastic action to counter the land-sale scandals and the general administrative problems of the Indian Territory. It wanted the president to sack the members of the Commission to the Five Civilized Tribes (the Dawes commission), abolish the commission as such, and reorganize the territory altogether (Ind.Ter. 1904, 30). Finally, it wanted more decision-making authority for the Indian inspector and the Indian agent, but independent of each other. The Bonaparte commission emphasized the importance of giving individual public officials sufficient authority to make decisions on their own. Rather than relying on day-to-day interference, officials should be removed if superiors disagreed with them (p. 37). As in the 1838 Creek Indian commission, the "true Indians" were seen as minors, wards of the American government, needing protection, and entitled to only limited jurisdiction in their own affairs.

The commission investigating the disaster to the steamer "General Slocum" made several recommendations regarding the construction of passenger ships, safety appliances, fire drills, and the sale of defective life-saving equipment. It wanted to formalize the traditional duties of the captain, give ship inspectors formal power to revoke a vessel's safety certificate, and require standardized tests of life-saving equipment. The commission supported the expansion of the Steamboat-Inspection Service and a change of salary systems in the direction of fixed lump sums, instead of depending on the number of ships inspected. The "Valencia" commission followed the same route by recommending the installation of more light-houses, light-ships, and fog-signal equipment in the Puget Sound

and the Straits north of Seattle. It wanted the government to acquire a life-saving steamer and establish a system of wireless stations along the Pacific coast. Ship captains should be required to have on board the most up-to-date navigational charts and to hold fire and boat drills as soon as reasonable after leaving port (Valencia 1906, 48-52). These two commissions, then, showed strong belief in the application of technical improvements and the imposition of correct behavior through government regulation.

The recommendations of the commission to investigate the Chicago stock yards were in line with its diagnosis of market failure. It recommended shifting government examination of meat from before to after slaughter; it proposed that the Secretary of Agriculture should be given power to make rules and regulations to protect cleanliness in the food industry, and that the system of inspection should be expanded (Chicago 1906, 10-11). The commission clearly implied that market forces alone could not be relied upon, that good government required public intervention to secure the quality of food production and labor conditions.

The Panama investigation commission of 1908 recommended that the Canal Zone administration learn from good business practices among large industrial corporations in the United States. It suggested improvements in pay, food services, vacations, disability payments, and accommodation. This is the earliest investigation report referring to management as a concept. To promote accountability the commission recommended that local managers be given decision-making authority, while supervision and control must be held strictly separate. The commission wanted improved grievance procedures, not only to channel worker complaints, but also as a means of improving efficiency (Panama 1908, 15). As an employer the permanent Canal Commission was not only responsible for setting high standards for work, but also for providing for the welfare and leisure of workers. In general the commission found that public enterprises should learn from business. On the other

hand the construction of the canal deserved study and imitation by the rest of the world (pp. 20-21).

The committee of inquiry into the problems at the New York customs proposed to separate the functions of the existing board of appraisers into a court of customs and a board of examiners, both as part of the civil service. This proposal was not particularly radical, since it represented a return to an earlier system abolished in 1890 (Appraisers 1913, 7-10). This commission thus embraced the need for functional specialization. Additionally it favored a neutral civil service, freed from the requirement of bipartisanship in making appointments. Efficiency was seen as a criterion for good government.

To conclude, all the investigations of the Progressive era ended with proposals for reform at the system level. A few of these were limited to reorganization of existing government agencies (Spain 1899, Appraisers 1913), while others implied extensive reorientation and expansion of government activities and increased regulation of private business activities. These initiatives accorded with the positive view of government held by the Progressive political movement of the time. After this hectic period of reform, the president's use of investigation commissions ceased until the start of the Second World

Table 12. Commission recommendations 1899-1913

| Proposals | Reports | N |
|---------------------------|--|---|
| Individual level | | 0 |
| System level | | |
| Minor reorganization | Spanish-American War 1899 | 1 |
| Major reorganization | Indian Territory 1904, General Slocum 1904 | 2 |
| Revised regulations | General Slocum 1904, Valencia 1906, Chicago 1906 | 3 |
| Management reform | Panama 1908 | 1 |
| Functional specialization | Appraisers 1913 | 1 |
| | Total (system/all) | 8 |

Note: One commission had multiple proposals. N=7.

War.

4. MODERN AMERICAN COMMISSIONS: COMPOSITION AND WORK

The modern period of presidential investigations into administrative breakdown began with the Pearl Harbor attack in December 1941. The commission reports of the period appeared in three distinct waves: Second World War and after (1942-52), the Great Society and Vietnam War era (1964-75), and the post-modern era (1979-87). The revival of the executive investigation report came after several years of disuse between 1914 and 1941.

Table 13. Modern U.S. investigation reports 1942-1975

| Second World War and after (1942-52) | |
|---|------|
| Pearl Harbor (Roberts Commission) | 1942 |
| Pearl Harbor (Army Board) | 1944 |
| Pearl Harbor (Navy Court) | 1944 |
| Texas City | 1947 |
| Air safety | 1947 |
| Airports | 1952 |
| The Great Society and Vietnam era (1964-75) | |
| Kennedy assassination | 1964 |
| Postal service | 1968 |
| Civil disorder | 1968 |
| Violence | 1969 |
| San Francisco State College | 1969 |
| Cleveland shoot-out | 1969 |
| Chicago convention | 1968 |
| Miami riot | 1969 |
| Washington inauguration | 1969 |
| Campus unrest | 1970 |
| Kent State University | 1970 |
| Jackson State College | 1970 |
| CIA | 1975 |
| The post-modern era (1979-87) | |
| Three Mile Island accident | 1979 |
| Beirut massacre | 1983 |
| The "Challenger" accident | 1986 |
| Iran-Contra affair | 1987 |

After the hectic activity of presidential investigation commissions in the Progressive Era, this instrument for dealing with disasters and cases of administrative breakdown met strong congressional opposition. Members of Congress thought the power to investigate the executive branch should not be left to the President (Marcy 1945, 93-94). For this reason, the Senate in 1927 blocked an initiative by President Calvin Coolidge to appoint a board of inquiry into the sinking of a Navy submarine (p. 94). Yet, in the early thirties Galloway (1931, 364) predicted that presidential commissions would increase in number and scope "with the increasing centralization of political processes and the expanding functions of government as a means for Congress and the President to get information and advice." Although Galloway included all types of Presidential advisory boards in

his prediction, the use of presidential investigation commissions was only revived following the attack on Pearl Harbor in 1941.

The forty-five-year period from 1942 to 1987 gave rise to twelve presidential boards of inquiry into disasters relating to war, technical fiascoes, civil unrest, and agency failures. Some of these commissions initiated individual case studies into particular incidents, so that the number of separate reports provided was actually higher. Also included for analysis are a few important investigative reports made on the initiative of the cabinet secretary or high-level official concerned. The total number of reports considered thus adds up to twenty-three (*Table 13*).

This chapter discusses the mandate, membership, and methodology of the commissions of inquiry published between 1942 and 1987. Chapters 5 and 6 examine the causal attributions and recommendations made by these modern American commissions.

Mandate and Composition

Executive orders can provide investigative commissions with broad or narrow definitions of their duties. We are particularly concerned about any constraints on the scope of investigation found in the charter or its interpretation by the commission. Considerations of national interest were important to the Roberts Commission (Pearl Harbor attack 1946, 1). This may have limited its search for exogenous factors to explain the disastrous attack on Pearl Harbor in 1941. On the other hand, some commissions of the post-war era received charges that implicitly may have favored a system view of causality.

On membership the issues primarily concern the leadership and professional background of the individual members of each commission. The purpose is to ascertain whether commissions of this era were dominated quantitatively by representatives of particular disciplines, and whether they can be identified as either actor or system oriented in their use of causal methodology. We expect that a lawyer-dominated board will more

likely ascribe causes to actors than a board composed largely of natural scientists, who we expect will favor a system view of causality. Another concern is whether the inclusion of women and minority members contributed to a broadened, systems-oriented perspective on causal attributions.

Second World War and After (1942-52)

The major investigation reports of the 1942 to 1952 period concerned the attack on Pearl Harbor. Other reports of this period dealt with ship and airplane disasters.

Pearl Harbor Attack 1941

The major investigation effort of this decade consisted of the various boards and committees that analyzed the Japanese attack on the Pearl Harbor naval base in on 7 December 1941 at 7:55 AM local time. During the attack 3,303 U.S. service personnel were killed following the sinking of four battleships including the USS "Arizona," which alone suffered 1,102 dead (Everyman's Encyclopædia 1978). This event brought the United States into World War II. An investigative commission was set up by President Franklin D. Roosevelt only eleven days after the disaster. Breaking with tradition, Roosevelt chose a justice of the Supreme Court, Owen J. Roberts, as chairman. The other four members all had military background, two each from the Army and the Navy. Their report was completed in thirty-six days (Pearl Harbor attack 1946, 1-2).

The report of the Roberts Commission did not end the quest for finding the facts and assigning responsibility for the disaster at Pearl Harbor. At the behest of Congress in 1944, the War and Navy Departments initiated new, separate investigations into the attack, followed by hearings of a joint committee of Congress 1945-46. The Army Pearl Harbor Board was composed of three military members appointed by the Secretary of War on 12 July 1944. It was finished in eighty-two days, 20 October 1944. The navy investigation was

organized as a court of inquiry by the Secretary of the Navy on 13 July 1944. The three members of the court, all admirals, completed their work on 19 October 1944 after eighty days. Thus, these new commissions each had more time to accomplish their work than the Roberts Commission; they also had access to more documents and other evidence.

The Roberts Commission was mandated by executive order on 18 December 1941 "to ascertain and report the facts relating to the attack made by Japanese armed forces upon the Territory of Hawaii on December 7, 1941." The purpose of the inquiry was to learn whether there had been any cases of dereliction of duty or errors of judgment by military personnel. Congress gave the commission additional power to summon witnesses and examine them under oath (p. 1).

The 1944 Army Pearl Harbor Board was also asked to ascertain the facts of the Japanese attack, but it was subsequently specifically charged with a separate investigation into the alleged misconduct of a manager of military construction projects in Hawaii (pp. 146-7). Beyond reporting the facts of the attack, the Navy Court of Inquiry was asked to "give its opinion as to whether any offenses have been committed or serious blame incurred on the part of any person or persons in the naval service." In case anyone was seriously blamed the court was to recommend any further proceedings (p. 297). Accordingly, the three charters underscored causation on the individual level as a likely explanation for the disaster.

The Pearl Harbor investigation charters did not contain any explicit limits to the scope of inquiry, but in practice their work was influenced by contemporary demands for secrecy. The Roberts Commission edited its report to avoid revealing information touching upon the national interest. It also omitted any questioning of United States' foreign policy at the time or discussing possible deficiencies in the provision of military matériel (pp. 2-4). The Army Board submitted part of its findings as a "top secret" report to the Secretary of War (pp. 221-269). The 1944 boards also faced the problem that close to three years had

passed since the disaster, and some evidence had probably been lost (p. 26). The Army Board had no power to subpoena witnesses, but no one refused to testify.

Ship and Airplane Disasters (1947-52)

The catastrophe that destroyed much of Texas City, Texas, on 16-17 April 1947 was investigated by a board appointed by Admiral J.F. Farley of the U.S. Coast Guard. A fire followed by an explosion in ammonium nitrate cargo on board the French steamship "Grand Camp" had a disastrous ripple effect on two other merchant ships, piers, warehouses, tank farms, and industrial plants in the harbor area (Texas City disaster 1947). More than 600 persons were killed (Everyman's Encyclopædia 1978). Although the Coast Guard itself participated in the rescue work, all three members of the board of investigation were USCG officers. The board was probably appointed immediately after the disaster and completed its work in just seven days.¹⁶

Concern about airplane accidents led President Harry S. Truman to appoint special boards on two occasions, 1947 and 1952. However, neither board conducted formal investigations into particular accidents and are thus borderline cases in the terms of this dissertation. Nevertheless, the reports are included here, because the commissions made an assessment of the causes of some contemporary air disasters and the role of government in preventing them.

¹⁶Based on internal evidence. The charge letter carries no date, but refers only to the early events of the catastrophe. The report was printed 24 September 1947, but figures for casualties and missing persons are only brought forward to 24 April (Texas City disaster 1947).

Table 14. U.S. commission membership 1942-52

| Commission | Size | Dominant group |
|------------------------|------|----------------|
| Pearl Harbor (Roberts) | 5 | Military |
| Pearl Harbor (Army) | 3 | Military |
| Pearl Harbor (Navy) | 3 | Military |
| Texas City disaster | 3 | Military |
| Air safety | 5 | Engineers |
| Airports | 3 | Engineers |
| Mean (N=6) | 3.6 | |

The President's Special Board of Inquiry on Air Safety was appointed on 15 June 1947 after three major airline accidents. The presidential mandate "placed special emphasis" upon these accidents, but also requested the board to "examine generally into problems of air safety with regard to air transport." The five members of the board were professionals drawn from the Civil Aeronautics Board, Massachusetts Institute of Technology, and the airline industry, including the pilots' union. The commission was chaired by James H. Landis, chairman of CAB (Air safety 1947, 1).

After another series of accidents in the New York-New Jersey area, President Truman appointed an airport commission on 20 February 1952. The mandate emphasized solutions rather than causes of airplane accidents. Although the president in his directive to the chairman, James H. Doolittle, expressed his serious concern about airplane accidents, the charge to the commission was to "look into the problem of airport location and use" (Airports 1952, v).

The airport commission was composed of two pioneers of the air industry and chaired by the Administrator of the Civil Aeronautics Board. All three members had long experience working for the federal government. Significantly, none represented consumers or the local communities served by the nearby airports. One member, Dr. J.C. Hunsaker, also served on the 1947 board.

The commissions of the 1942-52 period were controlled by professional insiders. In essence the accountability for disasters was judged by peer review. In the next wave of presidential investigation commissions, membership changed considerably, starting with the presidential commission on the Kennedy assassination in 1963.

The Great Society and Vietnam War Era (1964-75)

In the twelve year period of political and social trauma, 1964-75, three U.S. presidents sought answers to problems arising from unsettling events by appointing commissions with highly prominent members and generous budgets. Although the creation of each commission was spurred by particular disastrous incidents, some were given broad mandates to address general issues of social disorder and administrative failure. Nevertheless, several of these commissions undertook detailed case studies of particular disasters.

The period began with the best-known and most controversial of all American investigations: The President's Commission on the Assassination of President Kennedy (Kennedy 1964). The commission was established by President Lyndon B. Johnson by Executive Order 11130 on 29 November 1963 to "evaluate all the facts and circumstances surrounding the assassination [of President John F. Kennedy] and the subsequent killing of the alleged assassin [Lee Harvey Oswald]" (p. 3). Among the facts evaluated was the failure of the administrative precautions taken to protect the president.

Like the 1941 Pearl Harbor commission, a member of the Supreme Court, Chief Justice Earl Warren, chaired the commission. Among the seven commissioners were four members of Congress and two high-ranking officials with long political-administrative experience. Yet, despite this emphasis on political representation and experience, the commission report also noted that five of the seven members were jurists. The commission also represented an innovation with regard to staff. Among the total staff of twenty-seven,

Table 15. U.S. commission membership 1964-75

| Commission | Size | Dominant group |
|-------------------------|------|----------------|
| Kennedy | 7 | Lawyers |
| Civil disorder | 11 | Lawyers |
| Postal organization | 10 | Businessmen |
| Violence | 13 | Lawyers |
| Campus unrest | 9 | Academics |
| CIA domestic activities | 8 | None |
| Mean (N=6) | 9.7 | |

there were fifteen legal staff "with high professional qualifications" (Kennedy 1964, x). The Warren commission set a new standard for the investigations that followed. Instead of senior public servants, the commissions of the next two decades were composed of prominent citizens with broad experience in politics, business, and public administration. The average size of the commissions grew from four to ten members (*Table 15*).

The mandates of the commissions on civil disorders, violence and campus unrest arose from intensified social and political strife in the late 1960s. By Executive Order 11365 and a personal charge on 29 July 1967, President Lyndon B. Johnson asked the Kerner commission to find the causes of urban riots among black people. "What happened? Why did it happen? What can be done to prevent it from happening again and again? . . . We are asking for advice" (Civil disorder 1968, 295-6).

A commission led by Milton S. Eisenhower used the assassinations in 1968 of Martin Luther King, Jr. and Robert F. Kennedy as its point of departure in analyzing the high level of violent crime in the U.S. After violent confrontations between students and the authorities at Jackson State College and Kent State University in 1970, President Richard M. Nixon asked the Scranton commission to identify the principal causes of campus violence and the breakdown of orderly expression of dissent on campus. Although appointed to deal with exogenous events, these commissions in practice came to focus on

the failure of police and military forces to maintain peace in a period of domestic unrest. Closing the circle, President Gerald Ford in 1975 asked his vice-president, Nelson B. Rockefeller, to lead an investigation into possible illegal activities conducted by the Central Intelligence Agency within the U.S.

Although jurists dominated the 1968 Kerner commission on civil disorder, it showed a diversity of membership compared to earlier commissions. The political members were recruited from the federal, state, and local levels; there were two black male members and one white woman, and two members represented important interest organizations, AFL-CIO and NAACP (Civil disorder 1968, xii and 486). As such, this commission, like some of its successors, seemed an obvious instrument of political consensus-building; a commission created as a coalition rather than a panel of experts. This planned diversity also may have influenced each commission's choice of methodology and its way of evaluating its findings.

The large 1969 commission on violence confirmed this trend. Led by Milton B. Eisenhower, former president of Johns Hopkins University, the commission sponsored five special investigations conducted by academics with a social science orientation.

Academics dominated the 1970 commission on campus unrest, but it also included two police officers, a journalist, and just one practicing lawyer. The chairman, William F. Scranton, was a former governor of Pennsylvania. Finally, the 1975 commission on the CIA was composed of active and former politicians and officials, and a few lawyers, but no particular professional group dominated. There was, however, no woman or minority member on this commission.

Over-all, commission memberships reflected a wish for pluralist representation, rather than the specialized expertise of earlier commissions. Most noticeable is the decline of jurists from 1964 to 1975. We should expect that this pluralism would serve as an

incentive for commissions to widen their search for causal explanations beyond the dispositional attributions associated with the legal profession.

However, one investigation commission of the 1964-75 period differed from the general pattern. The Kappel commission on postal organization had among its ten members, eight who were recruited from large business firms, one academic, and one union official. (The inclusion of union officials was characteristic also of the Kerner and the Rockefeller commissions). The chairman, Frederick R. Kappel, was at the time dean of the Harvard University Graduate School of Business Administration. The commission on the postal service received its mandate by Executive Order 11341 on 8 April 1967, to "conduct the most searching and exhaustive review ever undertaken' of the American postal service" (Postal excellence 1968, 195). Although it was not directly asked to investigate any particular incident, the establishment of the commission was occasioned by the breakdown of the Chicago post office in October 1966 (pp. 11-12).

The Post-Modern Era (1979-87)

The period after 1975 saw a decline in the use of presidential investigation commissions. The four reports considered here all dealt with the disillusionment with power, whether technological or political. Unlike the commissions of the 1964-75 era, none of the newer commissions proposed grand designs to ameliorate the failures that instigated the investigations.

After an accident on 28 March 1979 at a commercially operated nuclear power plant near Middletown in Pennsylvania, President Jimmy Carter appointed a commission on 11 April 1979 by Executive Order 12130. Besides doing a technical assessment of the accident, the commission was requested to investigate emergency preparedness and response, including the roles of the managing utility and the Nuclear Regulatory Commission. The

psychological impact of the accident was covered by a separate section of the mandate that dealt with information to the public (Three Mile Island 1979, 151).

John G. Kemeny, a mathematician and President of Dartmouth College, chaired the twelve member commission, including five engineers. Other fields represented were law, medicine, sociology, and journalism. Half the membership were academics, but the president also recruited members from business, interest groups, and politics. Four members were women (pp. 157-163).

The Kemeny commission was given six months to complete its report. It decided not to investigate the whole nuclear industry, nor did it discuss the continued development of nuclear power (pp. 3-4). A number of other investigations ran concurrently with the work of the Kemeny commission, including an investigation initiated by the Nuclear Regulatory Commission itself (Three Mile Island 1980a).¹⁷

On 23 October 1983 a terrorist attack on U.S. marines stationed in Beirut for a peace-keeping mission resulted in the deaths of 241 military personnel and more than 100 wounded. Two weeks later, Secretary of Defense Caspar Weinberger appointed a five-member commission to conduct an independent inquiry into the attack. Within a deadline of ninety days, the commission was directed to "interpret its Charter in the broadest possible manner" (Beirut 1983, [19]). The commission chose to examine

the mission of the U.S. Marines assigned to the Multinational Force, the rules of engagement governing their conduct, the responsiveness of the chain of command, the intelligence support, the security measures in place before and after the attack, the attack itself, and the adequacy of the casualty handling procedures (p. [2]).

With one exception, all commission members had a military background, representing each major service. The only civilian member was a faculty member at Harvard University with a background in the federal government. The chairman was Admiral Robert L.J. Long, who had recently retired from active service (p. [20]).

¹⁷A GAO report titled its own report to Congress, "Three Mile Island: The Most Studied Nuclear Accident In History" (Three Mile Island 1980b).

Table 1. U.S. Commission membership by profession

| | 1941-52 | 1964-76 | Dominant group 1941-87 | |
|--------------------------|---------|---------|------------------------|------|
| | | | N | % |
| Threat to island | | 12 | Scientists | |
| Actor/terrorist act | | 5 | Military | |
| Challenger | 4 | 0 | Scientists/engineers | 31.2 |
| Lawyers/Contra | 0 | 3 | Politicians | 3 |
| Politicians | 0 | 0 | 1 | 1 |
| Total (N=4) | 4 | 3 | 2 | 9 |
| <i>Systems-oriented:</i> | | | | |
| Engineers/science | 2 | 0 | 2 | 4 |
| Businessmen | 0 | 1 | 0 | 1 |
| Academics | 0 | 1 | 0 | 1 |
| Total (system) | 2 | 2 | 2 | 6 |
| <i>None</i> | 0 | 1 | 0 | 1 |
| Total (all) | 6 | 6 | 4 | 16 |

Seven crew members were killed when the Space Shuttle "Challenger" was destroyed during its launch on 28 January 1986. Based on Executive Order 12546, President Ronald Reagan on 6 February 1986 appointed a presidential commission to "review the circumstances surrounding the accident to establish the probable cause or causes of the accident" (Challenger 1986, 212). In addition the commission was to make recommendations for corrective or other actions. There were no limitations set on the commission, other than a deadline of 120 days. The commission regarded its investigation as "comprehensive and complete" (p. 1).

William P. Rogers, former Republican Secretary of State, headed the commission. Of the twelve members, eight were educated in the natural or technical sciences: physics, astronomy, and engineering. In addition there were two lawyers, including the chairman, and one air pilot. Members were recruited from business and law firms, universities, and the military (pp. 202-3).

The most recent American investigation commission report considered in this study was appointed by President Ronald Reagan as the President's Special Review Board on 1 December 1986. The board came into existence following the disclosure of U.S.

participation since 1985 in secret dealings with Iran involving the sale of military equipment and linked to efforts to release U.S. hostages in Lebanon and the transfer of funds to rebel forces (Contras) in Nicaragua (Iran/Contra 1987, p. 1). Executive Order 12575 instructed the commission to "conduct a comprehensive study of the future role and procedures of the National Security Council staff" and to conduct an "analysis of the manner in which foreign and national security policies established by the President have been implemented by the NSC staff" (p. 100).

The commission was given only sixty days to deliver its report, and missed the deadline by several weeks. The commission complained that "limited resources precluded a separate and thorough field investigation" (p. 2). The commission had no authority to subpoena documents, compel testimony, swear witnesses, or grant immunity. It also lacked access to important documents and witnesses abroad, particularly in Israel. Some pivotal witnesses refused to testify, and some of those who appeared before the commission or its staff suffered from a lack of recall.

The three members of the Special Review Board all had a background in politics. John Tower, former Republican senator, chaired the board and had with him former Democratic Senator and Secretary of State Edmund Muskie and Republican foreign policy advisor Brent Scowcroft, who was a retired Air Force general.¹⁸

The commissions of this period distinguished themselves by having fewer lawyers and businessmen as members than in the 1964-75 era. While previous commissions also included some former or active politicians as members, the Iran/Contra board was the first presidential investigative commission dominated by political activists.

Conclusion

¹⁸Tower was in 1989 nominated Secretary of Defense by President George Bush, but failed to get Senate confirmation. Brent Scowcroft won the position of National Security Advisor to the President. The latter position was not dependent on congressional approval.

The average size of the executive commissions discussed in this chapter grew considerably between 1941 to 1987. While the commissions of the World War II and the years immediately after conformed to the standard of earlier periods with three or five members, later commissions were expanded up to thirteen members to include a greater variety of constituencies and professional backgrounds. Most recent commissions also had access to larger staffs than their predecessors. Between 1941 and 1987 professions traditionally associated with a world-view emphasizing individual or hierarchical accountability dominated numerically nine of the sixteen commissions (*Table 17*). Based on profession alone one should expect an emphasis on actor attributions as the major causal factor in the investigative reports of the modern period.

This period confirms the impression from earlier eras that investigative commissions feature only sporadically in the American presidency. While President Lyndon B. Johnson appointed four major commissions, presidents Dwight D. Eisenhower and John F. Kennedy appointed none. Of the twenty-three reports discussed here, sixteen were initiated during Democratic presidencies, and only seven were written under Republican regimes. In terms of cultural theory, with Democrats representing more egalitarian values, we should expect a predominance of systems orientation in the reports of the 1942-87 period (Wildavsky 1987, 16).

Methodology

Modern American commissions have applied a broad range of methods to gather facts and evaluate evidence in their investigations. While amateur perceivers may rely on "primitive beliefs in situations of uncertainty" (Heradstveit & Bonham 1986, 352), the number and variety of tools in use may have lowered the probability of attribution error by boards of inquiry.

Second World War and After (1942-52)

Pearl Harbor Attack 1941

Despite the narrow time constraints imposed on its work, the Roberts Commission managed to examine 127 witnesses in Washington and Honolulu. Primarily these were military officers, but also civilians were specifically encouraged to give evidence on Oahu in the Territory of Hawaii. The commission found that the "evidence taken covered a wide scope" (Pearl Harbor attack 1946, 2). Site visits were made to the naval base at Pearl Harbor, to airfields, army posts, and coast fortifications on Oahu. Photographs, maps, and charts were collected in a separate volume, and more than 3,000 pages of printed documents were examined (p. 2).

The Army Pearl Harbor Board held hearings in Washington, San Francisco, and Hawaii. It heard testimony from 151 witnesses and claimed "there has been no available document, witness, suggestion, or lead which promised any materiality that has not been carefully investigated by this board." However, "a few files were found from which important and vital papers [were] missing," but also in these cases copies were usually obtained elsewhere (p. 24). Although the war with Japan had yet to end, the commission stressed "the deep spiritual and moral obligation, as well as its professional and patriotic duty, to present an impartial and judicial investigation and report" (p. 25). It is doubtful whether these criteria all could have been fulfilled simultaneously. The Navy Court of Inquiry informed its readers only that it held sessions in Washington, San Francisco, and Pearl Harbor and examined "numerous witnesses from the State, War, and Navy Departments" (p. 297).

Ship and Airplane Disasters (1947-52)

The Texas City disaster commission collected testimony from witnesses and conducted visual observation of the site. To chart the course of the disaster, the board was aided by

several photographs of the local fire department combatting the fire. However, the extent of the catastrophe made it difficult as well to collect evidence since "many witnesses were in a plainly shocked or dazed condition when appearing before the board." Important witnesses were either killed or so seriously injured that they were unavailable to the board (Texas City disaster 1947, 547).

The air safety board of 1947 received data on accidents from CAB and took personal testimony from witnesses affiliated with governmental and private organizations in the air transport industry. The board "did not attempt to make formal findings as to the cause of any particular accident, this being the statutory function of the Civil Aeronautics Board" (Air safety 1947, 2). It did, however, inquire "into any deficiencies that might be found to exist in aircraft, airlines, government agencies, and operational procedures" (p. 3).

The airport commission of 1952 conducted an "intensive study of all aspects of aviation that bear on the airport problem" (Airports 1952, iii). Instead of formal hearings, the commission consulted with individuals and organizations. It visited thirty major airports and met with local authorities. In addition it gathered the opinions of seventy-five municipal governments on the use of airports. Inviting confrontation, the commission met civic organizations opposed to "aircraft operations in their vicinity" (p iv). The commission made extensive use of statistical evidence in analyzing accident risks and noise problems at airports, but

Table 18. Commission methodology in U.S. investigations 1942-52

| | Roberts 1942 | Army Board 1944 | Navy Court 1944 | Texas City 1947 | Air safety 1947 | Airports 1952 |
|-----------------------------|-----------------|--------------------|--------------------|--------------------|--------------------|------------------|
| Written evidence: | | | | | | |
| - Documents, files, records | Yes | Yes | Yes | Yes | Yes | Yes |
| - Newspapers | No | Yes | No | No | No | No |
| - Letters | No | No | No | No | No | No |
| - Statistics | No | No | No | No | Yes | Yes |
| - Questionnaire, surveys | No | No | No | No | No | Yes |
| Oral evidence: | | | | | | |
| - Hearings, open | No | No | No | Yes | No | No |
| - Hearings, closed | Yes | Yes | Yes | No | No | No |
| - Interviews | No | Yes | No | No | No | Yes |
| - Informal meetings | No | No | No | No | Yes | Yes |
| Field trips: | | | | | | |
| - Hearings | Yes | Yes | Yes | No | No | No |
| - Site visits | Yes | Yes | No | Yes | No | Yes |
| Illustrations: | | | | | | |
| - Charts, maps | No* | Yes | No | Yes | No | Yes |
| - Diagrams | No | No | No | No | No | Yes |
| - Photos | Yes* | Yes | No | Yes | No | Yes |

Note: * Refers to the published versions (Pearl Harbor 1942, 1946). Charts, maps, and photos were included in the original transcript of proceedings collected in a separate volume. N=6.

it did not conduct any tests itself.

Table 18 summarizes the methodologies used in the 1942-52 period. While the Pearl Harbor investigations emphasized highly formalized fact-gathering methods characteristic of judicial proceedings, the air accident investigators conducted surveys and held informal meetings rather than hearings. The staffs specifically assigned to these commissions were limited to two or three professional and secretarial assistants.

The Great Society and Vietnam Era (1964-75)

The 1964-75 period represented a culmination of the ambitions of presidential investigation commissions. There were many of them, they were well staffed, and generously budgeted. Time constraints set by executive order appeared as their main problem.

The Warren commission relied to a considerable extent on reviewing reports and other underlying material provided by federal and state investigative agencies (Kennedy 1964, xi). But it also heard 522 witnesses at hearings that were closed in order not to interfere with the trial of Jack Ruby, accused of killing Lee Harvey Oswald.

The Postal Organization Commission of 1968 did not delve deeply into the breakdown of services at the Chicago post office, but conducted a broad survey of the American postal system from the perspective of officials and consumers. The commission surveyed American households, asked for input from national organizations, and held informal meetings with postal employees. It visited post offices around the country and gathered data about foreign postal services (Postal excellence 1968, 7 and 191-4). Organizationally it had a small professional staff, but contracted with several consulting firms for studies of "all aspects of postal operations and management" (pp. 192). To supervise the contract studies, the commission established a monitoring team for each contractor.

The complex organization of the Kappel postal commission was replicated in several other investigations of the period. While the Kappel commission chose a business administration approach to its methodology, the Kerner commission of the same year was geared to the social sciences in a broad sense. Here, each of the introductory chapters was based on its particular social science methodology: sociology (both qualitative and quantitative), demographics, economics, and history. The data were collected from public documents, field investigations, in-depth interviews, statistical reports, and from state and local law enforcement agencies. The Kerner commission had a staff of ninety professionals led by several attorneys, but social scientists made up a large proportion of the consultants (Civil disorder 1968, 302-04).

The commission on violence of 1968-69 was the largest and most complex ad hoc investigation of this period, although it expressed modesty about its work: "Extensive as our study was, it could not embrace every aspect of such a complex problem. Others must build on our work, just as we have built on work that preceded ours" (Violence 1969, xxv). This disclaimer, familiar to readers of scientific literature, represented a change in perspective from the commission as investigator to the commission as research team. However, some of the expressed modesty may have been related to conflicts of opinion within the commission on the issue of civil disobedience (pp. 89-100). Yet, the broad social overview approach used by the commission in its main report was modified considerably by the specialized investigation reports it sponsored, since these reports provided detailed analyses of particular instances of civil disturbance with violent components. The special reports were researched, written, and published separately without editorial intervention by the commission. Data and conclusions from these case-studies were, nevertheless, incorporated into the final report of the Eisenhower commission itself.

Each special investigation team was led by academics and focused on a single event in a particular city. The five reports cover the following topics:

- Racial strife in Cleveland, 1968.
- Black civil disturbance in Miami, 1969.
- Student confrontations at San Francisco State College, 1968-69.
- Demonstrations during the Democratic National Convention, Chicago 1968.
- Disruption during the inauguration of President Nixon, Washington 1969.

All these reports used a methodology based on interviews, official reports, and newspaper accounts. Only the Miami group made use of formal hearings, whereas direct observation was used in the two cases where team members were able to be present at the events (*Shut it down!* 1969; *Rights in concord* 1969). Other evidence included photographs as well as motion-picture films. Despite similarities in methodology, the reports differed considerably in what was viewed as relevant for study. While four out of five reports focused heavily on the role of police and other law-enforcement agencies, the team responsible for the San Francisco report deliberately avoided evaluating police performance (*Shut it down!* 1969, 153).

With a large staff of 147, the Scranton commission on campus unrest was able to use a broad set of methodological tools. It held public meetings, arranged seminars with law enforcement officials, met with minority representatives, interviewed members of the campus community at eighteen colleges and universities, surveyed all U.S. colleges, commissioned scholarly papers, and conducted special investigations at Jackson State and Kent State.

The 1975 Rockefeller commission on the CIA conducted hearings with agency officials, had access to relevant files and used outside sources for verification. The commission was determined to conduct a "thorough and vigorous investigation" (CIA 1975, x). Its professional staff had on the whole a legal background.

The presidential mandates did not limit the scope of inquiry, but time limits were often felt as major constraints. The Eisenhower commission was given an extra six-month-

period by President Johnson's successor, Richard M. Nixon, to enable it to complete its ambitious work. On the other hand, the Kerner commission was concerned lest its recommendations come too late for the electoral campaign of 1968, so it pushed back its own deadline from July to March (Civil

Table 19. Methodologies used by presidential commissions 1964-75

| | Kennedy 1964 | Civil disorder 1968 | Postal service 1968 | Violence 1969 | Campus unrest 1970 | CIA activities 1975 |
|----------------------|-----------------|---------------------------|---------------------------|------------------|--------------------------|---------------------------|
| Written | Yes | | | | | |
| - Documents, reports | No | Yes | Yes | Yes | Yes | Yes |
| - Newspapers, books | No | No | No | Yes | Yes | No |
| - Letters | No | No | Yes | No | No | No |
| - Statistics | Yes | Yes | Yes | Yes | Yes | Yes |
| - Surveys | No | Yes | Yes | Yes | Yes | No |
| - Analytic studies | | Yes | Yes | Yes | Yes | No |
| Oral | No | | | | | |
| - Hearings, open | Yes | Yes | No | Yes | Yes | No |
| - Hearings, closed | Yes | Yes | No | Yes | No | Yes |
| - Interviews | No | Yes | Yes | Yes | Yes | No |
| - Informal meetings | | Yes | Yes | Yes | Yes | No |
| Field trips | N/A | | | | | |
| - Hearings | Yes | No | No | N/A | Yes | No |
| - Site inspections | No | N/A | Yes | N/A | Yes | No |
| - Field teams | | Yes | Yes | Yes | Yes | No |
| Tests | Yes | | | | | |
| - Physical | | No | No | No | No | No |
| Illustrations | Yes | | | | | |
| - Chart, map | No | No | Yes | Yes | Yes | No |
| - Diagrams | Yes | Yes | Yes | Yes | No | No |
| - Photos | | Yes | Yes | Yes | Yes | No |

Sources: U.S. Presidential Commission reports. N/A= data not available in report. N=6.

disorder 1968, 318). The commission on postal organization was alone in 1968, 193). Despite efforts at outside verification, the complaining of lack of money to complete a technological study (Postal excellence Rockefeller commission was to a major extent depended on the cooperation of the CIA (CIA 1975, xi). Lack of agency support led the commission to drop its inquiry into alleged plans to assassinate certain foreign leaders (p. xi).

Yet, when these commissions commented on their work, they generally expressed high confidence in its quality. Presidential support, sometimes with Congressional backing, ensured the commissioners authority to access information that would otherwise be unavailable. The methods used in this era are summarized in *Table 19*.

The Post-Modern Era (1979-87)

The Accident at Three Mile Island 1979

The Kemeny commission focused its investigation on "problems with the `system' that manufactures, operates, and regulates nuclear power plants" (Three Mile Island 1979, 8). From this angle it analyzed structural problems, process deficiencies, and communication problems. The members were also concerned with psychological issues, in particular "mind-set" problems within the nuclear industry, such as the confusion of regulation with safety, but also the mental stress effects of the accident on the population (pp. 9-10).

In its fact-gathering phase the TMI commission conducted public hearings

with testimony under oath, interviewed more than 150 people, and collected voluminous amounts of written material. In addition the commission collected statistical evidence and newspaper and other media accounts and made estimates of the health effects of the accident. The commission was not only concerned with the particular accident, but also constructed scenarios representing a change in the sequence of the events that took place. The point of this exercise was to explore conditions that unequivocally would have lead to a fuel-melting accident. (Three Mile Island 1979, 14). Despite these efforts to uncover the causes of the accident, the commission was unable to get full knowledge about the state of the core and conditions inside the reactor building (p. 15).

Beirut Massacre 1983

The Defense Department commission on the attack on the U.S. Marines in Beirut concentrated on interviews in closed session with 125 witnesses. It made a site inspection in Beirut with field trips to other cities in Israel, Cyprus, Spain, Italy, and Germany. The central focus of the investigation was "on the security of the U.S. contingent of the Multinational Force through 30 November 1983," which included the five weeks immediately after the attack (Beirut 1983, [2]).

Table 21. Commission methodology in investigations 1942-87

| | 1942-52 | 1964-75 | 1979-87 | 1942-87 | |
|-----------------------|---------|---------|---------|---------|-------|
| | (n=6) | (n=6) | (n=4) | N | % |
| Written | | | | | |
| Documents, reports | 6 | 6 | 4 | 16 | 100.0 |
| Newspapers, books | 1 | 2 | 2 | 5 | 31.2 |
| Letters | 0 | 1 | 1 | 2 | 12.5 |
| Statistics | 2 | 5 | 2 | 9 | 56.2 |
| Surveys | 1 | 5 | 0 | 6 | 37.5 |
| Analytic studies | 0 | 4 | 3 | 7 | 43.8 |
| Electronic data bases | 0 | 0 | 3 | 3 | 18.8 |
| Oral | | | | | |
| Hearings, open | 1 | 3 | 2 | 6 | 37.5 |
| Hearings, closed | 3 | 5 | 2 | 10 | 62.5 |
| Interviews | 2 | 5 | 4 | 11 | 68.8 |
| Informal meetings | 2 | 4 | 2 | 8 | 50.0 |
| Field trips | | | | | |
| Hearings | 3 | 1 | 3 | 7 | 43.8 |
| Site visits | 4 | 3 | 3 | 10 | 62.5 |
| Field teams | 0 | 4 | 1 | 5 | 31.2 |
| Tests | | | | | |
| Technical | 0 | 1 | 2 | 3 | 18.8 |
| Illustrations | | | | | |
| Charts, maps | 3 | 4 | 3 | 10 | 62.5 |
| Diagrams | 3 | 3 | 2 | 8 | 50.0 |
| Photos | 5 | 5 | 3 | 13 | 81.2 |
| Averages | 6.0 | 10.2 | 10.5 | 8.7 | - |

Note: N=16

Challenger 1986

The Rogers commission appointed by President Reagan focused on the technical and administrative aspects of the events leading up to the space shuttle accident.

The commission declared that it saw itself changing from "overseers to that of active investigators and analysts of data" (Challenger 1986, 206). It made use of a broad range of methods in gathering and presenting the evidence. It conducted open public hearings as well as closed panel sessions. It made considerable use of audiovisual material, such as film, video, audiotapes, and photographs. It made field trips to manufacturers and the landing area, conducted statistical sampling, made drawings and charts, used telemetry data, and arranged teleconferences. The commission received contributions from 1,300 NASA employees, 1,600 other civil servants, and from 3,100 employees of contractor organizations. With this mass of data, the commission made a particular effort to establish data bases and use bibliographic methods (pp. 214-8).

Iran/Contra 1987

Unlike the other commissions of this era the Tower commission saw its main concern as the "interaction of people" and possible "mistakes of omission, commission, judgment and perspective" (Iran/Contra 1987, 4). Although its mandate covered the role of the National Security Council in covert operations in general, it focused mainly on charting the moves—initiatives, position-taking, and actions—of actors in the Iran/Contra affair.

The Tower commission had access to working documents, stored computer messages, and parts of the presidential diary. Academics prepared fourteen case studies of critical incidents in the history of the National Security Council after 1947. The commission interviewed eighty people, some of them anonymously. To document the flow of events the commission created transaction charts showing the sale of Israeli missiles to the Iranians (Iran/Contra 1987, 439-449).

Conclusion

The summary *Table 21* shows how traditional types of providing evidence such as collecting and collating documents and conducting hearings continued as methodological mainstays of investigation by commission. Letters, which were important in earlier eras, dwindled in importance, while methods that allowed for system-wide searches of causality ascended. These new methods included surveys, analytic studies, and the use of electronic data bases. Commissions making use of such tools had a greater chance of uncovering system errors as causes for administrative breakdown.

5. MODERN AMERICAN COMMISSIONS: CAUSE AND CIRCUMSTANCE

The previous chapter presented factors that according to theory favor either an actor or a systems view in deciding causality by investigative commissions. These factors concerned the appointment, composition, and methodology of the commissions. On this basis one can make conjectures about the causal ascriptions of hypothetical commissions.

This chapter takes the analysis a step further by considering the actual attributions of causality made in investigation reports between 1942 and 1987. discussion begins with the circumstances that led to each investigation. Then follows an analysis of the ascription of causes and responsibility. Since most commissions distinguish between immediate and contributing causes, the latter are occasionally seen as the fundamental factors that absolve the individual actor of responsibility and blame. Investigations between 1838 and 1913 showed a longitudinal trend from individual blame toward system blame. The analysis of investigative reports from 1942 to 1987 allows us to examine whether this tendency was sustained in the modern era. Whether commissions favor actor or system attributions also can be mirrored in the type of recommendations made and the ideas expressed about administrative issues. However, this is the topic of the next chapter.

Primary or Immediate Causes

Among a set of probable causes, most commissions settle at most a very few as the immediate or direct cause that unleashed the disastrous event. Modern investigative commissions have attributed these primary causes to personal, systemic, and environmental

factors. Nineteenth-century commissions included flaws of character and proficiency in their judgment of the accountability of top officials. Modern investigators have not reverted to this early view of personal accountability. Yet, when commissions make actor attributions, they often find the immediate cause of the administrative failure in errors made by top officials or even by operators at lower levels of the organizational hierarchy. Commissions making systems attributions often point to organizational issues as primary causes, while the environmental attributions made by major commissions of the Great Society Era (1964-1975) include problems of poverty, racial discrimination, and urban blight. The reports of the post-modern era (1979-87) seem to indicate a return to a narrower view of causality limited to personal and system factors. However, this chapter opens with a discussion of the commission reports on the Japanese attack on Pearl Harbor in 1941. These investigations revived the focus on dispositional traits of high officials as primary causal explanations of administrative failure.

Second World War and After (1942-52)

Pearl Harbor Attack 1941

The Roberts Commission's main concern was the lack of preparedness by the U.S. armed forces for an air attack on Pearl Harbor. Several factors contributed to this situation, but the commission concluded that the principal cause was the failure of the local army and navy commanders to heed warnings from the War Department. Gen. Walter C. Short and Adm. Husband E. Kimmel also failed to inform each other of their actions and plans. "The dispositions so made were inadequate to meet a surprise air attack" (Pearl Harbor attack 1946, 18). The commission found this failure

a dereliction of duty on the part of each of them not to consult and confer with each other respecting the meaning and intent of the warnings, and the appropriate measures of defense required by the imminence of hostilities . . . Each failed properly to evaluate the seriousness of the situation. These errors of judgment were the effective causes for the success of the [Japanese] attack (p. 21).

That officers in the War Department failed to take proper action on messages received from Hawaii did not mitigate the blame directed at the two commanders (p. 20).

The Army Pearl Harbor Board of 1944 took a broader view of the circumstances leading up to the outbreak of war in 1941. It provided analysis of the political background for the conflict, the strength of enemy forces, the War Department's actions to prepare for a surprise attack, and the state of readiness of the Hawaiian defenses. Despite information that negotiations between Japan and the U.S. had come to the breaking point, the War Department failed to inform the Hawaiian commanders of the full gravity of the situation. Nor were Short and Kimmel fully informed about the build-up of Japanese forces at the Marshall Islands, then a Japanese possession. "The War and Navy Departments transmitted to Short and Kimmel only as much of what they knew as they judged necessary" (p. 88). An atmosphere of caution prevailed in Washington. This meant that the information provided was both incomplete and misleading. The behavior of the top officials in the War Department reflected an attitude that Douglas McGregor (1960) later called Theory X management. Nevertheless, the board did not exempt General Short from criticism: "Short appears to have completely misapprehended the situation, the psychology and intentions of the enemy, by putting into effect his sabotage alert" against a possible fifth column in the territory. Rather, he should have concerned himself with Japanese espionage, and have taken an initiative to inquire of higher authority whether he had support and approval for his actions (Pearl Harbor 1946, 102).

In its fact-finding section the army board pointed to several weaknesses in the preparations for war, but did not clearly distinguish between primary and secondary causes. However, beyond the superiority of the enemy in intelligence, competence, and strength, the board saw the disaster as caused by failure of communication and information within the military establishment, failure of mental and technical preparedness against a surprise attack, mistaken problem definitions, and failure to coordinate and delegate locally. In sum

the "thinking in the War Department and the Hawaiian Department was faulty in that it emphasized probabilities to the exclusion of capabilities" (p. 145). Several actors in Washington and Hawaii shared responsibility for this failure. Secretary of State Cordell Hull was blamed for promoting policies that conflicted with the efforts of the War and Navy Departments to gain time for preparations for war. The Army Chief of Staff, Gen. George C. Marshall, and the Chief of the War Plans Division, Maj.Gen. Leonard T. Gerow, failed in their duties to keep the commander in Hawaii properly informed (pp. 175-6).

While the Roberts Commission was careful to exonerate all subordinate officers and enlisted personnel in Hawaii, the army board blamed a Lt. Kermit A. Tyler for an "indefensible action." He had failed to transmit a radar message concerning approaching planes to his superiors in the early morning of the day of the attack. The commission hypothesized that, "if Tyler had communicated this information, the losses might have very greatly lessened" (p. 97).

Although the Pearl Harbor Army Board pointed to serious weaknesses in the American military command structure, it gave individuals responsibility for failing to live up to the demands of their office. The attribution of blame was, however, blunted by diffusing it among several actors, all of whom were surprised by the attack. The report noted the incongruity that: "Apparently the only person who was not surprised was the Secretary of War, Mr. [Henry L.] Stimson, who testified: 'Well, I was not surprised'" (p. 77). Blame was blunted further by a top secret report appended to the main report. Here the board documented that the War Department possessed in advance a Japanese message that war was imminent on 6 or 7 December—a message that was "clearcut and definite" (p. 230).

The board made a separate investigation into delays of defense construction in the Territory of Hawaii. Although the chief engineer for the projects, Colonel Theodore Wyman, Jr. had shown negligence and inefficiency in executing his job, the board concluded that

The peacetime organization and conduct of the Corps of Engineer's construction activities, with the red tape involved in staff procedure, priorities and procurement, were such as made delay practically inevitable (p. 177).

The conclusion the reader can draw from the army report is that although the board stressed personal responsibility, system error and shared misconceptions contributed decidedly to the disaster at Pearl Harbor. This implied that whoever held these particular posts would act in similar fashion.

While the report of the army board is written in a lively, journalistic fashion, the report of the Navy Court of Inquiry maintains the formal style of a judicial document. The navy court concluded that "no offenses have been committed nor serious blame incurred on the part of any person or persons in the naval service" (p. 321). This meant, in particular, that "only had it been known in advance that the attack would have taken place on 7 December, could there now be any basis for a conclusion as to the steps that might have been taken to lessen its ill effects" (p. 320). Admiral Kimmel could therefore not be accused of dereliction of duty; on the contrary the court of inquiry said that the "steps taken were adequate and effective" and indicative of the admiral's appreciation of his responsibility (p. 319). The only person criticized by the navy court was Adm. Harold R. Stark, U.S.N., Chief of Naval Operations, who

failed to display the sound judgment expected of him in that he did not transmit to Adm. Kimmel, Commander in Chief, Pacific Fleet, during the very critical period from 26 November to 7 December, important information which he had regarding the Japanese situation . . . and that an attack in the Hawaiian area might be expected soon (p. 321).

In its opinions, then, the navy court focused on individual blame, avoiding the broader issues of possible system failure as pursued by the army board.

All three Pearl Harbor commissions made personal accountability the main issue of their investigations. System and environmental factors were introduced mainly to ascertain the extent of personal responsibility. While the Roberts Commission and the Navy Court focused almost entirely on the actors at Pearl Harbor, the Army Board's systems view

increased the number of actors that somehow contributed to the disaster. This had the effect of reducing the immediate causal responsibility of the Hawaiian commanders.

Texas City Disaster 1947

The board of investigation could not find the origin of the fire on board the SS "Grand Camp," nevertheless, it concluded that it was caused by unauthorized smoking in the hold of the vessel (Texas City disaster 1947, 547-8). The fire started within ten minutes after longshoremen had entered the hold, and the commissioners found that the French officers had not been able to enforce smoking prohibitions on board (p. 540). This was not a problem exclusive to the "Grand Camp"; the board noted that "efforts to strictly enforce no smoking restrictions are met with threats by longshoremen to walk off the ship" (p. 547).

Another cause for the disaster was the failure of the crew to extinguish the fire in its early stages by applying water from the ship's fire hoses. The second captain had ordered that no water should be used (p. 541). The report devoted considerable attention to the improper labelling of the cargo, but concluded "that even if the fertilizer had been described in all shipping papers as 'ammonium nitrate' the end result would have been the same" (p. 548).

Air Safety 1947

In its secondary analysis of three major air accidents, the air safety commission found "no particular pattern" (Air safety 1947, 4). Yet, this evaluation propelled the commission to give primary attention to problems of take-off and landing, navigation aids, and many phases of airway traffic control (pp. 4-5). The analyses and recommendations for "correction of detail" were submitted to the president before the commission proceeded to identify questions of scientific advance and institutional reorganization (p. 5). This commission adopted a

systems view from the start by focusing on general issues of air safety instead of particular causes of accidents.

Airports 1952

Although the airport commission was "an outgrowth of a sequence of tragic accidents in the New York—Northeastern New Jersey metropolitan area," it dismissed these events as "mishaps [that] were confined, by coincidence, to a single community" (Airports 1952, 3). The commission did not discuss the particular causes of each accident, but said that "along with every other vehicle invented and used by modern man, aircraft suffer occasional accidents with resulting fatalities to their occupants" (p. 3). Airplane accidents were seen as the normal, unavoidable consequence of "calculated risk," which the report defined as a "willingness to embark deliberately on a course of action which offers prospective rewards outweighing its dangers" (p. 49). Although accidents were unavoidable, the commission was confident that "current improvements in equipment and in operational procedure . . . offer the possibility that accidents of all kinds will be further reduced" (p. 3). The apparent determinism about each individual accident was thus modified by optimism about the future trend of accidents in general. However, in viewing accidents as inevitable in the short term, the airport commission showed intellectual ties to the fatalism found in President Tyler's report on the "Peacemaker" gun explosion of 1844 (Princeton 1844).

The airport commission did not discuss questions of personal accountability. By emphasizing equipment and operational procedures the commission served as a clear instance of blaming circumstances or the system.

The Great Society and Vietnam Era (1963-75)

Except for the Warren Commission, the investigative boards of the 1963-75 era examined cases of administrative breakdown of great complexity. To decide even the immediate

causes required data gathering on a large scale and data analysis on a sophisticated academic level.

The Kennedy Assassination 1963

The Warren commission stated that "the shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald" (Kennedy 1964, 19). The commission found no conspiracy or involvement by any other in the assassination. Also Jack Ruby was found to have acted on his own in the subsequent killing of Oswald, 24 November 1963 (p. 22). Thus, in both cases individuals were clearly to blame, although the commission also considered factors discussed in the next section on underlying causes.

Civil Disorder 1968

The 1968 Kerner report found that the civil disorders of the previous year could not be blamed on individuals, but had to be explained by a set of immediate social factors. Most of these factors related to the living conditions of the poor, black urban population in the United States:

- frustrated hopes
- legitimization of violence
- powerlessness
- incitement and encouragement of violence

However, a fifth factor—the police—was seen as the spark: "Almost invariably the incident that ignites disorder arises from police action . . . all the main outbursts of recent years were precipitated by arrests of Negroes by white police for minor offences" (Civil disorder 1968, 206). However, the commission did not find this set of immediate causes of the 1967 urban riots to be the basic cause.

Postal Breakdown 1968

The committee on postal organization pointed at management problems as well as physical shortcomings as causes of the "postal catastrophe" at the Chicago Post Office in Chicago in October 1966. The management problems included:

- vacancy in the postmaster's position
- unusually many retirements
- low employment morale
- high sick leave ratio
- low productivity

The physical shortcomings encompassed plant congestion and equipment breakdowns (Postal excellence 1968, 11-12). The Kappel commission blamed no individual for the Chicago postal disaster; on the contrary it concluded that the "facility and management problems of Chicago, in varying degrees, exist in post offices all over the country" (p. 12). The commission traced the problems of the U.S. Post Office to "the primary cause—an outmoded and inappropriate management process" (p. 31), which it explained as "a failure . . . of methods, rather than of men" (p. 33).

The primary causes were further broken into other characteristic failures of the postal service system: neglect of customer needs, poor personnel policies, and chaotic financial practices. The commission found unproductive labor-management relations, and a system of user rates and fees that was "disturbing in its irrationality" (p. 29). The yardstick of rationality that the commission had in mind was a "modern cost accounting system" as practiced by many corporations (p. 31). The hyperbolic description of a postal catastrophe was substantiated by evaluating the service according to the market-oriented norms of modern business administration, rather than the conventional expectations directed at politically sensitive bureaucracies. The postal catastrophe was seen as a failure of market response, rather than of hierarchy. Thus the commission attributed no blame to Postmaster

General Lawrence F. O'Brien or other officials who had operated within the established norms of the Post Office.

Causes of Violence 1969

The Eisenhower commission of 1969 concerned itself mainly with historical, social, and institutional variables that it found contributing to the high crime levels in the United States. To a limited extent it also considered individual factors. However, only in cases of presidential assassination did the commission find it true that the cause of violence solely could be attributed to the action of individuals (Violence 1970, 105). These assassins "typically have been white, male, and slightly built. Nearly all were loners and had difficulty making friends of either sex and especially in forming lasting normal relationships with women" (p. 106). The commission even drew a hypothetical profile of a potential presidential assassin, who besides the traits already mentioned, came from a broken home, was withdrawn, had an unstable work life, and was a self-appointed savior (pp. 106-7).

As for violence in general the commission attributed the primary cause to social factors: "It is the ghetto slum that is disproportionately responsible for violent crime" (p. xxx). America had a history of violence, sustained in the consciousness of the present by the existence of slum ghettos, where people accepted violence as a way of gaining goods and services. Violent crime was also associated with rapid social change, ineffective law enforcement, and weakened legitimacy of social and political institutions (pp. 31-36).

The commission particularly concerned itself with the causes of what it called group violence linked to the political protest movements of 1968-69. Based on specially commissioned reports on major protest manifestations, the commission drew "the conclusion that the amount of violence that occurred during these demonstrations and the resulting effects on public opinion were directly related to the kind of official response that greeted them" (p. 61). During the Democratic National Convention of 1968 in Chicago,

police had contributed to a cycle of escalating violence, while at the presidential inauguration in Washington, January 1969, police constraint kept turmoil at bay (p. 63). The commission pointed out that "panic, overt expressions of anger, and inflammatory use of force are serious breaches of police discipline" (p. 65).

Overall, the Eisenhower commission blamed group violence on the established institutions of authority for failing to adapt to changing social and political circumstances. However, the orientation toward system blame may have been affected by the broadness of the mandate given to the commission by President Johnson. Dealing with issues from a national point of view, environmental factors of causation may be expected to take precedence as causal explanations, since single acts can be recognized as serving a larger social purpose (Shaver 1985, 162-168). On the other hand, we should expect a sharper focusing on individual responsibility by turning to the reports of the special investigation teams organized by the same commission.

A study team investigated the violent confrontations that occurred in Chicago during the week of the Democratic National Convention in August 1968. They found that while demonstrators provoked the disturbances, it was followed by "unrestrained and indiscriminate police violence on many occasions, particularly at night" (Rights in conflict 1968, vii). Besides demonstrators, policemen assaulted innocent bystanders, newsmen, and photographers. The team led by Daniel Walker described the confrontation as a police riot. "Individual policemen, and lots of them, committed violent acts far in excess of the requisite force for crowd dispersal and arrest" (p. ix). Responsible were a minority of policemen who lost control of themselves, while the "vast majority of the demonstrators were intent on expressing by peaceful means their dissent" (pp. ix, xiii).

Also in August 1968, a riot occurred in the black neighborhood of Liberty City close to the Republican National Convention held in Miami. The Miami Study Team found that "the disturbances originated spontaneously and almost entirely out of the accumulated

deprivations, discrimination, and frustrations of the black community in Liberty City" (Miami report 1969, viii). However, the riot spread when more people were attracted to the streets by radio news and by white politicians who encouraged people to come out on the streets, only then to tell them to go home (pp. 25-26).

The team appointed to study the confrontations in the wake of a long-lasting student strike at San Francisco State College found it obvious that the primary causes were actions taken by black student leaders. The team therefore focused its report on the underlying issues (Shut it down! 1969, 2).

A confrontation between black militants and the police culminated in a shoot-out in Cleveland, 23 July 1968, killing seven people. Arson and looting in black districts of the city followed the shootings. The investigation team attributed the initial confrontation to a small, well-equipped army of black extremists. However, it did not fully accept the subsequent murder conviction of a black militant, Fred Evans, as providing a full explanation for the events (Shoot-out in Cleveland 1969, xxxi and 117).

A task force watched the disruptions that interfered with the inaugural festivities of President Richard M. Nixon in January 1969. At an early stage the observers saw the interference as a result of large crowds and poor planning by the organizers of the "counter-inauguration." Dissenters and counter-demonstrators among the protesters contributed to the scuffles. Throughout this period, 18-20 January, there were too few police to handle the crowds. Some policemen failed to identify themselves, others were overexcited or tired. The serious disruption toward the end of the inauguration, the task force saw as the result of failure of coordination and communication between all concerned (Rights in concord 1969, 101-113). The task force blamed a small group of one hundred demonstrators who "came to Washington threatening to create disorder" (p. 114). Other people occasionally joined or supported the core group. Individual, but unnamed, policemen overreacted or made

misjudgments, just as the task force found it "unwise" to have "agents in coats and ties taking pictures of demonstrators point blank" (p. 115).¹

While the Walker report on the Chicago riot listed individual police violence as a primary cause, the other teams discussed the role of the authorities on the individual and institutional level as contributing factors rather than primary causes. Compared to the central Eisenhower commission itself, the various study teams attached to it put a greater emphasis on individual actions as primary causal factors. However, these attributions did not necessarily lead to the blaming of the persons concerned, since the subgroups also found underlying causal factors that tended to deflect responsibility and blame. This reasoning will be discussed further in the section on secondary causes in this chapter.

Campus Unrest 1970

The President's Commission on Campus Unrest identified the proximate cause of campus unrest as the "aggregate result, or sum, of the hundreds and thousands of individual beliefs and discontents." The commission stated as well that, "campus unrest has many causes, that several of these are not within the control of individuals or of government, and that some of these causes have worked their way in obscure and indirect ways" (Campus unrest 1970, 51).

Although the commission held back from suggesting a precise cause of student protest at American universities and colleges, it used its own special report on the tragic shootings at Kent State University on 4 May 1970 to draw lessons for its main recommendations (p. 233). As causes for the events that led to the death of four students, the Scranton commission listed several failures by the authorities: state, city, and university. Officials made exaggerated, conflicting, and inflammatory statements. There was lack of

¹The role and background of these agents were later investigated by the Rockefeller commission (CIA 1975).

cooperation between campus and city police, failure of the authorities to respond in time to disorderly incidents, and non-fulfilled threats of injunctions (pp. 242-55). The National Guard underestimated the distance between itself and the students, and the guardsmen started to shoot without order to give fire. They were also frightened and tired due to lack of sleep (pp. 267-272).

The commission blamed the tragedy on several actors. Many students had shown intolerable conduct: "The actions of some students were violent and criminal and those of some others were dangerous, reckless, and irresponsible" (p. 289). The National Guard made a serious error in prohibiting a student rally; "the timing and manner of dispersal were disastrous" (p. 288). The shooting of students was unnecessary, unwarranted, and inexcusable. The issue of firearms to the guardsmen was unjustified and there was inadequate fire control discipline (p. 289). The commission did not blame any particular guardsman or officer for these failures. Overall, the commission found that alumni, citizens, and government leaders were "guilty of substituting thoughtless criticism for helpful support" (p. 147). Although this was a dispositional attribution, the commission avoided criticizing anyone directly.

Shooting at Jackson State College in Mississippi on 14 May 1970, led to two deaths and twelve wounded among the students. Despite serious obstacles in collecting physical and oral evidence, the Scranton commission was able to uncover several immediate causes of the tragic event:

- anonymous phone calls spreading false rumors
- verbal abuse of police by students
- confusion about objectives between the Mississippi State Highway Patrol and the National Guard
- indiscriminate shooting without orders, and indiscriminate overreaction by the police

The commission rejected the allegation of the Jackson State College president that a "faceless, mindless mob" caused the tragedy (pp. 422-453). However, the members had to admit that "we do not know the specific cause of the first rock-throwing incident" (p. 447). Again most of the culpability fell on the authorities, in particular the Mississippi State Highway Patrol.

CIA Abuses 1975

The 1975 investigation of CIA activities within the U.S. was not sparked by a single disaster, but by several separate allegations of misconduct by CIA outside its legal domain. This gave the Rockefeller Commission an opportunity to focus on overall organizational practices. Besides it carried out detailed investigations of particular areas of possible abuse on the managerial and operational levels.

In several cases the commission found that CIA had gone beyond its mandate by involving itself in domestic intelligence activities such as mail intercepts, collection of material on dissidents, infiltration of dissident organizations, and investigation of newsmen. The mail intercepts were initiated by illegal agreements between top officials in the 1950s, CIA Director Allen Dulles and Postmaster General Arthur E. Summerfield. This practice lasted until 1973 through failure by their successors to end it. The other malpractices began after pressure from the White House during the presidencies of Lyndon B. Johnson and Richard M. Nixon. Some of these activities were conducted by CIA operators who failed to comply with normal control procedures. Specific instances of malpractice the commission blamed on top management within the CIA, political figures, and individual agents. In addition the commission faulted organizational procedures and practices within the agency. The Rockefeller commission thus attributed blame to individual as well as management factors.

The Post-Modern Era (1979-87)

Three Mile Island 1979

The Kemeny commission found multiple causes for the nuclear accident at Three Mile Island, but "the major factor that turned this incident into a serious accident was inappropriate operator behavior" (Three Mile Island 1979, 11). "The equipment was sufficiently good that, except for human failures, the major accident would have been a minor incident" (p. 8). An original equipment failure was exacerbated by operator errors, which could be traced to deficient training. This personnel group included operators, engineers, and supervisors employed by the utility, GPU (p. 27). No public officials were directly blamed for this event.

Beirut 1983

The destruction of the U.S. Marine headquarters at the Beirut International Airport had multiple origins, but the immediate cause was the penetration of the compound by "a large truck laden with the explosive equivalent of over 12,000 pounds of TNT," which the commission argued was "tantamount to an act of war using the medium of terrorism" (Beirut 1983, [3-4]). The bombing was a suicide mission committed by the driver for a "revolutionary organization within the cognizance of, and with the possible support from two neighboring States" (p. 122). The report did not identify the organization or the countries that were attributed responsibility for the attack.

Space Shuttle "Challenger" 1986

The investigative commission traced the immediate cause of the space shuttle disaster to a technical failure found in a rocket: "The loss of the Space Shuttle Challenger was caused by a failure in the joint between the lower segments of the right Solid Rocket Motor"

(Challenger 1986, 40). A faulty design unacceptably sensitive to several factors led to the failure of the pressure seal in the aft joint of the rocket motor (p. 72).

Iran/Contra 1987

Although the Tower commission found that the "whole matter cannot be fully explained" (Iran/Contra 1987, 16), it ascribed primary responsibility for the Iran/Contra debacle to government officials. The commission failed to establish that the President himself had given prior approval to the first arms shipments to Iran, but later he evidently agreed to this circumvention of official U.S. policy so as to attempt to secure the release of American hostages in Lebanon (pp. 29-38). The prime mover behind this initiative was the National Security Advisor, Robert McFarlane, who in the middle of the affair resigned to be succeeded by Vice Admiral John Poindexter. For the events that followed, the commission mainly blamed Lt.Col. Oliver North of the NSC Staff. In his meetings with the Iranians, the board accused North of misrepresenting his access to President Reagan and having "attributed to the President things the President never said" (p. 49). He acted without authority in agreeing to an agenda that allowed the Iranians to increase their demands for the release of hostages (p. 50).

The commission conceded that the evidence it assembled about NSC involvement in support of the Contras was "somewhat anecdotal and disconnected" (p. 57). Yet, the commission found sufficient grounds to accuse North of taking on an unwarranted operational role, when he began "coordinating logistical arrangements to ship privately purchased arms to the Contras" (p. 59). The board found no record that anyone formally authorized this arrangement (p. 60).

The transactions with the Iranians also involved other officials, but on the level of causal responsibility (Shaver 1985), the board singled out Lt.Col. North for passing intelligence to Iran, setting agendas, assuming operational roles, and acting without formal

authorization from his superiors in the White House. He was also found responsible for having misrepresented U.S. policy abroad beyond concealing and withholding information from the presidential review board. Former NSC Advisor Robert McFarlane also presented the board with an inaccurate account, but later recanted (p. 85).

On the causal level of responsibility Vice Adm. Poindexter failed with regard to foresight. He was informed about many of North's activities, but ignored the serious political and legal risk they presented to the President. Similarly responsible were CIA Director William Casey, White House Chief-of-Staff Donald Regan, Secretary of State George Shultz, and Defense Secretary Caspar Weinberger (pp. 81-82). Nevertheless, the board ascribed the president some responsibility for the Iran/Contra affair. Although NSC officials and principals withheld information, President Reagan should have known about the affair despite his delegatory management style (p. 79).

The operations of the Iran/Contra affair were clearly intentional. The participants knew they were avoiding or bending legal restrictions on selling to the Iranians and aiding the rebel forces in Nicaragua. On the other hand the affair also failed to secure the release of American hostages in Lebanon.² The investigative board found that the NSC staff should have appreciated the consequences of their operations, but the president may not have, since others neglected to provide him with information enabling him to see that "content and tactics match[ed] his priorities" (p. 80).

Several people outside the government also participated in the affair. Field operators failed to secure landing rights from third countries for the transport of Israeli arms shipments in 1985. On this occasion, former General Richard Secord and his associates carried out an "unprofessional operation" in an "amateurish way" (p. 73). Some foreign intermediaries, such as Manucher Ghorbinafar, had doubtful reputations (p. 40).

²The last of the American hostages in Lebanon were not released until 1992, when the political situation in the Near East had changed after the Gulf War and the opening of direct negotiations between Israel and her neighbors in December 1991.

Table 22. Primary or immediate causal attributions 1942-87

| Causes | Reports |
|-------------------------------------|-------------------------------------|
| <i>Individual failure</i> | |
| - Dereliction of duty | Pearl Harbor (Roberts) 1942 |
| - Lack of comprehension, initiative | Pearl Harbor (Army) 1944 |
| - Failure of judgment | Pearl Harbor (Navy) 1944 |
| - Failure of enforcement | Texas City disaster 1947 |
| - Assassination | Kennedy 1964 |
| - Police violence | Rights in conflict (Walker) 1968 |
| - Student leaders | Shut it down! 1968 |
| - Individual extremism | Shoot-out in Cleveland 1968 |
| - Operator error | Three Mile Island 1979 |
| - Unauthorized actions | Iran/Contra (Tower) 1987 |
| <i>System failure in</i> | |
| - Preparedness and communication | Pearl Harbor (Army) 1944 |
| - Organization and conduct | Defense construction (Army) 1944 |
| | Air safety 1947 |
| - Air traffic control | Airports 1952 |
| - Equipment and operations | Civil disorder 1968, Violence 1969, |
| - Social factors | Miami 1969, Campus unrest 1970 |
| | Postal excellence 1968 |
| | Rights in concord 1969, Kent State |
| | 1970 |
| - Management | Jackson State College 1970 |
| - Coordination and communication | CIA activities 1975 |
| | Beirut 1983 |
| - Police organization | "Challenger" 1986 |
| - Organizational procedures | |
| - Prevention of terrorist attack | |
| - Technical features | |

Sources: U.S. investigation reports.

Conclusion

The Second World War saw the reemergence of actor attribution as causal explana

tion for administrative failure. The military commanders were made accountable for the disaster at Pearl Harbor caused by the success of the Japanese attack. The emphasis on personal accountability characterized the first Pearl Harbor commission of 1941-42, but was in principle maintained by the commissions that followed. However, the 1944 Army Board report counterbalanced the stress on actor attributions by lending weight to system causal explanations. Modern boards of inquiry only rarely made actor attributions directed at officials in top hierarchical positions after 1944. Individual causal agents were commonly either operators on the lowest hierarchical level in the organization or non-governmental actors. Instances of operator causation can be found in the reports on the tumultuous events during the 1968 Democratic National Convention in Chicago (Rights in conflict 1968) and the nuclear accident at Three Mile Island in 1979. Non-governmental actors as causal agents are found in the reports of the Texas City disaster (1947), the Kennedy assassination (1964), the San Francisco State College student strike (Shut it down! 1968), and the 1968 street battles in Cleveland (Shoot-out in Cleveland 1968). The blaming of officials in high places and the disavowal of system factors in the recent 1987 Iran/Contra report thus represented a mode of casual attribution mostly absent in earlier reports of the modern era.

Throughout the modern period, 1942 to 1987, system failures found in investigation reports mainly concerned problems of organization on the part of the state. The major exception was the focus on social factors found in reports of the Great Society and Vietnam War era (1965-75).

Secondary or Underlying Causes

While the cause of a particular administrative failure usually can be traced to an immediate cause, modern investigation commissions always consider other factors that may have contributed to the disaster. Usually, but not always, these factors deal with aspects of the

system. If the underlying causes are significant enough, they may help to absolve immediate actors of responsibility and blame.

Second World War and After (1942-1952)

Pearl Harbor 1941

In its investigations of the Pearl Harbor attack, the Roberts Commission found several contributory causes for the success of the Japanese forces:

- Disregard of international law by the Japanese.
- Restrictions that prevented effective counter-espionage.
- Emphasis in warning messages on probability of Japanese attack in the Far East, rather than Hawaii.
- Failure of the War Department to reply to messages relating to anti-sabotage measures sent by the commanding general in Hawaii, General Short.
- Non-receipt in Hawaii of the warning message sent on the day of the attack, 7 December 1941 (Pearl Harbor attack 1946, 21).

The contributory causes were, however, not enough for the Roberts Commission to absolve Short and Kimmel.

In its conclusions the Army Pearl Harbor Board of 1944 did not distinguish between primary and contributory causes; it put the failures of the War Department on par with the failure of the commanding general of the Hawaiian Department (p. 175). Compared to the Roberts Commission, the army board made a harsh judgment against the military establishment in Washington.

The Navy Court of Inquiry found several limitations in the ability of the Commander-in-Chief of the Pacific Fleet, Admiral Kimmel, to act effectively against the attackers on 7 December 1941. Legal requirements prevented him from taking offensive action prior to a declaration of war by the Congress. Deficiencies in personnel and matériel

"had a direct adverse bearing upon the effectiveness of the defense of Pearl Harbor on and prior to 7 December" (p. 319). The court was also of the opinion that Japan possessed superior naval forces and considerable intelligence ability. This gave her "an initial advantage not attainable by the United States" (p. 319). While the army board directed its critical conclusions at the military hierarchy in Washington, the navy court emphasized how Kimmel was fenced in by constraints of a legal, informational, and material character. Within these constraints his actions were adequate and sound (pp. 319-320).

By considering a set of systemic factors, the army board and the navy court in effect eliminated the blame that the Roberts Commission had attached to the commanders on Hawaii. This did little to revive the careers of the unfortunate officers, but opened for a reorganization of the U.S. defense establishment after the war.

Texas City Disaster 1947

In its opinion on the Texas City disaster, the board of investigation concerned itself only with the origin of the fire and the failure of the efforts to extinguish it. In its findings the board uncovered several other factors that contributed to the high number of casualties and the extensive property damage.

Although correct labelling of the cargo could not by itself have prevented the disaster, the board found a general disregard of the regulations governing the shipping, handling, and stowage of ammonium nitrate. The board blamed several shipping officers of the U.S. Army, a freight forwarder in Galveston, and the cargo officer of the "Grand Camp" for these failures. In addition the high casualty total was in "no small measure" caused by the curiosity of people attracted to the scene to observe the fire (Texas City disaster 1947, 548).

Systematic rescue efforts broke down early: "The last of an organized disaster plan was plainly evident." The participating personnel of the Texas City Fire Department were

all killed in the first explosion. U.S. Coast Guard vessels received conflicting orders to assist in the port followed by orders to evacuate. The commission did not identify the authorities who gave these orders, but emphasized that the failures of the rescue effort concerned training, planning, communications, and organization. In contrast, the commission attributed successful efforts to the "many heroic persons [who] volunteered for and performed herculean efforts to rescue the injured and carried out many other tasks of mercy" (p. 548).

Air Safety 1947

The air safety board made a distinction between immediate practical improvements and achievements that would be a "consequence more of scientific advance and institutional reorganization than the correction of detail" (Air safety 1947, 5). Despite its general optimism about achieving safety in air transport, the board drew a gloomy picture of airline organization as a tightly coupled system consisting of a "multitude of operations." A failure to adhere to the concept and goal of safety in any operation "tended to prevent its attainment by the group as such," i.e., airline safety was no stronger than its weakest organizational link (p. 52).

Airports 1952

The authors of *The Airport and Its Neighbors* found precisely that the neighbors contributed to increasing the probability of airplane accidents. "Many communities are approaching an impasse from limitations to safe operation on existing airports combined with a physical inability to improve or extend them because homes or factories have been built close to runway ends" (Airports 1952, 6). The report underlined its point by photographs of the Los Angeles airport and its surroundings in 1939 and 1949. A wartime economic boom had attracted a mix of land speculators, industrialists, and home buyers to subdivide vacant land,

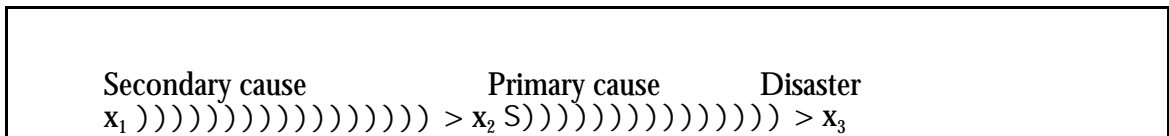


Figure 1. Secondary cause as an indirect, correlated effect

establish businesses, and build houses near the previously uninhabited airport area. The commission worried that if this trend were not stopped, "new contingents of home owners will be added to the ranks of those who are now protesting against noise and hazard" (p. 7). Although the commission wanted to protect the airports from dangerous obstructions to flight, it was anxious that: "In time public pressure may threaten the continued existence of the airport and large investments of public and private funds will be jeopardized" (pp. 7-8).

The commission's emphasis on the political hazard to continued airport operations was supported by its quantitative analysis of transportation accident deaths and death rates. The figures showed that "in 1950, the 1.3 'all-death'-rate per 100,000,000 miles for scheduled air transport was 60 percent below that of passenger automobiles and less than one-third of the rate for railroad passenger trains." For good measure the commission added that "even bicycles kill more innocent bystanders annually than airplanes" (p. 53).³ Since the commission saw little possibility of reducing the accident risk of flying in the short term, it concerned itself in the end mainly with political threats to the continued expansion of airports and air travel.

Great Society and Vietnam War Era (1964-75)

The Kennedy Assassination 1963

Many investigation commissions find secondary explanatory factors to correlate

³ In the years 1976-85 Great Britain had an average death rate of 0.07 per 100 million air passenger miles, for cars the rate was 1.3 (*Living with Risk 1987, 84-85*).

with the primary causes as in a causal chain, *Figure 1*. An example of this type of reasoning can be found in the Pearl Harbor reports, which discuss how actions in Washington may have influenced the behavior of actors in Hawaii.

But the contributory causes to a disaster also can be seen as having a non-correlated effect on the tragic event, as in *Figure 2*. This type of reasoning implies that secondary causes influenced the disastrous event independently of the actor.

The second model of causation was applied in the investigation of the assassination of President Kennedy. As secondary causes the Warren commission found several failures in the measures taken by the Secret Service and FBI to protect the president.

The Secret Service failed to develop and secure adequate resources of personnel and facilities to fulfil its important assignment. The criteria and procedures used by the service against persons considered threats were inadequate. There was also "insufficient liaison and coordination of information between the Secret Service and other Federal agencies necessarily connected with Presidential protection." The commission was especially critical of the FBI, which "took on an unduly restrictive view of its role in preventive intelligence work prior to the assassination." On the Dallas visit, some "advance preparations for the trip were deficient," and the seating arrangements in the presidential car were unsatisfactory



Figure 2. Secondary cause as a non-correlated effect

(Kennedy 1964, 23-24).

The commission emphasized the failure of organizational performance; no individual government official was blamed. On the contrary, the commission concluded that the Secret Service agents "immediately responsible for the President's safety reacted promptly at the time the shots were fired" (p. 25). While the Warren commission attributed the primary cause of the presidential assassination to an individual acting alone, the secondary causes were just as clearly judged to be systemic.

Civil Disorder 1968

The Kerner commission saw the secondary causal factors as a mixture of correlated and non-correlated effects more complex than the models in *Figure 1* and *Figure 2*. The basic, underlying cause for civil disorder the commission found in the prevalence of white racism. This asserted itself as pervasive discrimination and segregation, black migration to and white exodus from inner city areas, and the establishment of black ghettos. These factors in turn had effects on schools, housing, and the functions of inner cities (Civil disorder 1988, 203-6).

Institutions of authority were also seen to contribute to civil disorder. The commission blamed the police for failures of prevention and overreaction (p. 225). It criticized the judicial system for the breakdown of mechanisms for processing, prosecuting, and protecting arrested persons—and the failure to get convictions when cases came to trial. This judicial disaster was in turn a result of:

- Failure to anticipate and plan for emergencies by local communities,
- Long-standing structural deficiencies of criminal courts,
- tensions and hostilities from the street affecting the quality of justice dispensed by the courts (p. 338).

In the end the Kerner commission viewed black rioters as victims and accepted the issues of white racism and institutional failure as the fundamental causes of civil disorder in the late 1960s.

Postal Breakdown 1968

While the Kappel commission saw the Post Office's principal failure as one of management, the sources for this failure had to be found outside the service, since the "organization of the Post Office as an ordinary Cabinet department guarantees that the nominal managers do not have the authority to run the postal service" (Postal organization 1968, 23).⁴ The "roots of failure" were mainly political (pp. 33-43):

- Treasury financing of the postal deficit made the Post Office dependent on the regular appropriations process in Congress for financing capital needs and operations,
- Key business decisions on postal rates and labor relations were the result of "management by legislature."
- The political process openly decided the selection of postal officials.

The commission saw these phenomena as a "misapplication of the governmental process." It appeared that the postal service was "by far more important as an economic activity than as an instrument of public policy" (pp. 42-43). This analysis of secondary causes served to reinforce the commission's initial explanation of the breakdown of the postal service as a failure of management. The commission applied a paradigm that emphasized responsiveness to customers rather than elected officials.

⁴Emphasis in the original omitted.

Causes of Violence 1969

The commission appointed by President Richard M. Nixon in 1969 to analyze causes of violence consisted of several components. Five subcommittees or task forces attached to the commission published their own case reports. Thus, their causal attributions can be compared with the conclusions of the main commission that had a wider mandate.

The Final Report

For the Eisenhower commission the underlying causes of most individual violent crime lay in the conditions that created the ghetto slums: undereducation, poverty, discrimination, and segregation (Violence 1970, xxx-xxxi). As to the basic, underlying cause of group violence, the commission generalized that it occurs (p. 53),

when expectations about rights and status are continually frustrated and when peaceful efforts to press these claims yield inadequate results. It also occurs when the claims of groups who feel disadvantaged are viewed as threats by other groups occupying a higher status in society.

The former or current groups that felt disadvantaged were recent immigrants, Hispanics, and Negro Americans. The commission added that discontent and fear were more likely to occur in societies with rapid social change such as the United States (p. 53). However, this general analysis did not apply to students of upper and middle class origin (p. 53): "To a high degree, they are motivated by a sense of guilt for being privileged and by the desire of many young people to share with others in the experience of serving a noble cause." Only a few of them were so impatient, cynical about the "system," or committed to the revolutionary ideal as to resort to violence (pp. 53-54).

The commission explicitly rejected the idea that it held any sympathy for militant, political justifications of violence. And a narrow majority stated its moral opposition to civil disobedience as a political tool (pp. 75-77). Yet, the commission as a whole shared some protesters' view of the authorities. It concluded that the lack of "full protection to the

exercise of these rights [to speech and assembly] is probably a major reason why protest sometimes results in violence" (p. 66).

The commission did not blame individuals for breaches of police discipline, but was concerned that many police departments in American cities were ill-prepared to handle riots and civil disorders. Few police departments had effective planning staffs, and they lacked links with dissident groups. Community police suffered from failures of management and leadership. Often, departments were led by police chiefs "whose training in modern management techniques, finance, personnel administration, communications, and community relations is limited." Police lacked "any central collection and analysis of system-wide programs, or for setting priorities" (p. 133). The commission discussed the proliferation of guns in the population and concluded that "the availability of guns contributes substantially to violence in American society" (p. 145).

We have already seen (p. 131) that in analyzing primary causes the violence commission was more systems-oriented than its special investigation teams. Can this tendency of the full commission be shown to apply to its analysis of secondary causes as well? After all, these five teams dealt with specific events where there was opportunity for first-hand observations of participants on the local level.

Chicago Democratic National Convention 1968

The Walker task force concluded that there had been a failure of political and police leadership in Chicago during the Democratic National Convention in 1968. Mayor Daley was blamed for the aftereffects of the order he had given earlier that year "to shoot and kill arsonists and to maim looters" (quoted in *Rights in Conflict 1968*, viii). The impact of this provocative statement was compounded by a failure of leadership by first line supervisors who did not prevent the loss of discipline among a minority of policemen on the street. The

city chose to ignore police violence and failed to provide marching permits to demonstrators (p. viii).

Miami Disturbances 1968

The accumulated deprivations, discrimination, and frustrations that led to the Miami disorders of August 1968 had largely the same origins as in other urban black communities in the United States. In addition there were local circumstances that exacerbated the situation (Miami report 1969, viii):

- Loss of local jobs by black to Cuban refugees
- Failure of the white business community to provide promised summer jobs to black youths
- Prevailing tensions between police and the black community of Miami

The buildup of tension between blacks and the police was attributed to get-tough policies espoused by Chief Walter Headly of the City of Miami Police. After some incidents of violent crime in the previous year, Chief Headly had said: "When the looting starts, the shooting starts." Policemen in black neighborhoods were equipped with shotguns and dogs (p. 3). Furthermore, the Miami police department lacked an affirmative action program to recruit and promote black policemen.

During the riot there was poor coordination of police patrols and vehicles. Since Chief Headly had been out of state during the disturbances, he was not held accountable for the confused response of the Miami police. However, "his relevance to the events lies in his police organization and practices and his policies in dealing with minority groups" (p. 2).

However, the police shared responsibility for the escalation of a minor disorder into a large-scale riot with white, elected officials of Miami. Their failure to keep a promise to meet with black community leaders made the riots worse. The mayor and other officials

failed to establish credibility with dissident groups before the riot, and their reaction afterwards was characterized as confused and vacillating (p. 28). Thus, the Miami Study Group attributed a major share of the secondary causes of the riots to the action or inaction of particular individuals in positions of authority.

San Francisco State College Strike 1968-69

The student strike at San Francisco State (SFSC) started 5 November 1968, when a group of black students presented the college president with a list of "non-negotiable" demands. The study team appointed by the Eisenhower violence commission focused on the underlying reasons for the strike; it found most of them organizational.

The commission traced the problems of the college to the master plan adopted by the California Legislature in 1960: "In theory the master plan promised harmony and efficiency . . . in practice, the master plan has contributed to the friction on campuses of California" (Shut it down! 1969, 7). At SFSC the problems manifested themselves as bottlenecks at the chancellor's office, high teaching loads for faculty members, and unresolved issues of collective bargaining. Turnover in teaching and management positions was high; in eight years the college had seven presidents (pp. 8-15).

On the other hand, the commission's investigation into the black student movement was severely restricted by the refusal of Black Student Union members to cooperate in the study. The study team nevertheless concluded that "one of the most important influences on San Francisco State student activists was the ability to conceive and run their own programs" (p. 109).

Although the police occupied the campus for several months, the study team argued against evaluating police performance, since it "would not aid in understanding the *causes and*

prevention of conflicts like San Francisco State" (p. 153).⁵ The study team experienced problems in getting essential material from the police.

The study team did not take a stand on the reasonableness of the Black Student Union demands. Nevertheless, the report targeted the California university system and SFSC as the main contributing causes of the disruption of normal university activities 1968-69.

Shoot-out in Cleveland 1968

Traditional ethnic hostilities were among the major underlying causes of the bloody confrontation between black militants and police in Cleveland on 23 July 1968. The initial shootings followed by arson and looting were exacerbated by weak police organization. The investigation team of the Case Western Reserve University found that police training and equipment were inadequate. The police force was plagued by poor morale, racial imbalance, and poor race relations. The role of the mayor in the crisis was weakened by inadequate and confusing information and lack of contingency planning. Although the study group paid some attention to technical issues, such as the choice of police weapons, it stressed the effect of human relations variables on the extent of the riot (Shoot-out in Cleveland 1969, 61-63). The study team concluded that social, organizational as well as individual factors were to blame. Besides the black militants themselves, the team implied that certain police officers be held personally accountable for cases of brutality (pp. 87-89). A state prosecutor was criticized for his efforts to prosecute a photo-journalist. On the other hand, despite the problems of the mayor's office in handling the crisis, the team praised Mayor Carl B. Stokes for his management skills (p. 3). The investigation team rejected the idea of a conspiracy behind the disturbances (p. 118).

⁵Emphasis in the original.

Washington Inauguration 1969

The task force that observed the inauguration of President Richard M. Nixon, found that the main contributing factors in reducing serious confrontations with demonstrators were good management, pre-planning, negotiations, and intercommunication between all the parties concerned. It was when these organizational prerequisites failed that serious incidents occurred (Rights in Concord 1969, 115). The report praised the Washington police and city officials for the handling of political protesters and maintaining order (p. 119).

Conclusion

As in the previous discussion of primary causes, the special investigation teams attached to the Eisenhower commission to a greater extent attributed blame for secondary causes on individuals than the main commission itself. Aside from the San Francisco State study, these reports stressed the importance of personal leadership qualities for people in positions of authority. The study teams agreed as well on the failures of police departments in the areas of organization, contingency planning, and management, as the main contributing factors in explaining group violence. The SFSC report also provided a systemic explanation for the disruptive effects of the student strike, but blamed mainly the university administration. All reports pointed to underlying racial and political grievances as important causal factors in the civil disturbances of 1968-69.

Campus unrest 1970

The Scranton commission found a complex of underlying causes for campus unrest at the turn of the decade: White and black student protest, university failures, social repression, and problems of law enforcement. Although the commission seemed mystified by the causes of white student protest (Campus unrest 1970, 51), it arrived at "five broad orders of such contributing causes" (pp. 55-56):

- Pressing problems of American society, including the Vietnam War
- Changing status and attitudes of youth in America
- The character of the American university
- Escalating spiral of reaction to student protest from public opinion
- Broad changes in Western culture and society.

Behind black student protest, the commission found racism, frustration with the federal government, the impoverishment of black institutions of learning, and dissatisfaction with the status of blacks in higher education (ch. 3).

The contribution of the university to campus disruption consisted of a series of failures. The commission found threats to academic freedom, draining peripheral activities, slowness of academic reform, and lack of consensus within the university (pp. 186-7). In addition some university officials were accused of being "derelict in their responsibilities to the university community and to society at large" by saying "it can't happen here" or "it can't happen here again" (p. 150).

The commission also faulted society for contributing to campus unrest by its support of repressive measures and attitudes toward dissenters. Public opinion polls showed a majority against peaceful protest, while the commission claimed that the application of certain criminal statutes represented an abuse of majority power. It criticized the authorities for illegal employment of undercover agents and the deprivation of financial aid to dissenting students (pp. 217-20). Law enforcement agencies were blamed for unpreparedness, lack of coordination, consultation, and planning (ch. 10).

In its search for background causes of the tragedies at Kent State University and Jackson State College, the commission found factors that were particular for each case. The initial, underlying cause of the tragedy at Kent State was student opposition to the invasion of Cambodia by American troops, but this changed at the arrival of the National Guard on campus (pp. 286-7): "Opposition to the war appears to have been the principal issue around

which students rallied during the first two days of May. Thereafter, the presence of the National Guard on campus was the focus of discontent."

At Jackson State the local, underlying causes were a historic pattern of racial discrimination and segregation. Among the black students there was anger and frustration over racial antagonisms, and a lack of belief in the political utility of student protest (pp. 445-46). The commission found that white policemen feared and hated black men and treated them with disdain. The two police forces taking part in the disorder lacked adequate planning, communication, training, discipline, and equipment. After the shooting incidents, there was a pattern of deceit by some city police officers. The commission examined the local grand jury proceedings in the case and found them to be a cover-up. No one surprised that white policemen showed no fear of censure or punishment (p. 458).

The Scranton commission made it clear that individual students should be held accountable for illegal acts of violence, disruption, and destruction. However, this report also chose to focus on system failures. Universities and law enforcement agencies were found jointly responsible for the failures of institutionalized authority in dealing constructively with legitimate student protest.

CIA Abuses 1975

The Rockefeller commission on the CIA dealt with each case of alleged misconduct separately, yet it found a common set of underlying causes in most of the cases. There were four broad contributing features of the agency that made misconduct possible (CIA 1975, 12):

- Ambiguities with regard to the statutory and administrative role and function of the agency "have been partially responsible for some, though not all, of the Agency's deviation within the United States from its assigned mission."

- An agreement with the Department of Justice that "involved the Agency directly in forbidden law enforcement, and represented an abdication by the Department of Justice of its statutory responsibilities."
- A lack of involvement by the inspector general of the CIA in investigating the unlawful activities uncovered by the commission report.
- Compartmentalization within the agency and "failure to bring lower-level consensus to the upper levels of management . . . one of the purposes of a system of internal control."

Specific underlying causes in each particular case were also of an organizational nature. The full report could easily be interpreted as a broad indictment of the agency as a whole, but it should be kept in mind that the commission did not delve into the CIA's work abroad, presumably the agency's main sphere of activity.

Conclusion

The reports of the 1963-75 era were remarkable for their consistent critique of the failure of public institutions to live up to expectations. In particular the commissions targeted the institutions created to uphold law and order. Besides, city governments and universities were criticized for their inability to cope in crisis situations.

The Post-Modern Era (1979-87)

Three Mile Island 1979

According to the Kemeny commission, secondary causes contributed to an inevitable accident at the nuclear power station (Three Mile Island 1979, 11). The commission uncovered deficiencies in training, a lack of clarity in operating procedures, failure to learn proper lessons from previous incidents, and deficiencies in the design of the control room (pp. 10-11). These inadequacies of the system helped to explain the failures of the

emergency response, which the commission linked to lack of detailed plans in local communities as well as flawed concepts used by the Nuclear Regulatory Commission (pp. 15-16, 38-39). There was an "almost total confusion" in response to the accident and "lack of communication at all levels" (p. 17). Similarly there was a failure in informing the public due to confused official news sources, misinformation, and slowness (p. 18). Beyond these muddled procedures, the commission also found serious institutional failures. The NRC was criticized for its "promotional philosophy," which had led it to ignore inadequacies in licensing functions, inspections, and enforcement activities (p. 19). The many managerial problems had in sum contributed to the result that there was "no well-thought out, integrated system for the assurance of nuclear safety within the current NRC" (p. 21).

Although responsibility for the fundamental failures of nuclear safety policy was mainly attributed to the NRC, the commission also faulted the organization and management of the operating utility, GPU, and its commercial suppliers. In particular the commission pointed to GPU's divided management and inadequate supervision of operators (p. 22-23).

The basic shortcomings at TMI were "attributable to the utility, to suppliers of equipment, and to the federal commission that regulates nuclear power" (p. 11), but the commission did not criticize any particular individual. The basic causes of the TMI accident were seen as systemic, and accordingly the operators at the nuclear plant escaped blame by the commission.

The commission faulted several agencies and companies for their lack of knowledge. They should have recognized the need to prepare for a possible accident. However, the commission broadened the attribution of failure to plan for the consequences of radiological emergencies to "all levels of government" (p. 39). The commission faulted the NRC for failing to provide proper training and Babcock and Wilcox for providing training that was understaffed and weak (pp. 49-50).

Beirut 1983

The independent commission that investigated the attack on the U.S. Marines in Beirut found that the United States in general, and the Department of Defense in particular, were inadequately prepared to deal with the terrorist threat. The security measures taken before and after the attack "were not adequate to prevent continuing significant attrition [death] of USMNF personnel" (Beirut 1983, [4-5]). The lack of preparedness was intimately linked to the problems of intelligence in Lebanon. "Intelligence provided a good picture of the broad threat facing the USMNF," which, however "was operating in an urban environment surrounded by hostile forces without any way of pursuing the accuracy of data in order to head off attack" (Beirut 1983, 64-65). The commission concluded that the USMNF commander did not receive intelligence tailored to his specific operational needs. The paucity of intelligence services was attributed to U.S. policy decisions (p. 66).

Although the commission accepted the political and military arguments for the choice of a large office building at the Beirut International Airport as headquarters for the U.S. landing team, it found that the BLT commander had failed to follow accepted practice in spreading the troops to reduce their vulnerability to enemy action (p. 86). Although his superior knew about this failure to follow accepted practice, the commission reasoned that the BLT commander had to take responsibility for the concentration of troops, "thereby providing a lucrative target for attack," and exacerbating the risk by degrading security at the compound. Yet, the commission concluded that although it found both the BLT commander and his superior to be at fault, "it also finds that there was a series of circumstances beyond their control that influenced their judgment and their actions relating to the security of the USMNF" (p. 91). More precisely the commission "found the entire USINCEUR chain of command, down to and including the BLT commander, to be at fault," but again with the modification that there were circumstances beyond their control

(pp. 7, 10-1). Thus the lack of knowledge and control among the commanders contributed to shifting the attribution of responsibility to the "system."

Space Shuttle "Challenger" 1986

Although the "Challenger" disaster was found to have a single, technical primary cause, the commission devoted considerable attention to what it called the contributing cause of the accident. It concluded that "there was a serious flaw in the decision making process leading up to the launch of flight 51-L." The commission found failures of communication between the parties, incomplete and misleading information, and a conflict between engineering data and management judgments. The commission was disturbed that "there was no system which made it imperative that launch constraints and waivers of launch constraints be considered by all levels of management." The propensity to contain potential serious problems and to resolve them internally was also attributed to management. The commission did not make attributions to any particular individual, but to the management at the Marshall Space Flight Center administered by NASA and the management of Morton Thiokol, Inc., a private contractor. In both organizations, management decisions were taken in the face of opposition from the engineers (Challenger 1986, 104).

The Rogers commission was unusual in its analysis in devoting a separate discussion to what could be called tertiary or environmental causes of the disaster. In a chapter called "Pressures on the System" it found that the NASA shuttle organization was under heavy pressure to move from a research and development stage to an operational capacity. "The system was trying to develop its capabilities to meet an operational schedule but was not given the time, opportunity, or resources to do it" (p. 171). However, the commission rejected allegations that there had been pressure to launch from the White House (p. 176).

Although central actors in the management of the shuttle project should have better knowledge of the problems, they did not. The commission did not attribute responsibility

for this failure to any individual or individuals in particular: The system of management was blamed instead.

Iran/Contra Affair 1987

The Tower commission did not make the clear distinctions between levels of causality such as those found in the "Challenger" report. However, it was concerned lest there were procedural or systemic causes that contributed to the political and procedural mistakes of the NSC staff. The inconsistency of the policies relating to arms shipments to Iran were not resolved. The White House failed to review or conduct post-mortems following its success and failures in Iran and in Nicaragua (p. 65-7). The Contra diversion was never properly authorized (pp. 54, 60). Some of this failure the commission attributed to the NSC legal counsel and Congress, though not at the causal level, but on a level of association that was not blameworthy (Shaver 1985), since the legal counsel was not directly involved in the affair.

The commission made a specific point that its review "validates the current National Security Council system" (Iran/Contra 1987, 2). "In the case of the Iran initiative, the NSC process did not fail, it was simply largely ignored" by the NSC advisor and the NSC principals (p. 80). Consequently, secondary factors of explanation did not significantly affect the accountability of the primary actors at the NSC.

Conclusion

All these investigations centered on whether disasters in some way could have been averted by preventive measures or routines. In the cases of the accident at TMI, the massacre in Beirut, and the disaster to the space shuttle "Challenger," the commissions attributed the lack of preparedness to management or the chain of command. In their attributions they followed the trend set by presidential commissions since 1944. However, the blame was

largely directed at managerial procedures and practices, rather than aiming at the institutions and their programs that were targeted by several commissions of the Great Society Era. This change of focus was, however, minor compared to the sharp departure from the modern tradition by the Tower commission. Read in the context of other contemporary reports, it seemed to bend over backwards in its efforts to focus on the responsibility and blameworthiness of individual officials rather than faulting the "system."

Table 23. Secondary or underlying causes in modern U.S. reports

| Causes | Reports | N |
|---|---|-----------|
| Individual failure | | |
| Violation of rules and practices | Texas City 1947, CIA 1975, Beirut 1983. | 3 |
| Lack of policy formulation | Iran/Contra 1987. | 1 |
| | Total (individual) | <u>4</u> |
| System failure | | |
| Process: Communication, liaison, intelligence | Pearl Harbor 1942 and 1944, Texas City 1947, Kennedy 1964, TMI 1979, Beirut 1983. | 5 |
| Organization | Air safety 1947, Kennedy 1964, CIA 1975, TMI 1979. | 4 |
| Planning, policy | Texas City 1947, Beirut 1983. | 2 |
| Training | Texas City 1947, TMI 1979. | 2 |
| Goal realization | Air safety 1947. | 1 |
| Management, operations | TMI 1979. | 1 |
| Decision-making | Challenger 1986. | 1 |
| Judicial enforcement | Civil disorder 1968, Campus unrest 1970, CIA 1975. | 3 |
| Legal restrictions | Pearl Harbor 1942 and 1944 | |
| Legal ambiguities | CIA 1975. | 3 |
| | Total (system) | <u>22</u> |
| Contextual factors | | |
| Political hazards or pressure | Airports 1952, Postal excellence 1968, TMI 1979, Challenger 1987. | 3 |
| Racism, segregation | Civil disorder 1968, Violence 1968, Campus unrest 1970. | 3 |
| Social and educational problems | Violence 1969, Campus unrest 1970. | 2 |
| | Total (context) | <u>8</u> |
| | Total (all) | <u>34</u> |

Note: N=16. Some reports provided several secondary causes. One report (Army Pearl Harbor board 1944) did not distinguish between causal levels.

Overall, system failure dominated as the underlying cause in the conclusions of modern American investigation reports, 1942 to 1987 (*Table 23*). While system failure most often encompasses problems of process and organizational structure, legal issues were flagged as causal factors in at least six reports. Interestingly, the Pearl Harbor reports of 1942 and 1944 saw legal constraints as too restrictive on leadership initiative, the investigators in the Iran/Contra affair of 1986-87 found that the ambiguous interpretation of existing rules allowed for too much initiative by actors such as Lt.Col. Oliver North.

Contextual or environmental explanations, such as racial and social problems, characterized investigative reports of the Great Society and Vietnam War era (1964-75). On the other hand, the reports on airports (1952), the postal service (1968), and the "Challenger" accident (1986) shared a perceived need to

shield technological activities against political interference.

For some commissions of the modern period the secondary causes were of overriding concern compared to the immediate causes. The commissions on airports (1952) and the postal service (1968) saw the elimination of political interference as critical for the effective operation of these public services. In the TMI investigation (1979), the emphasis on secondary causes deflected blame from the operators who were seen as the immediate cause of the accident. The 1986 "Challenger" commission regarded problems of decision-making as a core issue. In general, commission analysis of secondary causes gave added weight to causal factors beyond the reach of the individual actor. In this respect, these commissions confirmed a systems view of the world first established in the investigative reports of the Progressive era (1899-1913).

6. MODERN AMERICAN COMMISSIONS: RECOMMENDATIONS AND IDEAS

Investigative commissions are not always asked to make recommendations on the basis of their findings, but in practice most of them put forward proposals for measures to prevent a recurrence of the disaster. Commissions make these proposals whether individuals or systems are blamed for the disasters.

This chapter presents and analyzes variables that commissions find significant for administrative success. Many commissions also express ideas dealing with issues of leadership, accountability, and good government. Another purpose of this chapter is therefore to examine whether commissions in their "espoused theory" draw on expressions and concepts familiar to public administration as an academic discipline. In analyzing recommendations we should be able to find whether commissions engage in innovative "double-loop learning" or limit themselves to ascertain possible violations of existing standards.⁶ This implies an expectation on our part that commissions promote changes that challenge prevailing norms and standards according to the terms made familiar by Chris Argyris and Donald Schön (1978).

⁶Argyris and Schön (1978) use the term "single-loop learning" to mean uncovering and correcting deviations from prevailing norms and standards, while "double-loop learning" is a term for the ability to find and adjust errors in standards and systems.

Second World War and After (1942-52)

Pearl Harbor Attack 1941

The three Pearl Harbor commissions included here made no formal recommendations on sanctions or reforms. However, the Roberts Commission report of 1942 implied that sanctions should be taken against the two Hawaiian commanders, Short and Kimmel. In its conclusions, the commission underlined the duty of leaders to confer, consult, and cooperate with each other so as to share information, develop consensus on its meaning, and act together. The requirement for close cooperation at the individual level was generalized to apply to the whole war effort: "Effective utilization of the military power of the Nation is essential to success in war and requires: First, the coordination of the foreign and military policies of the Nation; and, second, the coordination of the operations of the Army and Navy" (Pearl Harbor 1946, 19-21).

The 1944 army board's view of leadership responsibilities differed significantly from that of the 1942 Roberts report. It was impressed by, but also critical of, the complexity of the organizational agreements set up between the Army and the Navy in Hawaii: "While admirable in concept and in many ways equally admirable in the proposed plan of administration, under the handicap of joint action by cooperation instead of unity of command," they were of limited effectiveness and difficult to execute (p. 61).

As for the failure of the War Department to interpret Japanese war signals properly, the board concluded: "It was a case of intelligent men arriving at the best decision possible with all the facts that were before them" (p. 145). This analysis illustrates well the problems of rational decision-making as discussed in Herbert Simon's ground-breaking work on *Administrative Behavior* that first appeared in the following year, 1945. A major difference was that the army board concerned itself with an extraordinary or non-programmed situation, while Simon argued that there are always limits to rationality in decision-making (Simon 1965, 79).

Leaders should represent different qualities and points of view as illustrated by the board's criticism of Short's chief of staff as a "weak echo of his commander." Short was praised for his reorganization efforts, but criticized for keeping his immediate officers at a distance (Pearl Harbor 1946, 60).

The army board repeatedly emphasized the regular flow of information as an important aspect of good administration (pp. 97, 102-103). Information was, however, not neutral but had to be evaluated: "By his implicit trust in the Navy, [Short] let them not only get the information but to evaluate it" (p. 129). Yet, proper evaluation would require more delegation by Short to his staff officers (p. 130). Where the Roberts Commission had seen the need for consultation on the individual level, the army board called for reorganization and the pursuit of fixed goals. The army saw effective leadership not only in terms of individual judgment, but as dependent on organizational practices.

Just as the army board, the Navy Court of Inquiry found the joint Army-Navy plans for the air defense of Hawaii deficient (p. 319). It also agreed on the importance of providing a flow of information: "It is the prime obligation of command to keep subordinate commanders, particularly those in distant areas, constantly supplied with information. To fail to meet this obligation is to commit a military error" (p. 318). The navy court did not go into a detailed evaluation of organizational problems, nor did it discuss the question of unity of command.⁷

Ship and Airplane Disasters 1947-52

The U.S. Coast Guard commission that investigated the Texas City disaster of 1947 made recommendations on both the individual and the system levels. It asked that action should be considered against the shippers of ammonium nitrate cargo and the operators of the SS

⁷The issue of command structure for the U.S. armed forces is a recurrent theme, cf. the discussion of the conduct of the American operations in the 1991 war against Iraq (Boo 1991).

"Grand Camp." The commission also proposed measures to prevent a recurrence of the disaster. The latter consisted of proposals for stricter provisions for handling and transportation of ammonium nitrate and a request for funds to finance a government office to distribute information concerning fire prevention on board all merchant vessels. The commission also wanted the federal government to train stevedores and merchant ship personnel in fire fighting skills (Texas City disaster 1947, 549).

The Coast Guard commission's judgment regarding issues of accountability was simple and limited. The French cargo officers of SS "Grand Camp" were blamed for permitting damaged containers on board, but not for illegal smoking by American longshoremen (p. 547).

The air safety commission of 1947 characterized its own recommendations as dealing with "the emphasis and direction of research and development, rather than the desirability of particular regulatory action or the correction of a specific practice." It held a limited view of the role of government in achieving improvements in air safety: The main responsibility for this had to belong to the industry itself (Air safety 1947, 5). The airlines were advised to adopt an "airline organization for safety" based on the management principles of coordination and centralization. Coordination was defined as uniformity in method, interlocking of procedures, and an exchange of experience, while centralization was taken to mean "an appreciation of needs and the ability to supply correctives for such wants as may be found to appear." To achieve these aims, airlines were asked to establish regular meetings of personnel who had a daily concern with safety problems and to establish a post of safety director (p. 53).

Five years later the airport commission of 1952 was specific in assigning an active role for government in meeting problems of airport growth and community encroachment. The federal government should set minimum standards for the safe operation of airports, but the commission was loath to close existing airports that did not meet the new criteria

(Airports 1952, 36). New and existing airports had to be fitted to new aircraft; not the other way around: "To say that the average-capacity airport should be the limiting factor in airplane design is to place undesirable inhibitions on progress" (p. 38). To accommodate new airports the commission called for a major reshaping of the urban structure (p. 82).

The commission saw planning as a solution, rather than a process. If the comprehensive procedures outlined in the report were followed, the commission believed "much of the opposition to airports will be averted" (p. 81). The commission described planning procedures as an example of rational decision-making independent of politics (p. 83). The airport planner was seen as a skillful professional acting in a problem-solving mode seeking the best solution based on scientific research. The commission did not call for radical policy changes, but thought that rationality in decision-making could be improved through centralization by the government, but not by airlines or aircraft producers.

Both the 1947 and 1952 commissions thought that government must keep its hands off matters that were better left to the industry. The recommendations of these two commissions were clearly colored by their members' close relationship to the air industry.

The Great Society and Vietnam War Era (1964-75)

Kennedy Assassination 1963

All recommendations of the Warren commission concerned efforts to ensure the future protection of the U.S. president. The proposals were systemic and included steps to overhaul the Secret Service's capability to detect potential threats against the president's life.

The commission believed in maintaining centralized authority and responsibility for protecting the president. To accomplish this, there had to be people in leadership positions of sufficient stature and experience. The commission emphasized the need for interagency communication systems to assure horizontal coordination. In the view of the commission, good government meant smooth, disinterested cooperation between actors. It expected that

agencies like the Secret Service or FBI to be alert and provide quick response to critical events (Kennedy 1964, 25-6).

Civil Disorders 1968

The Kerner commission proposed policy changes on the national level, institutional changes on the local level, and service improvements in the judicial system. Ideas on leadership and accountability were explicit: "The American city has need for personal qualities of strong democratic leadership." The mayor was expected to be a leader and mediator between urban groups, such as employers and representatives of the media. The mayor also shared responsibility with the police chief in preventing disorders, and should therefore coordinate their efforts (Civil disorder 1968, 298).

The Kerner commission put a high value on regional cooperation within public administration, while police performance could be improved through several reforms. These included changes and improvements in personnel selection, response time, standards, personnel deployment, recruitment and promotion policies for minorities, grievance procedures, training, and electronic communications (pp. 305-309). The principal goal of government was to provide political integration: "The role of state leadership [is] to focus the interests . . . and resources of the suburbs on the . . . environment of the central cities" (p. 299). Government had the duty to nourish community relations, provide channels of communication, and deliver correct information (p. 333). In troubled times the commission found it necessary to maintain dispassionate, stable standards of justice (p. 334).

Postal Breakdown 1968

The Kappel commission recommended radical changes in the operation and organization of the Post Office. Its routine "factory" operations could be improved through the "application of technology and modern management methods" (Postal excellence 1968, 26).

The government agency would be replaced by a self-supporting postal corporation. Political appointments were to be abolished and replaced by a career service, which included bargaining rights for the employees. Postal rates were to be set by an independent rate commission rather than by Congress. The commission held strong views on issues of leadership and accountability. Political appointments were found to have negative effects on proper management. Managers must have freedom and authority to manage (p. 63); without these powers they could not be held accountable for failures (p. 33). The commission saw lack of continuity of leadership as one of postal management's most serious handicaps.

According to the Kappel commission there was a clear distinction between public administration and business. It claimed that the "post office is a business" and should be more like one, i.e., with a "management system consistent with its mission" (p. 2).

Violence 1969

The Full Report

The commission on violence made several recommendations to strengthen the government's efforts to combat violent crime by increased spending on social programs and improving the administration of justice. As counterparts to governmental institutions, the commission proposed to establish private citizens' organizations supported by the government. The commission expressed meager views on leadership and accountability, except in its fractious discussion of civil disobedience. On the other hand the report abounded in references to management concepts, especially in its treatment of the police and the system of justice (Violence 1969, 128-143).

The commission showed an awareness of the futility of relying upon a pyramid of control measures to halt violent crime. It was by pursuing broad, indirect policy goals of income and employment distribution that society would reduce the problem of violence.

The commission's findings represented an incremental step in the direction of an organic and activist view of government. However, in comparison with the airport commission of 1952 it signalled a revolutionary change in accommodating the needs and opinions of grassroots groups.

Chicago Democratic National Convention 1968

The Chicago Study Team was concerned that offending police officers had not faced any disciplinary action after the riots. "If no action is taken against them, the effect can only be to discourage the majority of policemen who acted responsibly, and further weaken the bond between police and community" (Chicago 1968, xiii). Accountability on the individual level was seen as necessary to maintain trust between the public and the authorities.

Miami Disturbances 1968

The Miami Study Group recommended efforts to improve the community relations of local police and elected officials. It also asked for more thorough investigation of episodes that remained controversial (Miami report 1969, 30). As an example of good leadership, the study group praised the chief of the Dade County Police for his department's community relations program, contingency planning, anti-riot equipment and training, and ability to proceed according to clearly defined and understood plans (p. 4).

San Francisco State College strike 1968-69

An unusual feature of the SFSC report was the final chapter's outlook to the future through interviews with leading figures, such as California Governor Ronald Reagan. The study group itself made only a few minor recommendations. It requested that "the present reevaluation of aims and purposes of education at SFS must be pursued vigorously" (San Francisco State 1969, 142) and that it should be accompanied by a review of the "whole

spectrum of present educational policy" in California (p. 149). The report did not discuss issues of individual accountability, nor did it make any open judgments about student leaders and university officials. Throughout the report, however, the task force emphasized the importance of personal leadership given bureaucratic and political constraints.

Shoot-out in Cleveland 1968

The Cleveland report credited the black mayor, Carl B. Stokes, for showing initiative, being nonconfrontational, and favoring decentralization and participative efforts. Good local administration should meet legitimate concerns of police and raise its morale and competence by following principles of human relations. At the system level the research team recommended police reorganization, but also implied that certain police officers should be held personally accountable for cases of brutality (Shoot-out in Cleveland 1969).

Washington Inauguration 1969

As other subcommittees of the Violence commission, the task force on the disturbances in connection with the presidential inauguration of 1969 pointed to the importance of individual leadership at the top to provide channels of communication and take responsibility for making conflict-reducing decisions.

As features of good public administration the task force emphasized:

- Learning from the experience of others, with special reference to the Walker report (Chicago 1968).
- Internal coordination on both sides in conflict situations
- Sending of appropriate cultural signals, specially by the police
- Police self-control
- Using advance orders, i.e., planning

With regard to good government the report stressed the constitutional rights to free speech and free movement (Rights in concord 1968, 113-20).

Campus Unrest 1970

The commission on campus unrest made sweeping recommendations to continue "progress toward the national goals of ending the [Vietnam] war and of achieving racial and social justice," as means to prevent further student protest (Campus unrest 1970, 231). More down-to-earth, the Scranton commission recommended procedures and tactics to be followed by universities and police during disturbances. It also proposed that universities take organizational precautions by setting up committees and clarifying rules of behavior, sanctions, and intervention (Ch. 4).

One chapter was devoted to improving police performance at all governmental levels by increased professionalism among officers. This would be accomplished by sending policemen to college not to battle students again, but to "pursue broader academic interests." The commission rejected traditional police education courses as "artificial and contrived" (p. 157).

The commission believed there was a need for training and professionalization of ethics and standards among law enforcement officials, including the police and the National Guard (p. 155-59). To prevent another crisis, university officials and police were advised to consult each other and make joint strategic plans. "Until the highest authorities agree about general principles, those at the operations level cannot begin drawing specific plans." Informal cooperation was acceptable, but the commission preferred management by hierarchy, formalized joint committees, and written contingency plans (pp. 161-163).

The commission did not make specific recommendations based on its investigation at Kent State University, but absorbed its conclusions into the main sections of the report. The tragedy at Jackson State College was viewed differently, and the commission submitted

several recommendations based on its investigation. On the local level it proposed community relations programs for the police and racial integration of police and National Guard forces. Students should condemn violence and the use of derogatory language. Government was asked to provide financial aid to Jackson State and other black colleges. The commission thought government at all levels should take "dramatic steps" to show commitment "to the protection of life and to the aggressive pursuit of equal justice" (pp. 462-5).

CIA Abuses 1975

The Rockefeller commission on the CIA enumerated thirty recommendations to correct specific abuses and to "clarify areas of doubt concerning the Agency's authority, to strengthen the Agency's structure, and to guard against recurrences of these improprieties" (CIA 1975, 10).

The commission was eager to enforce prohibitions against domestic intelligence activities directed at U.S. citizens and recommended to expand Congressional and executive oversight of the agency. The commission feared centralization of management and favored team leadership at the head of the agency. From this argument the commission proposed that no CIA director should be allowed to sit for more than ten years. To ensure supervision and control, the commission emphasized the need for horizontal communication and bottom-up contact. To enforce accountability it was seen as necessary to secure the independent role of the inspector general of the CIA. Since the commission traced several CIA abuses to the White House, the agency had to be insulated from political pressure (p. 3-23).

The Post-Modern Era (1979-87)

Three Mile Island 1979

The Kemeny commission said that it had no "magic formula" or "blueprint" to propose, but emphasized that "fundamental changes must occur in organizations, procedures, and above all, in the attitudes of people" (Three Mile Island 1979, 24). The commission proposed to:

- restructure the Nuclear Regulatory Commission,
- set new safety standards for the nuclear power plants and their suppliers,
- establish training institutions for operating personnel,
- provide for safety assessment of technical equipment,
- improve research into worker and public health and safety,
- formalize responsibilities for emergency planning and response, and
- make preparations for a systematic public information program

However, the commission did not discuss or question the future of nuclear power for civilian purposes.

The report was critical of the leadership style of the NRC. The ruling body of the agency, a five-member commission, was seen as institutionally isolated from the licensing and management aspects of the organization. Rather than a collective head, the report called for a single administrator with substantial discretionary authority over the internal organization and management. Over the long term, the Kemeny commission hoped this reform would minimize political intervention and promote internal communication within the agency (pp. 61-7).

The commission expressed an idea of accountability that went beyond the question of formal rules. Beyond clearly defined roles and responsibilities, it recommended a broad range of activities to set and uphold standards, such as accreditation, reviews, safety research, decentralization to licensees, and participation in rule-making (pp. 64-5).

As for principles of public administration, the report emphasized issues of communication, coordination, formal training, and organizational culture; the last item related to "mind-set problems" in the industry. The commission was anxious that inspectors and regulators might lose their independence in oversight work. The commission also thought about broader problems of providing good government. It found that pressure groups had a negative effect on public policy, and that the future of the nuclear industry was dependent on planning, foresight, knowledge, and an educated public (pp. 76-77).

Beirut 1983

The Beirut commission did not name any particular officer, but recommended that the Secretary of Defense "take whatever administrative or disciplinary action he deems appropriate" (Beirut 1983, [9]). In other respects the recommendations concerned systemic factors, such as clarifying the relationship between diplomatic and military approaches to U.S. objectives in Lebanon, and improving intelligence systems and the military response against terrorism (p. [8-15]).

The report did not discuss leadership issues explicitly, but said that accountability must flow from the operational chain of command. "The commander can delegate some or all of his authority to his subordinates, but he cannot delegate his responsibility for the performance of any of the forces he commands. In that sense, the responsibility of military command is absolute" (p. 55). On the other hand the commission was concerned with the responsiveness of the military chain of command (p. [17]). It remarked that

the mission statement and the concept of operations were passed down the chain of command with little amplification. As a result, perceptual differences as to the precise meaning and importance of the "presence" role of the USMNF existed throughout the command (p. 37).

Articulation of different perceptions and interpretations was thus seen as necessary to allow the chain of command to recognize and resolve them.

The commission saw a fundamental conflict between the peace-keeping mission provided by the military chain of command and the political support that the United States simultaneously was providing the Lebanese Army, which was a party in the civil war. The mission statement for a neutral American buffer force in Lebanon became impossible to maintain in an environment that turned hostile, yet neither goals nor means were adjusted to the changing political situation (p. 61). The formal goals of the operation influenced the perceptions of the "operators," here the marines. According to the commission, they developed a "mind-set" that detracted from the readiness of the USMNF to respond (p.51). The Beirut commission here used similar terminology as the 1979 TMI commission did in describing operator behavior.

The "Challenger" accident 1986

The Rogers commission recommended a change in the technical design of the space shuttle rocket, but primarily sought changes in administrative and organizational elements of NASA and its suppliers. In particular it wanted to ensure independent oversight of the design process for the solid rocket motor and similar measures to increase safety. To influence management practices the commission recommended putting qualified astronauts in management positions.

The commission did not explicitly discuss issues of leadership and accountability except in broad system terms. As for public administration factors the report considered organization, communications, supervision, goals, and culture. In its discussion of organizational design the commission preferred to illustrate decision points in time rather than conventional hierarchical steps in decision-making (p. 102). Communication was seen to be the most critical element, especially because of the tendency to filter out unpleasant information between decision points. Problems of decision-making arose from conflicts between engineering and management concerns (p. 86). The centrality of supervision and

control were reflected in the stress on the importance of post-flight reviews. The disruptive effects on the space shuttle organization from having to change from a research and development stage to an operational stage was made clear by the report's keen awareness of organizational style and culture.

Despite the disaster, the commission concluded that NASA met its unstated definition of good government. The commission claimed that NASA should be regarded as a national resource and a symbol of national pride and technological leadership (p. 201). Following the same logic prevalent in the Three Mile Island report, the "Challenger" commission thought it vital to keep NASA operations independent of political pressure (p. 176).

Iran/Contra 1987

In line with its diagnosis of the affair, the Tower review board made few recommendations concerning the organization of the National Security Council. It rejected the idea of changing the law or making the national security advisor subject to Senate confirmation. The board emphasized the need for formalized procedures for covert operations, but this formulation should be left to each presidential administration. The most far-reaching proposal was to request that Congress set up a joint committee on intelligence to replace the separate committees in existence. In all the commission hoped to realize "modest improvements" (Iran/Contra 1987, 99).

Regarding issues of leadership, accountability, public administration, and good government, the report concentrated on presidential leadership. The NSC system, it claimed, "would not work unless the President makes it work . . . By his actions, by his leadership, the President therefore determines the quality of its performance" (p. 79). It is his obligation to "make sure that the content and tactics of an initiative match his priorities and objectives. He must insist upon accountability" (p. 80). Despite this admonition, the

commission made allowance for differences in presidential leadership styles, and "President Reagan's management style places a heavy responsibility on his key advisors" (p. 80). Regarding accountability, the report emphasized repeatedly the need for formal authorization of covert actions, and that NSC principals, including the CIA director, should give the President advice independent of their agency base. In the context of public administration theory, the report discussed problems of contradictory policies, flawed decision-making, and unprofessional implementation. Decisions became flawed when they were not the result of collective deliberation, informal discussion procedures, and lack of review after the events. Despite the emphasis on personal accountability for the Iran/Contra affair, the commission touches at least fleetingly on problems with organization, communication, coordination, supervision, goal-setting, and organizational culture. Regarding good government the commission maintained that foreign policy was best left in the hands of the President, but he was required to stay within the law and make use of existing consultative arrangements at his disposal.

Conclusions

In their proposals modern American commissions sought administrative solutions to prevent the recurrence of disasters and ameliorate major problems in society. *Table 24* summarizes some administrative concepts supported by these commissions. Some frequently used terms, such as communication, leadership, and decision-making have not been included in the table. Sometimes commissions tried to reconcile otherwise opposing principles such as centralized management by unity of command with management by horizontal coordination and communication.

The four commissions of the post-modern era, 1979-87, searched like their predecessors for administrative solutions to the disasters that they investigated. But their scope of analysis was more limited, perhaps fitting the narrower societal implications of the administrative failures they considered. While the Great Society commissions supported administrative concepts such as planning, negotiation, redundancy, and market solutions, the reports after 1979 were preoccupied with collective decision-making, formal procedures, supervision, control, and systematic evaluations. In broad terms, the recommendations of the 1964-75 period frequently expressed efforts at "double-loop learning" in proposing radical, system-wide changes. These proposals challenged established administrative policies and norms unlike the postmodern commissions of 1979-87. In the words of the Iran/Contra review board, these recent commissions called for "modest improvements" (1987, p. 99) within the established order. The recommendations of the 1979-87 commissions fitted Argyris and Schön's (1978) definition of "single-loop learning" which only requires the discovery and correction of deviations from existing standards rather than challenges to the standards themselves.

7. CAUSAL ATTRIBUTIONS IN U.S. INVESTIGATION REPORTS 1836-1987

A SUMMARY

Preceding chapters of this dissertation document historical trends in the composition, methods, conclusions, and recommendations of presidential investigation commissions. Of particular significance is the shift from 1899 onwards in the attribution of the causes of administrative failures from individuals to systems. This chapter summarizes key findings relating to the American investigation reports. It discusses critical issues in the categorization of causal attributions and then analyzes the findings in light of hypotheses that seek to account for the observed variations in causal attributions.

Data drawn from the historical content analysis in earlier chapters is here summarized in quantitative form to assess the support for the propositions and hypotheses about the inferred trend toward systems explanations of administrative failure. The propositions are:

- Investigative commission reports assign responsibility for administrative failures in terms of: (1) individual characteristics, such as character flaws and operator errors; (2) and in terms of systemic factors such as administrative procedures and communication systems.
- Investigative commission reports show a historical trend toward increased emphasis on system blame.
- The shift toward system blame cannot be explained by a change in the character of the administrative failure alone.

To the extent this research demonstrates support for these propositions, theory provides three alternative hypotheses to explain the observed trend:

H₁: As the academic community embraces public administration systems theory, commission members will increasingly assign system blame in cases of administrative failure.

H₂: Concurrent with the rise of egalitarian values in society, commission members will tend to assign system blame in cases of administrative failure.

H₃: Where the members of investigative commissions have been trained in systemic disciplines, such as engineering and sociology, they will tend to assign system blame for administrative failure. Conversely, if the members are trained based on individual analysis (law, clinical psychology), they will be more likely to assign individual blame.

In this chapter the evidence for each of these hypotheses is based on analysis of American investigation reports. The implications of these findings for public administration are discussed in the final chapter.

Attribution of Causality and Responsibility

Attribution theory has been proved especially useful to psychologists in explaining the assignment of causality by laymen under laboratory conditions. This dissertation makes the assumption that theoretical insights gained by attribution psychologists can be applied to historical data beyond laboratory control. In classifying data this analysis further assumes that commission members find themselves in the position of the intuitive psychologist who in the role as social observer makes causal judgments, social inferences, and predictions (Ross 1978a, 339).

Classification

Since investigative commissions usually make causal judgments, social inferences, and recommendations, the type of causal attribution made by the commissioners can usually be determined reliably. Causal judgments can broadly be categorized as either dispositional,

that is pertaining to internal, individual factors, or situational, that is external, object-related factors. This dichotomous view of human action as either a product of a "personal force" or an "environmental force" (Heider quoted in Shaver 1985, 38) represents according to Ross (1978a, 340) a "methodological pitfall." Also Ilgen and Klein (1988) complain of the "dubious psychometric quality of attributional measures" (p. 341). Ross and others, however, have pointed at ways to resolve problems of reliability and validity in the classification of attribution statements. Indeed, investigative commission reports lend themselves quite well to simple, dichotomous categorization, since commissions nearly always make explicit judgments of causality.

Besides the distinction between dispositional and situational judgments found in most modern reports, Shaver has introduced a third explanatory category to allow for the attribution of causality to fate or "'superphysical' forces" (1985, 139). In this dissertation this additional category applies to the classification of older reports dealing with military explosions. Commissions tended to regard these accidents as random events "invariably incident" to human endeavors (John Tyler, in Richardson 1897, 280).

Attributional classification has been helped further by the social inferences made by commissions concerning the dispositions of actors or the properties of situations to which actors have responded (Ross 1978a, 339). These inferences usually involve the question of personal responsibility and blame when actions are seen as a result of personal dispositions rather than as a product of environmental factors influencing the individual (Shaver 1985, 88-89 and 162-168).

A third indicator of the effective classification of causal attributions lies in the type of recommendations made by commissions. In cases of actor attributions we would expect predictions about that actor's subsequent behaviors; for situational explanations we can expect predictions about all actors (Ross 1978a, 342; Ross and Anderson 1982, 130).

These three indicators regarding causes, accountability, and recommendations facilitates classification and analysis in quantitative form of the data retrieved from American investigation reports. The use of multiple indicators should strengthen the validity of any findings and compensate for the lack of verification by laboratory studies.⁸

Naïve epistemology

Criticism directed at commissions of inquiry embraces fears that they conduct their work in a perfunctory way so as to exonerate the authorities in general or individual officials in particular. On the other hand, by selecting investigation reports as objects for this research we assume that commissions usually will initiate an open-minded search for the facts to arrive at causal judgments that can stand up to scrutiny by others. This assumption probably cannot be fully verified, but to provide some measure of the quality of the inquiries made by commissions, it is worth examining the range of methodologies used by commissions in gathering and evaluating data. This discussion is particularly relevant since attribution theorists see ordinary people—who should include commission members—as amateur psychologists or intuitive scientists (Ross 1978a, 338; Ross and Anderson 1982, 129-130; Shaver 1985, 130-1).

Just as the professional scientist, the amateur relies heavily on data, techniques for organizing them, and methods of summarizing, analyzing, and interpreting data. Although the data may be informal or second-hand and the techniques and methods poorly developed, Ross (1978a, 338) finds this behavior sufficient to show the existence of a naïve epistemology. Other attribution scholars also emphasize the rational and logical models

⁸In contrast attribution researchers in most experimental studies present their subjects with single questions relating to brief anecdotes. For examples, see Tversky and Kahneman (1982, 119-121) and Ross and Anderson (1982, 133), and for a discussion see Hilton (1988, 35). Einhorn and Hogarth (1986, 16) have emphasized the necessity of multiple cues in determining probable cause, while Karlovac and Darley (1988) discuss the use of multiple indicators of causality to determine responsibility for accidents.

Table 25. Number of methodological options used by 33 U.S. investigative commissions 1838-1987

| | Early reports 1836-78 (n=10) | Progressive Era 1899-1913 (n=7) | WW2 and after 1942-52 (n=6) | Great Society 1964-75 (n=6) | Post-modern 1976-87 (n=4) |
|------------------|------------------------------------|---------------------------------------|-----------------------------------|-----------------------------------|---------------------------------|
| Options at hand | 11 | 15 | 14 | 17 | 17 |
| Average no. used | 4.1 | 6.7 | 6.0 | 10.2 | 10.5 |
| Percentages | (37.3) | (44.7) | (39.3) | (60.0) | (61.8) |

Source: Tables in Chs. 2-4.

used by the perceivers in their search for explanation (Larson 1985, 35; Shaver 1985, 130-1; Einhorn and Hogarth 1986, 3). These models may, according to Einhorn and Hogarth, also account for the fact that knowledge is incomplete or uncertain, resulting in common sense judgments of probable cause (1986, 8).

In this analysis of U.S. commission reports, findings show that commissioners use a broad set of methods in arriving at their conclusions. Whereas the amateur scientist may fall back on "primitive beliefs in situations of uncertainty" (Heradstveit and Bonham 1986, 352), the modern American commission makes use of sophisticated methodologies that may have reduced the incidence of attribution error. Historically, commissions have broadened their use of methodology, even when we consider that some technologies, such as electronic data bases, only became available in the twentieth century, (*Table 25*). As seen in the percentage row in the table, commissions also over time availed themselves of a larger proportion of the methods open to them, and in the process became more alike.

Table 27. Choice of methodology and causal attribution

| Methods orientation | Causal attribution | |
|--|--------------------|---------------|
| | Individual | System/random |
| Individually-oriented methods only | 16 | 1 |
| Minimum one systems-oriented method in use | 8 | 16 |
| Total (N=41) | 24 | 17 |

sions which do not. This relationship is explored in *Table 27*. Commissions that used only the individually-oriented methods listed in *Table 26* as good as always found dispositional attributes as the primary cause. Only when commissions availed themselves of at least one system-oriented method was there an important proportion of causal attribution to system factors.

Commission Attribution Bias

Fundamental Attribution Error

In contrast to other schools of psychology, attribution theorists seem to extol the rationality of ordinary human beings. Yet, according to Ross (1978a, 343), one of their goals is to uncover and explicate errors or biases that distort causal attributions. In analyzing investigation reports, a central issue concerns the presence of attribution error that distorts the conclusions by over-emphasizing the role of the individual as causal agent.

While cognitive psychologist Leon Festinger found a strong *motivational* or ego-defensive bias in causal judgments because of efforts by the individual to reduce dissonance between conflicting facts and beliefs (Festinger 1957, 22-27), Heider and other attribution theorists tend to emphasize *non-motivational bias* as the important source of attribution error. Thus they see deviation from the facts as the result of "judgmental heuristics" (Kahneman and Tversky 1973). Most frequently mentioned as a cause of non-motivational error is the

so-called fundamental attribution error that manifests itself as a "tendency for attributers to overestimate the role of dispositional [person-oriented] factors in controlling behavior" (Ross 1978a, 347). Heider's original generalization has been refined further to account for a divergence between actors and observers in their susceptibility to the fundamental attribution error:

[T]hat is, in situations where actors attribute their own behavioral choices to situational forces and constraints, observers are likely to attribute the same choices to the actor's stable abilities, attitudes, and personality traits (p. 347).

Several experimental studies support this generalization, including a comparative study by

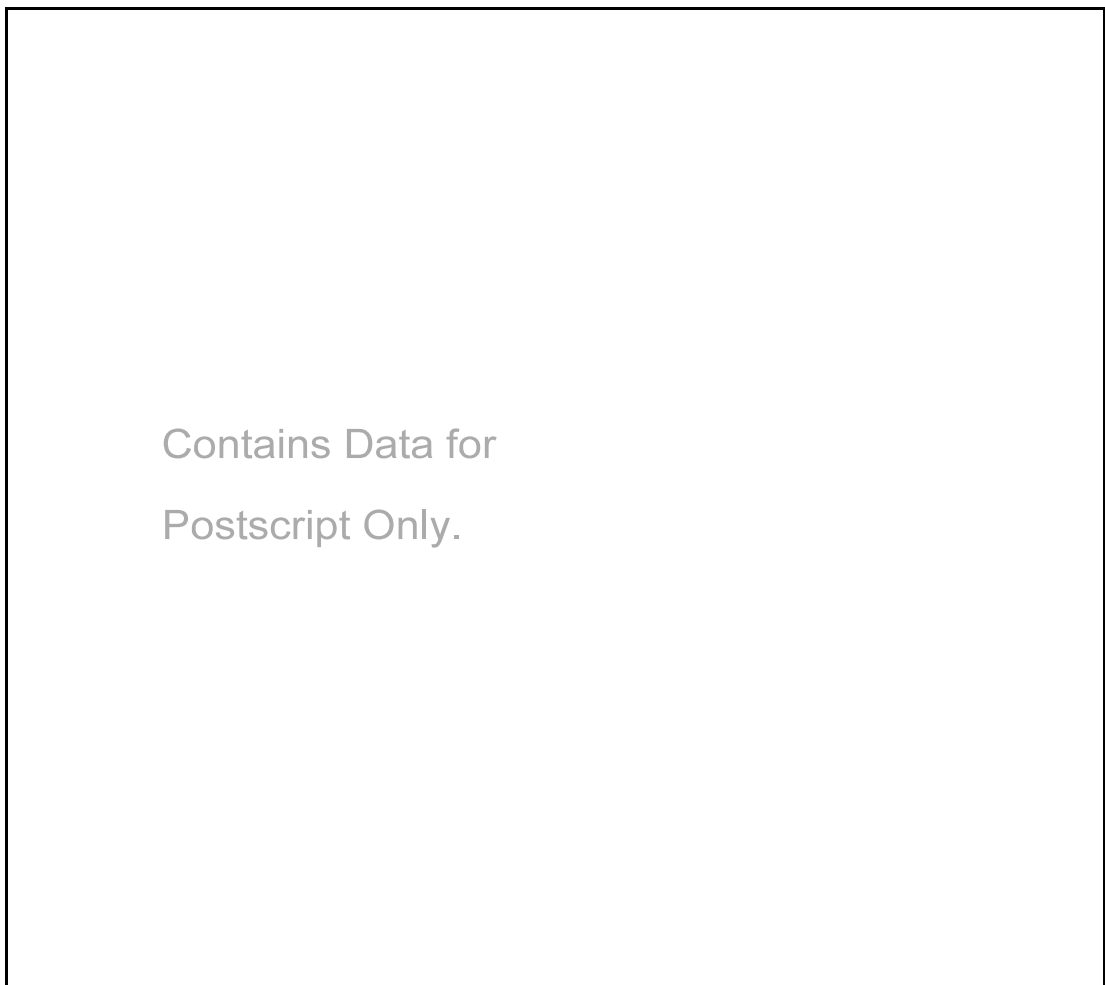


Figure 3. Assignment of causality in U.S. investigation reports 1836-1987
(N=41)

Heradstveit and Bonham (1986) of decision-making by Norwegian and U.S. officials.

However, the present analysis of commission reports shows that the observer members have over time increasingly favored situational attributions in cases of administrative breakdown (*Figure 3*). Current attribution theory does not provide an explicit explanation for this trend. A factor that may have contributed to this shift is the already-mentioned methodological sophistication of modern investigative commissions. As Ross (1978b, 397) points out, the intuitive scientist is, just as the professional, a member of a culture that has learned to gather data in a way that allows people to give up false beliefs in favor of truer ones.

Role Bias

Another non-motivational factor—consisting of a change in role bias—may have contributed to the trend toward system blame, since "formal and informal roles constrain interpersonal encounters, and in so doing, bias the impressions of the participants" (Ross and Anderson 1982, 138). We can deduce from this proposition that the inclusion of more members trained in systems-oriented disciplines must have influenced the perceptions of members. A similar effect on perceptions should follow the inclusion of women members, who according to a laboratory study, do not respond as punitively as men when poor performances are attributed to internal causes (Ilgen and Klein 1988, 340).

However, role bias is not exclusively linked to these familiar sociological categories. Shaver takes the issue of role bias a step further by stating that if "perceivers believe that they might someday find themselves in the same position ('situational possibility'), then their attribution of responsibility to the perpetrator will depend on the perceived similarity to that individual" (1985, 134). The shift toward system blame can therefore be interpreted as a reduction in the social distance between investigators and actors. The more commission

investigations have taken on the appearance of peer reviews, the more sympathetic they will seem to the actor's point of view.

Hindsight Bias

With few exceptions (e.g., Rights in concord 1969), investigations occur after the event, giving commission members hindsight access to information unavailable to the actors. "Attributions regarding the decision-maker's behavior therefore, may be strongly affected by situational factors that evaluators are able to assess with certainty, but which the decision-maker was able to assess only probabilistically" (Alicke and Davis 1989, 362-3). Particularly good examples of this phenomenon can be seen in the reports on military disasters during war, when investigators got access to *a posteriori* data that were unavailable to participants. With added insight into sanitary requirements of military camps, the commission on the Spanish-American War blamed the ordinary soldier for failing to maintain reasonable standards of hygiene to avoid illness and death. Additional information led the Army Board of 1944 to modify the blame directed at the commanding officers in Pearl Harbor by the 1941 Roberts commission. Similarly, two Norwegian commissions on the Second World War used political data to modify early criticism of political and military actors during the Nazi German attack in 1940.

Conclusion

Insofar as dispositional attributions and blaming of individuals represent attribution error, commissions have increasingly been able to avoid this error over time. Based on attribution theory this change may be due to reduced non-motivational bias. However, current literature does not provide a macro-level theory of influences on individual behavior to explain how this long-term shift from internal to external explanations occurred (Cf. Kelley

1992, 6). We can just speculate that this change may be due to factors such as increased methodological carefulness or a change in the role bias of commission members.

Disaster Types and Causal Attribution

Between the two end points of this study, 1838 and 1986, American society was utterly transformed, and for some this may suffice as an explanation for changing causal attributions. This societal transformation also affected the subjects of investigation during this 150-year period. Thus it can be argued that these ad hoc commissions dealt with such disparate events as to make it meaningless to discuss trends in causal attributions. However,

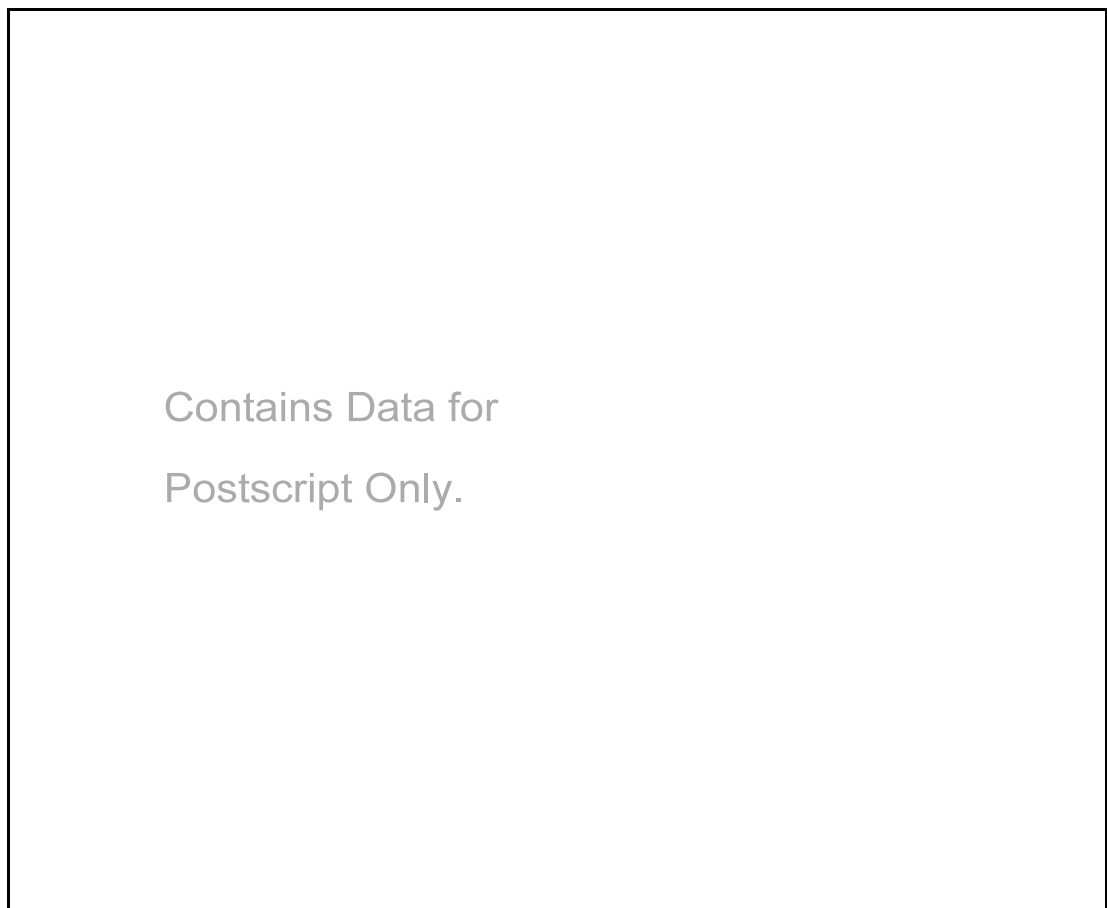


Figure 4. Assignment of causality by disaster type
(n=41)

Table 28. Causal attribution in 41 U.S. investigative reports according to the professional composition of the commissions 1838-1987

| Dominant profession | Causal attribution | | | N |
|--------------------------------|--------------------|--------|--------|----|
| | Individual | System | Random | |
| Civil service (unspecified) | 3 | 0 | 0 | 3 |
| Elected officials | 12 | 1 | 2 | 15 |
| Theologians | 1 | 0 | 0 | 1 |
| Military officers | 6 | 2 | 0 | 8 |
| Lawyers | 2 | 4 | 0 | 6 |
| Businessmen | 0 | 1 | 0 | 1 |
| Engineers | 0 | 4 | 0 | 4 |
| No dominant group ¹ | 0 | 3 | 0 | 3 |
| Total | 24 | 15 | 2 | 41 |

Note: ¹Combination of lawyers and economists.

the distinctive character of each particular disaster should not prevent us from pointing out important similarities and suggesting a typology that cuts across the historical time span. While confrontations between ethnic groups on the frontier engaged several investigation commissions from 1838 onward only to disappear from the agenda after 1904, it can be argued that ethnic conflict resurfaced as a major administrative and political concern in the 1960s. Then racial disturbances reached a peak in major American cities.

Figure 4 shows that the shift in blame attribution cuts across major categorical types. The tendency toward system blame thus cannot be explained simply as a consequence of the change in the general type of disaster under investigation. In this chapter we will consider the likelihood of other influences on the change in causal attributions.

Professions and Causal Attribution

The choice of methodology should, however, be closely linked to the profession of the committee members. We have earlier hypothesized that members of investigation commissions trained in systems-oriented disciplines, such as engineering or sociology, will tend to assign system blame for administrative failure. Conversely, if the members are

Table 28. Causal attributions in 1836-1987

| Era | Individual | | System | | Random or none | |
|-----------------------------|------------|--------------|--------|--------|----------------|------|
| | Individual | Multi-vidual | System | System | Random | None |
| 19th century (N=18) | 1 | 15 | 8 | 1 | 20 | 18 |
| Progressive Era (1899-1913) | 4 | 9 | 30 | 14 | 0 | 1 |
| Modern era (1913-1986) | 11 | 24 | 50 | 15 | 26 | 41 |
| Total (N=41) | | | | | | |

Sources: Tables in Chs. 2, 3, and 5. Several commissions reported multiple secondary causes.

trained on the basis of individual analysis (law, psychology), they will more likely assign individual blame.

In *Table 28* commission reports are categorized according to the majority profession, whenever this has been possible to determine. The figures provide some empirical support for the hypothesis of professional bias in causal attributions in the expected direction, except lawyers who do not show a preference for individual blame in commissions where they dominate.

Public Administration and Causal Attribution

Table 28 does not, however, consider the paradigmatic shift in the educated view of the purposes and obligations of government that occurred in the Progressive Era (1899-1913). We have earlier hypothesized that as the academic community embraces public administration systems theory, commission members will tend to assign system blame in cases of administrative failure. In the United States public administration theory as an academic subject came into its own at the time of the publication in 1900 of Frank J. Goodnow's *Politics and Administration*. Goodnow was the first to provide a definition of the politics-

Table 31. Causal attribution in 18 early and 23 modern U.S. reports according to dominating profession of investigative commission

| | Causal attribution | | | N |
|-----------------------------------|--------------------|--------|--------|----|
| | Individual | System | Random | |
| Early reports (1838-78) | | | | |
| 1. Civil servants | 2 | 0 | 0 | 2 |
| 2. Elected officials | 11 | 1 | 2 | 14 |
| 3. Theologians | 1 | 0 | 0 | 1 |
| 4. Military | 1 | 0 | 0 | 1 |
| Total (early) | 15 | 1 | 2 | 18 |
| Modern reports (1899-1986) | | | | |
| 1. Civil servants | 1 | 0 | 0 | 1 |
| 2. Politicians | 1 | 0 | 0 | 1 |
| 3. Military | 4 | 3 | 0 | 7 |
| 4. Lawyers | 2 | 4 | 0 | 6 |
| 5. Businessmen | 0 | 1 | 0 | 1 |
| 6. Engineers | 0 | 4 | 0 | 4 |
| 7. No dominant group | 0 | 3 | 0 | 3 |
| Total (modern) | 8 | 15 | 0 | 23 |
| Total (both) | 23 | 16 | 2 | 41 |

administration dichotomy (Shafritz and Hyde 1987, 8). The author was first president (1903) of the American Political Science Association and a leader of the progressive reform movement (Shafritz 1988, 249), which also included many commission members appointed by Theodore Roosevelt (1901-09) and William Howard Taft (1909-13). Some of these commissioners happened to be lawyers with a strong interest in government and politics.⁹ *Table 29* shows the change in causal attribution before and after the start of the Progressive era. These findings accord with Mary Douglas' (1986, 120) view of the positive influence of social institutions on individual judgment. This fundamental change in thinking did not, as we can see, entirely eliminate the attribution of causes to the actions of individuals, nor was system blame entirely absent in nineteenth-century reports. Most early commissions

⁹See discussion of the background of individual commission members in Ch. 3 on the Progressive Era.

Table 32. Attribution of blame, by political party in the White House

| Party | Causal attribution | | | N |
|---------------------|--------------------|--------|--------|----|
| | Individual | System | Random | |
| All commissions: | | | | |
| Democratic | 6 | 7 | 0 | 3 |
| Whig/Republican | 17 | 9 | 2 | 28 |
| Total (all) | 23 | 16 | 2 | 41 |
| Modern commissions: | | | | |
| Democratic | 4 | 7 | 0 | 11 |
| Republican | 4 | 4 | 0 | 12 |
| Total (after 1899) | 8 | 15 | 0 | 23 |

considered not only the immediate or primary cause of the disaster, but also underlying or secondary factors, that directly or indirectly affected the outcome (*Table 30*). Twelve out of eighteen early reports list system variables as contributing to the disastrous events. The shift in attributions after 1899 consisted of putting system factors up front as the primary causes.

The introduction of system blame as a common explanation for administrative breakdown was accompanied by changes in the membership of the commissions after 1899. As shown in *Table 31* the professional groups that came to dominate twentieth century commissions applied a systems view of causal attribution. Blaming individuals continued to characterize the judgments of some commissions, especially those dominated by members with a military background.

Cultural Values and Causal Attribution

The third hypothesis for explaining the shift in causal attribution says that as adherence to egalitarian values increases in society, commission members will tend to assign system blame in cases of administrative failure. To operationalize this hypothesis, each commission has been classified according to the political party in control of the White House at the time of its appointment (*Table 32*). This operationalization assumes that the Democratic party is

Table 33. Causal attribution, by political-cultural direction of U.S. presidency 1899-1987

| <i>Ideology</i> | <i>Causal attribution</i> | | <i>N</i> |
|--------------------------|---------------------------|---------------|----------|
| | <i>Individual</i> | <i>System</i> | |
| Egalitarian ¹ | 7 | 8 | 15 |
| Moderate ² | 1 | 7 | 8 |
| Total | 8 | 15 | 23 |

Notes: ¹T. Roosevelt (5), F.D. Roosevelt (3), Truman (3), Johnson (4). ²McKinley (1), Taft (1), Nixon (1), Ford (1), Carter (1), Reagan (3).

an expression of egalitarian tendency or values in the population, while the Whig and Republican parties are taken to embody values based on individualism and hierarchy. However, a classification based only on party labels presents a quandary because the political-cultural values of the American parties have been neither stable over time nor internally consistent at any given moment. In our case this general problem becomes critical since the most intensive use of investigative commissions by Republican regimes occurred precisely in periods when this party was at its most radical (1863-72) or progressive (1899-1913).

Table 32 does not provide the expected support to an operationalization of the cultural values hypothesis based on presidential party labels. To compensate for the problems of using party labels as an indicator of value preferences, I propose an alternative operationalization of the cultural value hypothesis based on the categorization of each presidency as either "egalitarian" or "moderate."¹⁰ The results of this operationalization are found in *Table 33*. One can infer from this table that: (1) egalitarian regimes were more active in appointing investigation commissions than moderate presidencies, and (2) the attribution of system blame is quite characteristic of reports produced by commissions under

¹⁰The categorization of presidencies according to an egalitarian-moderate dimension is debatable. Pres. Carter was a moderate compared to his Democratic predecessor Johnson, but an egalitarian compared to his Republican successor Reagan.

presidential regimes not particularly known to stress egalitarian values, which here includes accepting an expansive view of the role of the state. Thus, system blame may not after all be the dead give-away for a particular cultural-political inclination as claimed by Wildavsky (1987, 16). This result also contrasts with findings that establish that *permanent* bureaucracies are responsive to their masters, whether they are presidents, legislators or judges (Gormley 1991).

Conclusion

After resolving some initial methodological issues regarding the application of attribution theory to historical source material, we have found this approach useful for analyzing the ascription of causality by U.S. investigative commissions in the nineteenth and twentieth centuries. The analysis demonstrates that the modern tendency to attribute causality to system factors rather than dispositional factors of individuals cuts across categorical types such as military catastrophes, civil disorders, and technological disasters. In this way ad hoc investigative commissions have over time freed themselves from fundamental attribution error, which consists of relying on individual factors of explanation for disasters when systems-oriented explanations are valid. The current manifestation of systems explanations on modern commissions correlates with the inclusion of members with a systems-oriented professional bias, such as engineers and economists. Historically, however, systems explanations for administrative failure by commissions were initiated with the recruiting of jurists active in the Progressive movement at the beginning of this century. Contemporary to this the American Political Science Association was founded as a forum for administrative and political reform. A hypothesis derived from cultural theory that system blame derives from the ideology of the White House incumbent finds no support. A further examination of the possible influence of egalitarian values on commissions probably must be conducted from other operationalized measures, such as opinion poll data on political

attitudes in the population. It remains further to see whether the results of the American case study holds for other western-type democracies. In the following chapters, the American findings will be related to the Norwegian experience.

8. EARLY NORWEGIAN INVESTIGATIVE REPORTS 1814-1934

Norway has a tradition going back to the early nineteenth century in appointing independent advisory commissions to undertake critical investigations of major accidents, political unrest, and administrative failure. The commissions' mandate and composition are often laid down by Royal Decree, unless there are specific rules for convening commissions such as found in the current Petroleum Act of 1985.

This and the next chapter provide an overview of investigative reports with an emphasis on the attribution of primary causes. The presentation of data is not as detailed as in the American case, but sufficient to chart some significant similarities and differences between investigations of administrative breakdown in the two countries. In particular the analysis seeks to make clear whether the American trend toward assigning systems blame can be verified and explained in a wider context.

Union Problems 1814-1829

The earliest Norwegian investigation reports originated in events related to the creation of a union between the kingdoms of Norway and Sweden in 1814.¹¹ The three commissions reviewed here dealt with accusations of treachery in the brief war of August 1814, the theater turmoil of 1827, and the Market Square battle of 1829. The legal foundation of these investigations derived from a widely-used system of ad hoc judicial commissions (*dømmende*

¹¹From 1814 to 1905 Norway and Sweden had separate governments united by a common king. Until around 1840 the king personally appointed his Norwegian cabinet members, who were mostly recruited from the civil service. The king had the power to appoint a viceregent (*stattholder, visekong*) until 1873, but the position fell vacant after 1856. Parliamentary government was introduced in 1884 (Nagel 1980, 332-336).

kommisjoner) adopted during the age of absolute monarchy, 1660 to 1814. The government would in each case appoint a commission with the specific authority to either investigate or adjudicate complaints against office-holders (Sandvik 1974, 55-58). This practice was abandoned in 1830 in favor of resorting to the regular courts (p. 60). In this sense the investigative commission reports of the 1814-30 period represented the end of an era instead of a beginning. Government-appointed boards of inquiry into non-military cases of administrative failure were only revived in the first decade of the twentieth century.

General Haxthausen 1814

After the surrender of Norwegian forces in the brief war with Sweden in 1814, the government initiated an inquiry into the performance of General Frederik Gottschalk Haxthausen. As a member of the cabinet he was accused of providing the king¹² and his fellow ministers with misleading and defeatist information on the provisions available to the Norwegian troops. After his resignation the government appointed a "superior war commission" to investigate the accusations against General Haxthausen and a few fellow officers. When the results of the investigation were presented¹³ in November 1814, the new king¹⁴ decided against any further actions against Haxthausen (Fliflet 1991, 438).

The momentous events of 1814 changed the course of Norwegian history. The country gained a liberal constitution, but the new union with Sweden ensued from political bargaining on a European scale (Steen 1951, Mykland 1979). Supporters of full independence considered the union a disaster requiring an explanation. In a typical case of attribution error, responsibility for the military defeat was assigned to a few individuals on the

¹²Christian Frederik was elected king of Norway on 17 May 1814 and resigned on 10 October 1814. He was king of Denmark 1839-48.

¹³There is no indication that this report was ever printed or published.

¹⁴Charles XIII of Sweden and Norway (1814-18).

Norwegian side. Several trials, including impeachment, followed in the wake of the original investigation, but General Haxthausen was acquitted in all instances.

Catcalls on Union Day 1827

On direct orders from King Carl Johan, the Norwegian Government on 20 November 1827, appointed a commission to investigate "the nature and the tendency of the unsettling scenes" that occurred during a theater performance on Union Day, 4 November 1827 (Union Day 1828, [5]). The government quickly amended the mandate to include an inquiry into the steps taken by the Christiania [Oslo] police chief to prevent or stop the disturbances. In particular the commission was asked to find whether there had been any outrage against the law, the dignity of the Swedish people, or the government of the two kingdoms (pp. [30-31]).

Most witnesses, including Police Chief Gjerdrum and the director of the theater, claimed that the catcalls and whistling during the play *The Peace Celebration or the Union* had been directed at the performance, not the Norwegian-Swedish union. After all, the event had ended with everyone in the audience shouting, "Live the King! Live the Twin Kingdoms! Hurrah!" (pp. [28-29]). Witnesses maintained that the catcallers had only been a tiny minority of four to ten people in a crowd of 900.

The two members of the commission, a supreme court judge and a prominent barrister (*høyesterettsadvokat*) recommended that no criminal charges be brought, while the king, against the advice of his government, decided to dismiss a low-ranking civil servant who had been particularly active as a catcaller. The viceregent in Norway, Count Johan August Sandels, resigned shortly afterwards. The king was not pleased by the Swedish count's indulgence to the Norwegians (Steen 1962, 96-97).

The Market Battle of 1829

On 17 May 1829, despite advance prohibition, there were fifteen-year anniversary celebrations of the Eidsvold constitution in downtown Christiania, present-day Oslo. Masses of people assembled at the harbor to greet the steamship "Constitutionen," and later in the day an informal parade marched to the market square singing and shouting. After the mayor publicly read the constitutional clause regarding rebellion, cavalry troops were ordered at 10.30 P.M. to charge into the crowd to make it disperse. No one was killed, but at least thirty-one persons were injured when the horses charged against them. By 2 A.M. the square was finally cleared (Market Battle 1830).

The government immediately established a commission to determine responsibility for the civil disturbance. Due to demands from the aldermen in Christiania, the mandate was amended to include an evaluation of the actions taken by civilian and military authorities: the county prefect (*stiftamtmanden*), the police chief and the policemen, the military commander with officers and private soldiers (pp. [2-3]). The government appointed Presiding Judge J.Chr. Berg together with two military officers as members of the commission. One of the military members was the military prosecutor (*brigadeauditor*), B. Cappelen.

The commission found that people violated civil order when they ignored the mayor's order to disperse and go home at 10 P.M. (p. 19). The use of military troops was therefore legitimate; however, the police and the troops involved were not free from blame. They did not properly execute the order to the crowd to leave the square, and the military action neglected public safety. As a result, only "a piece of good luck" ensured that nobody was seriously hurt (pp. 29-30). The commission discussed whether the police force itself behaved provocatively by employing between forty and fifty civilian assistants for the day and maintaining such a massive presence in the streets. It was impossible to find the main

culprits among the instigators of the civil disturbance (p. 33). Nevertheless, the commission recommended that charges be brought against some individuals, including the young Henrik Wergeland, already famous as a national-romantic poet (p. 86). As for the officials involved, Police Chief Gjerdrum was not blamed for the fact that all his initiatives to prevent the disturbance failed (pp. 55-59); the county prefect, Valentin Sibbern (p. 61), and the two aldermen (*rådmenn*) were fully exonerated (pp. 63-65), while the commandant, Major General Baron Wedel Jarlsberg, was rebuked for deficiencies in the military actions taken, which contravened the careful procedures set out in the military regulations of 1820 (pp. 66-69). In short, the baron was blamed for the violent outcome of the confrontations.

In a royal decree made in February 1830, King Carl Johan of Sweden and Norway ordered that charges against all the young demonstrators be dropped (pp. 121-123). There was no investigation into the acts of the viceregent, Baltzar von Platen, but after his death later in the year, the king did not appoint another Swede to the position of viceregent or governor in Norway (Steen 1962, 158)

City Fires and Other Catastrophes

Between 1817 and 1841 in particular, but even as late as 1927, the government appointed commissions to investigate fires in cities and villages. In addition these commissions drafted new local building codes for each town and proposed compensation that indirectly aided the victims of fire (Haffner 1925/1936). These and other reports concerned themselves mainly with providing restitution to the victims of fires, hurricanes, and land slides. Since the investigations did not go into the matter of administrative failure, they are not included for further analysis in this dissertation.

Norwegian Military Explosions 1856-1934

Military accidents in peacetime entailed fatalities that prompted investigation by a succession of royal commissions between 1856 and 1934. The earliest of these commissions inquired into the 1856 gun explosion aboard the corvette "Nornen," where the commanding officer was killed. The commission examined the quality of the gun powder in use and recommended measures to prevent further accidents. Unfortunately, in this case and in similar cases, the full investigation report was not published (Haffner 1925, 222). Occasionally, extracts from some reports can be found as journal articles or incorporated into other government documents. Only reports of the latter type are discussed here, since only these were open to contemporary public and academic debate.¹⁵

In 1891 a 15 cm Krupp gun blew apart during a shooting exercise at the fortress Karljohansvern. One officer died, and another was mutilated. A committee of experts was charged to find the cause of the accident and examine the serviceability and durability of the Krupp gun. The committee report was not published, but a detailed account can be found in the journal *Norsk tidsskrift for søvæsen* (1891, 117-22). Nothing was found to be wrong with the gun, but a rapid-burning gunpowder had been used during the firing exercise. This produced an abnormally strong gas pressure that caused the explosion. As a secondary cause the committee found that gunpowder packages of unequal strength carried similar labelling by the manufacturer, who had provided written assurance that the gunpowder was safe to use. Nobody was blamed for the accident, and the Norwegian Department of the Navy continued to purchase guns and powder from the Krupp munitions factory in Germany.

On 12 May 1923, at Kristiansten fortress in Trondheim 250 kg of highly-powered explosives ignited so that the resulting blast killed a woman passing by and wounded her two children. Two days later, the Department of Defense appointed a commission of three members to investigate the cause of the accident. All members had military rank with expert

¹⁵Haffner (1925) provides information on the exact location of each unpublished document, at the time generally in departmental archives. These documents should now have been relocated to the National Archives in Oslo.

knowledge of explosives. They were also asked to evaluate whether the measures for storing army explosives provided sufficient safety (Kristiansten 1923, [1]). The commission found that the catastrophe had not been directly caused by the explosives, but by spontaneous combustion in polishing cloth stored nearby (p. 2). According to legal thinking at the time, this causation did not oblige the state to provide restitution to the family. The government decided, nevertheless, to pay an equity compensation to the surviving children. Characteristically, since she was not the family provider, the survivors received no compensation for the loss of their mother (p. 4).

The Department of Defense appointed an investigative commission after a gun explosion occurred on the armored ship "Tordenskjold" on 29 August 1934. The commission consisted of three experts on artillery guns and explosives. They found the cause of the accident in a construction error in the igniter cartridge. This made it very sensitive to any blow, thus allowing the shot to release too early. There was no question of discussing individual accountability in this case (Tordenskjold 1934, pp. 26-28).

These military accidents were considered random events that could not be blamed on any individual, nor were they attributed to system error. Commission members were uniformly recruited among technical experts of military rank, although in the "Tordenskjold" gun investigation the authorities deemed it important to recruit members outside the navy.

The Reform School Affair 1908-09

17 October 1908 the Norwegian Department of Church and Education appointed a committee to inquire into the activities of the "strict" reform schools, which included "Toftes Gave" near the town of Hamar in Southern Norway. The committee consisted of four members chaired by O.A. Eftedal, a county director of schools. The commission members included educators and a law school graduate, but also had access to

additional medical and legal expertise. This the first board of inquiry in this study to include a woman member, Mrs. Ragna Hørbye (Reform schools 1909, [3]), who was a member of the Child Welfare Committee of Kristiania (Oslo) (Biographical reference card, Oslo University Library).

Despite the vague mandate, the final report of the commission was the result of a thorough investigation. In cooperation with the state attorney, the children and staff at the institutions were interviewed in great detail about past and current abuse. In his report, the state attorney accused several individuals of breaking school regulations by beating children with sticks, cudgels, or lashes (p. 108). The commission members themselves found miserable conditions at "Toftes Gave," particularly with regard to cleanliness, sanitation, food, clothing, health, and child labor. In sum the investigative report pictured a prison camp for children (p. 110). Major responsibility for the state of affairs at "Toftes Gave" was attributed to the superintendent (*forstander*), Mr. Navelsaker, who we are told, came to the institution with good intentions in 1890. However, he was easily blinded by the prison traditions at the reform school. The commission also blamed the board of supervisors for passivity, and recommended that "Toftes Gave" be closed down as an institution for children (p. 112). However, this did not occur at once. With some changes, "Toftes Gave" survived as a reform school until 1949, when the City of Oslo made it a home for the mentally retarded (Sorkmo 1989, 17).

The reform school scandal led to legal changes in 1915 (Haffner 1925, 565), but allegations of maltreatment of children and youth at public institutions resurfaced in 1923, 1967, and 1968.¹⁶

¹⁶The Orphanage Committee of 1923 examined conditions at the community homes at Wøyen and Sandnes, but its report was not published (Haffner 1925). Another commission examined the reform schools in a 1939 report which included a psychiatric examination of all students enrolled at "Toftes Gave" and other state reform schools (Haugen 1939). The Ombudsman for Public Administration issued a report in 1967 critical of the state special schools for the mentally retarded (State special schools 1967). In 1968 a committee appointed by the Department of Social Affairs conducted a critical

The Wine Monopoly Affair 1926-30

Last of the older investigations that we shall consider here, concerned the business of A/S Vinmonopolet, the national wine and liquor monopoly. After it was established in 1923 as a mixed private-governmental stock company, the first five years of operation turned out to be quite controversial. Representatives of the old guard of private wine merchants and importers strongly influenced the new firm from the outset, while businessmen who felt left out in the cold accused management of inequities and faulty buying policies marked by corruption. Some of these allegations were examined by the Poulsen Distillery Committee of 1926 appointed by the Department of Social Affairs. While this committee considered whether a distiller had been offered proper compensation from the new monopoly (Haffner 1936, 76), new allegations of misconduct by the Vinmonopolet management proliferated.

By royal decree on 22 June 1928, the government appointed another committee to investigate the wine monopoly itself. Its membership was dominated by civil servants and lawyers with Eyvind Getz, a barrister, as chairman. This committee produced two reports in 1929 and 1930 respectively, with detailed accounts of its findings, conclusions, and proposals. In particular, it found that the wine monopoly's first chief executive suffered from personal, economic difficulties. As time went by, the company began paying his private bills, including 30.000 kr. on a loan guarantee. Although the this chief executive had abused the trust of his board, he managed to escape to Canada with a golden parachute before his dismissal in 1927. The investigative commission accused board members of being duped by their chairman, the former wine importer Hans Halvorsen, who had personally recruited and who strongly supported the runaway executive, Mr. Brodersen (Vinmonopolet 1929, 15-17). When existing wine stocks were

survey of state schools for severely maladjusted children (Schools for maladjusted children 1968). All of these schools have in turn been abolished. Hagen (1988) and Sorkmo (1989) provide historical overviews.

*Table 34. Membership of Norwegian investigative commissions
1827-1934*

| | Members | Dominant group |
|---------------------|---------|------------------------|
| Union Day 1827 | 2 | Lawyers |
| Market Battle 1829 | 3 | Lawyers/military |
| Karljohansvern 1891 | — | "Experts" |
| Reform schools 1909 | 4 | Educators |
| Kristiansten 1923 | 3 | Military engineers |
| Vinmonopolet 1930 | 5 | Lawyers/civil servants |
| "Tordenskjold" 1934 | 3 | Military engineers |

Note: — = not available.

taken over by the monopoly in 1923, the previous owners received 27 million kr. in compensation. The committee found that the multiple roles played by management made possible this—for its time—exorbitant sum (pp. 32-34).

The commission focused its criticism on individuals in leadership positions. These people were blamed for the discrepancies found in accounting and business practices. Concurrent with the investigation, the wine monopoly went to court to get allegations of corruption made against the firm declared to be null and void (Vinmonopolet 1930, 21-22, 40-43). The wine monopoly management lost the case in April 1930 (St.med. 19 (1930), p. [1]).

In subsidiary statements the commission discussed the "social considerations" behind the establishment of the monopoly: Neutralization of private interests in the alcohol business and public control over business transactions (Vinmonopolet 1930, 48-64). The A/S Vinmonopolet was censured for offering its customers discounts, credits, and charges on demand with free transportation. The committee concluded by proposing the establishment of an undiluted state monopoly to replace the then existing semi-public corporation (pp. 77-103). The government accepted these proposals for the reform of the A/S Vinmonopolet, which thus took on the organizational structure it has kept until the present (Haffner 1936, 102).

*Table 35. Causal attributions in early Norwegian reports
1827-1934*

| <i>Individual failure:</i> | <i>Reports</i> |
|--------------------------------|--|
| - lese-majesty | Union Day 1828 |
| - exceeding military authority | Market Battle 1830 |
| - child abuse | Reform Schools 1909 |
| - mismanagement, corruption | Wine Monopoly 1929-30 |
| <i>Random events:</i> | |
| - gun accidents | Karljohansvern 1891 "Tordenskjold" 1934 |
| - blasting accident | Kristiansten 1923 |

Conclusion

As a common trait the older investigations reviewed here emphasize personal accountability. Even in those cases where commissions sought system change to prevent recurrences, they upheld charges against persons in responsible positions. Early Norwegian commissions shared the expectation that the individual should be able to perform under the given circumstances and, if necessary, work to have the conditions changed. These views were strongly articulated in the reports on the Market Battle in 1829, the Reform School affair of 1908-10, and the Wine Monopoly scandal of 1930.

As in the United States, the early Norwegian investigation commissions were kept small. Members predominantly came from the class of officials, civil or military (*Table 34*).

Early Norwegian commissions did not explain instances of administrative breakdown by attributing blame to systemic factors (*Table 35*). When failures could not be attributed to individuals, commissions described them as random, unavoidable incidents. The Reform School Committee of 1909 came closest in showing that system factors,

such as a prison tradition, contributed to the dismal conditions it found at a particular institution. Nevertheless, primary blame was attributed to the individual in charge.

In the long period from 1827 to 1934 covered by these investigations, Norway went through a political transformation, including the introduction of parliamentary government in 1884. In the following fifty years government shifted between Liberals (Venstre) and Conservatives (Høyre), often in coalition with minor "bourgeois" parties. The Venstre party had come into existence in opposition to the reigning "civil servant state" supported by the Høyre party. After 1905 the dominant wing of the Venstre party favored strengthening of the regulatory powers of government. Yet, strenuous efforts to restrain the growth of public administration continued. Between 1920 and 1932 several royal committees sought to limit governmental expenses. Only in 1936 did a party come to power that sympathized with the American Progressive ideals of a strong, active public administration (Furre 1971, 146).

9. MODERN NORWEGIAN COMMISSION REPORTS 1945-1987

Early Norwegian investigation commissions found that administrative failure was the responsibility of individuals. Modern commissions gradually adopted the view that aspects of the system or the environment were mainly to blame. System errors emerged as the primary causal explanation in Norwegian investigative reports only in the 1960s. Consequently, it took the Norwegian commissions sixty years to adopt the view of causality common in equivalent U.S. reports from the Progressive era to the present.

Norway Invaded by Nazi Germany 1940

The Investigation Commission of 1945

Norway was liberated from German occupation in May 1945. Shortly afterward, on 3 August 1945, the new coalition government of Prime Minister Einar Gerhardsen appointed a commission to investigate the affairs of the Nygaardsvold cabinet and other public agencies at the time of the German invasion on 9 April 1940, and the occupation that followed. The government of Johan Nygaardsvold had already been criticized for its lack of preparedness at the outbreak of the war and for its negligence in strengthening the armed forces in the previous years.

The commission was chaired by Gustav Heiberg, a prominent barrister, with six other members recruited from the legal and academic professions, business, and the civil service. Among the academics were two professors of Norwegian history¹⁷ and a profes-

¹⁷Professors Arne Bergsgaard and Sverre Steen were both known for their studies of modern political history after 1814.

sor of theology. A recent graduate in history, Helge Sivertsen, became secretary of the commission.¹⁸

The government appointed the commission at the behest of the Norwegian Storting. The commission was asked to examine the activities of the national legislature, cabinet, Supreme Court, and civil and higher military authorities before and after 9 April 1940. The commission produced its report in six parts, published from 1946 to 1948.

The commission report repeatedly criticized the cabinet and the commanders-in-chief for their lack of coordination and cooperation in the weeks leading up to the invasion and the first few days after 9 April 1940 (World War 2, 1946-48, vol. 1, pp. 39-47). Although the commission thus pointed at serious organizational problems, its critique mainly addressed three cabinet members: the prime minister, the ministers of foreign affairs and defense; and the military leadership: the commanders-in-chief of the army and the navy. The ministers were blamed for their inability to rid themselves of "the ideals of their youth"; the military leaders for their passivity (p. 42). The commission did not, however, criticize the government for the basic premise of its foreign and defense policies, the concept of neutrality. "The rules of neutrality were implemented with wisdom and energy after 1 November 1939," the report concluded (p. 72).

When the commission report was finally debated in the Odelsting (the lower house) in 1948, the international situation at war's end had changed considerably. Norway was about to rescind its neutral position. After a long debate the Odelsting voted unanimously that "the matter does not call for further action" (Bull 1979, 40). The non-socialist opposition had by then abandoned its former motion that the commission's "accusations be taken as grounds for impeachment." The following year, the govern-

¹⁸Sivertsen became a member of the Gerhardsen cabinet in 1960 as church and education minister. He served until 1965.

ment chose a new national security policy for Norway by membership in NATO (Skodvin 1971, Bull 1979). Finally, this was the most important outcome of the conflict over the causes of the defeat in 1940, and not the focus on the decision-making of particular individuals at the time of the outbreak of the war.

The Military Investigation Commission of 1946

Besides the Heiberg Commission, a military investigative commission dealt with accusations directed at military officers for faulty decisions and passivity during the German invasion from April to June 1940. The commission was appointed by royal decree, 25 January 1946, to inquire into circumstances of the military authorities not covered by the 1945 commission. Specifically the commission was asked to submit cases to be transferred to the military prosecutor for further pre-trial investigation (World War 2, 1979, 25).

Erik Solem, a justice of the Norwegian Supreme Court, led the five-member commission, which also included two military officers, one each from the army and the navy, a barrister, and a historian.

The commission issued twenty-one separate reports covering individual cases. The first seven reports were published. However, for several reasons, among others that the court judgments rarely coincided with the tough-minded recommendations of the commission, the next fourteen individual reports were not published until 1979. The commission asked that charges be brought in thirty cases, but only four led to convictions (p. 18).

Accusations against individual officers concerned a broad range of offenses against the military code such as passivity, surrendering too early, failure to give orders, leaving the battle area in critical situations, evasiveness, and the expression of defeatism. The military commission joined the civil commission of 1945 in criticizing the perfor-

mance of the commanders-in-chief of the army and the navy for their lack of energy and initiative at the outbreak of the war (p. 137).

The commission modified its criticism of individual officers by pointing to several extenuating circumstances, such as (1) the defeatist attitudes prevalent in the 1930s, (2) the absence of a general mobilization order on 9 April 1940, (3) the ruptured lines of communication between most military units and army headquarters during the campaign, and (4) the lack of personnel and equipment to fight the then best trained and equipped military power in the world (pp. 30-31). These system failures probably contributed to the few convictions made by the courts (p. 18).

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Between 1946 and 1962 there were no initiatives to investigate instances of major failures involving public administration performance. This period coincided with the long rule of a Labor Party majority government from 1945 to 1961. After suffering losses in the 1961 parliamentary elections, Prime Minister Einar Gerhardsen continued to head a Labor minority cabinet until 1963.

Mine Explosion in Spitsbergen 1963

On 5 November 1962, twenty-one miners died after an explosion in the coal mine "Ester I," which was operated by the state-owned Kings Bay Kull Comp. A/S in Ny Ålesund on the Arctic island of West Spitsbergen. In turn two public commissions investigated the accident.

The first commission was established immediately after the accident with the Spitsbergen governor (*sysselemand*), Finn H. Midbøe, as chairman. While Midbøe was a jurist and civil servant, the other three members appointed by the Department of Indus-

try had first-hand knowledge of mining. One member was a union representative, and the others were mining engineers. Continued fire in the mine combined with the harsh climate of the Arctic did not allow the commission to complete its work. It concluded that there had been a methane gas explosion, but could only hypothesize as to the cause of the accident (St.meld. 86 (1962-63), p. 5).

Consequently, on 4 January 1963 the government appointed by royal decree a new commission chaired by Per Tønseth, a circuit court judge, together with five engineers or mining experts, including a British mining engineer. The charter of the second commission was expanded in scope to include not only the cause of the accident, but also to clarify any misconduct by the company, its representatives, or relevant public authorities. In particular, the commission was asked to inquire into any violations of safety rules (p. 5).

While the first commission had restricted itself to listing possible causes of the disaster, the Tønseth commission had few, if any, doubts about the character of the explosion. It found that whirling coal dust had contributed significantly to the disaster (p. 6). The commission criticized the management of the Kings Bay company for ignoring particular safety regulations and also rebuked the company board and the mine superintendent (*bergmester*) in Spitsbergen (p. 10). The Directorate for Labor Inspection was severely criticized for its lax supervision of safety regulations in the Spitsbergen mines (p. 10). Criminal charges were brought against four persons, but after police investigation, charges were dropped in three cases and in the fourth the attorney general entered a *nolle prosequi*¹⁹ (Gerhardsen 1972, 209).

The commission and the judicial investigation concentrated on technical causes and administrative relationships in Spitsbergen. Meanwhile, the opposition in the Stor-

¹⁹In Norwegian jurisprudence this means that the public prosecutor presumes the defendant guilty, but that the violation is not worth the cost and effort of a full trial. The defendant retains the right to ask for an ordinary trial.

ting led an attack on the government for its handling of worker safety problems at the Kings Bay mine. This no confidence motion led to the fall of the Gerhardsen cabinet in August 1963. Although the prime minister expressed bitterness about this turn of events, the Kings Bay disaster shows how a case of personal accountability can be turned into an issue of organization and leadership. The 1962 accident resulted in the termination of commercial coal mining at Ny Ålesund.

Although previous reports at times pointed to extenuating circumstances, the Kings Bay report of 1963 was the first Norwegian investigation report to attribute major blame to system factors. This occurred about sixty years after the emergence of system blame in the presidential investigation reports of the United States.

Department of Industry 1964

The political storm following the Kings Bay mining accident directed public attention to the affairs of the Department of Industry, which administered several state-owned mining and industrial properties. A separate investigation into the department was prompted by the arrest of a division head (*byråsjef*) for corruption in October 1963. A panel of three members—all lawyers—was appointed by the decree of the Prince Regent, 15 November 1963. The panel chairman, C.J. Fleischer, had been Chief Judge of the Oslo Municipal Court since 1956. Another judge, Erling Haugen, became principal secretary to the commission.

The government charged the panel with examining and evaluating the administrative system and management of the Department of Industry, including its relationship to subsidiary state companies. Additionally, the brief requested draft measures to ensure the achievement of a rational and effective administration, including requisite control and safety measures (Department of Industry 1964, 8).

The main body of the Fleischer report dealt in considerable detail with decision-making, accounting, and other administrative matters. The report depicted a government body run by a few strong-willed personalities, with Karl Skjerdal, the secretary general, as the pivotal figure (p. 40). On important issues top management ignored their subordinates, thereby dispensing with their specialized knowledge. The panel pointed out that this practice not only went against formal administrative procedures, but also contributed negatively to recruitment and worker satisfaction at lower hierarchical levels (p. 139). Besides disregard by individual officials of proper step-by-step procedures, the panel found deficient accounting practices, conflicts of interest, improper mixing of departmental and external agency affairs, and problems of discipline (pp. 138-140).

The panel did not blame the system of administrative procedures for the irregularities uncovered by the investigation. Yet, the panel called for new rules to avoid conflicts of interest. The role of the state as principal shareholder in government-controlled corporations also required a new set of regulations. As for organizational changes, the panel proposed to segregate technical matters into a new directorate independent of the department (p. 140).

As a consequence of the investigation, some personnel changes took place in the Department of Industry. To prevent further conflicts of interest involving department officials, the government introduced new rules for the composition of boards for state-owned corporations. Although the investigation report had directed its criticism at particular individuals, it served also as an indictment of the prevailing system of public administration in agencies responsible for state enterprises.

The 1962-64 investigations of the Kings Bay accident and the Department of Industry met considerable critique from legal scholars for disregarding the rights of witnesses (Blom 1965, Bratholm 1986a, 1986b). A committee appointed by the government in 1966 submitted a report two years later to establish rules to safeguard the integ-

rity of investigative commissioners and procedures for the hearing of witnesses. New rules were adopted by the Department of Justice in 1975 (Bratholm 1986a).

Loran C and Omega: Questions of Secrecy and Deception 1975

A master's thesis in political science triggered an investigation into sensitive areas in the relationship between two allies, Norway and the United States. In the 1960s, the Norwegian government allowed the United States to install new radio navigational systems known as Loran C and Omega along the Norwegian coast. The United States operated both systems outside the regular NATO infrastructure program (Loran C 1977, 29-30). In his thesis, Army Captain Anders Hellebust questioned whether the political leadership in the government and in parliament had received proper information on the military and political implications of this installation from the permanent bureaucracy.

A panel of inquiry appointed by royal decree, 4 April 1975, consisted of three members: Supreme Court Justice Andreas Schei as chairman, and as ordinary members, Håkon Johnsen, a former president of the Odelsting (the lower house) and Magne Skodvin, a professor of history, then known for his recently conducted study of the creation of the Atlantic Alliance (Skodvin 1971). The government mandated the panel to inquire into what happened in the Loran C and Omega cases, and whether the decision-making process accorded with prevailing rules and practices. In no way did the charter setting up the panel imply any failure or wrong-doing by the administration or the political leadership (Loran C 1977, 17).

The report submitted on 23 December 1975 provided insight into decision-making under conditions of uncertainty. Norwegian officials were not absolutely sure about American intentions when they were forced to decide whether to accept or reject Loran C. Would the new navigational aids on the Norwegian coast and on the Arctic island of Jan Mayen serve missile-carrying Polaris submarines? Would the existence of

these installations provoke retaliation from the Soviet Union? The panelists found that decisions were made without final answers to these and other questions (p. 53). What was significant to the panel was that lower-level officials had not withheld important information from the political leadership, which consisted of the five members of the cabinet security council. These ministers were properly informed and made the formal recommendations to the Storting. It did not matter that the full cabinet and the Storting received little information about the Loran C installations. It did not matter that the information they did receive came too late to influence decision-making (p. 54-55).

In the second case, mixed signals from the American government about the purpose of the Omega navigational system created some confusion among Norwegian officials. While diplomats at the U.S. Embassy in Oslo argued the system's commercial uses, other American sources emphasized Omega's usefulness for submerged Polaris submarines. Norwegian Ambassador Thore Boye complained that the Department of Foreign Affairs was not clear what the Americans were up to (p. 92). But also in the Omega case, the panel found no reason to complain that the government acted without adequate information. No decisions binding on the political leadership were made by officials at lower levels (p. 109). The commission focused entirely on the formal aspects of decision-making and found nothing wrong. The government released the panel report in a heavily-edited version. Two years later the full report was published on the initiative taken by two members of the Storting belonging to the Socialist Left.

North Sea Disasters 1977-85

In 1969 large oil resources were discovered on the Norwegian shelf of the North Sea. During the 1970s a new off-shore industry arose from a partnership between foreign and Norwegian oil companies with the government as regulator and co-owner. Exploration and production required personnel skilled in applying advanced technology in a

hostile, natural environment. The attendant risk of catastrophic failure appeared in four major accidents investigated by government commissions between 1977 and 1985. Although the accidents struck operations run by privately-owned companies, attributing blame to governmental performance arose as an issue in all four investigations.

The "Bravo" Blowout 1977

After an uncontrolled blowout of oil and gas on the oil production platform "Bravo" in the North Sea on 22 April 1977, the government appointed by royal decree on 26 April an independent investigative commission headed by Jan Fr. Meyer, City Court Chief Judge in Bergen. The commission also included an assistant chief of police, Johan Schancke, and a professor in ship construction, Johannes Moe, from the Norwegian Technical University (NTH) in Trondheim. Moe was probably the most prominent member of the commission as a former rector of NTH and at the time chief executive officer of SINTEF, a major research center.

In a sense, the commission report represented a Norwegian breakthrough in its modern view of accountability. Although the commission declared that the "accident to a large extent was due to human errors," and that technical deficiencies only had peripheral significance, no individuals were blamed directly for the catastrophe (Bravo 1977, 8). Instead the commission said that the disaster was primarily the "result of many coincidental and faulty judgments. Anyone would consider this constellation of coincidences as inconceivable" (p. 44). However, the apparent randomness of events did not fully overwhelm the commission, since it also found that

the underlying cause of the accident was the inadequacy of organizational and administrative systems. At the time in question these systems proved to be faulty with regard to the planning and management of work processes, performance criteria, formalized procedures for inspection and report besides being unable to perceive problems readily and implement counter measures (p. 60).

The commission recommended that measures be introduced to increase the proficiency of the personnel, so as to give them better theoretical competence in handling unexpected events (p. 59).

The "Alexander L. Kielland" Disaster 1980

The tragic accident encompassing the entire housing platform "Alexander L. Kielland" occurred in the North Sea on 27 March 1980, when it keeled over, leaving 123 dead. The next day the government by royal decree appointed an investigative commission led by District Judge (*sorenskriver*) Thor Næsheim. The four other members had backgrounds related to the off-shore oil industry either as platform manager, engineer or union secretary. The commission called on several outside experts to conduct laboratory tests and computations.

The immediate causes of the accident were found to be technical: Construction failure, stabilization failure, and failure with regard to rescue and escape systems. Though the indirect causes also were found to be technical, the commission focused its attention on existing regulations for the construction and inspection of platforms, how they were executed, and whether they were adequate for the purpose. The commission assigned some responsibility for the accident to the French firm that had built the platform, but did not blame any individuals. As other modern reports, the "Alexander L. Kielland" report concluded with several recommendations for measures to prevent similar disasters in the future (Alexander L. Kielland 1981, 226-235).

Diving accident on "Byford Dolphin" 1983

An accident on the drilling rig "Byford Dolphin" on 5 November 1983 cost the lives of five workers during transfer from the diving bell to the chamber of the diving system. Two days later the Department of Local Government and Labor appointed a commission of experts to investigate the accident. The commission found that the diving foreman and two operators had omitted several steps in the normal procedure in coupling the diving bell to the chamber. By failing to secure a vital catch, an operator caused the atmospheric pressure to fall suddenly, thereby killing the divers inside the diving complex. Although the accident was caused by operator error, the accident probably could have been avoided by using more secure catches on the diving bells. To accomplish this would require the systematic cooperation of several different specialized groups (Byford Dolphin 1984, 31-32).

This commission was notable for being led by a non-jurist, Vice Admiral Reidar L. Godø together with experts on diving and workers' safety. Since it was not led by a jurist, according to the rules for investigation commissions of 1975, the commission was denied access to police depositions (p. 33).

The "West Vanguard" Blowout 1985

On 6 October 1985, another uncontrolled blowout in the North Sea occurred on the drilling platform "West Vanguard." The accident consisted of a so-called shallow gas blowout that took place during ordinary drilling operations and before a blowout preventer had been installed. One of the eighty crew members died in the blast (West Vanguard 1986, 7).

Like the "Bravo" report, this commission pointed to a "number of unfortunate incidents" as causal factors in the accident. "Nevertheless, the commission's evaluation is that those responsible for the drilling operation did not understand the development of a

shallow gas blowout and that they underestimated the danger signals" (p. 8). Operators also departed from the company's drilling procedures, but this failure may not have mattered much, since the commission concluded that "The accident unveiled the fact that the traditional gas diverter system in its present form on all rigs on the Norwegian continental shelf has neither the capacity nor the strength for fulfilling its intended function" (p. 8). As in the "Bravo" report of 1977, the "West Vanguard" commission proposed measures in favor of improved training, planning, warning systems, and measuring devices.

Membership of the commission of inquiry consisted of three oil rig experts, a union representative and a jurist. Superior Court Judge Odd Nørstebø chaired the commission, which was appointed by the Justice Department according to the new Petroleum Act of 1985.

Conclusion

The investigations into accidents into the offshore oil industry in the North Sea dealt with technological and administrative systems of great complexity, technically as well as organizationally. These systems were highly interdependent or tightly coupled with the consequence that major disasters could be attributed to seemingly minor technical defects or human errors. The commissioners revealed little tolerance for uncertainty in decision-making. They proposed measures to reduce the risk of operator error by training, regulations, technical improvements, and organizational changes.

The Reitgjerdet Mental Hospital 1980

For some time there had been allegations about the use of illegal mechanical restraints and physical maltreatment of the psychiatric clientele by hospital employees at the Reitgjerdet hospital. On 29 February 1980, the government by royal decree appointed

Supreme Court Judge Knut Blom to chair a commission to study conditions. Blom was joined by two other jurists, Anders Bratholm, professor of law, and Johan Hjort, a barrister²⁰ (Reitgjerdet 1980, 9).

The commission documented that physical abuse of patients had occurred at the hospital. It also found illegal censorship of patient mail and misuse of funds belonging to the patients. The chief psychiatrists, Finn Brasch Larsen, M.D., and John Berge, M.D., were blamed for these conditions, while the director general of health and others who should have kept an eye on the institution also were censured (pp. 138-40). While other reports since 1963 had shown clear trends toward accepting system variables as the major causal factors, the Reitgjerdet report stands out in its attribution of causality to individuals. Since no psychiatrist had been willing to serve on the commission, it only had jurist members. This may be the reason for the person-oriented conclusions drawn by the three members.

The two criticized doctors resigned from their positions. However, the most significant outcome of the Reitgjerdet affair was a change in public policy with regard to the treatment of especially difficult and dangerous patients. The commission made some proposals in this regard, but it did not discuss the possible closure of the hospital itself. This occurred in 1986 after a vote by the Storting [St.prp. 130 (1980-81), 3].

Police Violence 1981

As in the Loran C—Omega case of 1975, the inquiry of 1981 into police abuse was spurred by the publication of social science research. Several academic reports had suggested that police violence against people taken into custody was more prevalent than previously assumed. The Justice Department established a panel of two jurists, Andreas

²⁰Blom had chaired the 1968 panel that proposed rules for the conduct of investigation by ad hoc commissions. In 1981 Bratholm became member of the commission on police violence.

Bratholm, a professor of law, and Hans Stenberg-Nilsen, a barrister, to review the most recent studies on police violence. In particular, the panelists were asked to provide definitions of police violence useful in legal and social science applications. Further, they were to assess research methodology with a view to uncover possible mistakes and weaknesses bearing on the conclusions in current studies. Finally, the Justice Department asked the panel to judge whether the literature provided enough material to decide the extent of police violence in Norway (Police violence 1981, 19).

The panel reviewed the three academic reports with data on police abuse favorably. Nothing in the reports showed that the authors had neglected proper procedures in handling data, computing estimates, and drawing inferences about the incidence of physical abuse of persons taken into police custody, particularly in the largest towns, Oslo and Bergen (pp. 58-61, 93). On methodological matters the commission consulted with a psychologist and a political scientist (p. 20).

The hearings conducted by the panel confirmed that the extent of police abuse was significantly underreported in official statistical tables (p. 114). Although physical abuse seemed limited to a few police officers in each precinct, several social factors helped to keep the violations hidden. One factor was the low status of the victims, who usually lacked resources (p. 149). Collegial loyalty among police officers was another factor (p. 151), which manifested itself in trial proceedings where policemen had refused to give evidence against each other (Bratholm 1986c, 19-20). Some older officers in addition tended to show a strongly disparaging view of arrested suspects, especially "troublemakers" and repeat offenders (Police violence 1981, 183). Finally, fear of retribution and public attention held back members of other professions, such as doctors, from coming forward as witnesses (p. 23). Although the panel traced documented cases of abusive behavior to particular individuals, it blamed the web of attitudes and practices that allowed police violence to occur and be tolerated at some police stations.

The panel proposed measures to ensure that instances of police violence were simple to report and quickly investigated. Other proposals sought to curb attacks on prisoners by the officer who had made the arrest. The panel believed that further research into the problem should wait until these reforms were implemented (pp. 167-168). It also noted that "police violence" was not a legally definable term, but should be given meaningful content within social research and public debate (p. 25).

The Reksten Shipping Company Case 1981

After the bankruptcy of shipowner Hilmar Reksten in 1981, the finance committee of the Storting asked the government to investigate the guarantees provided to the Reksten shipping companies by the Norwegian Guarantee Institute for Ship and Drilling Vessels A/S. The latter was a financial institution controlled by the state.

The investigative commission appointed by the government on 26 June 1981, had a majority of businessmen, but was chaired by Presiding Judge (*lagmann*) Mats Stenerud. The other two members were shipowner J.E. Jacobsen and business economist Per Palmer.

The government broadened the mandate to cover all aspects of importance about the work of Norwegian authorities in the case of Hilmar Reksten and his companies. Until 1975, Reksten controlled one of the world's largest tanker fleets. In particular, the brief presumed that the committee would examine the engagements of the Guarantee Institute (GI) and the possibility that Reksten controlled hidden funds abroad. On the other hand, the government did not want the commission to discuss questions of punishable offenses or constitutional matters (Reksten 1983, 7-9).

The Norwegian government lost at least kr. 100 million in purchasing Hilmar Reksten's shares in various ship companies (p. 274) and kr. 770 million on guarantees to the Reksten companies themselves between 1975 and 1982. At the same time, the

government lost kr. 960 million in guarantees to other shipping and drilling companies (p. 281). In U.S. dollars the estimated cost to the tax payers totalled \$262 million.

The commission found that the purchase of the ship company shares stemmed from the faulty judgment of the Department of Finance. The shares quickly became worthless, but the transaction saved Reksten from immediate bankruptcy (p. 275). The commission faulted the decision-making mechanisms of the state for being too rigid and ponderous to handle share transactions in a business-like manner (p.276).

The Guarantee Institute (GI) accumulated losses by failing to sell tankers it controlled earlier. The GI management's misplaced optimism about market trends derived in part from the influence of interested parties, ship owners, banks, and labor unions, all with representatives on the board (p. 280). Although the Guarantee Institute was an instrument of the government, a certain bureaucratic laxness characterized the supervision conducted by the authorities, including the control of currency transactions (p. 317). Nevertheless, the commission faulted no particular agency (p. 283). On the government side, a group limited to five persons formed the key actors involved in the Reksten case. The lack of government specialists created potential conflict of interest (p. 294).

Ship owner Hilmar Reksten made incomplete and misleading presentations to Norwegian authorities regarding his financial interests abroad, the commission found (p. 304). His secretiveness helped him to derive illegal tax benefits for himself and members of his family (p. 305). However, the commission failed to unearth the extent of Hilmar Reksten's holdings abroad (p. 304). On the other hand, the losses sustained by the government on guarantees for the Reksten tanker fleet were proportionally no larger than for tankers operated by other ship owners (p. 314).

The commission blamed the board and the business manager of the Guarantee Institute for failing to agree on formal instructions for the job of the latter. This had

unfortunate consequences for the GI's dealings with the media, which the management often handled clumsily (p. 282).

Government decisions on guarantees for ships and oil rigs were made under uncertainty caused by time pressure and lack of information. Moreover, the presence of interest served to color the available information sources. Under the circumstances, civil servants considered the negative risks of denying guarantees to ship owners as greater than approving them. The multiple roles performed by government, as guarantor, tax authority, currency supervisor and so on, increased the complexity of the situation and encouraged caution among negotiators (pp. 317-318). The commission concluded that public administration in general was clearly handicapped in having to accept responsibility for making decisions in situations of economic turbulence (p. 320).

Thus, the economic losses suffered by the government were attributed to system factors. These losses were on the other hand compensated by the continued operation of privately-owned shipyards at home and the maintenance of creditworthiness abroad.²¹

The Vassdalen Avalanche 1986

On 5 March 1986, an avalanche of heavy snow from Mount Storebalak killed sixteen soldiers on their way through the valley of Vassdalen. They were participants in the NATO military exercise, "Anchor Express" in Northern Norway. Two days later the government appointed by royal decree a civilian commission of inquiry under the leadership of Presiding Judge (*lagmann*) Agnes Nygaard Haug. This commission of eight mem-

²¹This investigation did not put an end to the Reksten affair. The government's handling of share purchases and guarantees was examined by a parliamentary investigation commission appointed by the Storting 20 June 1985. Under the leadership of former Supreme Court Chief Justice Rolv Ryssdal, this commission produced a report without any conclusions or recommendations (Reksten 1988). Court cases in the wake of the Reksten bankruptcy in 1981 continued to wind their way through the court system in Norway and abroad as late as 1993, while the finance committee of the Storting considered a renewed investigation (*Aftenposten* 11 March 1993).

bers incorporated the six members of a military commission already at work. In all, three jurists, three military personnel, a medical doctor, and a geologist made up the commission membership.

The brief government mandate charged the commission to "investigate the causality of the avalanche with a particular eye on considering possible faults, derelictions of duty, and other blameworthy conduct by individuals or in an agency" (Vassdalen 1986, 12). Later, the Department of Justice asked the commission to discuss the prevention of similar accidents in the future (p. 12).

As important factors beyond weather and snow conditions, the commission asserted that the "somewhat complex military system did not register the danger signals before it was too late" (p. 8). The commission directed its critical remarks at military units and individuals for actions and omissions in the period before the accident, but no single individual was blamed. In fact the Chief of Defense, General Bull-Hansen, claimed that all responsibility was his and this could not be delegated. The commission answered that "in reality it found . . . it difficult to attach any blame to such a formal definition of responsibility. The decisive factor in the opinion of the commission had to concern whichever authority had been delegated, and the resources and freedom that each link in the chain possessed to intervene in the course of events" (p. 85). The report concluded with several proposals regarding the planning of exercises, training, regulations, and increased avalanche expertise to prevent future accidents of this type (pp. 102-104).

The Vassdalen report can be categorized with the investigations on oil and gas disasters in the North Sea. Although individuals may commit errors and make faulty judgments, it is in the end the "system" that must be improved if these failures are to be prevented.

In the wake of the investigative report on the Vassdalen avalanche, many commentators criticized the way the investigative commission interpreted terms such as organization, accountability, and leadership. Two organizational researchers, Alf-Inge Jansen and Audun Offerdal, accused the commission of promoting its judicial function because it relied on "securing the organization against departures from regulated behavior by admonishing, deepening, and sharpening the set of formal rules, whether they are expressed as directives, rules, standards or regulations" [Quoted in St.meld.nr. 68 (1986-87), 37]. Instead there should be more emphasis on "Exercises of the ability to withstand the trend toward the discounting of responsibility and increased passivity caused by organizational characteristics such as increased hierarchy, criteria for making careers, organizational culture etc. — in other words training the ability to initiate and practice leadership" (p. 37). Although these remarks by themselves are critical of the system, they show a wish to arrive at organizational structures in the Norwegian armed forces with the potential of encouraging personal accountability for success and failure.

Fallout from the Chernobyl Nuclear Accident 1986

On 28 April 1986, Swedish sources reported a sudden increase in radiation levels in the atmosphere over Scandinavia. The radioactive fallout was discharged as result of a catastrophic accident at the Chernobyl nuclear power plant near Kiev in Ukraine, then a Soviet republic, on 26 April 1986. The accident came as a complete surprise for Norwegian authorities, which at the time was going through a change of government. A coalition of bourgeois parties was about to be replaced by a minority Labor Party cabinet. The authorities' handling of the public demand for information during the Chernobyl crisis led to considerable criticism, which in turn resulted in the preparation of two reports on administrative breakdown at a time of crisis.

On 19 June 1986, the Department of Social Affairs named a panel of five members to evaluate the accident information provided the public by the department and the Directorate of Health. The panel was to analyze information measures in relation to the need among the public and the use of it by the mass media. The panel was chaired by Gudmund Hernes, a professor of sociology, with three journalists and a government information officer (Chernobyl 1986, 3).

The panel agreed that the Chernobyl nuclear accident led to an information and credibility crisis. The Norwegian health authorities provided incomplete and faulty information and left important questions unanswered. The same authorities failed to accommodate the public need for information and contributed to a credibility crisis vis-à-vis the media and the public (p. 7). The cause of this administrative crisis lay in the failure of the Directorate of Health (HD) to cooperate with other agencies, particularly the Department of the Environment, which had developed relevant alert measures for accidents in the North Sea. At the same time as the directorate held the upper hand in providing information, health officials refused to accept advice on practical matters from outside experts (p. 8).

While the ministers of the departing government remained passive, professionals in various agencies struggled over different philosophies of public information. A hierarchical approach emphasized that the fear of fallout could lead to greater health problems than the fallout itself (pp. 215, 230). The panel found that this fear of the people's fear contributed to unleashing such fear (p. 217). The alternative, egalitarian philosophy assumed that the public as rational actors can handle and evaluate information provided by experts (pp. 230-31). In their analysis of cultural values, it did not occur to the panel that egalitarians may fear technology more than hierarchists do, as claimed by Wildavsky (1987, 14).

The panel explicitly refused to interpret differences between the authorities and the media as personal, since they served separate functions and frequently opposing interests (p. 218). In turn, these differences expressed themselves in conflicts over time, sources, accountability, knowledge, priorities, and credibility (pp. 218-20). In its evaluation of the efforts of government officials during the crisis, the panel concluded that "all persons who took part did individually as well as they could" (p. 221). Thus, only with a different system could the authorities have averted the crisis of information.

Another official Norwegian report on the Chernobyl nuclear accident was produced by an advisory group of experts appointed by the General Director of Health on 14 May 1986. The group was led by Per Oftedal, a professor of general genetics with experience in radiation issues from national as well as international agencies. The other seven members were researchers in the medical and the physical sciences. This advisory group was asked to examine Norwegian experiences in handling problems created by the Chernobyl accident. According to its brief, the group should provide advice on current developments. This did not happen, and the members complained that they were neither consulted nor informed adequately by the directorate (Chernobyl 1987, 7).

Based on Soviet and other foreign sources, the second Norwegian report described the causes of the Chernobyl nuclear power plant accident and the fallout on Norway and other countries. Lack of preparedness, instrumentation, and experience characterized the early reaction of Norwegian authorities. These factors made it difficult to explain the character and the dimensions of the situation to the public (p. 51). Whereas experience from nuclear weapons testing in the 1950s and 1960s had shown that fallout distributed itself uniformly across the land, a couple of weeks passed before the authorities fully realized that the fallout from Chernobyl behaved differently. Eventually, measurements showed that the highest concentrations of cesium isotopes, ^{134}Cs and

¹³⁷Cs, were found in just four of Norway's nineteen counties (p. 51). In these areas, fallout affected in varying degrees milk production, reindeer, and wildlife.

The group found a failure of coordination in the collection of information at all levels, and at times conflicting advice to the public emanated from multiple agencies. A general problem concerned the difference between the relatively inconsequential effect of a minor increase in individual risk and an unacceptable increase in the collective health risk for the population (p. 51).

The group concluded that the lack of preparedness in tackling the effects of the Ukrainian nuclear accident had several causes (p. 82):

- The cessation of existing alert measures in the 1960s
- Lack of experience and will among experts to interpret and conclude from early measuring data
- Lack of advance planning, coordination, and general knowledge among authorities, media, and the public
- Failure of the Directorate of Health to bring clear and unambiguous information to the public

Like the panel on information crises, this group suggested some organizational changes to strengthen the ability of the relevant authorities to handle similar crises in the future. While the first panel wished to strengthen the role of the Prime Minister's Office, the second group emphasized the importance of the Directorate of Health and the National Institute of Radiation Hygiene.

Conclusion on Modern Reports

After 1963, the number of ad hoc investigations into the causes of catastrophes and administrative failures increased markedly. In the 1980s the appointment of investigative commissions became a regular feature of governmental action. While the pre-war com-

Table 36.3. Causes attributed to Norwegian modern investigations
1945-1986

| <i>Individual failure:</i> | Members | Dominant group |
|---------------------------------|--------------------|-------------------|
| World War II 1945 | World War II | Civilian 1945 |
| World War II 1946 | World War II | Military 1946 |
| Kingle Bay 1963 | Dept. of Engineers | 1964 |
| Deppera Industri 1964 | 3 Bravo | Lawyers |
| Lopperstad Omega 1975 | 3 Byford | Dolphin "West" |
| "Bravo" 1977 | 3 Vanguard | 1985 |
| "Alta" HusKielland 1980 | Reitjerdet | Technical experts |
| Reitjerdet hospital 1980 | 3 | Lawyers |
| Byfjord 1981 | 2 | Lawyers |
| Reksten shipping 1981 | 3 Kings Bay | 1983 men |
| "Byfjord Dolphin" 1983 | 6 Loran | Omega 1975 |
| "Vaskvanguard" 1985 | 3 Reksten | Technical experts |
| Vassdalvalme 1986 | 8 A. L. Kielland | 1980 |
| Chernobyl 1986 | 3 Police | Violentists 1981 |
| Chernobyl 1986 | 8 Vassdal | Snarsette 1986 |
| - administrative monopolization | Chernobyl I | 1986 |
| - administrative unpreparedness | Chernobyl II | 1986 |

missions averaged 3.3 members, the modern commissions from 1945 to 1986 grew to an average of 4.8 members. Lawyers, who were as a rule drawn upon as chairmen, continued to be the best represented profession on the commissions over all, although not necessarily in the majority, (*Table 36*).

Causality in the fifteen reports of 1945-86 was about equally distributed between individual (7) and system factors (8). This represented a radical departure from the emphasis on individual responsibility in the early reports. Unlike their predecessors, several modern reports attributing causality to individuals now pointed to mitigating environmental factors that reduced personal blame (World War II 1945, 1979; Bravo 1977; Byford Dolphin 1983; West Vanguard 1986).

Although the government between 1963 and 1986 changed hands several times between the Labor Party and various coalitions of the four non-Socialist parties, only three commissions in this period were appointed under non-Socialist governments

Table 38. Causal attribution and lawyer dominance 1945-1986

| Dominant profession | N | Individual failure | System failure |
|---------------------|----|--------------------|----------------|
| Lawyers | 5 | 4 | 1 |
| Non-lawyers | 7 | 1 | 6 |
| Balanced | 3 | 1 | 2 |
| Total | 15 | 6 | 9 |

("Byford Dolphin" 1983, "West Vanguard" 1984, Vassdalen 1986). No particular pattern correlating political ideology and causal attribution can be inferred from this, other than a secular trend toward system blame. This trend may be primarily due to the waning influence of lawyers on investigative commissions. (*Table 38*). The introduction of non-lawyer professionals on commissions correlates well with the attribution of system causality. In the only case when a panel of lawyers adopted the systems view, they deferred to the expertise provided by the social science scholars whom they consulted during their investigation (Police violence 1981).

According to Johan P. Olsen (1993), values and interpretations identified with the legal profession have lost ground in Norwegian public administration except for investigation commissions, which, he says, are still controlled by lawyers. While it is true that the profession provides the leadership of most commissions, this analysis (*Table 38*) shows that its members are no longer able to impose individual accountability as the supreme attributive criterion unless they form the majority.

A Note on Recent Norwegian Reports

The current decade has in its first years seen a proliferation in the use of ad hoc commissions by the government to investigate the causes of disasters and failures of various kinds. These investigations have dealt with seal hunting (1990), cost overruns on the new headquarters of the Bank of Norway (1990), corruption in the Oslo city administra-

tion (1990-93), the disastrous fire aboard the passenger liner "Scandinavian Star" (1991), the banking crisis (1992), and the collapse of the efforts of a hostile takeover by the largest Norwegian insurer of its Swedish competitor (1993).

Although each of these recent reports deals with calamitous events of national and sometimes international significance,²² their frequent occurrence should be seen in part as a reflection of the continued minority position of the government (Strøm and Leiphart 1993). Since the Norwegian Storting traditionally has been poorly equipped to carry out its own investigations in the style of the U.S. Congress, the opposition may prefer to call for "neutral investigation" in cases of apparent government failure. The Storting has recently reorganized its committee system to provide for improved control and oversight over the executive [Innst.S. 145 (1991-92), p. 16].

A detailed analysis of each of these quite recent reports lies outside the scope of this dissertation. However, the banking report contains a discussion on the problem of attribution that is particularly relevant to the main topic of this work. After finding that the Norwegian banking crisis of 1987 onward was the result of confluent changes in the Norwegian and international financial system, the commission asked why the media nonetheless focused their attention on the role of management (Banking crisis 1992, 84). One obvious cause, the commission found, lay in the fact that newspapers, economic journals, television, and radio decided that the financial world made "good material, especially if dramatic events and persons could be highlighted" (p.84). On the other hand, the banks contributed to this trend by propagating a "winner-culture" channelled through the media with the support of press relations staff. The promotion of bankers as winners backfired when the crisis set in at the end of the 1980s. The C.E.O.s of the three largest commercial banks resigned, and control and ownership were effectively

²²The reports on the "Scandinavian Star" disaster and on the banking crises have both been published in official English editions.

taken over by the state. From this perspective, the fall of the bankers was related to the public relations created to promote them, and not because it was reasonable to blame them for the unfolding crisis.

10. INFLUENCES ON INVESTIGATIVE COMMISSION ATTRIBUTIONS

Introduction

Executive investigation commissions in the United States and Norway have over time shown a tendency to assign system blame rather than individual blame in cases of administrative failure. The pattern holds for different types of disasters, ranging from military failures, civil strife, administrative mismanagement, and technological accidents.

This chapter recounts major issues and findings from an analysis of a selection of governmental investigation reports. To explain the perceived trend toward system blame, the chapter proceeds to a discussion of probable societal influences on commission attributions of causality and blame. These influences may originate in changes in the political culture affecting perceptions of the relationship between social cause and effect. More presumptuously, the emergence of public administration theory may have had direct bearing on commission reasoning. A third possible explanatory factor may be traced to changes in the professional make-up of commission membership.

The chapter proceeds to a discussion of the implications of the findings for public administration. While an emphasis on system blame in theory weakens traditional principles of personal and political accountability, the actual shift toward system blame shows that investigative commissions contribute increasingly as policy evaluators and initiators of system change. After this discussion of their instrumental aspects, we consider next the significance of commissions as expressions of political culture. From this perspective commission attributions express different modes of deflecting blame. These

modes reflect political values that include different perceptions of risk in society and among the professions represented on commissions.

The chapter concludes with a discussion of some current dilemmas that face public administration in balancing personal accountability and promoting system change. The rise of system blame may be an inevitable cost of progress that promotes complex institutional structures. On the other hand, the way commissions currently think may contribute to organizational learning and innovation. Thereby commissions help to make public administration more accountable and responsive.

Finally, the future of investigation by executive commission may itself be in doubt. Other means of gaining insight into the problems of modern governments are gaining ground and may become preferred alternatives.

Issues and Findings

Disasters and administrative failures are unexpected events that require explanation. While each failure possesses particular traits, this dissertation suggests that the way in which people attribute causality and responsibility is a product of their culture. The research focuses on investigations on the highest national level in Norway and the United States. These are ad hoc commissions appointed to learn the causes of outstanding instances of administrative-political failure. The data set consists of forty-one American and twenty-two Norwegian reports.

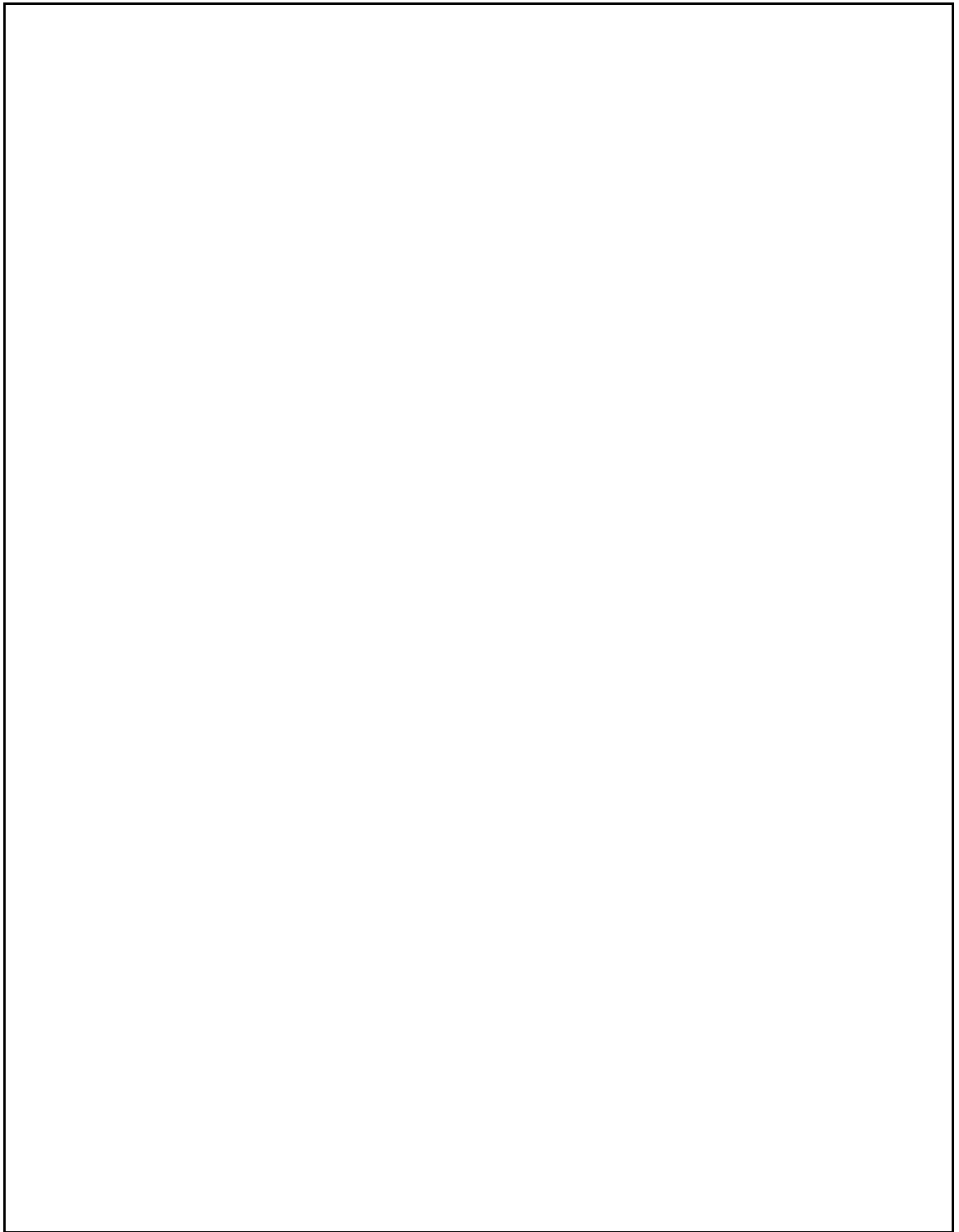
Popular opinion ascribes events to the intentional action of individuals. On the other hand, actors involved in the events themselves tend to report that they were reacting to some feature of their surroundings (Levitt and March 1988, 323; Ross 1978a, 347). To examine whether this general principle of attribution theory holds for investigation reports, we have sought empirical evidence for the following proposition:

- Investigative commission reports assign responsibility for administrative failures by using: (1) individual characteristics, such as character flaws and operator errors; and (2) systemic factors such as administrative procedures and communication systems.

Among the reports included for analysis, commissions made both types of causal attributions. Most U.S. and Norwegian commissions found that the primary or immediate cause of failure could be traced to individuals. Another large group of reports explained disasters by reference to system factors. In addition there are a few commissions that ascribe disasters to random events that cannot be blamed on anything but fate, so-called "acts of God." These findings suggest that executive investigative commissions in the United States and Norway reflect the viewpoints of neither the actor nor the naïve observer in self-operating fashion.

Historically, the emergence of systems theory in public administration is a modern phenomenon (Kettl 1993; Shafritz and Hyde 1987, 47-49). So the manifestation of system attribution in investigation reports also may be recent. This leads to the second proposition that:

- Investigative commission reports show a historical trend toward increased emphasis on system blame.



*Figure 5. Causal attributions in investigation reports
(N=63)*

The empirical analysis shows that U.S. reports of the nineteenth century usually explained disasters by making dispositional (person-oriented) attributions. Similar attributions characterized Norwegian reports until the 1960s (*Figure 5*). Commissions referred to the character flaws or the lack of proficiency of leading officials as the immediate cause of disasters. Commissions that ascribed administrative disasters to random factors concerned themselves usually with early accidents involving military explosives. However, in the last thirty or ninety years investigative commissions in Norway and the U.S. respectively, have emphasized environmental "system errors" such as faulty communications, administrative procedures, and decision-making structures. These modern reports rarely make individuals in position of authority responsible for disasters. Any persons blamed are usually operators at the lowest organizational level.

Ad hoc investigative commissions deal with rare and disparate events. It can be argued that the secular trend from individual to system blame has to do with the nature of the disasters. Modern disasters are simply different from the disasters of the past. Therefore, the third proposition to be explored is:

- The shift toward system blame cannot be explained by a change in the character of administrative failure alone.

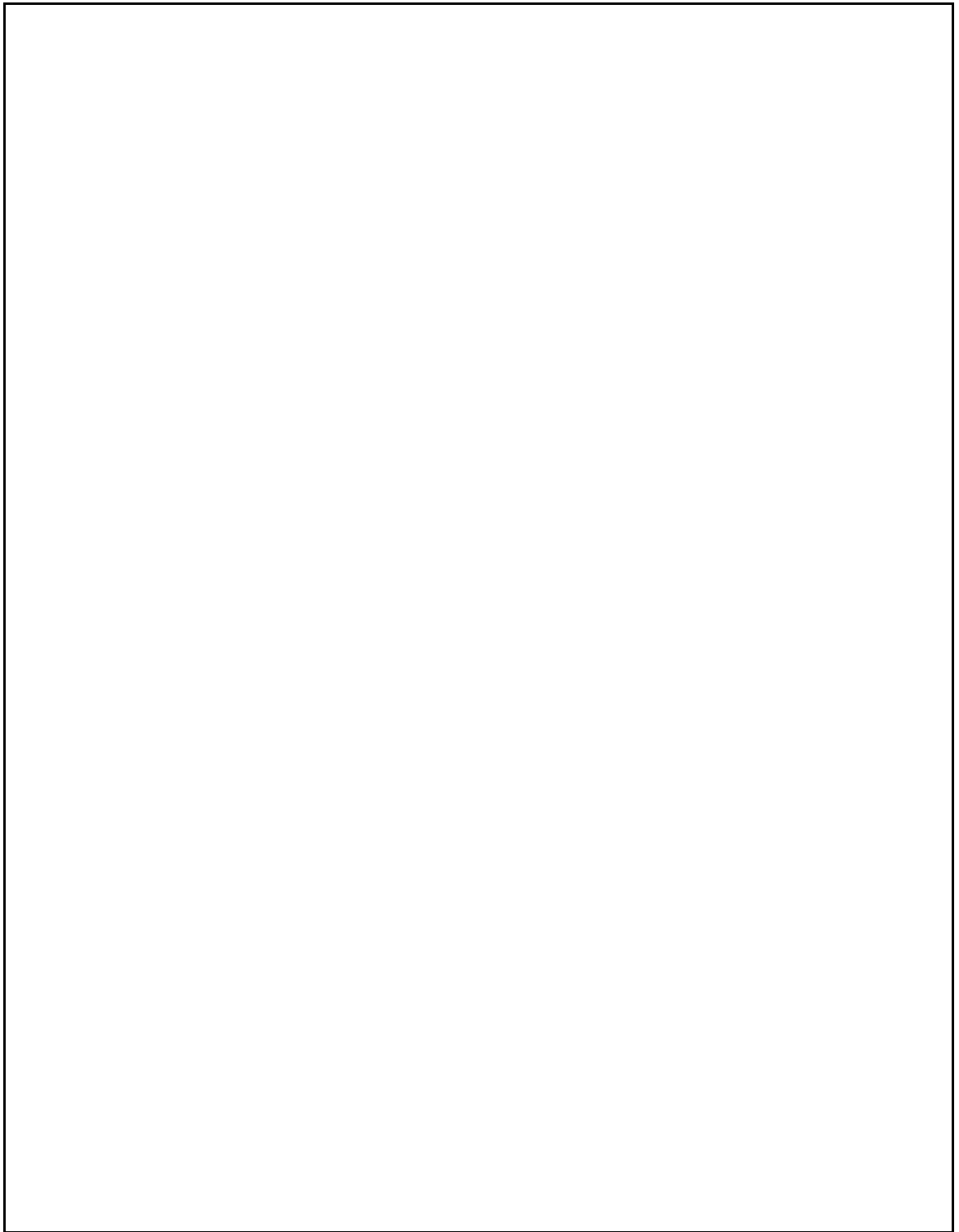


Figure 6. Attribution of causes by disaster type
(N=63)

Despite the changes in technology during this 150 year period, the empirical evidence shows that the trend toward system blame includes all major categories of administrative failure: Military catastrophes, civil or ethnic unrest, mismanagement, and technological disasters (*Figure 6*).

To conclude: The empirical analysis provides support for the propositions that investigative commissions make both dispositional and system attributions. There has been a historical shift toward making system attributions. This shift includes all major categories of disasters. With this evidence of a change in commission behavior, theory suggests three alternative hypotheses to explain the observed trend:

- H₁: Concurrent with the rise of public administration systems theory in the academic community, commission members will increasingly assign system blame in cases of administrative failure.
- H₂: As adherence to egalitarian values increases in a society, commission members will tend to assign system blame in cases of administrative failure.

H₃: Where the members of investigative commissions have been trained in systemic disciplines, such as engineering and sociology, they will tend to assign system blame for administrative failure. Conversely, if the training of the members is based on individual analysis (law, clinical psychology), they will be more likely to assign individual blame.

The analysis of American reports shows that the turn toward system blame in the reports of presidential investigative commissions occurred at the beginning of the twentieth century. U.S. presidents of the Progressive era (1899-1913) appointed activists in the reform movement as members of investigative commissions. Although several were lawyers, they identified with ideas for the systematic reform of politics and administration on the federal and local level. Concurrently, public administration emerged as a subdiscipline of political science. Scholarly thinking represented an important influence on the Progressive movement (Kettl 1993). Later in the twentieth century, the tendency to attribute disasters to system factors was sustained by commission members with a system-oriented bias in their educational background. U.S. investigative commissions were controlled by engineers, businesspeople, natural scientists, and social scientists, rather than professions that traditionally favored individual factors: lawyers, theologians, and military officers.

Compared to the U.S. experience, the Norwegian reports show a sixty-year lag in adopting systems-oriented causal attributions. At the beginning of the twentieth century other issues pre-occupied the Norwegian political and educated elite. There was nothing similar to the Progressive movement to inspire lawyer-members of commissions to turn to a systems-view of causation. In Norway the trend toward system blame is closely linked to the inclusion of new professions, such as engineers and social scientists as members of investigative commissions from the 1960s and onward. Jurists, as the formerly dominant group, continued to prefer dispositional explanations.

There is no obvious way to provide an empirical test of the second hypothesis (H₂) on the influence of popular values on commission behavior. Since both the Norwegian and the U.S. governments are popularly elected, an attempt was made to use the ideological profile of the president or the cabinet as the operationalized indicator. However, system blame in modern reports occurs whether the regime is conservative or socialist, Republican or Democratic. In this respect it can be said that investigative commissions are not mouthpieces for the sitting government. On the other hand, especially in the United States, reformist regimes are overall more likely to appoint investigative commissions than moderate ones.

Conclusion. This examination of investigation reports made by ad hoc commissions in Norway and the United States shows the cultural influence on attributions of causality. The inclusion of professions based on the natural and social sciences encouraged a trend away from dispositional to system explanations of disasters. This trend accelerated in the United States with the influence of emerging public administration theory on the Progressive movement at the beginning of this century. In this way public administration as an academic discipline can be said to have inspired commission thinking in America. The weak position of the social sciences in Norway before the Second World War led on the other hand to a delay in accepting the systems view of causation in Norwegian investigations.

Causality and Accountability

While scholars continue to argue the philosophical treatment of causality and responsibility, investigators into cases of administrative breakdown assume causation. Only in a few cases have commissions included for analysis in this dissertation failed to come up with at least one cause of administrative failure. The way commissions explain causality and decide issues of responsibility have implications for the application of principles of

accountability in public administration. The high visibility of these investigative commissions may make them particularly influential on wider issues of personal and political accountability.

Einhorn and Hogarth (1986) postulate that individuals determine causal explanations by weighing the gross and net strengths of the evidence for alternative causal explanations, while they also consider contextual factors (pp. 4-5). People will accept the explanation with the highest net strength as the best. Until recently commissions regarded explanations based on individual failure as having highest net strength. However, Einhorn and Hogarth add, the causal field—the area where one looks—can shift. This shift in perceptions changes patterns in previous distinctions between causes and conditions (p. 5). Thus, the environmental context can, in the view of investigators, be turned into a source of primary causal effects. This reasoning process characterized the second Pearl Harbor board appointed by the Secretary of the Army. This investigative board emphasized systemic and environmental factors that to a certain extent masked issues of individual responsibility for the failure to resist the Japanese attack effectively. Similarly the commissions of the Great Society and Vietnam War era, 1964-75, concentrated on social causes of violence rather than on individualized dispositional factors.

When causes are attributed to individuals they also can be made responsible and take the blame for failures. For an individual to be blamed it is necessary to embrace a "naïve philosophy" of voluntary action that requires:

- absence of external coercion
- presumed knowledge of consequences
- presumed knowledge of the moral implications of the consequences (Shaver 1985, 81)

If these characteristics are present, an immoral action can, according to Shaver, only be seen as wrong, when the actor should have chosen an alternative course (ibid.). In

modern commission reports such criteria are rarely fulfilled, even when primary causes are attributed to individuals. At Three Mile Island and on the "Bravo" oil rig, commissions found that operators had caused the accident. Yet, the investigators directed responsibility and blame at the system for the failure of supervision and training. These cases did not fit the criteria of voluntary action that would have made the operators accountable for the accidents.

The shift toward blaming external or system factors has controversial implications for the maintenance of personal and political accountability. According to Ulrich Beck, this shift implies that "one can do something and continue doing it without having to take personal responsibility for it" (1992, 33)²³. This is a characteristic aspect of modernization in business, agriculture, the law and politics, where we find the systemic interdependence of highly specialized agents corresponding to an "absence of isolable, single cases and responsibilities" (p. 32).

In Beck's view the emergence of complex systems shows evidence of a negative social trend by reducing the probability of pin-pointing individuals who ought to be held responsible. Other scholars hold a different opinion on the value of personal responsibility. B.F. Skinner does not "believe in the notion of responsibility in the legal sense . . . when people have been induced to behave in particular ways, without any aversive consequences entering into the picture, there is no meaning to the conception of personal responsibility." Only when people can foresee the consequences, is it reasonable to make them responsible and punishable (B.F. Skinner in conversation with Carl Rogers, in Kirschenbaum and Henderson 1989, 94). Taken together, Beck's observation and Skinner's value statement accord well with a systems perspective on public administration that lacks concern with individual responsibility (Harmon and Mayer 1986, 117).

²³Emphasis in the original omitted.

Yet, public administration scholars continue to seek ways to uphold Paul Appleby's (1945) claim that public administration distinguishes itself from business by its sterner strictures of legal responsibility. While members of the New Public Administration movement of the 1970's thought that a normative base for public administration could be provided through a search for social equity (Fredrickson 1971, 328), Dennis F. Thompson (1980) seeks to link causality and responsibility in complex public organizations. He rejects Max Weber's model of hierarchical responsibility that "places most public officials most of the time beyond the province of moral responsibility" (p. 908). As a corollary, "taking responsibility becomes a kind of political ritual" that has no negative effect on a leader" (p. 907). Significantly the commission of inquiry into the tragic Vassdalen avalanche in 1986 rejected General Fredrik Bull-Hansen's claim that he—in his capacity of Norwegian Chief of Defense—by himself alone could take full responsibility for the tragedy (Vassdalen 1986, 85). As Thompson points out, such an honorable ritual "often quells public debate about a controversial decision or policy" (p. 907).

Thompson answers the problem of accountability by ascribing "responsibility to officials as persons rather than simply as occupants of certain offices or as members of a collectivity" (p. 908). To this extent

an official is morally responsible for an outcome insofar as (1) the official's actions or omissions are a cause of the outcome; and (2) these actions or omissions are not done in ignorance or under compulsion (p. 908).

These criteria of personal responsibility also can be applied to decisions made by "many hands" under the influence of many other external forces (p. 909), as exemplified by the 1983 Beirut massacre report. This report found the entire chain of command to be at fault (p. 7).

However, the application of Thompson's criteria for judging personal responsibility rests on the possibility of finding causal chains. In modern society they appear as

"erratic and unpredictable" paths of deleterious effects: "Presumptions of causality escape our perception. They must always be imagined, implied to be true, believed" (Beck 1992, 27-28; cf. Skinner 1972, 76). Perrow, in particular, attacks the idea of operator error as a "gross oversimplification; worse it involves blaming the victim. It also suggests an unwitting—or perhaps conscious—class bias" (1984, 67). Instead of personal accountability, Beck proposes in cases of pollution that legal responsibility should be determined and damage payments incurred if statistical correlations can be established between pollution levels and certain diseases (pp. 63-64). Douglas argues that "Only changing institutions can help. We should address them, not individuals" (1986, 126). Therefore, scapegoating is not an effective means of improving performance (Brown 1982). An early application of these principles can be found in the U.S. investigative reports of the Progressive Era (1899-1913). Several of these reports were examples of muckraking that advocated regulatory reform rather than sanctions against individuals.

Conclusion: Thompson may have provided a solution to the problem of assigning responsibility, but it rests on the assumption that Shaver's "naïve philosophy" of causation stands up to scientific and legal criteria. By accepting that administrative failure in modern society is caused by factors beyond the control of the individual, we allow for the possibility that disasters can better be avoided by designing improved or alternative systems of administration than by scapegoating individuals. An example of the futility of the dispositional approach can be found in the report of the 1838 default of the customs collector of the port of New York. The remedies proposed by the commission and President Martin Van Buren did not prevent the new collector from repeating the performance (New York Customhouse 1842). Rather than being opportunities for fixing blame, modern investigations by ad hoc commissions should be accepted as loci for learning and change.

Policy Evaluation and System Change

If commissions fail to assign responsibility and blame to the actors involved in the outcome, what purpose do these investigations then serve? In general they provide meaningful accounts and explanations for disastrous public events. A particular purpose of investigations is to express some standards by which to judge voluntary action; standards that according to James Q. Wilson (1993, 1) are necessary to provide the fundamental glue of society. In this sense investigation implies a future liability for censure or punishment via electoral retribution (McGraw 1991, 1149). Thus the point is not to render immediate punishment, but to get the "knack of compliance without stimulating legal contestation" (Bardach and Kagan, 1982, 128). This perspective implies looking at the role of investigative commissions as policy evaluators. In this capacity, commissions see catastrophes as catalysts for new legislation. Disasters then serve as occasions for system change beyond the immediate event (1982, 23).

Usually, investigative commissions in the United States and Norway give advice on measures to prevent the recurrence of disasters whether they blame individuals or systems. Apart from punishment, however, recommendations in cases of individual blame may be limited to proposals to tighten existing rules for decision-making and supervision, as in the 1838 case of the New York Customhouse. Commission advice also may include programs for system-wide changes as in the Indian Territory affair of 1904. After uncovering wide-spread corruption, the commission recommended a complete reorganization of the territory.

Some system-blame commissions have beyond legal reform advocated vast social programs to remedy the root causes of racial and urban disorder. The focus of these reports, particularly of the Great Society Era (1963-75), is not so much on blame as on the establishment of an agenda for social reform. This observation accords with Bardach and Kagan (1982). They see the investigation of catastrophes as contributing to keep

regulation in place and reduce the exercise of discretion by civil servants (p. 209). Nevertheless, Bardach and Kagan do not regard commissions highly as policy tools. In their view investigative commissions serve as media events reflecting the treatment of the issues made by the press and the electronic media (p. 24). Although this observation concerns legislative investigations, it also applies to the extensive publicity surrounding presidential and royal investigations. In open societies, such as found in the U.S. and Norway, it can be argued that this publicity is necessary to get the political community to implement controversial reforms. Although reforms might be based on high-minded principles, practical politics often requires the emotional vitality provided by dramatic events or human-interest stories.

Thomas Wolanin shares the skeptical view of the efficacy of "crisis commissions." To him they "appear to have lower scores of presidential support and governmental action than the average scores for commissions in general" (Wolanin 1975, 144). Recently, political measures to put brakes on regulatory expansion characterized the presidencies of Ronald Reagan and George Bush (Cooper and West 1988). In 1993 the Norwegian government and the Storting only reluctantly adopted a few of the many proposals included in the investigation report on the fire aboard the passenger ship "Scandinavian Star" [St.meld. nr. 63 (1991-92), Innst.S.nr. 108 (1992-93)].

Conclusion: Thus far, investigative commissions have had limited influence on government policy. As policy tools, they are dependent on the willingness of sympathetic governments to embrace their proposals, as was the case during the presidencies of Theodore Roosevelt and Lyndon B. Johnson, who used commissions to advance their reformist agendas. If investigation reports have limited political efficacy, they more usefully should be seen as products of political culture.

Although the concept of political culture has enjoyed a revival in recent years, some scholars still find that it "may not have all the qualities required to sustain causal models" (Dogan and Pelassy 1990, 72). Mary Douglas, Aaron Wildavsky, and associates have sought to remedy this deficiency by contributing to the development of cultural theory. An analysis of investigation reports in terms of their contribution shows the strength of this approach, but also some problems of verification.

A narrow interpretation of Bardach and Kagan's (1982, 24) description of public investigations as media events may lead us to conclude that commissions and their work are wholly determined by their context. Douglas in her influential work on institutions allows us to avoid this mechanistic trap: "The most profound decisions about justice are not made by individuals as such, but by individuals thinking within and on behalf of institutions" (Douglas 1986, 124). If we accept Douglas' definition of an institution as "only a convention" or a socially constructed pattern to induce coordination (p. 46), we can comfortably let this usage include commissions—even as ad hoc bodies. Her point is that "institutions bestow sameness. Socially based analogies assign disparate items to classes and load them with moral and political content" (p. 63). Although commissions usually are composed of individuals with different backgrounds, the "burden of thinking is transferred to institutions" (p. 83) to such an extent that they overcome individual thought (Foucault 1970). This argument helps to explain why commissions usually are unanimous, and that the shift from individual to system blame has not been accompanied by dissenting opinions. Commissions may also have developed procedural steps for negotiating agreement that accommodates the interests and views of every member (Fisher and Ury 1983)²⁴.

²⁴In his study of U.S. presidential commissions Wolanin lists a number of reasons—eight in all—for consensus. Included are variables connected to the selection of members, problem-solving, bargaining, comparison, procedures, camaraderie, reciprocity, and outside pressure (Wolanin 1975, 118-21).

Our view of society has always been influenced by the way we have seen and understood nature. As our view of nature changes, our social concepts and ideas about society also changes. According to Douglas, we can say that when commissions engage themselves with matters of justice and truth, the system of justice will need revision whenever our analogy of society with nature changes. This means that as the Western view of nature has turned away from the hierarchical model, so has our thoughts about hierarchy in society (Douglas 1986, 119; Schmidt 1993, 528-29). Applied to this study, the implication is that this reinterpretation of the natural and natural order, will lead to changes in institutionalized thought about justice and truth. In this context, what *types* of institutionalized thinking relate particularly well to commission behavior, and how are *changes* in institutionalized thought related to changes in commission behavior?

Types of Institutionalized Thinking

In their recent work Aaron Wildavsky and associates relate institutionalized thinking to five modes of organizing social life. Social life can be classified according to how it absorbs individuals into groups ("group"), and the way it imposes external coercion or prescriptions on them ("grid"). Although the group and grid dimensions are incremental, four nominal types of social relations can be distinguished (Thompson, Ellis and Wildavsky 1990, pp. 5-7):

- Fatalism: Binding prescriptions, no group membership
- Hierarchy: Binding prescriptions and strong group boundaries
- Individualism: Neither prescribed roles nor group incorporation
- Egalitarianism: Minimal prescription but strong group boundaries

An additional fifth type, autonomy, seems like an anomaly since it presupposes a deliberate withdrawal from social involvement (p. 10).

Each way of life is associated with certain styles of thinking. According to Wildavsky: "The more hierarchical a group . . . the more it minimizes technological dangers as the price of progress," while "conversely, egalitarians tend to grossly overestimate the dangers of technology" (Wildavsky 1987, 15). In this context "'System' or 'person' blame are dead giveaways" (p. 16). Based on their discussion of Jon Elster's (1979) criteria for functional explanation, Thompson, Ellis, and Wildavsky arrive at types of deflecting blame that are functionally linked to each four ways of life (pp. 203-204):

- Individualism ———→ self-blame for bad performance
- Hierarchy ———→ passing the buck or punishing deviants
- Fatalism ———→ blame fate
- Egalitarianism ———→ blame conspiracies

Wildavsky (1987) relates ways of life and blame attribution to political attitudes. This analysis of Norwegian and American investigative commission reports does not show a simple, direct relationship of the ideology of any particular government and the conclusions drawn by the commissions appointed by them. One reason for this absence of ideological links lies in the character of pluralistic political systems. It is probably important for both elected governments and appointed commissions to show that investigative conclusions are arrived at without partisan bias to make them widely accepted (Wolanin 1975, 77-78 and 89-91; Bratholm 1986a, 445-448). Instead, variations in the attribution of blame may be linked to changed views of risk and the professional make-up of commissions. Each of these possibilities will be discussed in turn.

Risk and Egalitarianism

The change over time in attributing causes of administrative failures has been traced to changed perceptions of risk among experts and the public. While normal accidents are treated as part of nature, "blameworthiness takes over at the point where the line of

normality is drawn" (Douglas and Wildavsky 1983, 35). The actual drawing of this line varies with each culture and changes with new knowledge.

Opinion poll studies show a "rapidly increasing desire for lower risk" among Americans (Lave 1980, 134-5). This attitude change has in particular occurred among the affluent and educated classes (Douglas and Wildavsky 1983, 12). In 1952 the President's Airport Commission found 1.3 deaths per one hundred thousand passenger miles not only inevitable, but also far superior to the death risk associated with other means of transport, including bicycles (Airports 1952, 53). By the 1980s the risk of flying was reduced to 0.07 deaths per one hundred thousand miles (Living with risk 1987, 84). Nevertheless, some experts felt that even the reduced risk was unacceptably high, since accidents were no longer perceived as inevitable, but related to pilot error (Stockton 1988).

To Wildavsky risk aversion goes along with an egalitarian political culture, while risk acceptance fits with individualistic and hierarchical cultures (Wildavsky 1987, 14). System attributions in modern investigative commission reports show that commission members share the egalitarian view of life by being averse to risk and critical of institutional arrangements. Referring to U.S. opinion polls, Douglas and Wildavsky date this attitude change among the ordinary public to the early 1960s (1983, 2). Actually, U.S. commission members became risk averse early in this century. Investigators into ship wrecks immersed themselves not only in the disasters on hand, but assessed the general risk to passengers travelling by excursion and coastal steamers (General Slocum 1904, Valencia 1906). The investigators into the Chicago meat packing scandal of 1906 rejected the principle of letting the customer beware. Instead they recommended more public control of the quality of processed meat (Chicago 1906). Rather than following public opinion, these commissioners belonged to the vanguard in the paradigmatic shift in thinking about causal attribution of responsibility for disasters.

To Douglas and Wildavsky risk aversion is linked to distrust in the institutions of government and industry (pp. 162-3). Accordingly, egalitarian political cultures will simply be less inclined to concern themselves with instances of individual responsibility and blame. The 1986-87 Tower commission on the Iran-contra affair seemed to represent a return to hierarchical values by disapproving individual behavior and praising the system. However, in a society where most commission members continue to accept egalitarian values, the Tower report serves as an exception rather than the rule.

Professionals, Public Administration, and System Blame

Rather than reflecting current government ideologies or popular opinion, the trend toward system explanations for catastrophes may reflect a change in the professional recruitment of commissions. Lawyers and military personnel have been increasingly replaced by engineers, social scientists, and businesspeople, while commission judgments have moved from internal to external explanations of failure. While jurists may concur in systems-oriented attributions, it is rarely the case that engineers and social scientists accept the individual as the only responsible element. This can be inferred from findings presented in previous chapters on American and Norwegian investigation reports, as summarized in *Tables 31* and *34*, which supports our hypothesis (H₃) that commission members trained in systemic disciplines will favor system blame in cases of administrative failure.

United States: From this conclusion we must exempt the reports of the Progressive Era from 1899 to 1913, when lawyers belonging to the T. Roosevelt faction of the Republican party participated in commissions that either blamed the system directly or at least proposed major system changes in response to administrative breakdowns. However, a look at the personal backgrounds of these commissioners shows that many of them were deeply involved in the movement to reform public administration at the time.

The rise of Progressivism as a political movement was intimately related to the emergence of public administration as an academic subdiscipline of political science, thus providing support for our hypothesis (H₁) that links system explanations to the acceptance of public administration theory. Frank J. Goodnow, founding president of the American Political Science Association in 1903, played a major role in both movements. Goodnow and his friends among the Progressives worked to establish a professional administration that would allow the government to use science to pursue efficiency (Kettl 1993, 409). Public administration was seen as the "crucial link between the abstract study of politics and the process of improving the way the political system worked" (p. 409). In a wider context, the emergence of public administration as a subdiscipline of political science belonged to the culture of modernity, which had as its cornerstone the emphasis on a scientific-analytical mindset and a belief in technological progress (Adams 1992, 363).

The Progressive movement waned after the First World War, and so did the use of presidential investigative commissions. Despite this downturn, the framework of public administration established during the Progressive Era remained (p. 365). When investigative commissions returned to favor after the Second World War, other professions than lawyers came to dominate them: engineers, social scientists, and businesspeople. These groups brought with them—in the expression of Mary Douglas—a style of reasoning characterized by their own ready-made classifications (1986, 99). These were professionals largely trained in disciplines that adhere to a system view of the world. Their training made it easy for them to carry on and extend the tradition established by the progressives at the beginning of the century.

Norway: System blame in Norwegian commission reports appeared fifty to sixty years after the American case. A major reason for this time gap is that the ideas of the American Progressives did not have an immediate appeal to the Norwegian elite at the

turn of the century. At the time, the change of regime in 1884 still rested vividly in the public consciousness, when the "half republic" of civil servants was replaced by parliamentary government (Seip 1965, 12). Although Norwegians greatly admired President Theodore Roosevelt, who received the Nobel Peace Prize in 1906, the political establishment was mainly concerned with securing Norway's full sovereignty, severing the last constitutional ties with Sweden in 1905.

The rapid expansion of the central administration before and during the First World War was seen by political leaders as a response to crisis conditions. Budget cutting and retrenchments characterized the period from 1920 to 1935. As a field, public administration continued to be dominated by jurists among practitioners and legal thinking in academia (Tønneson 1979, 203, table 11; Wyller 1986, 21). Political science did not emerge as an academic discipline at the university level until 1947 after the failure of several earlier attempts. Even then political science as taught at the University of Oslo bore the markings of its early sponsors, law and history, well into the 1960s, when public policy and administration was introduced as a recognized subfield (Wyller 1986).

Conclusion: The shift from internal to situational explanations of administrative failures correlates with the rise in influence of new professions based on modern scientific thinking. While lawyers normally adhere to norms of individual accountability, a program for administrative reform appealed to an influential group of liberal American lawyers early in this century. They were to turn the ad hoc investigation commission away from individual victimization to programs for institutional and social change.

However, the tension between making individuals accountable and the desire for system reform has remained to confound modern investigators. This is a problem of public administration, not only in advanced countries, such as Norway and the United States, but an even greater challenge to the emerging democracies in the former Socialist bloc and in the Third World. Here bureaucracies are inept, and civil service values non-

existent or undermined (Dwivedi 1985, Hope 1985, Campbell 1993). Blaming systems does not by itself resolve the issue of accountability in modern public administration.

Accountability in Public Administration

The trend toward system blame in the reports of investigative commissions touches upon several issues of concern to public administration. While commissions encourage productive group synergy and learning, they may also contribute to negative groupthink. Some commissions produce necessary innovations, while others are accused of contributing to new pathologies in public affairs. The reduced emphasis on individual blame may reflect a general trend away from individual accountability in government.

Organizational Learning

Investigation by commission is a collective effort—a prominent example of decision-making by groups. Scholars dispute the effectiveness of group decision-making (Festinger 1957). Janis (1982) has shown that not only college students (frequent targets of psychological studies), but also high-ranking officials suppress reservations and misgivings in order to reach agreement. As intuitive scientists commission members fail by their "seeming insensitivity to the limited inferential value of biased data samples" (Ross and Anderson 1982, 138). Their ability to arrive at a full picture of the situation is limited further by their tendency to search in the neighborhood of the problem symptom (Cyert and March 1963, 121). Besides, commission members may be recruited among people who once have been or believe that they might someday find themselves in the same situation as the actors (Shaver 1985, 134). This objection is particularly relevant for Norwegian investigation commissions where members are largely recruited among civil servants.

These dismal views of the cognitive efficacy of commissions and groups are countered by scholars who see the benefit of "synergy" effects in groups (Fox 1987). In their model of commission decisions, Lave and March (1975) presuppose that members compromise in a kind of trading process, so that the final report represents a middle ground. Differing from Janis, they find that this process eliminates extreme proposals that have little chance of success (pp. 23-24). Experts on group dynamics emphasize the strength in group decision-making. Experiments show that group settings stimulate goal-attaining performances that are superior to individual efforts (Shaw 1971, 337-8).

Commissions often deal with "wicked problems" in the sense of having "no definite formulation and hence no agreed upon criteria to tell when a solution has been found" (Harmon and Mayer 1986, 9). In such situations it makes sense to recruit a broad spectrum of expertise to analyze complex issues. In practice modern commissions make use of a rich bundle of methodological tools to ensure a credible treatment of the problems, although not all reports reach the high standards of the 1968 Kerner report, which has become a classic on American race relations. In this way investigation reports provide interpretations of experience that are vital to organizational learning (Levitt and March 1988).

Organizational Innovation

More disturbing is the assertion that systems-oriented diagnoses of administrative issues lead investigators to propose changes that create "new pathologies" (Gormley 1991; Turner 1976; Bardach and Kagan 1982; Smith 1992; Meyer and Holbrook 1992). In his analysis of British disaster reports, Barry A. Turner found that investigative tribunals make recommendations that treat well-structured problems, rather than the ill-structured situation that existed before disaster intervened (Turner 1976, 392-93). Eivind Smith, a legal scholar, argues that praiseworthy efforts to increase politicians' freedom of action

find support in management terminology. Concepts like management by objectives, efficiency, and markets gain ascendancy while putting the squeeze on terms associated with bureaucracy, such as fairness and individual rights (Smith 1992, 99). Other scholars complain that investigations on the contrary increase legalisms or the tendency of "going by the book" (Bardach and Kagan 1982). They argue that no set of rules can foresee all possible accidents. Instead of coercion, prevention requires a certain measure of voluntary cooperation (pp. 93-119). The likely failure of problem-solving by rule-making makes up the core of the scholarly criticism of the Vassdalen avalanche report of 1986 [Jansen and Offerdal, quoted in St.meld.nr. 68 (1986-87), 37]. In a study of determinants of corruption in the United States, Meyer and Holbrook (1992, 143-146) conclude that structural changes are not the solution to this type of administrative failure in cities and states, despite their broad support among advocates of reform.

Investigative commissions are overall well attuned to current ideas and fashions of public administration as a discipline, particularly when making recommendations. If these commissions fail, it may reflect the fact that the academic community is divided with regard to analysis and solutions of administrative problems.

What Can Be Done?

Does the predominance of system blame in the reports of ad hoc investigative commissions reflect a general trend away from making public officials accountable for major failures? In Beck's view, blame shift is a cost of "progress," which he sees as "social change institutionalized into a position of non-responsibility" (Beck 1992, 214). From this perspective, investigative commissions serve as instruments of blame management. Commissions enable officials to provide the public with accounts that protect their reputation as competent and responsive leaders (McGraw 1991, 1149). Thus, reports

provide excuses and justifications that let officials spread responsibility and avoid blame (p. 1154).

If systems-oriented diagnoses by investigators of administrative breakdown fail to prescribe the appropriate cure, what can be done to make public administration "more accountable, responsive, efficient, and effective?" (Gormley 1991,4). A possible answer is to deny that the problem exists. Bureaucracy is already made accountable through the actions of governments, legislatures, and courts. In effect, "Bureaucratic accountability is the norm, not the exception" (p. 3). This assertion accords with traditional ideas of accountability that are based on concepts of instrumental rationality. The problem is that this simple answer does not reflect the complexity of modern public administration.

In Beck's description of "risk society" the ecological side effects of economic interests fall under the responsibility of politics and not business (Beck 1992, 227). In trials of regulatory offenses U.S. courts hesitate to assign criminal responsibility to individual corporate employees (Bardach and Kagan 1982, 42). In complex situations of many hands, blaming public officials serves only as a way of directing intuitive guilt, to make officials merely scapegoats (Kaufman 1977, 27-28; Brown 1982; Beck 1992, 49).

The idea of an accountable public administration requires that bureaucracy has some kind of autonomy in its relationship with other instruments of state power. An early theorist, E. Pendleton Herring (1936), saw the bureaucrat as a regulator of various group interests and a negotiator of policy outcomes between them. Accordingly, in interpreting statutes and regulations, he or she must by default ethically define the public interest. Recently in a review article, Charles T. Goodsell (1990) asked public administration scholars to take a greater interest in the "great impact certain individuals have had on our public institutions" not the least as a "key to unravelling causality" (p. 488). An effort undertaken by Jameson W. Doig and Erwin C. Hargrove (1990) to study individ-

ual entrepreneurs in government shows some rewards and problems of the approach called for by Goodsell.

The question of the subordination or independence of public administrators in public administration is a recurrent issue of public and academic discourse in democratic countries. In the Norwegian case the issue was explored in depth in Knut Dahl Jacobsen's (1964) classic study of late nineteenth century agricultural policies. In the American case, Brian J. Cook (1982) recently explored the historical antecedents of the issue. In a series of case studies Hargrove and Glidewell (1990) analyze public management positions where it is "literally impossible to achieve any of the manifest objectives of the ascribed mission" (p. ix). To push for individual accountability in such cases is clearly unrealistic, since the officials concerned do not have the discretion to choose between alternative courses of action.

John Rawls in his famous book on justice writes: "We cannot divert ourselves of our responsibility and transfer the blame to others" (1971, 389). Although Rawls here is referring to the citizen, this norm presupposes that liberal society also must accept the autonomy of its public officials. Only under such conditions can they be made accountable in a meaningful way for their actions.

The Future of Investigative Commissions

Governments on rare occasions appoint ad hoc commissions to investigate disastrous events. In the United States the use of commissions passed its most recent peak in the 1960s. In the 1980s presidential commissions dealt with the causes of the "Challenger" accident and the Iran-contra affair. In Norway the wave of ad hoc commissions investigating instances of administrative failure is still at its crest.

Although extraordinary events are required to establish boards of inquiry, changes in political attitudes also contribute to oscillations in their number. In the U.S., recent

government scandals have led to the appointment of special counsels or prosecutors rather than commissions. Congress in 1994 restored the independent counsel statute. This law allows for an independent inquiry into allegations of financial impropriety by the presidential couple (*International Herald Tribune*, 25 June 1994). While commissions seek to understand the full situation and rarely decide legal issues, special counsels seek to find out whether accusations against public officials should be brought to trial. In that sense, the ascendancy of the special counsel office after the 1972 Watergate burglary represents a return to a juridical tradition of investigation. These investigations focus on the behavior of individuals instead of the characteristics of the system within which they operate.

There are signs that the political support for investigative commissions may have peaked in Norway as well. The Storting or parliament recently signalled its doubt about the neutrality of a royal investigative commission by appointing its own ad hoc board of inquiry into the domestic role of the secret services. The Norwegian Bar Association in 1994 released a critical report concerning ad hoc investigations. The bar believes that commissions have been employed too often and represent a possible threat to the civil rights of witnesses (*Aftenposten*, 20 June 1994).

Lawyers may be recovering influence lost to other professional groups. However, the extraordinary disasters examined by investigative commissions are often too complex to leave to a particular profession. Commissions have the advantage of bringing together a broad spectrum of expertise to bring forth analyses and explanations. In disastrous events of national or international significance, we should get a full picture of what happened. We need more than an answer to the question of whether a law has been broken or not. We need attributions of accountability that reflect the ambiguities and challenges in the administration of complex societies.

APPENDIX A
ANNOTATED LIST OF INVESTIGATIVE COMMISSION REPORTS
FROM NORWAY AND THE UNITED STATES

Introduction

This list contains selected Norwegian and United States investigation reports from the 19th and 20th centuries. The list is organized chronologically by country.

Omitted from the list of Norwegian cases are all commission reports on city fires from the first half of the 19th century and a few reports from the 1950s on allegations by private companies of unfair bidding practices on the part of government agencies, equivalent to Norwegian case no. 15.

Some of the reports were not made by independent commissions of inquiry in the strict sense. They are included for the importance and relevance of their content to other reports, to fill gaps in the time sequence, or to demonstrate particular problems of investigation. Starred (*) items are not discussed in the main body of the dissertation.

NORWAY

Early reports

1. Unrest on Swedish-Norwegian Union Day 1827

Undersøgelses-Commissionens Forhandlinger i anledning det Forefaldne i Christiania offentlige Skuespilhuus den 4de November 1827. [Hearings of the investigative commission on the events in the Christiania public theater 4 November 1827]. Published by the aldermen of the city of Christiania. Printed by Chr. Grøndahl and H. Gundersen, Christiania 1828.

This report contains the record of the public hearings held by a the commission appointed by the Norwegian government on the initiative of King Charles John to look into the turbulence during the performance of a play devoted to celebrate the Swedish-Norwegian union of November 1814. The mandate of the commission was later expanded to include the performance of the police authorities on the day of the controversial play.

2. The Market Battle of 1829

Uddrag av de, angaaende begivenhederne i Christiania den 17de Maii 1829, stedfundne undersøgelser og forhandlinger. [Extracts from the investigations and hearings regarding the events in Christiania 17 May 1829]. Published on government initiative. Printed by Fredrik L. Steen, Christiania 1830.

This commission was appointed by the Norwegian government to find whoever was responsible for the civil disturbance that occurred in the streets and the market place on the 15th anniversary of the signing of the Norwegian constitution. In addition to investigating the cause of the unrest, the commission was also mandated to investigate the behavior of the authorities, including the police, the military forces, and the county prefect.

3. Gun explosion 1891

Kanonsprængningen på Karljohansværn den 18de september 1891. [The gun explosion on the Charles John fort 18 September 1891]. *Norsk tidsskrift for søvæsen* 10 (1891), pp. 117-22.

The gun blew apart during a military exercise killing one soldier, mutilating another. A committee of experts was charged with finding the cause of the accident and examining the serviceability and durability of the Krupp gun used.

*4. Military activities during the political crises of 1884 and 1893

Undersøkelseskomitéen av 1893. Nedsatt av Stortinget for å innhente opplysninger og anstille undersøkelser angående de i 1884 og i 1893 stedfundne militære foranledninger. [The commission of inquiry of 1893. Appointed by the Storting to gather information and investigate the military activities of 1884 and 1893]. Dokument nr. 1 (1894).

A parliamentary committee of inquiry was appointed to investigate whether commanding officers of the army and the navy had made secret preparations to meet civil unrest during the political crises of 1884 and 1893. The committee failed, however, to gather conclusive evidence in either case, one reason being that the government refused permission for civil servants to testify orally before the committee. Cf. the GAO report on the "Mayagez" affair 1978, American case #32 below.

5. Reform schools 1910

Om skolehjemmenes ordning. Innstilling fra skolehjemskomiteén. [On the organization of reform schools. Report from the reform school committee]. Published as appendices to Ot.prp. 37 (1910), Kristiania 1909-10.

The committee was appointed in 1908 to discuss the future of the reform school system. Nevertheless, the huge report (290 pages) was largely devoted to an investigation into the deplorable conditions at the "stricter" reform schools run by public authorities. Based on hearings conducted with children and personnel,

the commission was sharply critical of the superintendent of the largest of these institutions.

6. The explosion at Kristiansten fortress 1923

A commission was appointed by the Department of Defense to investigate the accident which caused the death of a woman and wounds to her two children. The commission report is summarized in St.prp. 130 (1923).

**7. The Bank of Commerce failure 1926*

Innberetning av den av Norges Banks nedsatte komité til granskning av Den Norske Handelsbanks anliggender. [Report from the committee appointed by the Bank of Norway to investigate the affairs of the Norwegian Bank of Commerce]. Oslo [1928].

A critical examination of the actions taken by the bank management of this private bank before its bankruptcy.

8. The Poulsen distillery case 1926

The Department of Social Affairs appointed a committee to investigate the price paid for the existing stock of wine and spirits belonging to the Poulsen distillery. The conclusions of the committee report were summarized in St.med. 19 (1929).

9. The Wine Monopoly investigations of 1929 and 1930

Innstilling I om Vinmonopolet, Oslo 1929. Innstilling II om Vinmonopolet, Oslo 1930. [Reports nos. 1 and 2 on the Wine Monopoly]. Printed as appendices to St.med. 19 (1930).

An investigative commission was appointed to look into the management and business activities of the mixed private-public corporation established in 1923 at the end of prohibition to produce, import, and sell wine, mead, and spirits. The

committee criticized the board, its chairman, and the chief executive officers of the corporation.

10. Gun explosion aboard the armored ship "Tordenskiold" 1934

An investigation commission found that the accident was caused by a construction error in the igniting cartridge. Summary and conclusions were printed in St.prp. 1 (1934) kap. 955 om Marinen, p. 26.

Modern Reports

11. World War II Conduct of the government

Undersøkelseskommisjonen av 1945. [The commission of inquiry of 1945]. Published by the Storting, Aschehoug, Oslo 1948-48.

This commission was appointed by the new national coalition government shortly after the end of the war to investigate the actions of the Nygaardsvold cabinet and other public agencies at the time of the German invasion on 9 April 1940. The commission included historians in addition to legal experts. The report provides a broad review of Norwegian foreign and defense policies in addition to evaluating the actions of individual politicians and commanding officers.

12. World War II: Conduct of the military forces in 1940

Rapport fra den militære undersøkelseskommisjonen av 1946 avgitt mai 1950. [Report of the military commission of inquiry of 1946 submitted May 1950]. NOU 1979: 47.

This commission dealt with accusations directed at military officers for faulty decisions and passivity during the German invasion in 1940. The complete, uncensored version of the report was not made available to the public until 1979.

**13. World War II: Government attitudes to doing work for Germans*

Undersøkelse vedrørende norske myndigheters stilling til tyske arbeidsoppdrag den første tid etter 8. april 1940. [Investigation into the attitude of Norwegian authorities towards German job offers in the early days after 8 April 1940]. Mimeograph. Erstatningsdirektoratet, Skrivemaskinstua, Oslo, March 1946. Carries the inscription Må ikke offentliggjøres [Not to be published].

An one-member commission gathered evidence to ascertain whether Norwegian authorities in the occupied areas of Norway had given encouragement to building contractors and others to accept job offers from Germans. Actual publishing date is unknown.

**14. Share transactions in the "Union" paper mill 1950*

A commission of three members was appointed by the government in 1950 to ascertain whether there had been any "unreasonable or socially harmful transactions" in connection with the transfer of shares from British interests to new Norwegian owners in 1946 and after. The eight-volume report, while sharply critical, has not been printed for distribution, and does not deal with the complicated relationship of the company to the government at the time.

A brief summary of the background and the results of the inquiry are found in the official company history by Arnljot Strømme Svendsen (1973) *Union 1873-1973*, Aschehoug, Oslo 1973, pp. 185-86.

**15. Printing contract for radio program magazine 1958*

Uttalelse fra utvalg nedsatt av Kirke- og undervisningsdepartementet 5. juli 1958 i anledning visse spørsmål vedrørende Programbladet [Statement from committee named by the Department of Church and Education 5 July 1958 in connection with certain questions regarding *Programbladet*]. [Unpublished mimeo], Oslo, 18 November 1958.

A commission of inquiry was appointed to look into allegations that a major printing contract for the radio program guide had been improperly handled by

NRK, the state radio corporation. Included as an unpublished appendix to St.meld.nr. 105 (1958-59). The commission concluded that NRK had done nothing improper.

16. Mine explosion in Kings Bay 1962

Rapport fra granskingskommissjonen for eksplosjonsulykken på Svalbard (Ny Ålesund) 5. november 1962. [Report from the commission of inquiry for the explosion accident on Svalbard (Ny Ålesund) 5 November 1962]. Published 27 May 1963. Appendix to St.meld. 86 (1962-63).

This was the second of two reports into the 1982 Kings Bay mine accident. The commission took a broad view of the possible causes and directed sharp criticism against the company management and the owners, represented by the Department of Industry. This seminal report contributed to the fall of the Gerhardsen cabinet in September 1963.

The Kings Bay report was followed up by a another committee report recommending economic damages for the surviving family members of all mine accidents in Spitzbergen. (Innstilling om ytterligere erstatninger til de etterlatte ved ulykker på Svalbard [Report on further damage awards to surviving family members after accidents on Svalbard], Bergen 1964).

17. The Department of Industry 1964

Innstilling om administrasjonsordningen og forvaltningen i Industridepartementet [Report on the organizational structure and administrative practices of the Department of Industry]. Delivered by the Commission of Inquiry appointed by the decree of the Prince Regent 15 November 1963. Printed by Arnesens bok og akcidenstrykkeri, Oslo 1964.

After the Kings Bay accident report (#16) a commission of inquiry was appointed to look into possible maladministration in the Department of Industry. This commission went into great detail concerning the irregular activities of

certain higher civil servants. It blamed some officials severely as well as proposed several changes in procedures and organization of the department.

18. State special schools for the mentally retarded 1967

Uttalelse om forholdene ved statens spesialskoler for evneveike [Statement on the conditions at state special schools for the mentally retarded] The Storting's ombudsman for public administration. [Mimeo], Oslo 1967.

This is an investigation by the ombudsman on his own initiative into allegations put forward at a meeting of the Norwegian Student Society, a forum of public debate, and on a TV talk show about abuse against pupils at the special schools for mentally retarded. The report documents cases of physical and other types of abuse and recommends certain reforms.

19. Schools for maladjusted children and youth 1968

Innstilling om verneskolenes funksjon og målsetting. [Submission on the functions and goals of reform schools]. Printed in Bergen 1968.

This committee appointed by the Department of Social Affairs in 1985 conducted a critical survey of the schools for maladjusted children and youth established by the Department of Social Affairs in the early 1950s. In its fashion it documents some of the problems uncovered by earlier commissions, cf. #5 above. Since the committee included at least one ministry official, it cannot be accepted as an independent commission of inquiry.

20. The Loran C and Omega case 1975

Loran C og Omega: Innstilling fra utvalget til undersøkelse av sakene om etablering av Loran C og Omega-stasjoner i Norge (Granskingsutvalget Loran C— Omega). [Loran C and Omega: Report from the panel to investigate matters arising from the establishment of Loran C and Omega stations in Norway (The commission of inquiry Loran C--Omega)]. Panel appointed by royal decree, 4 April 1975. Pax forlag, Oslo 1977.

The inquiry was prompted by allegations set forth in a master's thesis in political science that Norwegian authorities had not been properly informed by the Americans of the military purpose of new listening stations along the coast of Norway. The commission did not find any instances of wrong-doing by the politicians and civil servants involved in the case. Although submitted in 1975, an uncensored version of the report was only published by a private publishing house in 1977.

21. Uncontrolled blow-out on the "Bravo" 1977

Ukontrollert utblåsing på Bravo 22. april 1977. [Uncontrolled blow-out on the "Bravo" 22 April 1977]. NOU 1977: 47.

An independent investigative commission was appointed to analyze the causes of the accident on the oil production platform "Bravo" on 22 April 1977. No individual was blamed, but the committee pointed to underlying causes related to unsatisfactory organizational and administrative systems. The management of the rescue team produced its own report in December 1977 (Bravoutblåsing. Aksjonsledelsens rapport. NOU 1977: 57).

22. The "Alexander L. Kielland" disaster 1980

"Alexander L. Kielland"-ulykken. NOU 1981: 11. English translation: The "Alexander L. Kielland" accident, Translatørservice a/s, Stavanger 1981.

123 people died in the disaster which was investigated by a commission that found mainly technical failures as immediate causes, while secondary causes were seen in the regulations for building and inspecting production platforms. A supplementary report was published in 1983 ("Alexander L. Kielland"-ulykken. Tilleggsuttalelse. NOU 1983: 53).

23. Reitgjerdet Psychiatric Hospital 1980

Rapport om forholdene ved Reitgjerdet sykehus fra den granskingskommisjon som ble nedsatt ved kongelig resolusjon 29. februar 1980. [Report on the conditions at Reitgjerdet psychiatric hospital from the commission of inquiry appointed by royal decree of 29 February 1980]. [Oslo 1980].

The commission investigated abuses by medical and other personnel on patients at this psychiatric hospital. The commission was highly critical of not only the local management, but also blamed individual officials in the Ministry of Social Affairs.

24. Police violence 1981

Politivoldrapporten. Rapport om politivold fra utvalget til å undersøke forekomsten og arten av politivold m.v. oppnevnt av Justisdepartementet 27. oktober 1981 [Police violence. Report on police violence from the committee to investigate the incidence and type of police violence etc. appointed by the Justice Department on 27 October 1981]. Universitetsforlaget, Oslo.

This commission was chartered to investigate allegations of police violence in the city of Bergen made by a criminologist in a research report. These allegations were largely upheld by the committee.

25. The Reksten case (I) 1983

Reksten-saken. Rapport til Den norske regjering fra den granskingskommisjon som ble nedsatt ved kgl. resolusjon 26. juni 1981 for å gjennomgå Rekstensaken. [The Reksten case. Report to the Norwegian government from the commission of inquiry which was appointed by royal decree, 26 June 1981, to examine the Reksten case]. NOU 1983: 13

This commission was mandated to investigate the business transactions of the Reksten shipping company, especially as they affected the use of public funds. See #31 below.

26. Diving accident on the "Byford Dolphin" 1983

Dykkerulykken på Byford Dolphin 5. november 1983 [Diving accident on the "Byford Dolphin" on 5 November 1983]. Rapport fra ekspertkommisjonen; nedsatt av Kommunal- og arbeidsministeren 7. november 1983; Avgitt til Kommunal- og

arbeidsdepartementet 22. februar 1984. [Report of the committee of experts; appointed by the minister of labor and municipal affairs on 7 November 1983; delivered to the Department of Labor and Municipal Affairs on 22 February 1984]. NOU 1984: 11

The investigative committee led by an admiral (unusual) found that the immediate cause of the accident was operator error, but it also recommended some procedural and technical changes, pointing to the challenge of establishing cooperation between a number of different specialized groups.

27. Uncontrolled blow-out on the "West Vanguard" 1985

Ukontrollert utblåsing på boreplattformen West Vanguard 6. oktober 1985. NOU 1986: 16. Unofficial English translation: West Vanguard Report [Translatørservice a/s, Oslo 1986].

The investigative commission pointed to a "number of unfortunate incidents" as causal factors, and as its predecessors proposed measures in favor of improved training, planning, warning systems, and measuring devices.

28. The Vassdalen avalanche 1986

Skredulykken i Vassdalen 5. mars 1986 [The avalanche accident in Vassdalen 5 March 1986] NOU 1986:20

A civilian commission of inquiry into the death of 16 private soldiers in a snow avalanche accident in connection with a NATO military exercise in Northern Norway. The commission pointed to the need for system improvement to prevent future accidents. These conclusions of the original commission were challenged and discussed in depth in a government position paper, St.meld.nr. 68 (1986-87) presented to the Storting, 5 June 1987.

29. The Chernobyl nuclear reactor accident (I) 1986

Informasjonskriser [Information crises] NOU 1986:19

Committee appointed on 19 June 1986 to evaluate the distribution of information to the public in the aftermath of the Chernobyl accident in April 1986. Report submitted on 21 August 1986. The committee documented and evaluated the press releases issued by the state health directorate and how the story was presented by major newspapers, the national press agency (NTB), and by the television news service. The report is highly critical of the performance of certain high officials, and recommends revised procedures for the handling of government information during catastrophic events.

30. The Chernobyl nuclear reactor accident (II) 1986

Tjernobyl-ulykken [The Chernobyl accident] NOU 1987:1

A committee of natural science experts was appointed on 14 May 1986 to follow and evaluate the efforts of the authorities to handle the problems of fall-out from the reactor accident in Soviet Ukraine in April 1986. Report submitted 1 October 1986.

31. The Reksten case (II) 1988

Rapport til Stortinget fra den granskingskommissjon i Reksten-saken som ble oppnevnt ved Stortingets vedtak 20. juni 1985. Avgitt 9. februar 1988. [Report to the Storting from the commission of inquiry appointed by the resolution of the Storting, 20 June 1985. Submitted on 9 February 1988]. Dokument nr. 7 (1987-88).

Parliamentary commission led by former Supreme Court Chief Justice Rolv Ryssdal. The five members were asked to uncover the facts of the government's conduct in connection with the foreign business transactions of a prominent shipowner. The Storting was concerned whether the government had failed to fulfil its obligation to inform the parliament on the matter in the mid-1970s.

**32. The Ila secure prison case 1989*

Rapport fra undersøkelsesgruppe vedrørende Kenneth Danielsens fremstilling fra Ila landsfengsel og sikringsanstalt 4. mars 1989 avgitt 15. april 1989. [Report from investigative group with regard to the supervised leave of Kenneth Danielsen from the Ila national prison on 4 March 1989, submitted on 15 April 1989. Mimeo.

The group investigated the circumstances that led to the murder of a female prison warden during a supervised furlough of an inmate taking part in a experimental program at the prison. In the version released to the public, parts of the report contained blank pages.

33. Seal hunting 1990

Norsk selfangst 1982-88. Rapport fra den offentlige granskingskommisjonen. [Norwegian seal hunting 1982-88: Report from the public commission of inquiry]. NOU 1990:19.

A commission was appointed by the government to investigate allegations made by a seal hunting inspector about cruelty to animals during sealing expeditions to Greenland. The commission found that the rules had been broken by the hunters in the field on numerous occasions, but did not support the most critical of the accusations made by the inspector. Some changes in the rules were proposed.

34. Cost overruns on headquarters for the Bank of Norway 1990

Norges Banks nye hovedsete [New headquarters for the Bank of Norway]. NOU 1990:-25.

The committee of investigation documented large, unauthorized cost overruns for the new national bank headquarters; these were blamed on late changes in the plans for the building, but also on weak project organization and insufficient cost control. The committee did not, however, evaluate the accountability of any individual involved in the project.

35. Corruption in the City of Oslo 1990

Gransking av Oslo kommune: Rapport nr. 1 [Investigation of the Municipality of Oslo: Report no. 1]. NOU 1990: 26.

Gransking av Oslo kommune: Rapport nr. 2 [Investigation of the Municipality of Oslo: Report no. 2]. NOU 1991: 11.

Gransking av Oslo kommune: Rapport nr. 3 [Investigation of the Municipality of Oslo: Report no. 3]. NOU 1993: 5.

The first report deals mainly with conflict of interest issues affecting leading members of the Oslo city council. The investigation is focused on individuals, and the commission makes the point that there is nothing wrong with the rules, only in their practical application. In the second report the board of inquiry focuses on the failure of supervision by the administrative and political bodies of the city. This report includes proposals for combating conflict of interest and corruption in city government. The third and final report evaluates the city council's handling of the first two reports, including the implementation of new rules of conduct for elected and non-elected officials.

36. The "Scandinavian Star" disaster 1990

"Scandinavian Star"-ulykken, 7. april 1990. NOU 1991: 1A and 1B. 2 volumes. English edition: The Scandinavian Star Disaster of 7 April 1990: Main Report. NOR 1991: 1E. Translated from the Norwegian by Alison Arderne Olsen.

Report of the committee appointed by royal decrees of 20 April 1990 and 4 May 1990. Submitted to the Ministry of Justice and the Police in January 1991.

158 passengers and crew members died in the fire aboard the passenger liner "Scandinavian Star" on its run between Oslo and Fredrikshavn, Denmark, on 7 April 1990. The commission consisted of experts proposed by Sweden, Denmark, Norway and the Bahamas, where the ship was registered. Although the fire was probably caused by criminal arson, the ship owner was blamed for putting

the ship into regular service before proper security measures had been fully installed and the new crew trained in proper fire and evacuation procedures.

37. The banking crisis 1991

Report of the Commission on the Banking Crisis. Translated from the Norwegian. NOR 1992: 30E.

Commission appointed by royal decree, 4 October 1991, to assess the events and causes of the crisis in the Norwegian banking industry. The commission was headed by Preben Munthe, professor of economics at the University of Oslo.

38. The collapse of UNI Storebrand insurance 1992

UNI Storebrand og myndighetene: Rapporten fra granskningsutvalget [UNI Storebrand and the authorities: The report from the panel of inquiry]. NOU 1993: 9

This commission was instructed to review and evaluate the role of the authorities, including the Department of Finance, in the events that led to the collapse in 1992 of the largest Norwegian insurer. The panel was chaired by Chief Justice Erling Sandene of the Supreme Court.

UNITED STATES

The Late Jacksonian Era 1838-1844

1. Frauds on Creek Indians 1838

Alleged frauds on Creek Indians: Message from the President of the United States, transmitting information in relation to alleged Frauds on the Creek Indians in the sale of their reservations. 25th Congress, 2d Session, House Document 452, (July 3, 1838) Thomas Allen, [Washington].

Two special commissioners were sent by the Secretary of War to investigate irregular land sales in Alabama. Their report is largely devoted to their problems of gathering evidence and their moral outrage at the fraud carried out by land contractors against the Creek Indians 1835-36. Although these misdeeds could not be carried out without the certification of publicly appointed certifying agents, the commissioners put all blame (*onus probandi*) on the purchaser. The agents are, however, criticized for disregarding some of the price regulations that apply to the sale of reservation land.

2. The New York Customhouse Scandal 1838

Samuel Swarthout. Message from the President of the United States in relation to the recently-discovered default of Samuel Swarthout, late Collector of the Customs for the port of New York. House Document 13 (25-3)(10 Dec 1838) Serial 345. Thomas Allen, [Washington 1838].

In 1838 a two-member commission was sent by the Secretary of the Treasury to investigate a major embezzlement scandal at the New York customhouse. All blame was put on the customs chief, who got away with more than \$1 million. President Martin van Buren recommended legal measures "against similar

defalcations hereafter." A congressional report was published as House Report 313 (25-3), 27 Feb 1839, Serial 352.

Discussed in Leonard D. White (1965): *The Jacksonians: A Study in Administrative History*, Free Press, New York.

3. *The New York Customhouse Scandal 1842*

Message of the President of the United States, transmitting a report from the Secretary of the Treasury, relative to the late New York custom-house commission. House Doc 248 (27-2), Serial 405, [Washington] 1842.

The embezzlement scandal of 1838 essentially was repeated under the new collector of the customs.

4. *The "Princeton" Gun 1844*

James D. Richardson, ed.: *Messages and papers of the presidents 1789-1897*. Washington, DC 1897, pp. 279-280.

The gun explosion aboard the USS "Princeton" 9 April 1844 killed two members of the cabinet, but no one was blamed for the accident.

5. *The Dorr Rebellion 1843-44*

James D. Richardson, op.cit., pp. 282-293.

In a report on the rebellion in Rhode Island responsibility for the crisis was entirely blamed on Thomas W. Dorr, who had organized a campaign against the existing constitutional order in the state.

The Civil War and Reconstruction Era 1861-1878

6. *The Civil War 1861-65*

Report of the joint committee on the conduct of the war, House Rep.Com. (37-3), Washington 1863.

Report of the joint committee on the conduct of the war, Senate report no. 142 (38-2), Washington 1865.

Explosion of the mine before Petersburg. Senate Rep. Com. no. 114 (38-2). [Washington] 1865

The Congressional joint committee issued several reports on the causes of major losses during the Civil War. It was sharply critical of several Union generals, but also conducted investigations into torpedo boat construction and massacres on Indians in the western territories.

7. Reconstruction 1865-71

Report of the joint committee on reconstruction, House Report 30 (39-1). Washington 1866.

Report of the joint select committee to inquire in the condition of affairs in the late insurrectionary states, House Report 22 (42-1). Washington 1872.

While the first of these two committees energetically sought to remove individuals representing the Old Order, it was evident for the 1871 committee that resistance against political reforms in the South was too wide-spread to enable the government to act only against a few individuals.

8. Red Cloud and Whetstone Indian agencies 1874

Report of the commissioners appointed by the Secretary of the Interior to examine the Red Cloud and Whetstone Indian agencies. Washington 1874.

An investigation into charges against federal Indian agents was broadened to include the "temper and conditions of the [Sioux] Indians."

9. Troubles in El Paso 1877

El Paso troubles in Texas. Letter from the Secretary of War. House Ex. Doc. no. 93 (45-2), Serial 1809, [Washington 1878].

A dispute over access to salt deposits along the Rio Grande led to violent confrontations between Spanish and English speakers in the border town of El Paso. The riot was suppressed by Texan and U.S. forces. Members of the commission were appointed by the U.S. President and the governor of Texas.

The Progressive Era 1899-1913

10. The Spanish-American War 1899

Report of the commission appointed by the President to investigate the conduct of the War Department in the war with Spain. Vol. 1. Washington 1899. Also printed as Senate Doc no. 221 (56-1), Serial 3859. Washington, 1900.

The commission was charged by President McKinley to investigate accusations of criminal neglect by soldiers during the war, and to examine the administration of the War Department in light of allegations of neglect and incompetence found in the press and elsewhere. However, the commission praises the American war efforts, rejects the accusations against the Secretary of War as unfounded, and explains the failure to act with foresight by certain bureau chiefs as caused by the lack of available funds.

**11. Immigrant conditions 1903*

Report of the commission appointed by the President on September 16, 1903 to investigate conditions of the immigration station at Ellis Island. Washington 1904.

Commission appointed by Theodore Roosevelt to investigate allegations of irregularities in the treatment of immigrants at the reception station at Ellis Island, New York. The commission rejected most of the accusations, but made some proposals for reform (Marcy 1945, 90).

12. Abuses in the Indian Territory 1904

Alleged abuses and irregularities in the public service of the Indian Territory. Message from the President of the United States. Senate Doc. 189 (58-2), Serial 4591. [Washington], March 7, 1904.

The Department of the Interior appointed two special inspectors to investigate allegations made by the Indian Rights Association of abuses and irregularities in land transactions in the Indian Territory, part of present-day Oklahoma. The investigators found serious conflict of interest among members of the Commission to the Five Civilized Tribes, a.k.a. the Dawes Commission.

13. The wreck of the passenger steamer "General Slocum" 1904

Report of the United States Commission of investigation upon the disaster to the steamer "General Slocum." Washington, DC, 1904.

The wreck of an excursion steamer on the Hudson River caused 1,000 casualties and led to the establishment of a United States Commission to investigate the safety measures aboard. The commission did not challenge the judgment of the court that led to the sentencing of the ship captain, yet it did come up with numerous proposals for reform of ship safety standards.

14. Wreck of the steamer "Valencia" 1906

Wreck of the steamer Valencia: Report to the President of the federal commission of investigation. Washington 1906.

This wreck off Cape Beale, British Columbia, caused the death of 125 passengers, and the commission appointed by President Theodore Roosevelt put the blame on the captain alone. Nevertheless the commission made recommendations which aimed at precluding a recurrence.

15. Conditions in Chicago stock yards 1906

Conditions in the Chicago stock yards: Message from the President of the United States. House Doc. 873 (59-1), [Washington 1906].

The investigation was provoked by Upton Sinclair's *The Jungle*, and the report provided a graphic description of the unsanitary conditions affecting food processing and laborers in the Chicago meat packing industry.

16. Labor and housing conditions in Panama 1908

Report of the special commission appointed to investigate conditions of labor and housing of government employees on the Isthmus of Panama. Senate Doc. no. 539 (60-2), Serial 5407. Washington 1908.

The commission found only minor defects in the services for workers of the government-controlled Isthmian Canal Commission and the Panama Railroad.

17. Board of U.S. General Appraisers 1913

Report of the President's committee on inquiry on the procedure, practice, and administrative methods of the Board of United States General Appraisers. Washington 1913.

The commission followed up revelations and prosecutions of fraud in the New York customs service carried out from 1909-12. The report deals with the management problems of the board.

Interlude 1913-1941

**18. The Navy League 1931*

In 1931 President Herbert Hoover appointed a committee to investigate assertions made by the Navy League, a voluntary association, about Navy policy at the time. The committee was appointed 28 October 1931, and a report exonerating the President was released 7 November 1931, see Marcy 1945, 90.

Second World War and After 1941-1952

19. The attack on Pearl Harbor (I): The Roberts Commission 1941

Attack upon Pearl Harbor by Japanese armed forces. Report of the commission appointed by the President of the United States to investigate and report the facts relating to the attack made by Japanese armed forces upon Pearl Harbor in the Territory of Hawaii on December 7, 1941. Senate Doc 159 (77-2), Washington 1942. Reprinted in: Pearl Harbor attack: Hearings before the joint committee on the investigation of the Pearl Harbor attack: Part 39. Washington 1946, pp. 1-22.

A presidential commission chaired by a justice of the Supreme Court, Owen J. Roberts, blamed the senior commanders in Hawaii, Gen. Short and Adm. Kimmel, for failing to exercise proper judgment in the performance of their duties.

20. The attack on Pearl Harbor (II): The Army Board 1944

Report of the Army Pearl Harbor Board. In: Pearl Harbor attack: Hearings before the joint committee on the investigation of the Pearl Harbor attack: Part 39. Washington 1946, pp. 23-178.

Although the Army Board also criticized the Hawaiian commander, Gen. Short, it saw the disaster at Pearl Harbor as a result of organizational and tactical errors shared by several actors in Hawaii and Washington, DC.

21. The attack on Pearl Harbor (III): The Navy Court 1944

Report of the Navy Court of Inquiry, op.cit. pp. 297-321.

The Navy Court concluded that "no serious blame incurred on the part of any person or persons in the naval service." Yet, this commission, unlike the Army Board (#20), did not consider issues of system failure.

**22. Failure of the Tacoma Narrows Bridge 1944*

The failure of the Tacoma Narrows Bridge. A contribution to the work of the [United States] Advisory Board on the Investigation of Suspension Bridges. Report made by the United States Public Roads Administration and the Agricultural and

Mechanical College of Texas. [Reprint] in the *Bulletin of the Agricultural and Mechanical College of Texas*, 4th Series, vol. 15, nr. 1 (1944).

23. Texas City disaster 1947

Record of proceedings of board of investigation inquiring into losses by fires and explosions of French steamship Grandcamp and U.S. steamships Highflyer and Wilson B. Keene at Texas City, Texas, 16 and 17 April 1947 (Commonly called Texas City Disaster). 2 vols. [Mimeo]. U.S. Coast Guard, Washington, 24 September 1947.

An explosion in cargo on board French steamship "Grandcamp" in the harbor of Texas City, TX, destroyed the ship and engulfed piers, warehouses, tank farms, and two other ships in the subsequent fire. More than 600 people died in this disaster.

24. Airport safety 1947

Report to the President of the United States by the President's special board of inquiry on air safety. [Mimeo], 29 December 1947.

Three airline accidents in rapid succession led President Harry S. Truman to appoint an investigation board, which did not seek the causes of particular accidents, but concerned itself with problems of take-off and landing, navigation aids, and several phases of air traffic control.

25. Airport accidents 1952

The airport and its neighbors. The report of the President's Airport Commission, Washington 25, DC, 1952.

The commission was directed by President Truman to look into the problem of airport location and use after an accumulation of airplane accidents at Newark airport in January 1952. The emphasis of the committee report is on dealing with local concerns regarding accidents and noise from city airports. The Newark

accidents are seen as mishaps that by coincidence were confined to a single community.

Great Society and Vietnam War Era 1963-1975

26. The assassination of President Kennedy 1963

Report of the President's Commission on the assassination of President John F. Kennedy. Washington 1964.

This commission was primarily charged with gathering and evaluating the evidence with regard to the assassination of the president and the later murder of Lee Harvey Oswald. In addition the committee evaluated the work of the agencies responsible for safeguarding the president: the Secret Service, FBI, and local police. All recommendations were concerned with strengthening the protective services.

27. The Chicago postal service failure 1968

Towards Postal Excellence. The report of the President's commission on postal organization. Washington, DC 1968.

This commission used the breakdown of the Chicago postal terminal as its departure point for presenting proposals to reorganize the American postal system.

28. Civil disorders 1967-68

Report of the National Advisory Commission on Civil Disorders. Washington 1968.

The Kerner Report. The 1968 report of the National Advisory Commission on Civil Disorders. [Edited reprint]. Pantheon Books, New York 1988.

The Kerner commission provided a broad survey of the problems of racism and inequality underlying the urban riots of the late sixties. It also dealt with the conduct of police and city officials in handling particular incidents. Its general

recommendations concerned housing, education, employment and the welfare system.

The GPO original edition (1968) includes photos, supplements, and appendices not found in subsequent trade reprints.

29. Civil disorders 1968-69

To establish justice, to insure domestic tranquility. The final report of the national commission on the causes and the prevention of violence. [Reprint] Praeger, New York 1970.

The commission led by Milton Eisenhower was appointed following the assassinations of Robert F. Kennedy and Martin Luther King, Jr., in 1968, but it does not investigate these events in particular. On the other hand the general report built partly on a series of special investigations carried out by staff task forces. Five of the special investigations were devoted to particular disastrous events and were published separately by the commission.

Shut it down! A college in crisis: San Francisco State College, October 1968--April 1969; a report to the National Commission on the Causes and Prevention of Violence. [Washington] 1969.

The report analyzes a student strike initiated by a black student association, the confrontations that followed, and the measures taken by the authorities before, during, and after the events. It deals with personalities involved in the disturbances as well as development in university policies affecting students.

Shootout in Cleveland: Black militants and the police: July 23, 1968. [Reprint] Praeger, NY 1969.

This report was initiated by the Civil Violence Research Center, Case Western Reserve University and later recognized and financed by the Eisenhower Commission. Although responsibility for the killings and unrest is put to armed,

black extremists, the task force puts an heavy emphasis on analyzing ethnic hostility, police performance, and the role of elected officials.

Rights in concord: the response to the counter-inaugural protest activities in Washington, D.C., January 18-20, 1969. [Washington, DC 1969].

This report by the Task Force on Law and Law Enforcement evaluated the handling of the demonstrations against the Vietnam War that took place in connection with the inauguration of President Richard Nixon. The report praised the advance planning and negotiations between demonstrators and the public authorities; it is only when these fail that serious incidents occur. These are blamed on a minority of demonstrators and overexcited police.

Rights in conflict; Chicago's brutal 7 days. Washington DC 1968.

The report by the Walker commission deals with the violent confrontations between demonstrators and police in Chicago during the week of the Democratic National Convention, August 1968. The violence is blamed on the prevalence of unrestrained and indiscriminate police violence.

Miami report: The report of the Miami Study Team on civil disturbances in Miami, Florida during the week of August 5, 1968. [Washington] 1969.

This is a narrative account, but also an analysis of the causes, of the riot in the black neighborhood of Liberty City in Miami. The disturbances started spontaneously on the basis of accumulated grievances among the black population, but mishandling of the situation by local police, elected officials, and radio transformed the early unrest to a major riot.

30. Campus unrest 1970

The report of the President's commission on campus unrest. Washington, DC 1970.

The commission was appointed in the wake of the tragic shootings of students by the U.S. National Guard at Kent State University 4 May 1970. The commission investigated this and a similar incident at Jackson State College in Mississippi on 14 May 1970. In a general survey of student unrest, the commission listed a broad set of contributing factors, such as resistance to the U.S. involvement in the Vietnam War, racial discrimination, police brutality, and academic inertia.

**31. Emergency in Washington, DC 1971*

The administration of justice under emergency conditions in the District of Columbia. [Washington, DC] March 1973

This commission report was produced as a response to the 1971 May emergency for the Judicial Conference of the District of Columbia Circuit. The commission does not, however, go into detailed fact-finding into this racial conflict, but concentrates of ways to improve the judicial system in Washington during such occurrences.

**32. The "Mayagez" affair 1975*

U.S. Comptroller General: Seizure of the Mayagez. Part 4. Issued as committee print for the house committee on international relations. Washington, DC 1976.

In its efforts to relate the facts the report documents the difficulty of parliamentary investigations in accomplishing their objectives if they are denied access to sensitive information by the government of the day. Cf. Norwegian case #4.

33. Abuses by the CIA 1975

Report to the President by the commission on CIA activities within the United States. Washington 1975.

This commission, led by the vice-president, dealt with allegations that CIA conducted illegal activities against individuals and organizations in the United States. Based on its findings, the commission criticized the agency and recommended reforms.

The Postmodern Era 1979-1989

34. The nuclear accident at Three Mile Island 1979

Report of the President's commission on the accident at Three Mile Island. The need for change: The legacy of Three Mile Island. [Reprint], Pergamon Press, New York [1979].

Presidential commission appointed in October 1979 to investigate the failure of safeguards at the nuclear power plant at Three Mile Island, Pennsylvania, 7 months earlier. The report concluded with proposals for fundamental changes in the methods used to control nuclear power plants.

Three Mile Island: a report to the commissioners and the public, Nuclear Regulatory Commission, Special Inquiry Group. Washington, DC 1980

Three Mile Island: The most studied nuclear accident in history, General Accounting Office. Washington, DC 1980.

35. Beirut 1983

Report of the DoD commission on Beirut International Airport terrorist act, October 23, 1983. [Mimeo], Department of Defense, Washington, DC 1983.

241 U.S. military personnel were killed when a truck loaded with 5.5 metric tons of TNT crashed into the compound of the U.S. contingent of the multinational force at Beirut International Airport 23 October 1983. Although the investigative commission stressed the responsibility of the military command, it softened its conclusions by stating that the local commanders were influenced by circumstances beyond their control.

36. The Iran-Contra affair 1986

The Tower commission report: The full text of the President's special review board. [Reprint] Bantam Books/Times Books, New York 1987.

This commission was appointed on 1 December 1986 to investigate the Iran-Contra affair. The report affirmed that the formal system for dealing with security issues actually was quite sufficient; it was the individuals involved who had misused the confidence of the President. The report was followed by extensive hearings and investigations by select congressional committees.

37. The "Challenger" space shuttle accident 1986

The report of the presidential commission on the space shuttle Challenger accident. Washington, DC 1986.

A commission of distinguished scientists, astronauts, political and military leaders was appointed by President Ronald Reagan on 6 February 1986 to investigate the accident. While the commission initially concentrated its attention on mechanical aspects, it subsequently uncovered several managerial and systemic shortcomings in connection with the catastrophic launching of the shuttle.

APPENDIX B
OPERATIONALIZED QUESTIONS

Questions to be addressed about each investigation report:

0. Commission name.
1. Dates:
 - When was the commission appointed?
 - When did the commission complete its work?
 - When was the report published?
2. Appointment:
 - Who appointed the commission?
 - Ideology (partisanship), if any, of appointing agent?
3. Mandate:
 - Content
 - Given or self-defined?
 - Limits or restrictions on investigation:
 - Scope, issues.
 - Time limits
 - Given or self-imposed.
4. What was the methodology used by the commission? Hearings (open or closed), written submissions (letters, newspaper articles, files, statistics), interviewing, informal meetings, surveys, photography, production of diagrams and charts, field trips, site visits.

5. Which are the central events (circumstances) of the disasters or failures?
(Briefly).
6. What is the focus of the investigation, i.e. the main variables considered?
(Natural, technical, human)
7. What are the primary (immediate, efficient) causes given for the failures investigated?
8. Is there a single or a multiple cause?
9. Is the performance of government officials included among the primary causes?
Lower officials ("operators")
Middle management ("supervisors")
Top officials ("embetsmenn")
Elected officials.
10. What are the secondary (underlying, final) causes, if any?
11. Do these involve governmental performance?
12. What are the dimensions of responsibility?
A. Causal (level of causality): Association, intent, foreseeability, causality
B. Knowledge: Did know or should know?
C. Intentionality: Intended?
D. Coercion: Voluntary or coerced?
E. Appreciation of consequences: Capacity?
13. Determination of blameworthiness (Is there a justification or excuse that is accepted or rejected by the commission?).
14. Who are considered to be the actors that could have affected the outcome or the aftereffects? (Operators, managers, organizations).
15. Recommendations:

What are the main conclusions? recommendations? Do these emphasize individuals, organizations, or other systemic factors?

16. Theory content:

Does the report reveal ideas about:

* leadership

* accountability

* public administration principles

Organization

Communication

Coordination

Supervision and control

Ends and goals

Organizational style or culture

* good government?

17. Effects:

What happened to the report? Where the recommendations followed? (List source, if not in report).

Were additional investigations initiated? At the same time or later? (List source, if not in report).

18. Commission membership:

Number

Chairman

sex/ethnicity/origin

education/experience/profession

(List source, if not in report).

Note: Questions 12-13 are based on Shaver (1985).

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