

CONTENTS

Acknowledgments ix

List of Abbreviations Used in Text xi

PART I: INSPECTING THE TERRAIN

- 1 Introduction: *Quis Custodiet Ipsos Custodiet?* 3
- 2 “Once You’ve Met One IG, You’ve Met One IG”:
Modes of Monitory Democratic Practice 23
- 3 An Inspector Calls (with Apologies to J. B.
Priestley): The Inspector General Category 43

PART II: THE IGS AT WORK

- 4 Bungling Bureaucrats: Searching for
Independence at State 73
- 5 A Political Democracy at State: Protecting
Passport Privacy, 1992–2008 104
- 6 Lawyers Out of Court: Guarding the Guardians
at Justice 121
- 7 A Constitutional Democracy at Justice: Forging
Democratic Norms in the War on Terror,
2002–2010 146
- 8 From Terror to Hurricanes: Crafting Emergency
Governance at Homeland Security 163
- 9 A Managerial Democracy at Homeland Security:
A Web of Accountability in the Gulf Coast Recov-
ery Project, 2005–2009 187



PART III: THE DEMOCRATIC PERSPECTIVE

- IO Forging a New Democratic Form: Cometh the Hour,
Cometh the Inspector 203
- II Conclusion: *Quis Custodiet Custodem Ipsum*
Custodum? 210
- Appendix: Interviews 223
- Notes 227
- Index 259



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LIST OF ABBREVIATIONS USED IN TEXT

ACLU	American Civil Liberties Union
ATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives
BOP	Bureau of Prisons
CA	Consular Affairs
CIA	Central Intelligence Agency
CIGIE	Council of Inspectors General on Integrity and Efficiency
DEA	Drug Enforcement Administration
DFE	designated federal entity
DHS	Department of Homeland Security
DOD	Department of Defense
DOJ	Department of Justice
ECIE	Executive Council on Integrity and Efficiency
ECPA	Electronic Communication Privacy Act
EMU	Emergency Management Unit
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FISA	Foreign Intelligence Surveillance Act
FOIA	Freedom of Information Act
FSO	Foreign Service Officer
GAO	Government Accounting Office
IC	independent counsel
IG	inspector general
INS	Immigration and Naturalization Service
IT	information technology
MERO	Middle East Regional Office
NASA	National Aeronautics and Space Administration
NPM	New Public Management
NPR	National Performance Review
NSA	National Security Agency
NSLs	National Security Letters
O&R	Office of Oversight and Review
OIG	office of the inspector general
OLC	Office of Legal Counsel
OPR	Office of Professional Responsibility
P-A	principal-agent

PCIE	President's Council on Integrity and Efficiency
PIERS	Passport Electronic Records System
POGO	Project on Government Oversight
S/IG	Inspector General of Foreign Service
SIGAR	Special Inspector General for Afghanistan
SIGIR	Special Inspector General for Iraq Reconstruction
SIRU	Special Investigations and Review Unit
TSA	Transportation Security Administration



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PART I

**INSPECTING THE
TERRAIN**



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CHAPTER ONE

INTRODUCTION

Quis Custodiet Ipsos Custodies?

The Administrative-Democratic Paradox

In the early 1950s, Dwight Waldo sparked a debate with public administration theorist Herbert Simon over the mutual antagonism between the values of democracy and those of administration.¹ Whereas Simon championed the possibility of a science of administration based on facts and geared toward efficiency, Waldo questioned whether such a value-free science was possible; he argued that efficiency itself was a contentious political claim, a vision of the good life that is antithetical to democratic values such as deliberation and citizen participation. In Waldo's book, *The Administrative State*, he attacked the respective disciplines of public administration and democratic theory for failing to engage with each other, and he argued that because administration is or claimed to be at the center of modern democratic government, the two disciplines must address each other.² He reserved his strongest criticism for administrative theory: it needed to recognize its own underlying political philosophy and admit that its central principle of efficiency was neither value neutral nor easily reconciled with the principles of democracy.

The debate echoed earlier formulations of the tension by Woodrow Wilson, who promoted the politics-administration dichotomy as a solution to the (partisan) politicization of administration, and Max Weber, three decades later, who reiterated the need for a sharp distinction between politics and administration to prevent *Beamtenherrschaft* (rule by bureaucrats).³ Although Waldo and Simon contended over the distinctions between facts and values, and between policy and administration, at stake lay a variant of the classic trade-off between democratic representation and efficiency. Democracies—especially a pluralist democracy in the American tradition (i.e., a polyarchy)—need to provide citizens and groups the opportunity for direct engagement in the processes of the polity, including elections, deliberation, policy creation, and the maintenance of accountability. But because such processes are time-consuming and inefficient, bureaucracies are delegated policy-making authority without being held to account through reg-

ular elections or transparent practices, and this leaves citizens unable to influence the way they are governed.

If these anxieties concerned social scientists at the turn of the twentieth century, the growth of the administrative state—and in particular the advent of the welfare state—merely intensified policy-making delegation to nonmajoritarian institutions in the latter half of the century.⁴ But do the exigencies of efficient decision making and policy implementation necessarily curtail citizens' opportunities to participate in the democratic process? Does the need for a growing, unelected bureaucracy to implement a nation's will undermine the fundamental democratic principles of equality, liberty, representation, and participation? Does the "science" required to fashion an efficient bureaucratic machine preclude deliberation over the common good? Or is it possible for the competing and conflicting principles of administrative efficiency and democracy to be reconciled?

Despite its *prima facie* value conflict with democracy, public administration can also play a constitutive role in democracies by channeling public interests, protecting common values, formulating and executing policies, and bringing accountability and predictability to government activity.⁵ The notion that bureaucratic structures might even foster democratic practices is not new. In his *Considerations on Representative Government*, J. S. Mill argued, "Freedom cannot produce its best effects, and often breaks down altogether, unless means can be found of combining it with trained and skilled administration."⁶ This refining function, potentially carried out by expert administrators, provided a resource for would-be reformers faced with patronage-ridden politics. After Wilson, Progressive-era reformers championed a "politics-administration dichotomy" as a tool for reforming politics at the national level.⁷ According to American political development scholars Desmond King and Robert Lieberman, one key irony of the American state is that bureaucracy has proven to be a precondition for democratization: "American experience differs from continental European trajectories in that a comprehensive democratic framework as a set of procedures was established before the expansion of national federal bureaucratic departments of the sort compelled upon politicians from the Civil War."⁸ This alternative historical trajectory affected the character and resources of bureaucracies as well. In contrast to their European counterparts, bureaucracies in the United States built their own networks outside the government apparatus for program implementation and encouraged individual enterprise in building power.⁹ In part it has been precisely the freedom to develop autonomous bureaucratic structures and to take recourse to extra-

state actors that has allowed democratic ideas and interests to penetrate the American state apparatus. This phenomenon had a European correlate, too, for as Mark Warren notes, “The more functional democracies were built within relatively high-capacity states, in part because these states provided a locus for accountability demands as part of democratization struggles.”¹⁰ These experiences demonstrate that a tension between two seemingly irreconcilable principles can generate change and inspire new forms of democratic participation.

Yet how and to what degree can this occur? Over time, a number of democratic and legal theories have proposed ways of resolving, explicitly or implicitly, the value tensions between administration and democracy. Though they do not always use the term directly, these approaches favor coherent accountability structures to preserve certain principles of democracy and representative government.

Even before the modern state provoked questions of administrative accountability, classic Madisonian constitutionalism provided an overall political framework designed to counter the potential abuses of power in a democracy and representative government. Although the writers of the *Federalist Papers* gave little direct attention to the problem of administration as such, they devised a constitutional system intended to forestall the pathologies of democracy, namely the concentration of power in the hands of a single office or group. The framers of the Constitution pitted “ambition against ambition” and constructed a system guided by, among other principles, the separation of powers and of checks and balances. The separation of powers is not given explicit legal legitimacy in the American constitutional system (in the sense of being codified as such), but the Constitution nonetheless embodies this principle through its clear separation of government functions.¹¹ It reflects Madison’s view that “the accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many . . . may justly be pronounced the very definition of tyranny.”¹² The Constitution, moreover, implants various checks and balances in the relations between the branches: Congress checks executive action with its control over the purse strings of government and exercises its oversight authority through committees. This echoes the belief that “the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.”¹³ Here Madison acknowledges the jurisdictional battles that might compromise the execution of government from within the executive

branch and applies his principle of accountability through separation and competition to the various administrators (and by extension to what would eventually become the administrative apparatus). These constitutional arrangements prescribe a mode of governing with certain pragmatic consequences insofar as they encourage, at least in theory, the efficient running of government and have the normative function of promoting a particular vision of political liberty.¹⁴

Madison failed to anticipate the emergence of the administrative state and of “emergency governance,” as well as the challenges to democratic integrity they would pose. Later American democratic theorists countered that the classic Madisonian view provides an insufficient account of the sources of accountability and political equilibrium because it fails to include the full scope of political activity in the public realm. For classic pluralists such as Robert Dahl, the balance of competing centers of power—interest groups, branches of government, parties—serves to temper the tensions between efficiency, deliberation, and participation. In this view, ensuring a healthy balance of power and preserving democratic rule necessitates a particular institutional design (i.e., pluralism) not only to equalize citizen participation and representation but also to correct the inherent tendency of democracies to bend toward a tyranny of the majority. Here bureaucracy is a positive feature within a pluralist system, one locus of power among many, and an important actor in the separation of powers system. Similarly, for David Truman, the bureaucracy provided yet another access point into the policy-making process; it exists as simply one political actor among many in a system of group pluralism.¹⁵ Dahl also viewed the growth of the bureaucracy as a natural and unexceptional component of the welfare state.¹⁶ However, the implicit trust these theorists had in the democratic integrity of existing arrangements was so great that they give little attention to the problems generated by bureaucracy, and like many normative strands of democratic theory, they offered few prescriptions for ameliorative administrative design.¹⁷

Most recently, legal scholars have proposed legal and institutional solutions to the antidemocratic tendencies of the administrative state. The legal literature on executive constraint and emergency powers provides a slightly different perspective on the problem of administrative discretion from the perspective of pluralists such as Dahl and Truman: its theorists are concerned with the consequences of building provisions into the legal order for emergency powers and the suspension of democratic politics. Critics argue that doing so would legitimate undemocratic decisions and thus undermine the very foundations of the liberal order; in times of emergency, the sover-

eign must simply exercise power to preserve the integrity of the legal order (“Schmittian exceptionalism”).¹⁸ Others contend that the liberal order must accept the necessity of “exceptional” (i.e., extralegal) politics and provide legal and institutional guidelines for how and when this power can be used, so as to keep it in check (“liberal legalism”).¹⁹

Although its focus is on an extreme case—discretion in a moment of emergency—the legal literature’s insights about what Carl Schmitt calls “the exception” are also relevant to the quotidian cases of routine administrative decision making, and thus to the underlying tension between administration and democracy. Fundamentally, they ask whether there should be structures and practices within the administrative state to temper its undemocratic tendencies, or whether its regulation should be left to competing power centers or political checks. Much of the legal literature remains divorced from systematic empirical evaluation of routine administration, and moreover, it fails to consider the mutations in democratic practice—the side effects, as it were—that these checks on administrative discretion provoke. Can there be an institutional corrective to a structural problem in modern constitutional democracies? What changes do such frameworks provoke in the practice of democracy?

These approaches to democratic accountability have built on one another over time, refining the broad Madisonian constitutional framework in such a way as to accommodate the exigencies of the expanding administrative state and of emergency governance. Yet the efficacy of their solutions, and the political dynamics they provoke, remain in question.

Research Question

This volume is a historical inquiry into the sources and development of one such institutional solution to the administrative-democratic paradox: US federal inspectors general (IGs). IGs are auditor-investigators placed in nearly every federal department and agency who are tasked with ferreting out fraud, waste, and abuse in the federal bureaucracy. Do they restore the democratic integrity lost in the administrative state, or do they merely exacerbate its antidemocratic tendencies?

My argument focuses on one particular statutory framework—the Inspector General Act of 1978—and its interaction with other political processes.²⁰ Administrative accountability, where it has prevailed, has been the result of a growing reflexive bureaucratic capacity to self-correct, reform, and generate endogenous change.²¹ In the modern state, apolitical, scientific-

rational processes (e.g., audits) often replace politics as a mode of accountability and as a safeguard of democratic values. But do IGs temper this tendency or exacerbate it? In practice, the IGs' effects on bureaucratic behavior and democratic practice vary widely. At its most successful, the IG model can improve the quality of democracy by providing basic administrative and political accountability, and by enhancing some of the prerequisites for citizen participation: providing transparency and information, and strengthening the rule of law. At their worst, the IGs can be complicit in the same fraud and abuse that they were mandated to eradicate.

Unlike other frameworks intended to curb executive discretion, such as the Administrative Procedures Act, the National Emergencies Act, or War Powers Resolution, the IG Act has had a generative institutional effect, spawning, through periodic amendments, a growing army of IGs with expanding authority. IGs pursue accountability by providing an authoritative narrative to be disseminated to the Congress, the courts, and the public. In tandem with these external actors, the IG system is an attempted corrective to the undemocratic tendencies of the bureaucracy. It is my contention that the growth of this internal checking mechanism has altered the structure of executive accountability and political deliberation and has provoked dynamics in the wider politics of executive power. Although the IGs are far from the only institutional source of executive or bureaucratic accountability, they provide a glimpse into the microfoundations of this developing democratic function.

Although I call the IG phenomenon the “accountability state,” in American political development fashion, IGs are only one mechanism of accountability among many. For a full elaboration of the concept of accountability, a wider-ranging treatment of all accountability mechanisms would be necessary. This would be a fruitful path for future research; it would include careful consideration of the role of the courts, congressional oversight committees, a strong and independent press, and government watchdog groups, as well as statutory frameworks such as the Administrative Procedures Act and oversight bodies such as the Office of Special Counsel, in checking executive growth and activity. Most importantly, such an approach (if pursued comprehensively, taking into account the way these various institutions interact) would expose the redundancies and gaps in the overall architecture of accountability. However, the work of the IGs extends beyond accountability tout court and contributes to broader processes in democracy, such as public deliberation, information dissemination, and the forging of links between civil society and government.

It is important to underscore that the development of the IG as a mechanism of accountability is not a uniform one; it must be understood as a product of its historical context as something that has grown alongside of and in reaction to the expanding administrative state and the growth of emergency executive powers. Drawing on insights from theories of democracy, administration, and institutional change, I document the emergence of an internal mode of democratic accountability that has evolved differentially across the state and that has contributed to the emergence of new democratic forms.

*Preserving Democratic Integrity and Curtailing
Executive Power*

This study constructs its object of analysis at the intersection of multiple literatures: democratic theory, accountability studies, and the public administration literature on IGs. I start by framing my investigation with the questions prompted by democratic theorists and public administration scholars on accountability. I then address empirical deficits in the scant literature on IGs. Below, I briefly outline my analytic approach. I then review the literature and draw from it the questions that shape my enquiry.

Analytic Approach

I take an unorthodox analytic approach in this study with the aim of responding to analogous calls from within two fields of scholarship. Scholars in both democratic theory, broadly speaking, and accountability studies have lamented the chasm within their subdisciplines that exists between the empirical and the theoretical, the institutional and the philosophical. Efforts to place these approaches in concert often run afoul of the methodological conventions and strictures that can serve to limit, rather than to refine, the conclusions of scholarship at either end of the spectrum.

However, in both fields, efforts have been made to bridge this gap. Political realism, an important emerging school within political theory, posits the need for precisely this kind of methodological shift. It argues that, rather than start with prior normative commitments, political theory should begin with the here and now—that is, with the institutions that exist—and from there order the normative guiding principles of a theory of democracy.²² In short, it demands a methodological inversion from top-down theorizing (i.e., deriving theories from abstract principles) to bottom-up theorizing (taking existing political institutions as the basis for building theories

of democracy). This move cannot be reduced to the traditional distinction between deductive and inductive reasoning. Rather than beginning one's inquiry with an abstract principle—say, a Rawlsian conception of justice—and then deriving the best possible institutional arrangement to achieve that end, without regard to the practices and institutions that exist now (and without regard to the institutional exigencies of the present era), we must first take into account the constraints of existing, historically specific political and institutional conditions. In this case, given one demand of modern democracies—the need for large-scale apparatuses of administration—what are the features of contemporary political institutions such that classic democratic values can be preserved?

A similar drive toward methodological hybridity has been apparent in the field of accountability studies. Dubnick calls for a blend between two different “ontologies” of accountability studies, the institutional and the relational. Whereas an “institutional” focus highlights the precise structures and mechanisms of accountability in governance—audits, compliance measures, public disclosures—a “relational” approach examines the link between practices of accountability and questions of moral philosophy and identity.²³ The main limit of a purely institutional approach to accountability mechanisms is that the singular focus on audits or investigations neglects the relationships that underpin these practices. Dubnick comments, “Once a relationship becomes structured, formalized, and/or mechanized [through audits or performance measures], the social dynamic that underpins account-giving relations and behaviors is altered.”²⁴ The advent of the audit society has left its mark on bureaucratic behaviors and expectations, and thus on the way that governments and legal systems are fundamentally structured. However, an empirically rich study of specific accountability mechanisms in their historical context can illuminate much about the underlying relationships within bureaucracies, between rival bureaucracies, between branches of government, and between the government and the citizenry. The dynamics and quality of these relationships not only affect the immediate outcomes of governance but also go to the heart of such fundamental principles as the separation of powers.

Through my hybrid empirical and philosophical approach, I attempt to contribute to both of these conversations. My effort to establish the narrative setting of accountability practices and chart their development over time aims to weave the empirical insights of the institutional approach to accountability studies with the broad perspective of the relational option. This methodological movement parallels the political realists' urge to take

empirical data as the starting point for building theories of democracy. To the political realists, I offer concrete empirical evidence, through historical analytic narrative, so as to inform debates about the changing nature of democracy. Here the aim of the study is to begin with an empirical account of the way existing institutions deal with certain recurring democratic problems, then to offer preliminary thoughts about what these institutions and practices tell us about new modes of democratic engagement, and about the concept of the political when key components of citizen participation are delegated to the state. The following narratives focus less on the specific outcomes, strengths, and weaknesses of particular reviews than on how the account-giving relationship is affected by these practices and on what the consequences might be for the democratic legitimacy and the forms of democracy articulated in the American state.

The Argument

My primary analytic question concerns what kinds of contributions, and with what effect and consequence, IGs have made to democratic processes. This question has both a first-order, specific response in the form of concrete results from IG work and a more general, second-order response framed in terms of broad, democratic forms.

On a basic level, the narratives that follow demonstrate that federal IGs have contributed to effective governance and democratic integrity in much more diverse and unexpected ways than early observers would have predicted, and that they bear the imprint of multiple normative visions of accountability. Yet institutionally, their impact is still uncertain; it varies from one bureaucratic context to the next. Thus no broad generalizations can be drawn about the overall value of their effects, either positive or negative, on the state and on democratic functioning. However, certain conclusions can be drawn concerning the way that the IG phenomenon has slowly altered the structure of the accountability relationships—bureaucratic and political—that condition the way the state governs. The IGs' ascendancy points to a new form of delegation—the delegation of citizen participation to unelected officials in the form of accountability holding—and suggests that the exigencies of the administrative state are transforming the nature of the political in contemporary democracies. Equally important, IG work instantiates a novel form of democratic legitimacy produced through continuous monitoring practice.

Democratic Theory: Preliminary Considerations of Accountability

The resolution of the tension between administrative discretion and democratic values lies in the concept of accountability. John Dunn makes this basic argument: “In the states of today, practices of democratic accountability form the key site of putative reconciliation between the norm of democracy and the apparently antithetical implications of state authority.”²⁵ Jeremy Waldron echoes this insistence on the necessity of accountability for democracy by rooting the practice of public account giving in the traditional republican concept of the *res publica*, the idea that “the business of government is public business.”²⁶ Yet despite its “necessity” to democracy, and despite a certain vogue in many social scientific academic circles, modern democratic theorists have typically marginalized accountability in favor of other democratic principles, such as participation and representation.²⁷ Historically, accountability has been approached implicitly, as the by-product of structural arrangements or electoral systems. Indeed, the term “accountability” itself was hardly used by theorists and philosophers before the mid-twentieth century.²⁸

Part of this neglect, and the related conceptual confusion, have to do with the term’s imprecision.²⁹ Much contemporary scholarship works to pin down its various meanings, narrowing the term and differentiating it from its use in the vernacular as something akin to punishment.³⁰ Political scientists often reduce the concept to, or at least focus on, elections as the most fundamental mechanism for preserving democratic accountability.³¹ Yet such periodic forms of accountability hardly provide statewide accountability, not least for the legions of unelected career bureaucrats directing the administrative and regulatory states. Legal scholar Edward Rubin goes further, arguing not only that elections are not primarily mechanisms of accountability but also that the concept of accountability is “intrinsicly bureaucratic or administrative in character” and cannot be understood without reference to the administrative state.³² Only administrative oversight and hierarchies provide true accountability; elections as a source of accountability are a myth. Given the necessity of a large-scale administrative apparatus with which to run modern states, returning full policy-making authority to the legislative branch on the principle of nondelegation would simply force the legislature to build an equally large—and unaccountable—infrastructure of unelected officials in order to carry out its tasks. Rubin’s formulation serves as an argument against the accountability-enhancing impulses

toward nondelegation, the devolution of central government, and a unitary executive, and it roots the source of accountability in administration itself.

If this is correct, the microprocesses of bureaucratic accountability play a crucial role in generating democratic legitimacy. The decisions of a politician are (in theory) legitimate because the official is held to account through periodic elections. The decisions of unelected bureaucrats are (in theory) legitimate because representatives have delegated them decision-making authority. In practice, however, their actions are deemed legitimate insofar as they are continuously scrutinized with audits, investigations, and inspections. If authority in a representative democracy traditionally rested on the legitimacy of the electoral process, then these new accountability practices underpin the legitimacy of what John Keane calls a “monitory democracy”: the set of “power-monitoring and power-contesting mechanisms” of continuous oversight that characterize post-1945 liberal democracies.³³ (The profound implications of this shift in the basis of democratic legitimacy are discussed further below, especially insofar as IGs instantiate a novel democratic form by furthering the production of this legitimacy.)

Aside from its frequent equation with elections, discussions of accountability are dominated by principal–agent (P-A) frameworks, which comprise the chief analytic lens used for understanding accountability.³⁴ P-A theories frame the stakes of accountability in the following way: democratic accountability implies that a principal (the public) can sanction an agent (a public official delegated some sort of responsibility) for failing to represent its interests or respond to its demands. Mechanisms of accountability are thus ways of limiting the discretion of public officials.³⁵ However, such frameworks suffer from numerous deficits with regard to accountability. In addition to oversimplifying the multiple relationships that constitute a system of accountability, they often imbue a fundamentally political dynamic with normative principles inherited from economics.³⁶ As Philp argues, it is erroneous to assume that the interests of a particular group are identical to those of the people. Holding an actor to account in the name of the people does not ensure that the aggregate interests of the people are the primary criterion for evaluation. Using P-A frameworks becomes even more problematic with regard to IGs: their interests are not synonymous with their two direct principals, Congress and their department heads (who have, moreover, very different, often opposing interests). Nor are they synonymous with their indirect principal’s interest, the people’s interest (a plural and incoherent notion to begin with).

Nonetheless, a P-A account such as Waldron’s offers the analytic advan-

tage of highlighting the specific duties associated with each role. He too argues that democratic accountability must be at least partly divorced from its singular association with elections and that it ought to be retheorized as an integral component of a continuing political relationship. His version centers on the duty owed by the agent to the principal to give an account of its actions; he distinguishes it from other conceptions by emphasizing that there must be a specific actor to whom accountability is owed, and that the principal can determine the standards to which the account giver is to be held (as opposed to an objective legal standard administered by a tribunal).³⁷

Though Waldron does not argue it explicitly, the implications of his account are profound. In this argument, accountability becomes a permanent activity that impresses on the government (the agent) the duty to narrate and justify its actions regularly. This inserts a radically modern principle into a classic state function: ritual self-justification, not with reference to divine right, reason of state, or even the will of the people, but to a set of substantive values increasingly articulated in administrative and economic language. The state justifies its actions with reference to efficiency, effectiveness, and accountability (often vague and imprecise in its invocation), and most important, it derives its legitimacy from its perceived conformity with these principles.

Waldron's account also underscores the precept of political accountability according to which the principal can determine the standards by which the agent (government actor) is to be judged. These standards can be procedural or substantive (a point that Rubin also makes), but crucially, they are set by the principal. For my purposes, the IGs are a kind of intermediary interpreter, at once the account giver (as the narrator of the state's activity) and the account holder (as the implicit judge, able to choose and craft the standards by which the state's actions will be judged). With the latitude they have to choose which actions are worthy of being investigated, and able to select the terms in which to narrate them, the IGs set the moral and ethical standards by which the government must then act.

The contributions of Philp, Rubin, and Waldron suggest that the dynamic of accountability inherent in political and administrative relationships is part and parcel of democracy tout court. Accountability denotes not merely a relationship but also a repeated action called into being by that relationship. Many of those critical of the P-A approach (and even some who espouse it, such as Waldron) emphasize the need to return to the earlier narrative roots of the term as one meaning to give an account, rather than focus on the sanctions or punishment associated with the exchange.³⁸ Insofar as

democracy is a practice rather than a state of being, it requires continuous reenactment of the ritual of account giving. But if accountability holding is a fundamental part of the practice of democracy, it follows that who performs it is a matter of utmost importance, one that goes to the heart of the question of democratic participation. Dunn places the onus of accountability on the citizen, claiming that “most of the weight, in seeking to secure accountability, has to be carried by the vigor of citizen participation and by the scope of rights and liberties open to citizens.”³⁹ This echoes a traditional conception of democratic participation according to which the vibrancy of democracy depends on citizen activity. However, Waldron’s argument transfers this duty to the agent—that is, the state—itself.

IGs fit uneasily with these considerations. If the principal (the people) should set the standards of assessment in a democracy, then what happens to the integrity of democracy when that task is delegated to part of the state apparatus itself? The IGs’ emergence thus prompts questions about the unintended, and potentially negative, consequences of accountability for democracy. (Philp also calls attention to the way certain kinds of accountability can have potentially negative consequences, as when demands for accountability diminish the government’s latitude for exercising judgment, or when calls for accountability serve only to legitimize preexisting substantive outcomes.) IGs perform what Warren calls mediated accountability—an arrangement in which one agent holds other agents to account on behalf of principals—and forms a part of the overall division of labor of accountability, but which complicates the simplistic P-A model and diminishes its explanatory power.

Accountability Studies: The Public Administration Approach to Accountability

Understanding accountability in the abstract through P-A frameworks, or as a state function, goes only so far toward explaining its effects on democracy. If we shift analytic registers from the theoretical to the institutional to understand how the mechanics of accountability work, we gain purchase on how, and to what effect, they affect the quality of governance.

Just as in democratic theory, the tension between the sanction/punishment and narrative-giving dimensions of accountability dominates the myriad ways of disaggregating the concept of accountability from a public administration perspective. Indeed, this conceptual distinction has mirrored, and in turn given rise to, multiple mechanisms of public accountability that often

work at cross-purposes. Depending on how such mechanisms are deployed and managed, the two approaches (for instance, the “sanction-based” and “trust-based” accountabilities described by Jane Mansbridge) can foster governing contexts of either suspicion or trust, and so lead to vastly different outcomes.⁴⁰ This underscores a second dominant theme in the public administration literature: the unintended and often negative consequences of accountability and accountability-related public reforms.

A small sample of the concrete paradoxes that plague accountability reforms suffices to illustrate the underlying conceptual puzzle. First, it is a widely contested claim that performance management systems actually improve agency accountability.⁴¹ Second, some public sector reforms aimed at depoliticizing public management by delegating more responsibility to specific bodies result in more intense politicization as elected officials vie for control over the locus of policy implementation (Moshe Maor’s “managerial paradox”).⁴² Third, heavy responsibilities levied on administrative bodies impede the process of learning and development.⁴³ Finally, Dubnick’s “reformist paradox” calls attention to the way in which any reform geared toward increasing accountability inevitably undercuts existing accountability arrangements.⁴⁴

The phenomenon of unintended, even contradictory effects of reform measures goes by many names, including “multiple-accountabilities disorder” and “bureaupathology.”⁴⁵ As discussed above, oversight mechanisms can contribute to the very problems they were intended to solve. In the case of IGs and other bureaucratic oversight mechanisms, this includes adding to the size, complexity, and unaccountability of a bureaucracy that they were designed to shrink and hold to account. Light frames the paradox in the following way: “By increasing the ratio of reviewers to doers, Congress and the president work against the accountability they seek, causing an impact never imagined by the IG founders. As the IG numbers go up, effectiveness may go down.”⁴⁶ Here he highlights the IGs’ role in exacerbating a form of bureaupathology, the phenomenon of organizational dysfunction that results from excessive bureaucracy. According to this logic, government expansion occurs both in size and in layers, multiplying and obfuscating the lines of accountability. Reforms for accountability are reactions to this, but they also contribute to a vicious cycle by making government bigger and less accountable. IGs diminish administrative efficiency and accountability by increasing government outlays and contributing to additional regulations.⁴⁷ In other words, bureaupathology breeds a form of negative policy feedback.⁴⁸

A common feature of these paradoxes is that each reform prompted an unintended alteration of the underlying incentive structure for public officials, causing the actors in question to craft behavioral strategies in tension with what reformers intended. Hood provides a basic theory and mapping of such strategies: through a series of blame avoidance strategies, public officials and bureaucrats can avoid responsibility (in what American children might recognize as a game of ministerial dodgeball) by doctoring the presentation of their actions, by strategically distributing responsibilities within an agency, or by manipulating policy options and altering the process or the substance of government activity.⁴⁹ These behavioral strategies have grown in conjunction with—and cannot be considered apart from—the coeval management reforms of the late twentieth and early twenty-first centuries. With the restructuring associated with New Public Management (NPM) doctrines, including those that promoted public–private partnerships, responsibility could easily be passed on to other actors with no end point in sight.⁵⁰

But in part because of this widespread tendency toward blame avoidance, the state’s arsenal of instruments of accountability—under the principles of hierarchy, mutuality, competition, and contrived randomness—has grown.⁵¹ Many instruments incorporate elements of more than one of these principles. IGs, for instance, blend elements of mutuality (civil servants monitoring civil servants) and contrived randomness (launching unexpected audits and investigations). Analytically, too few studies have explored the hybrid forms of these instruments and explained how one particular mechanism interacts with and affects the others. Again, in the case of IGs: though they are often dismissed as being merely a form of auditor or ombuds and limited to compliance monitoring, IG work contributes to a range of parallel processes of accountability including transparency, watchdog journalism, and performance reporting, in addition to the accounting and rule compliance for which they are better known.

It is necessary to survey the state of scholarship on the IGs themselves to understand how they suffer from, overcome, or transform these paradoxes, and in so doing, how they contribute to ever-evolving, newly configured accountability regimes.

Inspectors General

Congress established the IG framework in 1978 as a corrective to administrative discretion. I give a more detailed description of the IG Act’s remit

in Chapter 2 and a historical account of the IG's origins and development in Chapter 3. In the following section, I review and highlight the limitations of the existing literature on the IGs, nearly all of which issues from a public administration perspective. A brief caveat on the manner in which IGs have received scholarly attention: offices of the inspector general (OIGs) are not equivalent to bureaucracies; they do not provide services that gather coalitional support, and they are the agent of two opposing principals (Congress and their agencies). Moreover, the IGs themselves do not have the same incentives as other political appointees: they do not make policy, and they are not, at least in theory, political. IGs cannot receive bonuses and operate on a pay scale separate from that of other federal employees. In other words, the dynamics governing their development should not necessarily be the same as a service-driven bureaucracy. But in many ways, OIGs are organized as bureaucracies and behave as such. Their performance depends partly on the extent of their traditional bureaucratic capacities. Most of the literature on IGs has treated them as bureaucracies and frames its analysis with the questions and narratives that emerge from that field.

There is a striking dearth of research on the IG itself, and much of what does exist is limited in scope to the IGs' immediate effect on bureaucratic waste, fraud, and corruption from a public policy or public administration perspective. The primary study of IGs remains Paul C. Light's seminal 1993 monograph on the history of the IGs and their performance, *Monitoring Government*.⁵² He builds his argument around the IGs' structural predisposition toward compliance monitoring over that of capacity-based or performance-based conceptions of accountability; this distinction has largely served to structure the terms in which IGs' effects have been debated.

The public administration literature revolves around two main themes: IG effectiveness and independence. Much of the existing literature, especially the early work, emphasizes the IGs' limitations and failure to provide a truly effective check on executive action. The National Performance Review (NPR) of 1993 (Reinventing Government Act) suggested that IGs restrained innovation and thus limited departmental capacity. Consequently, evaluation of their effect on the polity has been limited to public administration categories—frequently of the IGs' own creation, such as savings, successful prosecutions, reports issued, and investigations opened and closed—and judges according to the accepted values of public administration itself: efficiency and managerial reform. Although my aim is to move away from this line of analysis, the conclusions of the public administration literature are not inconsequential for the present study. Indeed, they have shaped the

research agenda and the standard evaluative categories for understanding IGs. Initial scholarly studies in the early 1980s focused primarily on the history of the IGs without situating them in relation to models of policy formation or institutional development.⁵³ Later literature of the 1990s still remained largely atheoretical, but it reflected the influence of NPM principles and the Reinventing Government movement in administrative design.⁵⁴ These strands of thought influenced IG development in two ways: NPM stressed the importance of market principles and the customer model in structuring bureaucratic relationships; and Reinventing Government (as laid out in the NPR) outlined specific methods to improve government performance. The latter movement urged a shift from compliance monitoring to proactive, ongoing evaluation, and expanded IG responsibilities to include performance-monitoring reviews.⁵⁵

Extensive qualitative reports that suggest management reforms by one OIG might be appropriate for its particular agency, but a different agency might benefit from many, smaller, technical audit reports. Comparing two such OIG outputs leaves the analyst at a loss because simple numbers of reports generated or cases closed fail to indicate the qualitative effect that the IG reviews have had on agencies.⁵⁶ Moreover, within the context of emergency, there is more at stake in executive overreach than financial waste or fraud: civil rights and liberties are often the first casualties in times of crisis, and their curtailment by an unchecked executive is one of the most significant challenges to a well functioning democracy. For instance, Central Intelligence Agency (CIA) IG John Helgerson's report on the use of torture by the CIA "didn't fit the metrics of an IG's semiannual report, but it had big weight and impact."⁵⁷ Thus, charting the effects of the IG moves from being a quantitative calculation to being an appraisal of the IG's effect on legal structure, on administrative procedure, and on participation in processes of accountability.

Since the turn of the twenty-first century, individual in-depth studies have focused on the performance of state and local IGs;⁵⁸ the performance of single federal OIGs;⁵⁹ IG effectiveness;⁶⁰ IG independence;⁶¹ and phenomenological accounts of the IG experience.⁶² IG reviews also vary in their rigor and consequence. Whereas IGs initially focused solely on compliance monitoring—that is, adherence to bureaucratic rules and laws—their consequence can differ depending on the nature of the recommendations they give and the willingness of external actors to implement them. By focusing only on conformity with existing rules, the IG model neglects other strategies for accountability, such as the use of positive sanctions and the

development of infrastructure.⁶³ Similarly, Robert Behn suggests that, historically, IGs have suffered from an “accountability bias” from focusing on objective rule compliance because they “have a better chance of catching a [guilty party] when they concentrate on finances and fairness,” rather than on more subjective conceptions of accountability or performance.⁶⁴ If the assertion that IGs have an accountability bias toward compliance monitoring is correct, then it remains a puzzle as to how IGs could expand their remit or influence, or make a meaningful contribution to improving the quality of democracy.

If academics have ignored the IGs, then the public sector has more eagerly passed judgment on IG performance. The NPR, led by Vice President Al Gore in 1993, played a decisive role in reorienting the trajectory of the IGs. Gore, a skeptic of the IG model and one of only six senators to vote against the original 1978 act, took the IG community to task in his appraisal and suggested that IGs fundamentally alter the aims and methods of their work. The study claimed that Gore “heard Federal employees complain that the IG’s basic approach inhibits innovation and risk-taking. Heavy-handed enforcement—with the IG watchfulness compelling employees to follow every rule, document every decision, and fill out every form—has had a negative effect in some agencies.”⁶⁵ The review encouraged the IG community to “change the focus of Inspectors General from compliance auditing to evaluating management control systems” and, “in addition, recast the IGs’ method of operation to be more collaborative and less adversarial.”⁶⁶ Though the review ultimately served as an authoritative directive to change, it also provided phenomenological evidence to support the negative claims of many scholarly studies until that point: IGs often created more problems than they set out to solve.

The government watchdog group Project on Government Oversight (POGO) has also produced many analyses—in many ways among the most rigorous social scientific evaluations—of the IGs. Since it first began to investigate federal governmentwide corruption and misconduct in 1990, POGO’s reports have addressed both individual and systemwide problems in the IG community. Though many of its actions concern individual OIGs—such matters as excessively long vacancies or misconduct within an OIG—POGO has issued periodic analyses of the entire IG model. Its most comprehensive, a two-part review of the IGs to date published in 2008–2009, focused on their independence and accountability, and it affirmed the overall value of the IG system. In short, POGO rejected the claim that IGs’ limitations outweighed their benefits.⁶⁷ Drawn largely from survey and

interview data, the most valuable contribution of the study was the isolation of independence, above and beyond resources, as the most salient variable in determining an IG's success. However, the review also cautioned that by its very nature, independence makes the IG community vulnerable to accountability problems of its own.

Yet this positive view remains the minority position. Other discussions of the IG model, from Moore and Gates's early (1986) historical account to more recent analyses of the growth of government, interpret the IG phenomenon as a potential liability for government. By these accounts, IGs merely contribute to the size of government and thus make it even more difficult to ensure accountability.⁶⁸ Much of the scholarship with positive assessments of IG activity limits analysis to what IGs themselves target: for instance, Apaza's study of the Department of Homeland Security (DHS) OIG's effectiveness judges it by its own categories from within a public policy framework, and thus has difficulty rating the IGs' wider effects on political life. For instance, Apaza concludes that at least one OIG has (among many indicators) recovered a considerable sum of monies and produced a significant number of criminal convictions, and that this demonstrates, at least in part, the effectiveness of that IG's work. However, these criteria for success say little as to whether or not these targets are rigorous to begin with. Questions abound: does the work of IGs deter future wrongdoing? Are their targets reasonable? Are their recommendations rigorous? Do the categories omit other systemic sources of departmental dysfunction? At what point do the ever-higher rates of funds recovered indicate success or accountability in government? Or do these figures merely indicate an increasingly corrupt government bureaucracy? Overall, the literature on IGs is circumspect about their historical record and their effects on bureaucratic efficiency while allowing for limited success and future potential in curbing fraud, waste, and abuse.

The themes highlighted in the preceding (selective) survey of various accountability literatures point to the need for a broader perspective that incorporates the wide purview of the democratic theorists with the empirical rigor and detail of institutional case studies. What is needed is a synthetic approach that connects these different analytic registers. The broad treatments of accountability by legal and democratic theorists establish that the activity of accountability is a fundamental and inevitable part of democracy. Yet the public administration literature demonstrates that in practice, this activity—as integral to democracy as it might be—does not always enhance democracy. Distinguishing its beneficial from its noxious effects demands

a careful empirical treatment of the mechanisms of accountability, both in an isolated fashion and as part of accountability regimes. To address this question, we must turn to detailed institutional studies for indications of each mechanism's dynamics. Here the limits of the existing IG literature are clear: its limited, self-contained evaluative parameters fail to link it to the broader concerns of democratic theory, or even the more philosophical considerations of public administration. This study assumes this mantle.

