Intergovernmental management is more than just intergovernmental relationships involving the federal government. Though Professor McGuire agrees that the federal government has become more intrusive and opportunistic since the mid-20th century—resulting in less cooperative intergovernmental relations—he argues that collaborative management is much more prevalent than it is depicted in Dr. Conlan’s analysis. A bottom-up view suggests that local and regional activity can be both opportunistic and collaborative, and such a perspective must be considered in any discussion of managing federalism.

The 50th anniversary of the Kestnbaum Commission provides an opportunity to reflect on the changes in federalism and intergovernmental management that have occurred over the past half century. In his foregoing essay, Tim Conlan thoroughly documents the intent of the commission’s work, the recommendations that emerged from its report to President Eisenhower, and the subsequent remaking of American federalism since that time. There is little doubt that the intergovernmental management of the 1950s is different from the intergovernmental management of the early 21st century; one should not expect otherwise. These changes have been captured through countless metaphors that describe contemporary federalism, such as the “marble cake” (Grodzins 1960), the “picket fence” (Sanford 1967), and the “matrix” (Agranoff 2001; Agranoff and McGuire 2003a). Some have referred to the existence of “coercive federalism” (Kincaid 1990) and “nation-centered federalism” (Beer 1993).

Conlan offers another descriptive term, opportunistic federalism, which he contrasts with the prevailing paradigm of the past, cooperative federalism. His central point in calling current intergovernmental management opportunistic is that, in some cases, jurisdictions—namely, the federal government—take advantage of other jurisdictions, exploiting opportunities to control or co-opt relationships across governments rather than pursue shared administrative strategies. The implication is that managing federalism is less cooperative now than it was when the Kestnbaum Commission issued its report in June 1955.

Conlan’s empirical analysis is a fitting contribution to the research on federalism, offering evidence of change rather than a purely philosophical treatise on where power lies and where it should rest—but not entirely. Though he is optimistic in the end, Conlan remains a skeptic throughout and is concerned that the state of intergovernmental management is dominated by federal government activity, which threatens to “propel opportunistic federalism into the future.” From the top looking down, it is not difficult to come to that conclusion. This predominantly negative view of opportunism from the top is, however, the primary shortcoming of his analysis.

Not all intergovernmental management involves the federal government. As Agranoff argues, “[The recent tradition in intergovernmental research must move away from an obsession with action in Washington and how much or how little power has accrued where” (2001, 54). Investigating the extent of cooperation in intergovernmental relations requires a focus on national–state–local, interstate (Zimmerman 1996), and interlocal (Thurmaier and Wood 2002) activities across multiple functional areas (Krueger and McGuire 2005). This would involve “a continuing ‘view from the states’ and local governments” (Agranoff 2001, 54).

Within the context of studying American federalism, Martha Derthick writes, “Everywhere one looks, the answer remains murky and many-sided” (2000, 27). As a result, attempts to categorize American federalism are largely futile because the scope of activities across governments and organizations is so ephemeral. New policies emerge, reforms are undertaken, elections usher in new approaches to federalism, and sometimes events dictate entirely new prescriptions (Stever 2005). Like federalism, the character of intergovernmental management changes over time. Even the concept itself is ambiguous, as it is of “recent vintage, specialized usage, limited visibility, and uncertain maturity” (Wright and Krane 1998, 1162). In

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Intergovernmental Management: A View from the Bottom

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Within the context of studying American federalism, Martha Derthick writes, “Everywhere one looks, the answer remains murky and many-sided” (2000, 27). As a result, attempts to categorize American federalism are largely futile because the scope of activities across governments and organizations is so ephemeral. New policies emerge, reforms are undertaken, elections usher in new approaches to federalism, and sometimes events dictate entirely new prescriptions (Stever 2005). Like federalism, the character of intergovernmental management changes over time. Even the concept itself is ambiguous, as it is of “recent vintage, specialized usage, limited visibility, and uncertain maturity” (Wright and Krane 1998, 1162). In
some cases, opportunism is an accurate descriptor for intergovernmental management. In other cases, however, it is not. And this is the point that unsettles any meaningful endeavor to label federalism: It depends. It depends on the policy area, the policy instruments employed, and even the skills of the administrator.

The central question may not be the degree to which intergovernmental relationships are cooperative but rather how collaborative they are. This distinction is not a minor one. Collaboration is “a concept that describes the process of facilitating and operating in multiorganizational arrangements for solving problems that cannot be achieved, or achieved easily, by single organizations” (Agranoff and McGuire 2003b, 4). Collaboration should not be confused with cooperation. Although a great deal of collaboration is cooperative—meaning working jointly with others—collaborative management sometimes entails the engagement of one or more organizations in a purposive and official partnership or contractual arrangement, and it sometimes amounts merely to assisting others in a particular effort (4). Collaborative intergovernmental management is a “routine, regular, and, in many cases, requisite activity” in jurisdictions of all sizes (153). Collaboration assumes that governments are interdependent and that they need each other to successfully carry out particular policy making and administrative functions. It also allows for the fact that relations may be uneven and that varying levels of power may exist within the collaboration.

Opportunism and collaboration are not mutually exclusive, and even in the face of local and state opportunism, elements of cooperative federalism still exist. Indeed, evidence suggests they coexist in many programs, especially when viewing federalism from the bottom, which provides the best vantage point for assessing the extent to which both opportunism and collaboration are important features of intergovernmental management.

There are different models of managing federalism. A top-down model exists in the area of regulatory programs, and it “is predicated on the growth of national programming and tipping the balance within the federal system toward executive control,” such that the federal government manages its programs through state and local governments (Agranoff and McGuire 2001, 672). This type of intergovernmental management clearly fits Conlan’s concern with opportunism and co-optation. The top-down model is collaborative only to the extent that the federal government (and state governments) require compliant actors at the lower levels of government.

A model of intergovernmental management that is consistent with Conlan’s opportunism and his concern with state and local governments adapting programs “to serve strictly parochial ends” is a jurisdiction-based model (Agranoff and McGuire 2003b). Jurisdiction-based activity is strategic. It involves local and state managers interacting with representatives from other levels of government to design and manage policies that benefit the jurisdiction and meet the jurisdiction’s goals. But such activity is also collaborative. Local and state managers seek adjustments and policy-making resources from all directions—vertical and horizontal—including organizations from the nongovernmental sector. These actions are not based in a sorting out of power across governments. Jurisdiction-based management emphasizes “calculation and negotiation rather than accommodation and acclimation” (Agranoff and McGuire 2003b, 49). It is not altogether clear how this type of management within federalism leads to parochialism. As Wildavsky reminds us, “Uniformity is antithetical to federalism. The existence of states free to disagree with one another and with the central government inevitably leads to differentiation” (1984, 57).

Bargaining and negotiation over grant programs is a prevalent component of intergovernmental management that can be considered both opportunistic and collaborative. Grant programs have always provided the opportunity to bargain, as many have pointed out (Ingram 1977; Pressman 1975), and this continues to be the case today. To be successful, donors need grant recipients, and grant recipients need donors; interdependence (thus collaboration) is the hallmark of many grant programs. Seeking program adjustments and discretion in grant and even in regulatory programs (Agranoff and McGuire 2003b) in order to accommodate local, regional, and state needs is consistent with the ideal of federalism. There is evidence that the federal government encourages collaborative structures for implementing policies in multiple policy areas. Hall and O’Toole found that in the 1960s and the 1990s, the majority of new, significant federal legislation authorized multiple agencies for implementation (2000), and the trend held for postlegislation rulemaking as well (2004). Other research has demonstrated that the federal National Estuary Program encourages implementation networks that are “more extensive, span more levels of government, integrate more experts into policy discussions, nurture stronger interpersonal ties between stakeholders … thus laying the foundation for a new form of cooperative governance” (Schneider et al. 2003, 155).

Examples of shared governance that is both opportunistic and collaborative across levels of government are
numerous (Agranoff 2003; Moynihan 2005). For instance, consider the way that local opportunism is blended with collaboration in the Shared Strategy for Puget Sound, an initiative to restore and protect salmon runs across Puget Sound. Under the Endangered Species Act of 1973, the National Oceanic and Atmospheric Administration (NOAA) Fisheries and the U.S. Fish and Wildlife Service are the federal agencies responsible for implementation. The act requires a recovery plan for listed species that typically is written by the federal agencies prescribing local actions. Realizing the opportunity to act on behalf of the region—not just the wishes of the federal government exclusively—a collaborative initiative was undertaken to coordinate with existing recovery efforts in the area. Parties to the effort include tribal governments, state government, local governments, business and conservation groups, and, perhaps most important for this collaborative effort, NOAA Fisheries and U.S. Fish and Wildlife Service. The Shared Strategy is the first regional effort to develop a recovery plan not written by federal agencies. From the bottom up, this example of intergovernmental management appears to be both opportunistic and collaborative.

There can be no argument that national actions have become more dominant since the time of the Kestnbaum Commission, particularly in recent years. As Conlan states, legislation such as the No Child Left Behind Act is “intrusive and dismissive of state and local concerns,” but it is important that any discussion of managing within federalism include a view from the bottom. As collaborative intergovernmental and interorganizational networks develop in many policy areas, the opportunities for assertive local and regional action are both prominent and encouraging.

References


