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The Development of California's Office of the Consumer Counsel

By

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## INTRODUCTION

### Statement of Study

This presentation is a result of research conducted on the organizational development of the Office of the Consumer Counsel in California.

The Office of the Consumer Counsel was created by the California State Legislature in 1959 as a part of the executive branch of the state government and is located within the Office of the Governor. For numerous reasons, not the least of which is a lack of precedence, the Counsel has gained the attention of many people with diverse interests. The Counsel is a force giving impetus to the growing consumer's concern as well as a political establishment. It is an unique consumer oriented organization that evolves a pattern of development through its experiences with the members of its community.<sup>1</sup> This pattern of development was the primary concern of this study. However, due to the historical, political, and social forces that brought this Office into being, considerable background material is presented along with a full development of the theoretical approach.

The hypotheses and the major portion of the methodological approach were evolved primarily from theories in organizational development included in Philip Selznik's book, Leadership in Administration. Selznik

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<sup>1</sup>Community, as used in the report, means the social and legal environment within which the Office interacts with indigenous groups in order to carry out its functions.

states therein that, "Developmental analysis is most relevant when there is 'openness' - where the organization enters new paths."<sup>2</sup> This was a logical approach to the Office of the Consumer Counsel since it has been going through the developmental phases of establishing itself in its community and has done so by entering into new activities with open receptiveness to new problems that arise.

#### California's Office of the Consumer Counsel

The Office of the Consumer Counsel was created in September, 1959, when Governor Edmund G. Brown signed Senate Bill Number 33, of the 1959 Legislative Session. However, the seeds for this event had been sown long before by a small, but effective consumer movement. During the 1950's the consumer movement in California was weak and vague, but somehow it managed to capture the interest and attention of certain politically influential people who brought to fruition the ideas embodied in the Office of the Consumer Counsel. Hence, one cannot divorce politics or personalities from the events leading up to the creation of the Office.

In 1957, Edmund G. Brown was Attorney General and was anticipating running for Governor in 1958. Fellow attorneys in support of Mr. Brown, called a meeting for the purpose of discussing some possible campaign issues. A list of issues was proposed, towards the bottom of which appeared one called "consumer problems". One of the attorneys present, George Brunn, volunteered to look into this issue. He proceeded to contact people at the University of California-Berkeley and Persia Campbell of the New York State Consumer Office. After some research, he

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<sup>2</sup>Salznik, Phillip, Leadership in Administration, Evanston, Illinois-White Plains, New York: Row, Peterson and Company, 1939, p. 111.

sent a campaign memorandum to Mr. Brown suggesting two politically tenable campaign issues. One was some legislation on installment loans; another was the creation of an Office of the Consumer Counsel. An outline of what this Office should be and do was included.<sup>3</sup>

Apparently, Mr. Brown was impressed by this idea, because in the 1958 campaign he promised to appoint "a public defender of the consumer interest in California".<sup>4</sup> After his election, he requested that a bill be drafted to create an Office of the Consumer Counsel. Shortly thereafter, Senate Bill Number 33 was introduced in a form similar to that which George Brunn had originally suggested. On March 16 it was passed in the Senate by a vote of 32 to 3 and on May 16 it passed the Assembly 47 to 25.

The first three sections of this law, numbered 12050, 12051, and 12052, created and placed the Consumer Counsel within the Office of the Governor. The Counsel and any assistants or employees within the Office are to be appointed by the Governor and are to serve at his pleasure. The Counsel's salary is set by the law, but those of the other appointees are fixed by the Governor.

If he desires, the Governor, according to the last section, 12057, may create an advisory committee to assist the Consumer Counsel. He is to appoint its members at his discretion, but they will receive no

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<sup>3</sup>Information offered by George Brunn in an interview, 9/13/65. Verified by Helen Nelson (Consumer Counsel) and a press release from the Governor's Office April 22, 1960.

<sup>4</sup>California Office of the Consumer Counsel, Highlights of the First Year - Office of the Consumer Counsel, October 2, 1959 - October 2, 1960, p. 7.



financial compensation, other than expenses, for this service. All of these appointees are to serve at the Governor's pleasure and their positions depend on the same.

Sections 12053, 12054, and 12055 define the duties of the Consumer Counsel and grant specific authority to carry out the work. Section 12053 outlines the duties as an executive office. These include advising the Governor and recommending to him and the legislature any legislation deemed vital to the interest of consumers. This does not differ greatly from the task of any executive office. The next two sections however, authorize the Consumer Counsel to make such studies as it deems necessary and further, to cooperate or contract with public or private agencies to have these studies conducted. Public reports may be issued based on the findings of these studies. The next area of authority gives unique powers, because it permits the Consumer Counsel to appear before government commissions, departments and agencies to represent and be heard on behalf of consumer's interests. Then to add latitude to the operations of the Office, the law states it may do anything that is incidental to the exercise of its powers. This outlines rather broad areas of responsibility for the Office, but only the functions as an executive office and the conducting of studies to perform that function are commanded by the law, which states it "shall" do these things. The other areas of authority are optional and are stated as things the Counsel "may" do. Section 12056 stipulates that all other agencies, offices and employees of the state "shall" cooperate with the Consumer Counsel in carrying out its function. Thus, the Counsel is given a working status and is placed on a par with longstanding and well-entrenched agencies.<sup>5</sup>

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<sup>5</sup>The law is presented in its entirety in the Appendix, page 55.

The law creating the Office of the Consumer Counsel is unique in several respects: 1. For the first time a consumer office was given statutory status and placed in the executive branch of the state government. 2. The Office was designed on a different concept than most previous consumer offices. As stated in sections 12053 and 12055 of the law, this Office is to be a representative of the consumer in the legislative and administrative bodies of the government.

In effect, the Counsel is not primarily concerned with consumer protection in the sense of law enforcement, but with consumer representation in the places where laws are made. The Office is a legislative advocate or official lobbyist for the consumers of California; it is a single voice for the consumers.<sup>6</sup> Thus the unorganized masses of consumers can channel their voices directly to the law makers who must evaluate issues affecting consumers' welfare.

Mrs. Helen E. Nelson was appointed as the first Consumer Counsel. She began her work with one editorial aid and a budget of \$45,000. As director, she has the administrative responsibility of defining and implementing a course of action through which she can work to effect government policies that bear on consumers' welfare.

The organizational pattern evolved through the administrative strategies, developed to operate within the economic and social environmental framework, of this new organization, will be discussed in detail.

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<sup>6</sup>Brown, Governor Edmund G., A Consumer Policy for California, Transmitted to the California Legislature, April 14, 1963. p. 1.

## Literature Review

### Consumer Movement

Who are these consumers that the Consumer Counsel represents? By definition every person is a consumer only while spending his income or acting in relation to spending his income for goods and services to satisfy his wants. Consumers, in the aggregate, are unorganized mainly because they are an amorphous group of people having in common only the goal of gaining the maximum satisfaction that is possible from spending their money or credit resources. This one, strong, common, motivation enables them to be classified together as a group with a specific interest or concern. Because the individual members of this group include virtually everyone in the society and because everyone has a different value of what is needed to maximize his satisfaction while being a consumer, it is highly improbable that this group could be self-organizing, self-supporting or self-structured in any way.

A chain of small organized consumer groups has existed in our country and throughout the world which consisted of people acutely aware of themselves and others as consumers.<sup>7</sup> The crusading of these groups has brought about the consumer movement which is a pervasive, growing trend. They set as their task the organizing of larger numbers of consumers, not necessarily into physical groups, but into an educated cognizance of themselves and their fellow men as being consumers. If this task can be accomplished, the assumption is that consumers will become an identifiable social force with which other factions of society will have to deal. It

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<sup>7</sup>A Digest of the Leading Consumer Movements of the World, 1962,  
Mount Vernon, New York: Consumers Union, Mimeo. 28 pp.

is not the purpose or intention, here, to debate the validity of that assumption. However, this aim of the consumer movement is embodied in the thinking of the Office of the Consumer Counsel.<sup>8</sup>

The consumer movement has not been exemplified by a steady pattern of growth although in the long run it appears to have expanded. Impetus and sympathy have been lost in times of relative economic prosperity and visa versa. This is one of the reasons why organized consumer groups were popular in the 1930's and also one of the reasons why many of them have long since disappeared.

Among other reasons why the consumer movement has not gained momentum is that consumer groups have conflicting loyalties and interests from within. Households comprise one-half of our overall economic market; firms or industries comprise the other half. Households are consumers when they spend their money, but households are producers when the members thereof sell their time and services for an income. For many reasons, concern about the incomes that can be earned from being a producer supercedes the concern about the prices of the products they help to produce or that they must buy. This can be observed in the bargaining practices of labor unions. They vie for higher incomes per unit of time served by Mr. X, the producer, but they say not a word about the prices of the goods Mr. X, the consumer, has to purchase.

Some of the reasons the household has been more concerned about income than outgo of money lie in a historical situation. Until recent years, households did not buy most of their goods or services in the market; they produced their own. Now, on the contrary, households buy almost all

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<sup>8</sup> As told by George Brunn, interviewed, 9/13/65.

goods and services in the market; they produce almost none of their own. However, a social lag usually exists while people attune their thinking to the technological and social developments. Also, our traditional marketing system renders the consumer a price taker. Individually, he can not influence the price of goods or services he buys. Collectively, consumers do influence the prices of goods through the purchasing power of their disposable incomes. Therefore, if firms are going to sell their goods in any volume or at any profit at all, the prices they set will have to be within the range of the incomes of consumers, assuming the demand for those goods is elastic. Thus, the prices of goods tend to be related to the existing wage rates in terms of purchasing power. If firms distort this relationship, government tends to exert pressure on those firms to act in such a manner as to restore equilibrium. Therefore people have come to rely on the government to balance the consumer position in the market with that of the firms. Apparently the acquisition of great amounts of power or expertise has not been important to consumers. Another fact to consider is that in choosing an occupation the householder makes a decision that is not easily reversible and therefore his lifetime income is of eminent importance. In contrast, his pattern of consumption is quite flexible, i.e. it can be changed with relatively little effort, especially in a market where the range of substitutability of goods is very great.

A historical perspective can be had by looking at organized consumer groups. Some of these have been within the government. During the economic depression years of the 1930's almost all federal programs designed to combat the depression had some provision for a consumer division or a consumer representative. But when the programs had outlived

their purpose, and eventually died, so did the consumer offices couched within them. At state and local levels of government, there has been an extensive establishment of various forms of consumer protection agencies such as executive advisory councils, special sections of the Office of the Attorney General, departments of consumer protection and others. The important thing is not their titles or form, but that the vast majority of them were set up as divisions of, or aids to, a larger government agency or department and under the concept of protection not consumer representation.

The State of New York, under Governor Averill Harriman, set up an Office of the Consumer Counsel headed by Persia Campbell in 1955. It lasted only as long as Harriman was Governor, but the basic ideas were used in establishing the California Office of the Consumer Counsel.

Following the establishment of the California Consumer Office, other government agencies have been set up along similar lines. The California Office was instrumental in laying the conceptual ground work for the national Consumer Advisory Council to the President of the United States.<sup>9</sup> This national Consumer Counsel was established under President Kennedy and has been continued by President Johnson. Although this board has not been outstandingly influential within the government, its very presence and the publicity received have furthered the aims of the consumer movement.

There are various non-government groups which have been sympathetic to the consumer movement. The intensity with which they concentrate on

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<sup>9</sup>This was strongly implied in an interview with George Brunn 9/13/65. Also Helen Nelson serves on the board and has done so since its origin.



consumer activities varies, but they have been instrumental in cultivating consumer interest in consumer oriented issues.

Other organizations are devoted entirely to consumer affairs, mainly the affair of informing other consumers. These are typified by the Council of Consumer Information, The National Association of Consumers, The Consumer Research, Inc., and The Consumers Union of the United States, Inc. In the main these are privately operated and have been relatively long standing.

However, the overall train of consumer interested groups and government offices has been relatively small, powerless, ineffectual, and often short lived. In part, this has been due to economic fluctuations. But there are other multiple and complex reasons. Some of the government agencies were established as political gestures and given less than adequate power to perform. Some of the consumer oriented groups have taken on the consumer cause to further organizational vitality, rather than having consumer problems as the foundation on which they were built. The organizations which are devoted entirely to consumers' problems have lacked support, both financial and ideological, from the foundation of their structure, the consumers themselves. As Persia Campbell wrote in 1940, "...there is no doubt that the final responsibility for promoting consumer interest must rest with organized consumers, supported by a consumer minded public."<sup>10</sup> But the consumers are so masive and unorganized and often unself-recognized, they have not been prepared to give support to their alleged spokesmen.

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<sup>10</sup>Campbell, Persia, Consumer Representation in the New Deal, New York: Columbia University Press, 1940, p. 237.

By definition, every person belongs inadvertently to the group of people labeled consumers, even though that group is very unorganized. Every person also belongs to one other group -- the community -- which creates a highly organized governing structure or system of government. This membership in two very unlike groups provides a link between the groups which establishes an interrelationship worthy of a closer examination, that is, the phenomena of consumer representation in government.

### Consumer Representation in Government

Two main themes are apparent in the discussions regarding consumer representation being established within the government. The first is the idea that the government has an obligation to do for its citizens what they cannot do for themselves. Since experience tells us that consumers are unsuccessful in organizing into politically effective groups, then it follows that the government should furnish the stimulus for the formation of consumer groups. This is summarized in the words of Stuart Chase.

The role of government in a democracy is to act as an agent for all the citizens, superior to any special interest, and to undertake essential things which citizens cannot undertake as individuals. To represent the citizens effectively, the government... must act positively and aggressively in the interest of consumers, who have no pressure group to represent them. The consumer interest is always the public interest.<sup>11</sup>

The theoretical truism that consumers' welfare is synonymous with the general economic welfare of the public is the second theme, which is

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<sup>11</sup>Chase, Stuart, Democracy Under Pressure, New York: The Twentieth Century Fund, 1945, p. 118.



brought out in the latter part of the above quote. It is the rational that says, "if you take measures to insure the individuals welfare, then the entire economy will benefit if not prosper." This point has been well put by a Professor Herring as quoted by Persia Campbell, "...if the Federal Government is to aspire to a general responsibility for the country's welfare, it must find a place for the consumer viewpoint."<sup>12</sup> President Kennedy expressed much the same idea when he spoke, "If the consumer is unable to choose on an informed basis, then his dollar is wasted, his health and safety may be threatened and the national interest suffers."<sup>13</sup>

These two themes serve as the basis for the more practical task of actually establishing some form of consumer representation in the government. How this representation has changed in recent years is explained by President Johnson in his "Message on Consumer Interest".

Federal action in consumer interest is not new, what is new is the concern for the total interest on the consumer, the recognition of certain basic consumer rights. What is also new, is the active representation of the consumer and a loud clear-channelled voice at the topmost levels of government.<sup>14</sup>

The basic consumer rights mentioned above were declared by the late President Kennedy as the right to safety, the right to be informed, the

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<sup>12</sup>Campbell, Persia, Consumer Representation in the New Deal, New York: Columbia University Press, 1940, p. 265.

<sup>13</sup>Morse, Richard L. D., Consumer Representation in Government, Chicago: Speech to Conference of College Teachers of Textiles and Clothing-Central Region, Mimeo. October 28-31, 1964, p. 14.

<sup>14</sup>Morse, op. cit., p. 3.

right to choose, and the right to be heard.<sup>15</sup> If consumers have these rights and if the government is concerned with general economic welfare, then some other lines of rationale become pertinent. For instance, Dr. Helen Conoyer has much to say to this:

The march of technology has increased the difficulties of the consumer along with his opportunities, and it has outmoded many of the laws and regulations and made new legislation necessary. There is a failure of governmental machinery to assure specific considerations of the consumers need and point of view.<sup>16</sup>

The consumer was created with the founding of a system of money exchange. The rapid advances in science and technology have enhanced their dependence upon exchanging money for goods and services and thus, enhanced the activity of people as consumers. According to Dr. Conoyer, it is vital that the government give full recognition to these facts and consider the consumer in their policies.

In speaking about her experiences as head of the Consumer Advisory Counsel to the late President Kennedy, Dr. Conoyer further comments that, "One lesson can be learned by this experience"... it is that consumer representation in the federal government must be permanent, continuous and at a high level."<sup>17</sup> This would undoubtedly be the ultimate conclusion of the previously stated premises about consumers and their government are taken in earnest, and we add the fact that special interest

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<sup>15</sup>Conoyer, Helen G., The Work of the Advisory Counsel, Speech to the Home Economics Division of the Association of State Universities and Land Grant College, Mimeo. November 10, 1963, p. 3.

<sup>16</sup>Ibid., p. 3, 5.

<sup>17</sup>Ibid., p. 2.

groups apply very real pressures and wield very real power within our governmental system. Again, President Kennedy is quoted as one who recognized this fact and said so in very frank terms. "The consumer is the only man in our economy without a high powered lobbyist in Washington."<sup>18</sup>

Some apparent reasons for the lack of independent power on the part of consumers were mentioned in the previous section. However, other factions of society have both financial and organizational power and this produces an imbalance of pressures in the government.

#### Pressure Groups in Government

In the foregoing section the idea was asserted that, in theory, the consumer welfare is synonymous with the general economic welfare of the public. However, from observation, Dr. Canoyer asserts that, "There is a meaningful distinction... between public interest as stated and defined by the total process of government and the consumer interest".

The inconsistency between theory and practice can be explained, in part, by the intervening force of the pressure group. Taking this into account, the theoretical statement might be modified to read, "Consumer welfare is synonymous with the general economic welfare of the public when the policy makers are actually aware of the consumer's interests and how they reflect upon or determine the general welfare of the economy".

Immediately this brings up the question of why law makers are not aware of this interrelationship? The answer to this lies in pressure group politics. Politically effective groups make their special interests known to policy makers and these are the interests which dominate the

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<sup>18</sup>"John F. Kennedy: Lobbyist for the Consumer," Sales Management, January 20, 1964, p. 34.

policy makers minds. If some interest is not brought to their attention effectively, it is likely to go unrecognized.<sup>19</sup>

Special interests groups or pressure groups or lobbies, whichever label is most appropriate to the occasion, are supplementary representation in our government. Geographical representation is not entirely representative of the people in that area, so "...some sort of group representation is necessary in a democracy such as our's".<sup>20</sup> The vital need for a balance of pressure groups in the government is expressed in Galbraith's theory of countervailing power.

Every organized bloc begets its own countervailing power bloc. If this group is incapable of direct action it would use its strength to induce action by the government. Thus big business, big labor, big government, organized farmers and organized consumers all off-set one another so that none is able to achieve its total aims at the expense of the commonwealth.<sup>21</sup>

Pressure groups or lobbies do fill a role in our type of government. They supplement Congress by providing technical information and advice to congressmen who can not possibly be experts in all fields in which they must make decisions. They fill one of the traditional roles of the political parties as it is told by Eckstein.

For in democratic systems, parties must perform simultaneously, two functions, which are in the evidence irreconcilable: to furnish efficient decision-makers and to represent accurately, opinions. The best way to reconcile these functions in practice is to supplement

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<sup>19</sup>This is not an attempt to make an air tight case for the necessity of a consumer lobbyist. It is simply a statement of what happens in the actual workings of the government.

<sup>20</sup>Chase, op. cit., p. 9.

<sup>21</sup>Hamilton, David, The Consumer in our Economy, Boston: Houghton, Mifflin Company, 1962, p. 314.

the parties with an alternate set of representative organizations which can effect decisions without affecting the position of the decision makers. This is the pre-eminent function of pressure groups in effective democratic systems, as the competition for power is the pre-eminent function of the parties.<sup>22</sup>

Although pressure groups have at times been denounced and even feared, they are seen here as a necessary and intricate part of our governmental operations. Bently points out that,

Under our more or less democratic procedure, no one particular group or even combination of groups, necessarily manages to hold a permanent control over the government. Alliances were continually shifting and are, therefore temporary. They are not the result of a fixed and determinate situation. For this reason pressure groups are not inevitably destructive to democracy. By their very nature they do not create an indistructable oligarchy.<sup>23</sup>

However, if consumers' welfare is determined by law making bodies and if consumers as a group need the attention of the law makers, it would behoove them to read the words of Bertram Gross. "The only feasible way to counteract objectionable activities of private groups is to develop counter-pressures on the part of other contestants in the legislative, struggle."<sup>24</sup> This could be used as another contributing factor towards the rationale of consumer representation in government.

Since the California State Government has seen fit to create an administrative office for the purpose of representing consumers, some of Norton Long's ideas become particularly interesting. For instance, he wrote, "A vital role of administrative agencies, is in supplementing

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<sup>22</sup>Eckstein, Harry, Pressure Group Politics, Stanford: Stanford University Press, 1960, p. 103.

<sup>23</sup>Schriftgiesser, Karl, The Lobbyist, Boston: Little, Brown and Company, 1951, p. 31.

<sup>24</sup>Gross, Bertrom M., The Legislative Struggle, New York: McGraw-Hill Book Company, Inc., 1953, p. 25.



Congressional representation."<sup>25</sup> This role is also the role of lobby groups, one of which the administrative office under study, is designed to be. The dual capacities, yet single purpose of the administrative office-lobbyist is further implied by Long when he wrote that, "The major task an administrative agency is to formulate proposals for consideration by the political executive and the legislature";<sup>26</sup> also that adequate governmental organization "would require that every major question have an institutional protagonist, the securing of every important piece of factual information be assigned responsibility and every important point of view have a spokesman built into the proposal-formulating process."<sup>27</sup>

Apparently if a group has a specific concern about what legislatures and regulatory agencies do, because it affects their lives, they must voice this concern to the policy makers in an effective way, lest their concern go unrealized. In our form of government these groups with specific concerns have become known as pressure groups or lobbies.

#### Theory of Organizational Development

Regardless of what the founders of an organization intend it to be, or what the defined purposes are, every organization must evolve its own role within its community through interactions with members of that community.

To study the development of an agency, a distinction must be made between the terms organization and institution. An organization is a

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<sup>25</sup>Long, Norton E., The Polity, Chicago: Rand McNally and Company, 1962, p. 4.

<sup>26</sup>Ibid., p. 77.

<sup>27</sup>Ibid., p. 80.

"...technical instrument for mobilizing human energies and directing them towards set aims." Therefore, "The term organization suggests a certain barrenness; a lean, non-nonsense system of consciously coordinated activities. It refers to an expendable tool; an instrument engineered to do a job. An institution, is more nearly a natural product of social needs and pressures; a responsive, adaptive organism."<sup>28</sup> Institutions are "...a product of interaction and adaptation; they become receptacles of group idealism; they are less readily expendable."<sup>29</sup>

When any, new and unprecedented agency is established, goals must be defined. If they are specifically assigned, the agency need not work out its role and can proceed directly to be an efficient instrument to do a job - to be an organization. If, however, they must rely on experience to help define their nature, "...the working out of role becomes important."<sup>30</sup>

"Institutional aims cannot be taken as given, because they are conditioned by changing self-definitions and by alterations in the internal and external commitments of the enterprise."<sup>31</sup> This implies that over time, the activities of an agency will not be static. They will be changing and evolving as the agency interacts with more and different external enterprises and as its internal operations respond to these interactions.

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<sup>28</sup> Selznik, *Leadership in Administration*, p. 5.

<sup>29</sup> Ibid., p. 22.

<sup>30</sup> Ibid., p. 88.

<sup>31</sup> Ibid., p. 82.

According to Phillip Selznik, author of Leadership in Administration, organizations become institutions in the following ways:<sup>32</sup>

- A. The technical, rational, impersonal, task-oriented, formal system (the organization) is conditioned by the responsive interactions of persons and groups.
- B. In the course of time, this responsive interaction is patterned. A social structure is created. This patterning is historical, in that it reflects the specific experiences of the particular organization. It is functional in that it aids the organization in adapting itself to its internal and external social environments. It is dynamic in that it generates new and active forces, especially internal interest groups made up of men committed to particular jobs or policies.
- C. Organizations become institutions as they are infused with value, that is, prized not as tools alone, but a sources of direct gratification and vehicles of group integrity. This infusion produces a distinct identity for the organization.

Selznik derived many of his ideas from a study he did on the Tennessee Valley Authority. The TVA had many characteristics akin to the Office of the Consumer Counsel. They were "...organizations proposed as contributions to the technique of democratic planning".<sup>33</sup> These organizations were unprecedented and controversial. They could not take their position for granted; they had to adapt to external pressures and defend their existence.

Banfield,<sup>34</sup> Boyer,<sup>35</sup> and Thompson and McEwen,<sup>36</sup> developed theories

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<sup>32</sup>Ibid., pp. 39-40.

<sup>33</sup>Selznik, Phillip, TVA and the Grass Roots, Berkeley: University of California Press, 1953, p. 3.

<sup>34</sup>Banfield, Edward C., Political Influence, New York: The Free Press, 1961, p. 349.

<sup>35</sup>Boyer, William W., Bureaucracy on Trail, New York: The Bobbs-Merrill Company, Inc., 1964, p. 177.

<sup>36</sup>Thompson, James D., and William J. McEwen, "Organizational Goals and Environment: Goal Setting as an Interaction Process," American Sociological Review, XXIII, February 1958, pp. 23-31.



similar to Selznik's. Banfield's ideas grew out of a study on the Chicago city government. To the author's knowledge, the others did not follow empirical studies.

Selznik's theory was the basic premise for this study of the Office of the Consumer Counsel and is presented in detail in the appendix.

## STATEMENT OF HYPOTHESES AND PROCEDURES

Hypotheses

Two hypotheses underlie the analysis of the California Office of the Consumer Counsel: 1) The responsive interactions of the Counsel reflect the institutionalization of the organization. 2) The emerging role of the Counsel is as a lobby for California consumers in their state government.

Operational Definitions

The operational definitions establish the criteria and indices upon which the Consumer Counsel is studied. They are drawn from organizational theory, as is the methodology.

## 1. Responsive interaction:

A responsive interaction is a contact on the part of the Office in question with another group or organization which involves a critical decision. It is an event in which the leaders of the Office interact with the other party in such a way that the event helps to shape the character, determine the policies, and build the social structure of the office.

Indicators of responsive interaction as given by Thompson and Selznik:

- a. Bargaining: This is when two groups agree to exchange goods and/or services.<sup>37</sup>
- b. Coalition: This is when two groups combine to form a new organization or when they make a commitment to each other to reach a joint decision.<sup>38</sup>

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<sup>37</sup>Thompson, op. cit., p. 26.

<sup>38</sup>Ibid., p. 28.

- c. Competition: This is a rivalry between the two groups which is mediated by a third party.<sup>39</sup>
- d. Cooptation: This is the process of absorbing new elements into the leadership or policy determining structure of an organization as a means of averting threats to its stability of existence.<sup>40</sup> There are two categories of cooptation.

Formal:

- 1. Officials from one organization are appointed to posts in another organization.
- 2. Contracts are signed between two organizations.
- 3. New organizations are formed.

Informal:

- 4. There is a response to the pressures of specific power centers within the community.
- 5. Other groups may be brought into the leadership and policy-making structure.
- 6. Other groups are given a place of recognition and/or a concession because of the resources they can independently command.
- 7. Outside groups upon whom they depend for funds are given special considerations.
- 8. There is an open acknowledgement of a capitulation on a specific interest.
- 9. Another group is made aware of its influence in the policies of the organization.
- 10. There is an identification with the policies or ideologies of other groups.

2. Institutionalization:

Institutionalization is the evolution over time from an organization to an institution. "When a government agency adopts itself to the influential groups it must please, in order to stay alive, there is created an effective and controlling environment of decision. As these

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<sup>39</sup>Ibid., p. 25.

<sup>40</sup>Selznik, TVA and the Grass Roots, p. 13.

commitments evolve, the organization loses its purity as an abstractly or ideally envisioned unity; it assumes a definite role in a living community; it becomes institutionalized."<sup>41</sup>

Indicators of institutionalization:

- a. A long run view is taken by the leaders. One of their chief functions is to interact with such strategy as to make "... possible in the future what is excluded in the present".<sup>42</sup>
  1. The organization has a noticeable concern for self-maintenance.
  2. Political isolation may be practised in the early days.
  3. Leaders keep in mind goals and missions, rather than ways and means.
- b. Leaders make decisions which set the character of the organization.
  1. They define goals within the limits of survival.
  2. They set the goals realistically in terms of the organization's relationship to other activities of the government.<sup>43</sup>
  3. They define a role for the organization and back it up with capabilities and competence.
- c. There is intensive communication between leaders and field representatives, especially if the organization is dealing with precarious values.<sup>44</sup>
- d. There is a great deal of leeway for interaction among personnel within the organization.<sup>45</sup>
- e. The personnel have freedom to interact with external groups on the basis of their own decisions.
- f. The personnel have a personal commitment to the goals of the organization.

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<sup>41</sup> Selznik, Leadership in Administration, p. 104.

<sup>42</sup> Ibid., p. 154.

<sup>43</sup> Ibid., p. 67.

<sup>44</sup> Ibid., p. 129.

<sup>45</sup> Ibid., p. 16.

g. The organization intertacts responsively with external groups.

1. It has relatively many cooptive interactions.
2. A pattern of interaction develops over time.

h. Activities are kept flexible and are not subject to routinism.

1. Many of the activities infuse value into the agency; they win social approval.

### 3. Institution:

An institution is a natural product of social needs and pressures. It is a product of interaction and adaptation that has developed a social structure. "The more fully developed its social structure, the more will the organization become valued for itself, not as a tool, but as an institutional fulfillment of group integrity and aspiration."<sup>46</sup>

Indicators of an institution:

- a. It has a recognizable and integrated external social structure.
- b. It is not readily expendable due to sentimental support; it has been infused with value.
- c. The role of the institution is readily identified by members of its community.
- d. It has developed ways of acting that are important for their own sake.
- e. Its goals are not precisely stated but are defined over time.

### 4. Organization:

"An organization is a technical instrument for mobilizing human energies and directing them towards set aims. ...It is a no-nonsense system of consciously coordinated activities; a tool or rational instrument engineered to do a job."<sup>47</sup> It is a group which efficiently carries out specific tasks, but has no broad association with its total community.

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<sup>46</sup>Selznik, Leadership in Administration, p. 16.

<sup>47</sup>Ibid., p. 5.

#### Indicators of an organization:

- a. The leaders place great emphasis on short run activities or on ways and means.
- b. The activities are technically oriented.
- c. The personnel are chosen primarily for their technical skills.
- d. Little leeway for interaction between personnel or very formal lines of communication exist within the office.
- e. There is little leeway for responsive interaction between the organization and other groups.
- f. The work is routine and regular.
- g. The goals are very precise and easily identifiable.
- h. There is a small and set social structure with respect to the external community.

#### 5. Role:

A role is defined as "...a way of behaving associated with a defined position in a social system".<sup>48</sup> The role is the function of the office; its special duty or performance. Two elements make up a role. 1) The basic methods of the organization; the main tools or ways of acting with which it should be identified. 2) Its place among organizations that carry on related activities.

#### Indicators of a role:

- a. Members of its community readily identify the office with a specific purpose or activity.
- b. One type of activity takes priority over other types.
- c. The activity which takes priority is also involved in an increasing proportion of the interactions with external groups.
- d. Staff members can identify their goals in terms of the role.

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<sup>48</sup>Selznik, Leadership in Administration, p. 82.

## 6. Lobby:

A lobby is a representative of any group of people who have a special interest which they defend by trying to influence legislator's votes on legislative bills by any means. Any tactic such a group uses for the purpose of influencing or killing legislation to their advantage is called a lobby technique. The criteria necessary for a lobby to exist are: 1) Special interest groups -- groups of people who have a particular interest which can be protected or promoted through the law. 2) A small group of people selected to represent the larger special interest group in the law-making process. A lobbyist is defined as "one who shall be engaged for pay, to attempt to influence legislation or to prevent legislation..."<sup>49</sup> 3) Law making bodies, that is, legislatures, and an executive and regulatory agencies where lobbyists can exert their influence. Furthermore, the law making body must be elected by the people so that it is somewhat dependent upon them and be representative of them. 4) There also must be other lobbies representing other special interests. If there were no others, then there would be no need to balance the pressure of the other groups.

### Indicators of a lobby:

- a. A small group of people representing a larger group with a special interest by trying, in any way, to influence legislation.
- b. One or more of the representative group should be technically well informed on all matters affecting his interest group and its relationship to legislation.
- c. The representative group, acts as an advisor to legislators and law makers.<sup>50</sup>

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<sup>49</sup> Schriftgiesser, Karl, The Lobbyist, Boston: Little, Brown and Company, 1951, p. 53.

<sup>50</sup> Blaisdell, Donald C., American Democracy Under Pressure, New York: The Ronald Press Company, 1957, p. 67.

- d. The representative group acts to protect its position vis'-a-vis other pressure groups for the purpose of protecting the interests of the people it represents.
- e. The techniques that are established for influencing legislation are used by the lobby:
  1. The use of the right to petition.<sup>51</sup>
  2. The gathering of information about the special interest.<sup>52</sup>
  3. Dissimination of information most of which is designed to identify the special interest cause with the general public interest.<sup>53</sup>
  4. Recruit mail from home to be sent to legislators at the psychological time to win his vote.<sup>54</sup>
  5. Make social contacts with law makers.<sup>55</sup>
  6. Try to develop support for legislation in his home town through the use of local communication medias. (Called grass-roots lobbying.)<sup>56</sup>
  7. Apply pressure through
    - a) establishing blocs
    - b) proposing bills
    - c) making appearances and testimonies before congressional committees, administrative hearings, or special committees
    - d) working through another group to help further a program.<sup>57</sup>
  8. Take part in political campaigns.<sup>58</sup>
  9. Petition the executive branch.<sup>59</sup>

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<sup>51</sup>Ibid., p. 99.

<sup>52</sup>Ibid., p. 100.

<sup>53</sup>Loc. Cit.

<sup>54</sup>Chase, op. cit., p. 26.

<sup>55</sup>Blaisdell, op. cit., p. 101.

<sup>56</sup>Ibid., p. 103.

<sup>57</sup>Ibid., p. 105.

<sup>58</sup>Ibid., p. 114.

<sup>59</sup>Ibid., p. 116.



10. Form alliances with other agencies and bureaus.<sup>60</sup>
  11. Petition the courts and maybe even initiate cases to gain a legal ruling which will be advantageous to the group.<sup>61</sup>
  12. Set up demonstrations and exhibits.<sup>62</sup>
  13. Use the press, radio or television to advertise ideas.<sup>63</sup>
  14. Use popularized slogans.<sup>64</sup>
- f. Any group which is registered as a lobby and names its employers, defines the terms of employment, and submits an expense account<sup>65</sup>

### Clarifying Definitions

#### 1. Social Structure:

A social structure is a more or less distinct arrangement of specialized and mutually dependent institutions, the network of which evolved during the natural course of events as organizations with given needs and capacities interacted with each other and sought to cope with their environment.<sup>66</sup>

#### 2. Critical Decision:

A critical decision is a decision which requires the examination of the role and mission of the office. It infuses day-to-day behavior

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<sup>60</sup>Loc. cit.

<sup>61</sup>Ibid., pp. 117-118.

<sup>62</sup>Lowi, op. cit., p. 174.

<sup>63</sup>Ibid., p. 177.

<sup>64</sup>Chase, op. cit., p. 24.

<sup>65</sup>Schriftgiesser, op. cit., p. 88.

<sup>66</sup>Gould, Julius and William L. Kalb, (ed.), A Dictionary of the Social Sciences, New York: The Free Press, 1964, p. 668.

with long run meaning and purpose.<sup>67</sup>

### 3. Value Infusion:

Value infusion is the identification and/or sympathy with the organization or its purposes on the part of the society and community within which the organization exists. The institution takes on values which are ways of acting and behaving that are important for their own sake.<sup>68</sup> As an organization becomes more infused with value, it becomes less expendable.

### Methodology

The methods of research were designed to test both hypotheses simultaneously. The second hypothesis is really a subsidiary of the first. If the first hypothesis is correct - the organization is becoming institutionalized - then the Office will be defining a role for itself. The second hypothesis merely conjectures what that role is.

Three methods were used to gather data. In order of increasing importance and complexity these methods were: 1) observation, 2) interview, and 3) content analysis of the available files of the Office of the Consumer Counsel.

### Observation

One must be present within an office in order to observe its operations. The author's presence in the Office was facilitated by a preliminary interview with the Consumer Counsel, at which time she granted

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<sup>67</sup>Selznik, Leadership in Administration, p. 151.

<sup>68</sup>Ibid., p. 21.

the author permission to work in the Office on the file material. Being present in the Office made it possible to take brief notes on the internal organization and the daily operations.

This procedure proved a satisfactory way to obtain information about the internal operations of the Office and to observe any indicators of institutionalization listed under the operational definitions. Specifically, the degree of formal communication, leeway of interaction, flexibility of activities, and freedom of the staff to make decisions were observed.

### Interviews

Interviews were conducted with "knowledgeable people" e.g. people who have had some contact with the Office of the Consumer Counsel and who have a reason to know something about it.

In the selective sampling, an attempt was made to get a cross-sectional representation of the types of groups and the possible interviewees who would be knowledgeable about the Office. This made it necessary for the interviews to follow, in time, method number three, because only after analyzing the external interactions, could representative groups be known.

This method was used to study both the internal and external activities of the office. The interviews were relatively unstructured and the specific information sought and obtained varied with the person being interviewed, but these points were covered in all interviews:

- 1) The purpose or role of the Office as the interviewee saw it. 2) The competency of the Office to fulfill that role. 3) Noticeable changes in the office's activities. 4) The degree of "customer support" or value infusion. 5) The strengths and handicaps of the Office. 6) The virtues of the concept of consumer representation in government. 7) Opinions on

the viability of the Office.

The groups represented in the interviews follows:

1. The professional staff of the Consumer Counsel's Office.
2. Business Organizations
3. Program Advisory Committee to the Consumer Counsel.
4. Consumer groups
5. State Regulatory Agencies
6. Labor Organizations
7. Legislators
8. Lobbyists

The people who were interviewed and a brief statement regarding the reasons why they were selected follows:

1. Jane Dachtelberg, information agent in the Office of the Consumer Counsel since 1961.

2. Bruce Samuel, special field representative for the Office of the Consumer Counsel since 1964.

3. Vincent McKenzie, administrative assistant to the Consumer Counsel from 1963 to 1965.

4. Helen E. Nelson, the appointed Consumer Counsel, who has held this position since the office originated.

5. Vincent D. Kennedy, managing director of the California Retailers Association. His organization has been accused of trying to eliminate the Office of the Consumer Counsel. The California Retailers Association exists primarily for the purpose of lobbying and would have good cause to conflict with some of the activities of the Consumer Counsel.

6. Donald Beaver, of the Northern California Food Dealers. This organization is a subsidiary of the California Grocers Association, a trade organization which engages in lobbying at the state level. Mr. Beaver is located in Sacramento. This interview was recommended by Robert L. Davis, lobbyist for the Grocers Association, when he refused to be interviewed on the subject of the Consumer Counsel himself.

7. Vernon Libby, executive vice president of the San Francisco Better Business Bureau. He was an original member of the Program Advisory Committee<sup>69</sup> to the Consumer Counsel. He was released from that position by Governor Brown because of his prior commitments which conflicted with the interest of the Consumer Counsel.

8. George Brunn, an original member and chairman of the Program Advisory Committee. He is also Secretary of the Association of California Consumers which was established shortly after the Consumer Counsel Office begun.

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<sup>69</sup>See page 69 for the explanation of this committee.

9. Vernon L. Shahbazian, Chief of the Bureau of Marketing, Division of Agricultural Economics, State Department of Agriculture.

10. Van P. Entwistle, Chief of the Bureau of Field Crops and Agricultural Chemicals, State Department of Agriculture.

11. N. J. Luce and Richard B. Starn of the Bureau of Weights and Measures, Division of Compliance, State Department of Agriculture.

The last three men listed above were interviewed because they were in the Department of Agriculture which as worked closely with the Office of the Consumer Counsel. The Consumer Counsel has been active on special committees regarding pesticide control and has maintained close relations with the Bureau of Weights and Measures in trying to strengthen law enforcement.

12. Albin J. Gruhn, President of the California Federation of Labor and a registered lobbyist for the same. Labor has traditionally supported consumer movements. Mr. Gruhn is also an active member in the Association of California Consumers.

13. Assemblyman Robert Crown, Democrat, Head of the Assembly Ways and Means Committee. This is the Committee which makes the budget recommendations in the Assembly. The budget of the Consumer Counsel's Office was cut by one-third in 1965 budget hearings.

14. Assemblyman Winfield Shoemaker, Democrat, ex-member of the Program Advisory Committee to the Consumer Counsel. He campaigned for assemblyman on consumer issues and won over the incumbent in his district.

15. Assemblyman Charles Conrad, Republican, member of Assembly Ways and Means Committee who voted against the Office of the Consumer Counsel in the budget hearings in 1965.

#### Content Analysis of the Organization's Files

This method comprised the bulk of the data gathering and analyzing work. It included reading through all of the accessible speeches, press releases, publications, and other files within the Office of the Consumer Counsel. Most of the files were opened to the researcher; some of the classified ones, such as personal files, were withheld.

In analyzing the written material found in the Office's files, specific items were noted. These were: 1) The groups with which the Consumer Counsel interacted. 2) The type of interaction that took place.

This was judged on the basis of the criteria under the operational definition of "responsive interaction". 3) The date of the interaction. 4) The nature of the interaction as to whether or not it involved a lobby activity, as judged by the criteria under "e" (the techniques established for influencing legislation) in the operational definition of a lobby.

Before these four items could be recorded, the groups with which the Office interacted had to be reduced to a manageable number. This was done by defining twelve general categories of groups into which all other groups could be placed. These general categories are: 1) Hearings by state government agencies. 2) Business groups. 3) Educational groups. 4) State government agencies. 5) Labor groups. 6) Law enforcement groups. 7) Legislature and legislative committees. 8) Professional groups. 9) Special committees. 10) Federal government groups. 11) The Public at large. 12) Consumer groups. This last category includes civic, political, and religious groups which show an interest in consumer affairs.

The four items were then noted in two ways. The first way was on a chart set up with the group categories down the left side and the years across the top, as illustrated by Fig. 1.

FIGURE 1

	1959	1960	1961	1962	1963	1964	1965
Group 1							
Group 2							
Group 3							
Group 4							
Labor						5 <sub>CL</sub>	
'							
'							
'							
Group 12							



The responsive interactions were noted in the box corresponding to its date and the type of group, by a letter which depicts the type of interaction which took place and/or an L if it was a lobby activity.

Each letter or set of letters was accompanied by a number.

The letters used were C for cooptation, B for bargaining, Z for competition, X for coalition and an L for lobbying. C,B,Z, and X are mutually exclusive, L can be alone, but is likely to occur with any one of the other four. One example is presented in Fig. 1. The box corresponding to Labor groups in 1964 shows a <sup>5</sup>CL. This means that in 1964 the Office of the Consumer Counsel interacted with a labor group in such a way that it coopted that group and engaged in a lobbying activity. The number five was important as a cross reference to an extensive appendix where the same information was recorded, only in greater detail. The format of the cross reference in that appendix appears in Fig. 2. This is the cross reference to the notation in Fig. 1 and indicates the exact date and place of the interaction as well as the specific labor group interacted with. It further states the specific criteria on which the judgment for noting C and L was based (as found in the operational definitions) and the source of the information about this particular interaction. In short, the notation in Fig. 1 is documented.

Fig. 2.

1964	Labor Groups
5 C (9,5,6,1) L (7-a, 10) California Federation of Labor, AFL-CIO: 5th Convention, S.F. 8/18-19/64 (Source: Statement by Helen Nelson to the convention)	
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On the original chart which Fig. 1 represents, the number of notations varies in each block from zero to over fifty. The idea was that a pattern of interactions could be depicted over a period of time. Increases in cooptive interactions and in lobby activities could easily be noted when they took place. The groups with whom the interactions took place would be readily noticeable.

#### Limitations of the Methods

1. Data available for method number three was limited due to poorly organized files, failure of the Office to record activities systematically if at all, and the inaccessibility of certain files. The data available, however, were abundant and fairly comprehensive. The author assumes that a fair representation of the total number of activities of the Consumer Counsel is present in the data.
2. There is a limitation to objectivity in any judgment made by a researcher. The author minimized this by using a predetermined set of criteria on which each decision was based.
3. The reluctance of some interviewees to be frank due to the controversial and political nature of the Consumer Counsel's Office limited the information gathered from them. This limitation was minimized by conducting unstructured interviews, writing notes only when necessary and in some cases, promising not to quote the interviewee in any identifiable way.



## EVALUATION OF DATA COLLECTED

### Process of Institutionalization

The following analysis of data indicates that the hypotheses stated were generally correct. The presentation will follow the criteria established in the definitions.

#### Responsive Interactions

Evidence that the Consumer Counsel was reacting responsively with the members of its community was abundant. One outstanding exception to responsive interaction was routine answering and referring of letters and phone calls directed by consumers to the Office.

Almost all of the other interactions noted were responsive. They involved the shaping of the character, determining of policy, or building of the social structure of the Office. Tables 1 and 2 show how the responsive interactions of bargaining, cooptation, coalition, and competition are distributed over time and among external groups. These figures are purely illustrative and represent a simple counting of the noted interactions. They show tendencies only. Keeping in mind their inherent limitations, no statistical tests are applied to them.

Cooptation was used more than the other forms of responsive interactions. Of all the cooptive interactions shown, less than one percent were formal in nature; the informal ones were concentrated on criteria 5, 6, and 9, page 22. That is to say, the Consumer Counsel coopted groups mainly by bringing them into the leadership and policy making structure, by giving them a place of recognition and/or concession because of the resources they could independently command, and by making the outside

TABLE 1

Types of Responsive Interactions and  
Types of Groups Interacted with

Groups	Interactions:					Total Interactions
	C	B	X	Z	L	
1. Administrative Hearings	1	0	0	0	16	17
2. Business Groups	22	44	0	5	17	71
3. Educational Groups	13	4	3	0	2	21
4. Consumer Groups	112	26	21	0	51	170
5. State Govt. Agencies	32	17	10	0	16	64
6. Labor Groups	15	9	1	0	8	27
7. Law Enforcement Groups	16	12	5	0	3	33
8. Legislature & Committees	2	1	0	2	42	42
9. Professional Groups	12	2	0	0	1	14
10. Public	102	0	0	0	45	129
11. Special Committees	1	1	6	0	2	8
12. Federal Government	9	3	6	0	6	23
TOTALS:	337	119	51	7	209	619

Key: C = cooptation, B = bargaining, X = coalition, Z = competition  
L = lobbying. (Only C,B,X, and Z are mutually exclusive)

TABLE 2

## Chronological Picture of Responsive Interactions

Type of Interaction	Oct.--Dec. 1959	1960	1961	1962	1963	1964	Jan.--July 1965	Totals
Cooptation (C)	6	30	32	90	73	65	41	337
Bargaining (B)	0	16	6	21	19	37	20	119
Coalition (X)	1	5	1	11	7	20	6	51
Competition (Z)	0	0	1	2	0	2	2	7
Lobbying (L)	4	19	11	27	57	57	34	209
Total Interactions	9	66	44	131	129	162	78	619

group aware that their existence and interests are considered when the Office formulates its policies. The least used method of informal cooptation was criterion 7, i.e., an outside group is given special consideration because the Office depends on it for funds.

### Patterns of Interaction

Evidence that the Office of the Consumer Counsel is undergoing institutionalization can be drawn from Tables 1 and 2. Some patterns of interaction are revealed. For instance there were relatively many cooptive interactions and these were centered largely around consumer groups and the public. These interactions were characterized by the efforts of the Office to inform the public about its consumption function and to gain public backing or a constituency. This type of educational process is conducive to the infusion of values and thus to the self-maintenance of the Office.

Table 2 shows that the Office had been in existence approximately six years at the time of this study. The original figure from which Table 2 was derived show that over that six year span the total interactions within the educational, consumer, professional and Federal Government groups increased in the middle years and decreased slightly in the later years.

Table 2 shows that cooptive interactions increased in the middle years and then decreased slightly. This again reflects an attempt to gain recognition and backing from external groups so that the organizational ideals would become entrenched and thus make the organization less expendable in the future as well as give it more latitude for operation. The greater emphasis on cooptive interactions which infuse value and

increase viability occurred in the Office's early years and decreased slightly in recent years.<sup>70</sup> This is consistent with an institutionalization process. It indicates the Office thought it had cultivated enough community support to allow it a margin of independence with in which it could pursue activities related more directly to its main purpose. It does not mean that the Office had become so institutionalized by its middle years that it could afford to stop coopting external groups.

The original figures showed that the total interactions continued to increase throughout the six years in the following groups: public, business, labor, State Government agencies and administrative and legislative hearings. These are the groups in which there was the heaviest concentration of lobby activities, which also increased steadily over the years. This increase in lobbying in the later years is indicative of relative political isolation earlier (another criterion for institutionalization). Contacts with law enforcement groups declined almost steadily over the years. This combined with the steady increase in lobbying indicated the evolution of the activities of the Office. An interview with the Counsel confirmed the same. Early in its days the Office concentrated on trying to get the existing consumer protection laws more rigidly enforced. A working relationship with the law enforcement agencies would naturally have to be cultivated to tackle that problem. Once the law enforcement agencies had been stimulated to take hold of this problem on their own, the Consumer Counsel turned to the task of

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<sup>70</sup>There may seem to be an inconsistency between the use of the "middle" and "early" years. It should be noted that "middle" refers to the middle years of the existence of the Office up to the time of this study. This Office is very young and even the later years covered in the study could be considered early years in the development of an organization.

influencing legislation which would put stronger consumer laws on the books -- to give the law enforcement agencies tools with which to work in the area of consumer protection. This change was not recognized by most of the interviewees, perhaps because the early period of working for law enforcement was very short and uncontroverted compared to the later periods of working for better laws. Relative political isolation in the early days also is indicated here. This was simply the choosing of a vital but safe and sane activity on which to operate while the new Office and its leaders learned their way around their new community and made some friends or enemies as a part of the process of building a social structure. The importance of survival of the infant organization was recognized by the leaders. They realized a long-run view and knew that the minimum requirement for them to function at all was to continue to exist.

Table 2 shows that cooptive interactions tended to fall off slightly in the later years, but bargaining interactions increased as did the lobby activities. There is a connection between these two increases and the interactions with business groups. As the Counsel became more active in representing the consumer before law making bodies, an opposition began to arise, chiefly from organized business -- groups which might be handicapped if the Counsel's policies were implemented. These two opposing lobbies took to interacting with each other, especially to bargaining in order to resolve their conflicts before they clashed in open meetings.

#### Evolution of Goals

There was evidence that the leaders of the Office kept goals and missions in mind, even when they were involved in everyday tasks. These goals or missions may be described as the overall objectives under which



the Counsel's policies are made. As nearly as the author can discern, the overall objectives of the Office are: 1) To survive and grow and 2) to work for a strengthening of the bargaining power of the consumer in the market place. The objective of survival is common to all organizations, but they also must have a motive behind the will to survive.<sup>71</sup> The second objective above, provides the Consumer Counsel with that motive. Interviewees who were in close contact with the Counsel agree that the activities emphasized appear to support the overall goals and they felt that there was an emphasis placed upon goals rather than on means, although ways and means could not be ignored. One interviewee who believed the Consumer Counsel had emphasized goals in her overall program summed it up this way; there is the politics of ideologies and the politics of maneuvers and when faced with the everyday reality of doing a job, maneuvers become quite vital. Other phenomena which might indicate relatively little concentration on ways and means was the lack of systematic recording and filing of data relating to their activities and a minimum of formality in the internal organization.

In making decisions which set the character of the organization the leaders must define the goals and the role of the organization. In an earlier discussion about the law which created the Office of the Consumer Counsel, it was pointed out that many types of responsibilities and powers were given the Counsel, but the decisions as to how these were to be used, were left up to her. Since her job was novel and her finances and staff very small compared to the responsibilities outlined by law, it was obvious that all of the designated tasks could not be performed with equal vigor. The Counsel had to decide on which goals to pursue and on the course of

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<sup>71</sup>This is analagous to the profit motive in business.

action to meet those goals. The goals had to support the overall objectives and even one of those was evolved over a period of time. It gets very difficult to further talk about the goals separate from the defining of a role. They both take place over time and even though the goals supposedly come before the role, the reality of the former depends on the competency in the latter, and the latter can hardly be meaningful without the former and so the interdependency goes.

It would be helpful at this point to set down some of the goals that support the long-run objectives of survival and its underlying motive. These goals are still relatively long-run, but they are subsidiaries of the main objectives. They are designated as attempts to 1) build a constituency of self-recognized consumers who will identify the Office of the Consumer Counsel as performing a vital function for them, 2) increase the expertise of the consumers, 3) increase price competition among sellers, and 4) promote laws that are fair to both consumers and sellers. The last two have led most directly to the defining of the role of the Counsel as "a lobby for the consumers of California". The Counsel and her advisors observed that consumers' welfare is determined to a large extent by the laws and regulations passed in government bodies. These laws establish minimum standards which sellers must meet in producing and presenting their goods and services for public consumption. Therefore these laws also determine to some extent, the economic rationality that is possible, if the consumer so desires, and they set standards by which the market establishes a fair return for a consumer dollar. These laws and regulations are made through the decisions of the lawmakers. It was further observed that those decisions were heavily influenced by existing lobby groups. The regulatory agencies and commissions which hold hearings

for the purpose of gathering information on which to base decisions regarding regulations, expressed to the Counsel, a desire to hear the consumer viewpoint, but indicated that no spokesman ever appeared to give this testimony. There was no discernable lobby representing the consumers' point of view. The Consumer Counsel decided that it might serve the interests of the consumers most effectively by taking this role of a lobby. The definition and implimentation of this role evolved over time and became articulate through interaction with external groups.

### Evolution of a Role

It was hypothesized that the emerging role of the Office was that of a lobby for the consumers. Table 2 shows that the number of lobby activities increased over the years. Lobbying was involved in 33.8 percent of all the interactions noted. This in itself does not prove that the role of the Consumer Counsel is that of a lobbyist, but there are other indicators. In interviewing representatives of external groups, the majority of them immediately identified the Consumer Counsel as a lobby, or at least as an antidote for the power of some long standing lobby groups. Staff members of the Office also identified their role in terms of lobby activities although euphonies of various sorts were used to describe it. The Counsel expressed the opinion that an increasing proportion of their time was spent on representing consumers before hearings held by legislative committees or other government agencies. She also compared these activities of her Office to the activities of other government agencies or departments, explaining that every department has a legislative liaison that keeps in constant contact with legislature and makes recommendations to it. Then, she said, there are the lobbyists representing each particular interest that come to the capitol to do their

job. She believed that the role of her Office was more analagous to that of the special interest lobbyist than to that of the legislative liaison typically found in other government agencies. Activities relating to this type of representation took top priority in the day-to-day operations of the Consumer Counsel's Office. This fact was established through interviews with staff members and through observation. The writing of statements to be presented at hearings took precedence over the writing of educational material, press releases, radio shows or any other public relations material. The administrative assistant in the Office devoted all of his time to preparing and carrying out the task of representing consumers.<sup>72</sup> After June, 1965, this position no longer existed due to a budget cut, so the field representative took over some of these duties and has had to minimize the attention given to some of his old tasks. This shows that the lobby related activities were given top priority, even if some other tasks have to be excluded at times.

Another indication that the Consumer Counsel considered its chief function to be lobbying is a summary of some of the times it referred to itself as a lobby or as an agency performing such tasks. This summary follows:

1. December 2, 1959, in a speech given to the California Producers and Growers Association, Mrs. Nelson said, "I am a full-time lobbyist for the consumers".
2. September 26, 1960, in a speech given to an Advertising Club in Los Angeles, Mrs. Nelson said, "The Office is frequently referred to as the consumers' lobbyist".
3. October 4, 1960, Governor Brown spoke to a Consumer Concerns Clinic and said, "The Consumer Counsel is indeed the peoples' lobbyist".

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<sup>72</sup>See page 58 for a description of the duties of this position.

4. 1960 - Highlights of the First Year of the Office of the Consumer Counsel, a published report which underlined on its first page, "The Consumer Counsel is the peoples' lobbyist".
5. 1962 - A report published by the Office of its first two years' activities, carried the following statement. "The Consumer Counsel lobbied for consumers to help quash the federal order which allowed smoked hams to contain up to 10 percent added moisture".
6. October 2, 1962, a press release from the Governor's Office said, "The law calls upon the Consumer Counsel....to lobby for consumers by speaking in their behalf at hearings of governmental bodies...".
7. August 23, 1963, a press release from the Governor's Office said, "For example, I have lobbied for consumers to ban watered ham and to help graded labeling on lamb...".
8. September 10,11,12, 1963, The Program Advisory Committee held a meeting at which they passed a resolution which read in part: The Consumer Counsel should give high priority to the part of her program to advise the Governor actively; to oppose all legislation authorizing the fixing of retail prices by manufacturers, including legislation now pending in congress and further - that the Consumer Counsel secure the consent of the Governor, to herself vigorously oppose such legislation.

What characteristics does the Office possess that qualify it for the title of a lobby? It was designed to represent a group of people with a specific interest in matters before the legislature and/or regulatory agencies for the purpose of influencing decisions to favor that group. It has acted as an advisor to law makers and to the executive on matters of concern to consumers. It has opposed other lobby groups which represented interests conflicting with those of consumers. The Counsel has used established lobby techniques for the purpose of influencing or killing legislation in accordance with the interests of consumers. Of the lobby techniques listed on pages 26 and 27, the most used by the Consumer Counsel were 7c (appearances and testimonies before legislative committees, administrative hearings, or special committees) and 7d (working through another group to help further its cause). It used



techniques 2, 3, 8, 10, and 13 with lesser but, almost equal frequency; numbers 4 and 6 fairly often, and the rest relatively little, if at all.

Whether or not the Office is technically well informed on all matters affecting its interest group is questionable. Eleven of the interviewees had some criticism of the operations of the Office and half of these indicated that the main problem was a lack of technical knowledge about the issues it was involved in. This apparently has led the Counsel to defend proposals that were either too idealistic or not realistically workable or enforceable, according to the interviewees. This criticism came from interviewees who otherwise agreed with the Counsel as well as from those who opposed her. Apparently there is some bases to the charge of a lack of technical knowledge on the part of the Office; it was recognized both within the Office and by external associates. Except for the last limitation, the Consumer Counsel contains all the characteristics of a bonafide consumer lobby, supported by state appropriated funds.

The interviewees were not in agreement on the competence of the Counsel in performing its lobby role. About two-thirds felt that it had been a significant power in influencing laws and regulations; others said that given the law and the physical capacity of the Office, it was doing a very good job; and two said they thought it was not doing a good job of lobbying. Of the legislative bills formally promoted or opposed by the Counsel, eight were passed or vetoed, according to its recommendations, in 1961, ten were passed and seven sent to interim hearings in 1963, and eight were passed and two sent to interim hearings in 1965.<sup>73</sup> In the budget for 1965-1966, the finances of the Counsel's Office were reduced

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<sup>73</sup>The 1965 Legislative Session was dominated by major constitutional issues i.e. reapportionment, and it was not a year when lots of other legislation was about to be considered.



by twenty-seven percent. It was more than a simple budget slash; it was very specific and pointed, in that it eliminated the position of the administrative assistant. This position had been filled by an attorney who devoted most of his time and talents towards making the Office a better representative of consumers. Judging from the statements of interviewees and some file material, there was a widely held belief that special interest groups in opposition to the Counsel exerted pressure on legislature to effect this particular budget cut. It was a terribly back-handed compliment. Nevertheless, it indicates something about the effectiveness or potential effectiveness of this consumer lobby as viewed from the standpoint of the opposing special interest groups. In fact, it was interesting that the interviewees who were traditionally opposed to the Office held the Counsel's power and influence in higher esteem than some of those who usually work with the Office.

#### Validity of the Evolved Goals and Role

Basic criteria necessary in defining goals are that the goals lie within the limits required for the organizations survival and that they are realistic in terms of their relationship to other activities of government. As for the latter criteria, the role of a consumer lobby can be considered realistic only in a special sense. A consumer lobby in the form of an executive office is unique, but not inconsistent with other activities of government. There was an expressed need for an organization to carry out such tasks. Every interviewee, save one, agreed that if it were possible for the consumers to have a lobby equal in power to other existing lobbies, legislation and regulations would be more equitable and it should put the countervailing powers in much better balance. But they

also said that this is a very idealistic situation and not likely to come into existence. The reasons it is not likely to come about lie in the amorphous nature of consumers as a group, which precludes their establishing and financing a lobby outside of the formal government structure. This makes a consumer lobby within the government relatively realistic, and if it can weather the opposition long enough to become fully institutionalized, lobbying also may prove to be a viable role for this Office. However, its opposition is very influential in the legislature which controls the funds of the Office and thus its very existence. The budget cut in 1965 evidenced this, however, up until that time the Office had been lobbying and had survived and grown. The future of this lobbying role is anyone's guess but all indications show that it will be continued, at least in the short-run.

There seems to be a growing awareness and concern for consumer problems which has infused value into the Office. Evidence of that value infusion was drawn from interviewees. First, the staff of the Office noted a change in the types of mail they get, saying it is becoming more sophisticated and is showing a greater knowledge about the operations of the Office. The information officer spoke of a change in the attitudes of groups of people who call on her to help them plan consumer programs. She said that at first (1961) people's thinking was vague and fuzzy regarding the relationship between themselves as consumers and the Consumer Office and the government. She added that now they appear much more cognizant of the situation and the concept of a consumer spokesman in government has been ingrained into their thinking so that words like lobby, legislature, and consumer, have a new meaning to them.<sup>74</sup> The Counsel

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<sup>74</sup>This was true in all groups whether or not she had worked with them before.

briefly summarized it by saying, "Now the word 'consumer' is in the language of the people. This wasn't true six years ago."

One other interviewee who had worked in State politics for many years said, "No smart politician would disband the Office now. Whenever you build up something and enough people believe it is good, you don't eliminate it." He thought that a change in administration would certainly change the appointed personnel in the Office but that the Office itself would survive. He was the only interviewee to commit himself to such a prediction, but it does indicate that the Office is becoming infused with value and therefore is making progress towards becoming institutionalized.

#### Internal Institutionalization

Other criteria which indicated the process of institutionalization had to do with the internal office operations. The first to be discussed is the flexibility of activities as opposed to routinism. From observation and interviews it was concluded that this Office's activities were flexible. The Counsel made a practice of reserving a portion of her resources just for flexibility. In fact, none of the staff, including the secretaries, had a strictly routine job and the professional staff remained very flexible. This was due in part to the discrepancy between the size of the staff and the breadth of responsibilities. It was due in part to the character of the Office and its institutionalization process.

From observation and interviews it was apparent that there was a great deal of leeway for interaction among personnel and between personnel and external groups. The staff had a great deal of freedom to make decisions and to interact with outside groups. It was not mandatory that they consult Mrs. Nelson unless there was a question of policy or if she

was being quoted or represented publicly as a member of the Governor's Office.

The staff and Mrs. Nelson did work together on several projects or statements but there did not seem to be any systematic scrutinizing of the staff's activities. This, again may be due to the small size of the staff where communication is not a real problem. A high personal commitment to the goals of the organization on the part of the staff members is another factor which makes intensive supervision unnecessary. All expressed a concern and an interest in the work of the Office beyond that of their workday activities. They put in evening and weekend hours to do their jobs more completely. This extended even to the clerical level when the job at hand demanded it. This kind of loyalty may not come entirely from a personal devotion to the goals of the Office, but it also may reflect a sympathy with the enthusiasm and drive radiated by the Counsel herself. At any rate it was there.

### Conclusions

The preceding presentation of data follows the model for studying an organization developed earlier in this paper. From this it is discerned that the Office of the Consumer Counsel does not fulfill any of the criteria on page 25 characterizing an organization, with the exception of "c". The Counsel indicated that because of the limited number of staff members the Office can have, those who are hired must possess considerable ability. She indicated that there was an attempt when hiring new members to acquire abilities different from those already present. But these abilities or skills are not strictly technical. As it was stated before, the Office lacks technical experts. Therefore, it

can safely be concluded that the Office is not, by definition, an organization.

The data point out that the Consumer Counsel's Office was in the process of acquiring the characteristics of an institution. The criteria which characterize an institution are found on page 24. Criterion "c" (the role of an institution is readily identified by members of its community) is positively fulfilled, for almost everyone interviewed recognized the Office as a consumers' lobby. Criterion "e" (the goals are not precisely stated but are defined over time) is another definite characteristic of the Consumer Counsel. Its powers as defined by law are not specific, and its goals evolved over time. When asked if he has observed any change in the Office, one staff member responded with, "Yes, now we have a philosophy; it is to equalize the power of the buyer and the seller in the market place." This is one of the Office's main objectives, but it has not always been articulated. It came about through activities and interactions over a period of time. Criteria "a, b, and d" are not as completely fulfilled, but the Office is in the process of acquiring these characteristics. There is evidence that it was acquiring an integrated external social structure, and was being infused with value. It was developing ways of acting that are important for their own sake. The Office was experiencing institutionalization, but it is not yet, by definition, an institution.

To recapitulate, the first hypothesis read: The responsive interactions of the California Office of the Consumer Counsel reflects the institutionalization of the organization. The data gathered and evaluated according to the method outlined indicates that the Consumer Counsel's Office is indeed in the process of institutionalization. As a part of

that process, it has defined a role for itself which is that of a lobby for the California consumers, as the second hypothesis predicted. In short, the data substantiate the hypotheses.

The analytical framework designed for this study was based on given premises and variables. However, there are variables that could not be included in this model which bear on the developmental process of the Office. These variables should not be ignored because their influence has far reaching implications for the development of the Office of the Consumer Counsel. Therefore, they are presented and discussed in the appendix pages 63-76. Becoming institutionalized is a necessary step in the development of an office, but whether or not it is sufficient to insure longevity to the Office of the Consumer Counsel remains to be seen.



## APPENDIX

California Law Creating The Office of Consumer Counsel

Enacted by the California Legislature and approved by Governor Edmund G. Brown, the law went into effect September 18, 1959. Mrs. Helen Ewing Nelson was appointed October 2, 1959.

Chapter 1, Part 2, Division 3, Title 2, Article 5, Government Code, State of California Consumer Counsel.

12050. There is in the Office of the Governor a Consumer Counsel who shall be appointed by the Governor and shall serve at his pleasure.

12051. The Consumer Counsel shall receive a salary as fixed by the Governor but not to exceed fifteen thousand dollars (\$15,000) per year.

12052. The Governor may also appoint and fix the salaries of such assistants and employees for the Consumer Counsel as the Governor may deem necessary. Such salaries shall be fixed as nearly as possible to conform to the salaries established by the State Personnel Board for classes of positions in the state civil service involving comparable duties and responsibilities.

12053. The Consumer Counsel shall advise the Governor as to all matters affecting the interests of the people as consumers. The Consumer Counsel shall recommend to the Governor and to the Legislature the enactment of such legislation as he deems necessary to protect and promote the interests of the people as consumers.

12054. The Consumer Counsel in carrying out his functions under Section 12053, shall make such studies as he deems necessary, or as directed by the Governor, and may render reports thereon from time to time to the people of the State.

12055. In carrying out the provisions of this article, the Consumer Counsel may:

- (a) Appear before governmental commissions, departments, and agencies to represent and be heard on behalf of consumers' interests.
- (b) Co-operate and contract with public and private agencies for the obtaining of statistical surveys, printing, economic information, and such similar services as may be necessary and proper.
- (c) Do such other acts as may be incidental to the exercise of his powers and functions as conferred by this article.

12056. Each agency, officer, and employee of the State shall co-operate with the Consumer Counsel in carrying out his functions under this article.

12057. The Governor, by executive order, may create such advisory committees as he deems necessary to assist the Consumer Counsel in carrying out his functions under this article. The Governor shall appoint the members thereof and they shall serve at his pleasure. The committees shall be under the direction of the Consumer Counsel. The members of such advisory committee shall receive no compensation for their services except that they shall receive their actual and necessary expenses incurred in the discharge of their duties.

### Organizational Theory

Presented here is a detailed outline of the organizational theory used to develop this paper. To avoid multiple and redundant footnotes, let it be said that the material comes from Leadership in Administration by Phillip Selznik, unless otherwise noted.

Organizations evolve into institutions through a process of institutionalization. This process is said to take place in the following ways.

I. The technical, rational, impersonal, task-oriented, formal system (the organization) is conditioned by the responsive interactions of persons and groups.

A. Phenomena of institutionalization.

1. Early in the development of an institution, especially one which develops from an organization formed of "...turmoil and set down to fend for itself in undefined ways among institutions fearful and resistant..." there is a necessary and noticeable concern on the part of the leaders and staff for self-maintenance. There is an effort to make the agency less expendable.<sup>75</sup>
2. When an agency is not firmly legitimized, they have little control over their own existence. They stand in danger of having finances cut off; of being expendable. "To win a permanently secure niche, administrative strategy needs to be oriented towards ultimately achieving a 'peer' status that is clearly defined and respected by all."<sup>76</sup> Long says, "A major and most time consuming aspect of administration consists of wide ranges of activities designed to secure enough 'customer' acceptance to survive, and if fortunate, develop a consensus adequate to program formulation execution."<sup>77</sup>
3. In taking the long run view, there will be sacrifices of immediate returns for a long run stability. This involves

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<sup>75</sup>Selznik, TVA and the Grass Roots, p. 48.

<sup>76</sup>Etzioni, Amitai, Complex Organizations, New York: Holt, Rineholt, and Winston, Inc., 1961, p. 164.

<sup>77</sup>Long, op. cit., p. 54.

an accomodation to both external and internal forces in order to minimize risks. One of these sacrifices may be forgoing political involvement until they are ready and capable of resisting the pressures of political life.

- a. Political isolation is especially necessary when the institution represents precarious values. These are values that are not clearly defined nor strongly established in the minds of many. Values tend to be precarious, "...when the position of functionaries is not fully legitimized".<sup>78</sup> Precarious values, if they are to be institutionalized, "...need deliberate agents, for they must be normatively defined or socially established or both".<sup>79</sup> Their acceptance cannot be left to happenstance.
- B. The managing of the responsive interactions with external groups is the problem of the leaders of the organization. In solving these problems they have to constantly examine the role and mission of the institution. They make what are called, critical decisions. These are decisions which, "...infuses day-to-day behavior with long run meaning and purpose".
- C. Leaders can choose from several types of interactions with various groups and can choose the degree and nature of the involvement. The dexterity with which they make these choices determines the pattern of the agency's social structure and inevitably determines its degree of prosperity.
  1. One type of interaction is cooperation. Selznik points out that cooperation with other organizations may, "...threaten a loss of control since commitments in action tend to spill over the limits of verbal agreement. Indeed a proposal for cooperation very often reflects a strategy for organizational aggrandizement of protection at least as much as it does an interest in the program to be furthered". When the agency cooperates with another group, it makes commitments to it. "If these commitments are value commitments, that is choices which fix the assumptions of policy makers as to the nature of the enterprise, its distinctive aims, methods and role in the community, then it is furthering the institutionalization of that agency".
  2. A second type of interaction is cooptation. This implies that outside groups are allowed a voice in the decisions made by the agency in order to gain their alliances or commitment to

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<sup>78</sup> Etzioni, op. cit., p. 160.

<sup>79</sup> Ibid., p. 161.

the goals of the agency, which will then prevent them from opposing or attacking the agency. This puts an "...outsider in a position to determine the occasion for a good decision, to participate in analyzing the existing situation, to suggest alternatives and to take part in the deliberation of consequences".<sup>80</sup>

3. Other types of interaction are competition, bargaining, and coalition.<sup>81</sup>

II. In the course of time, this responsive interaction is patterned. A social structure is created. This patterning is historical, in that it reflects the specific experiences of the particular organization. It is functional in that it aids the organization in adapting itself to its internal and external social environments. It is dynamic in that it generates new and active forces, especially internal interest groups made up of men committed to particular jobs or policies.

- A. The responsibility for making the types of decisions which further develop the social structure of an agency rests with its leaders. They are the ones who make the critical decision which are involved in the task of setting the institutional character. This is said to be accomplished in the following ways:

1. Defining the institutional mission or role.

- a. To define the institutional role or mission the leaders must "...specify and recast the general aims of their organization so as to adapt them without serious corruption to the requirements of institutional survival..." These general aims are both a product of and a guide to the nature of the experiences and interactions the agency is involved in. They must take account of the internal commitments while striving to remain flexible and open to changing events. They must also take account of the external pressures or expectations that determine what must be done to insure institutional survival and dictate what the leaders are really responsible for.

- b. An over concentration on ways and means, especially in the early stages, rather than on goals and missions

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<sup>80</sup> Etzioni, op. cit., p. 184.

<sup>81</sup> Thompson, op. cit., pp. 25, 26, 28.



will be a serious threat to the integration of purpose and commitments, hence to adequate definition of mission.

- c. The role which is assumed is shaped by the capabilities of the office, including the extent to which one office is dependent upon another and must heed the pressure it exerts. The role must be realistically assumed by the ability of the organization to do its job. It is formed through self-assessment which searches out the demands and limitations which determine what means may be used, hence free choice of ends.
2. The institutional embodiment of purpose.
  3. The defence of institutional integrity.
    - a. Defending the integrity of an institution involves critical decisions, which amounts to defending the organization's distinctive competence. For as the "...institutionalization progresses, the enterprise takes on a special character and this means that it becomes particularly competent to so a particular kind of work". The defense of integrity is a part of defining purpose and goals; it comes out as a distinctive orientation which is a combination of the organization and the policy.
  4. Ordering of internal conflict.
    - a. Internal commitment involves the beliefs of the personnel as well as their specifically assigned jobs. Personnel may have an emotional attachment to the organization. This creates a source of energy which may increase daily efforts and can be called upon especially in the face of a crisis. But this type of commitment can also be costly, in that it may limit the freedom of the leaders to "...deploy its resources and reduce the capacity of the organization to survive under new conditions". This can have serious implications for the flexibility and therefore the long run survival of the institution. For example, if some members of the staff become very dedicated to working on one particular problem, it would be difficult to shift their efforts to a different problem, even though the second one may be of greater essence at the moment.
    - b. In the internal system, critical decisions by the leaders are concerned with the recruitment of personnel, training of personnel and establishing a system for the representation of internal group interest.

- c. The leaders themselves change in the process of institutionalization. "The executive becomes a statesman as he makes the transition from administrative management to institutional leadership". By statesman, Selznik means one who "...deals with current issues, not for themselves alone, but according to their long run implications for the role and meaning of the group". Much emphasis is place upon the leader for it is he who makes the decisions and who really determines the character of the agency. In a sense, he is the agency when speaking in terms of the agency's conscious self-definition and role taking.
  - B. "The more precise the organization's goals, and the more specialized and technical its operations, the less opportunity there will be for social forces to affect its development." Leeway for personal and group interactions with the external (and internal) enviroment is condusive to greater degrees of institutionalization. This is because the more responsive interactions with outside social forces there are the more highly developed the social structure will be, and "...the more fully developed the social structure, the more will the organization become valued for itself, not as a tool, but as an institutional fulfillment of group integrity and aspiration". The interdependence of all the activities lead to value infusion which is not a result and furtherance of greater institutionalization.
- III. Organizations become institutions as they are infused with value, that is, prized not as tools alone, but a sources of direct gratification and vehicles of groups integrity. The infusion produces a distinct identity for the organization.
- A. There is a close relationship between "infusion with value" and "self-maintenance". "As an organization acquires a self; a distinctive identity, it becomes an institution." "This involves the taking on of values; ways of acting and behaving that are important for their own sake." If the agency is infused with value, it will not readily be expendable when a more efficient tool becomes available, as is any organization which is merely an instrument. When value infusion takes place, there is more resistance to change, for people feel a sense of personal loss and the "community" seems to have been violated, somehow, by a suggestion of expendability. Organizations become infused with value as they come to symbolize the community's aspirations; its sense of identity.

Variables Not Included in the Analytical Framework

Budget

The overall budget of the Office of the Consumer Counsel is presented in Table 1. The money is appropriated by the legislature which, therefore, controls the life blood of the Office. This implies that no matter how institutionalized the Consumer Counsel becomes, legislators would have to believe it to be so, to the extent that they would have to answer at the polls for actions taken to reduce or eliminate the functions of the Office. Apparently, they did not believe that public sentiment for the Consumer Counsel was strong enough in 1965 to affect their election if they cut its budget.

TABLE 1

Overall Budget of the Office of the Consumer Counsel

Fiscal Year	Percentage Change	Amount Appropriated	Positions Authorized		
			Professional	Clerical	Total
1959-1960		\$ 45,000	3	2.8	5.8
1960-1961	Up 42.3	64,034	3	3	6
1961-1962	Up 54.9	99,232	4	3.9	7.9
1962-1963	Up 3.3	102,544	4	3.9	7.9
1963-1964	Up 19.4	122,468	4	4.9	8.9
1964-1965	Up .4	122,954	4	4.9	8.9
1965-1966	Down 26.8	89,998	3	3	6

Besides eliminating a key position and some clerical help, the 1965 budget cut reduced the other sections of the budget by the following percentages.

<u>Budget Allocation</u>	<u>Percentage Reduction</u>
Printing.....	63
Travel.....	53
Advisory Committee Expenses.....	50
Communications.....	32
General Expenses.....	20

In order to exist and to function any office must have financial means. When these means are controlled by another group, it would seem that the Office would expend a considerable amount of its resources in coopting or bargaining or at least interacting with that controlling group. It was noted on page 36, that the least used method of cooptation, by the Counsel, was giving an outside group special consideration because the Office depended upon them for funds. In fact 100 percent of the total number of interactions noted with legislature involved lobbying, 5 percent involved cooptation and 5 percent involved competition. This does not indicate much effort on the part of the Counsel to coopt legislators. There was a similar opinion expressed by one of the legislators interviewed. He believed the Counsel to be a lobby, but indicated that not nearly enough time was spent in the Capitol with the legislators to be able to influence them as a good lobbyist can. If lobbying is to continue to be the function of the Office, the Counsel may have to give more consideration to aggressively influencing and impressing her controlling group, the legislators. But the size of the budget also determines the Office's ability to be a lobby. It competes not only with highly organized but also independently financed lobbies which can use their wealth to make their job of lobbying more effective. The Consumer Counsel's budget is too low and its account-

ability for funds too high to enable it to compete with other lobbies on a financial basis.

The budget allocated to the Consumer Counsel has never reached the amount intended for it by the founders of the Office. Consequently, there always has been a wide gulf between the responsibilities given the Office and the allotted funds which enable it to fulfill those responsibilities. This explains the main disadvantage under which the Office operates. It is the reason why its staff is too small, its technical knowledge and capacity is limited, its ability to reach a larger public through literature and mass media is cut short and its financial influence on legislators is curtailed. It has extensive legal powers, but extremely limited means by which to use them.

The fact that the Office's budget is controlled by legislature which reviews it each year, makes the Office vulnerable to being bargained over. Apparently this is exactly what happens, and the bargainers are generally split along party lines, the Republicans against and the Democrats for the Office. This is primarily because it was created at the request of a Democratic Governor, who is still in office. If any legislators wish to embarrass him, they can do so by cutting the funds for one of his programs, in this case the Consumer Counsel. It seems the Counsel remains one of those political footballs which is tossed back and forth across budget bargaining tables. One legislator who was interviewed said, "It is something the Republicans think they can gain mileage by abandoning and the Democrats think they can gain mileage by promoting."



## Personnel

For a small, young organization there has been a considerable turnover in personnel, both professional and clerical. Helen Nelson, the appointed Consumer Counsel, is the only original employee in the Office. An outline approximating the changes in professional personnel is presented below.

1959-1960

Consumer Counsel: Helen Nelson

Her duties are those outlined in the law which created the Office.

Mrs. Nelson's biographical data represent a variety of activities which have contributed to her qualifications for this position. She was educated at the University of Colorado where she majored in economics, minored in political science, and obtained a secondary teaching credential. She went to Mills College to work on her master's degree and wrote her thesis on "A Critical Evaluation of the First Eight State Unemployment Compensation Acts". After this she did advanced graduate work at the University of California-Berkeley in economics and statistics. Here she worked with the Heller Committee for Research in Social Economics.

She has worked as an unemployment insurance agent, a women's personnel counselor for a shipbuilding company, an economist in the price division of the U.S. Bureau of Labor Statistics, and as Assistant Chief, Division of Labor Statistics and Research, California Department of Industrial Relations.

She has been a member of the Citizens Advisory Committee on the Development of Marin County, the board of directors of the Marin Mutual Aid Credit Union, and the Friends Committee on Legislation. Other groups to which she belongs are the AAUW, League of Women Voters, Marin Mutual Aid Cooperative, Western Governmental Research Association, American Statistical Association, American Society for Public Administration.

She also has served as a consultant to several governmental committees and has helped to develop programs for various organizations.

Editorial Aid (Information Officer) 1.

This person assisted the Counsel in writing material for publication and speeches. She also gave some speeches and worked into a position of information officer. She graduated from the School of Journalism at the University of California-Berkeley.



1960-1961

Information Officer 2.

The duties of this position are to prepare pamphlets, press releases, radio and television shows, speeches, testimonies etc.; to develop material that will help inform and educate consumers; work with groups that wish to plan studies and programs about consumer issues; give speeches and presentations to groups upon their request.

The person filling this position has a bachelors degree in English literature and had previously worked in an advertising agency and a copywriting agency. She still remains in this position.

Administrative Advisor 1.

The duties of this position are to consult with, advise and assist the Consumer Counsel and staff on administrative and legal problems arising in connection with the administration of the Office's program; and to act as a liaison officer on legal matters between the Consumer Counsel and Attorney General and other agencies and the public. He is to give written and oral legal and policy advise to, and confer with the Consumer Counsel, public officials and interested persons and organization, including State legislators and U. S. Congressmen. He is to represent the Consumer Counsel before legislative bodies, at legislative and administrative hearings and in other meetings. He is to prepare, examine, review, interpret and approve contracts, leases, and other documents. He is to draft legislation, rules and regulations. He is to review, analyze and interpret legislation affecting the administration of the Governor's and Consumer Counsel program. He is to give legal advise to personnel in State agencies or to boards or commissions charged with the responsibility for conducting administrative hearings and he is to do legal research.

The person filling this position was an attorney and he remained in it for two years.

1961-1962

Special Field Representative 1.

This position was located in the Los Angeles area. At this time the Counsel was working on the stimulation of law enforcement agencies to provide stricter enforcement of consumer protection laws. Much of this activity was centered in Southern California and this field representative was hired to work with agencies like the Los Angeles Police-Bunco Squad, in order to get this program going. He had been interested in the labor movement, had managed a credit union and had acquired a great interest and concern about the lack of enforcement of consumer laws.

1962-1963

Special Field Representative 2.

This position was still located in the Los Angeles area but it was filled by a different person. By this time the Counsel had shifted its attention away from law enforcement and towards influencing law making decisions. One issue which was being studied was packaging and selling methods of food products. The volume of food business in the Los Angeles area made it desirable to center the study there. The person fulfilling this job was hired on a short-term contract. He had been in the food marketing business in Southern California and was familiar with personalities and techniques in that business.

1963-1964

Administrative Assistant 2.

The second person to fill this position was also an attorney. He remained until the position was eliminated by legislature through a budget cut in 1965.

Advisor 1.

This position was created by hiring an attorney on a contract. His chief duty was to advise the Counsel on credit problems, an issue which it was studying at that time.

Special Field Representative 3.

This position was filled by a woman trained in economic research who was hired on a short-term contract to plan and develop a "Research Conference" which was held in Berkeley in the fall of 1964.

1964-1965

Special Field Representative 4.

The duties of this position changed again at this point. First of all it was no longer located in Los Angeles, but was brought up to the central office in Sacramento. Instead of hiring someone to perform a specific task or to work on a specific issue the position now took on the nature of a quasi-administrative advisor. It was his duty to answer calls and letters coming in from consumers and to refer them to the proper place. He gave speeches to groups and met the public.

The person in this position holds a master's degree in business administration and was previously employed as a legislative budget analyst.

1965-1966

The change in this year was the elimination of the administrative assistant. This changed the duties of the field representative to the extent that he assumed some of the tasks previously performed by the administrative assistant.

The outline indicates that the turnover of personnel in the position of field representative was due primarily to the changing needs of the Office. As the issues changed, there was a need for people with new and different interests and abilities. This type of change in personnel is conducive to institutionalization.

The turnover in personnel at the clerical level was for different reasons. Some of the girls left to have a family, some came expecting a glamorous traveling job and, instead, found lots of hard work, and some were not mentally or emotionally qualified to handle the type of work carried on in the Office. The Counsel said that considering the great responsibility on the Office and the pressure under which it works, incompetence among secretaries can hardly be tolerated. Other personnel, both clerical and professional, have left because as the Counsel put it, "It isn't easy to work in a place where several very important people hate you".

The Office is controversial and to identify oneself with it would demand that one have some commitments to the purpose of the Office. The personnel in the Office must possess certain abilities, but as the Counsel indicated, they also seem to have commitments to the objectives of the Office. Perhaps this is because a degree of commitment is necessary for a person to work in a program which is disliked by some important people.

Another important consideration pertaining to the personnel of this Office is that they are all appointed by the Governor, and serve at his

pleasure. However, the Counsel has been delegated the authority to select or reject the employees and her recommendations to the Governor on these matters are followed almost without question. So that, in reality, the personnel work to please Mrs. Nelson and not Governor Brown directly.

But the fact that they are all appointed by him makes their employment relatively unstable. If he should not be re-elected, all of their jobs would be in jeopardy, but the higher the position the greater the chance of being removed, unless of course, the whole Office is eliminated.

Insecurity stems not only from being a political appointee but from the fact that, indirectly, their positions are voted on each year by the legislature where opposing forces can wield power against them. Only certain types of people would accept work under these conditions. Those who need greater financial or emotional security, or who would be too old to start a new career after this one ended, or who prefer to be liked by everyone, or who cannot work under pressure are not likely to seek work in this Office. This is not all bad, for it may well be that the type of people attracted to this Office are likely to be the type needed to do the job.

This brings up the appointment of Helen Nelson as the Consumer Counsel. Her background speaks for itself, and as the Counsel she radiates an enthusiasm and drive to all who work around her. The contribution her personality has made to the institutionalization of the Office is not measurable, but should not be ignored.

#### Program Advisory Committee

The executive order creating the Program Advisory Committee (PAC) was signed by Governor Brown on April 11, 1960. This order appears here in its original form.

Executive Order

By virtue of the authority vested in me by Section 12057 of the Government Code, I hereby create an advisory committee of fifteen (15) members, to be known as "THE PROGRAM ADVISORY COMMITTEE TO THE CONSUMER COUNSEL", to assist the Consumer Counsel in carrying out his functions.

Said Committee is authorized and instructed to study, evaluate, and make recommendations on program and policy for the Office of the Consumer Counsel toward the end of advancing the interests of the people as consumers.

Said Committee shall act under the direction of the Consumer Counsel and may make progress and interim reports on its work at such times as it deems appropriate to the Consumer Counsel and to the Governor.

Said Committee shall meet at least once every three months and may meet at such other times as it desires, or as requested by the Consumer Counsel.

There were fifteen members appointed to the PAC by April 22, 1960.

Five of the original members remained on the Committee in June 1965.

These were: 1) The chairman, George Brunn, an attorney in San Francisco, secretary of the Association of California Consumers and the "idea man" behind the founding of the Office of the Consumer Counsel. 2) Clara Shirpser, an active clubwoman from Berkeley. Her work includes hospitals and civic work, the League of Women Voters, and Democratic National Committeewoman-1962-63. 3) David Selcer, a postmaster from Long Beach and a retail merchant in women's apparel. 4) Sue Donovan, a representative of the Los Angeles County Federation of Labor, AFL-CIO, Community Services. 5) Dr. Norvel Smith, Ed.D., Director of the Department of Human Resources for Alameda County School District, Hayward.



Dr. Smith resigned in July, 1965, leaving four original members on the PAC after that time. Those members who have served on the Committee since its origin make up a core membership. As the author understands it, it is the Governor's wish to keep a core of members, but to change the rest.

The criteria for choosing the members include their interest in promoting consumer welfare and consumer representation in government. Their function is to advise the Counsel on her policies and procedures designed to meet the goals of the Office. This precludes the selection of persons who have a major interest which conflicts with the goals of the Office. Another consideration in choosing members is geographical dispersion.

The members of the PAC represent a variety of types of groups. Using the same categories of groups used in method 3, there was an overwhelming majority representing consumers, but business, labor, professional people and educators also are represented on the Committee.

The title of the PAC has been interpreted quite literally by its members. The interviewees who had served on it said that this is exactly what they did. The Counsel and the Committee chairman said they saw the purpose of the PAC as being: 1) to help set priorities, 2) to help make policy decisions, 3) to advise and report directly to the Governor if they wish, 4) to be a sounding board for ideas that might prove fruitful, and 5) to convey consumer information in their home communities. Many members of the PAC have made speeches and appearances before various groups on behalf of the Consumer Counsel. However, neither the Counsel nor the Committee chairman felt that the PAC is used for this purpose; the members are not expected to be an auxiliary staff to the Consumer Counsel.



Because of the number of groups the Committee members represent and because of the usefulness of the members in conveying consumer information to the larger public, according to the informal cooptive criteria set up in this paper, this Committee is also a means of coopting groups for the purposes discussed. However, again, the Counsel and the Committee chairman denied this as a deliberate cooptive measure. The reasons being that the purpose of the Committee which determines the criteria on which the members are chosen precludes bringing in representatives which might otherwise be opposed or even indifferent to the operation of the Office. This is conceded; although, through the Committee members cooptation of other groups can be and, apparently is, extended beyond what it would be if the Committee did not exist.

The Counsel has considered establishing other, separate advisory committees. The members of these would be chosen with the intentions of coopting groups which have interests conflicting with the consumer movement. This has not come to be as yet, and probably will not as long as the budget is low.

### Political Parties

The discussion of the budget led inevitably to the political nature of this Office. It was stated that in general the Democrats were for the Office and the Republicans against it. In the Senate, however, this is not always true. When the Office was created by Senate Bill 33 in 1959, 61.5 percent of the Republican Senators and 9 percent of the Republican Assemblymen voted for the Consumer Counsel, while 88.9 percent of the Democratic Senators and 93.5 percent of the Democratic Assemblymen voted for it. The greater opposition from Republicans in the Assembly as compared to the Senate appears to continue to exist.

There have been some attempts on the part of the Counsel to gain a more bipartisan support. One example of this is the alliance it has formed with several women's groups like the California Federation of Women, which contains many Republican members. The Office tries to establish the point that they represent the consumer regardless of his party preference.

In spite of attempts to gain bipartisan backing, the Consumer Counsel can hardly avoid being identified with the Democratic party, since it was established by a Democratic administration. As part of the Governor's Office it is expected that the Counsel will support him in policies and elections. The files showed that the Counsel interacted with many Democratic women's groups, especially in election years and actively supported Governor Brown in his last campaign.

Another thing which ties it to the Democratic party is its alliance with organized labor. Labor lobbies have always been concerned about the welfare of people and although they usually bargain over the wages rather than commodity prices they have shown an increasing interest in consumer problems in later years. The Counsel and labor have worked closely and cooperatively; both have been identified with the Democratic part in California since 1958.

A stereotype is always hard to break, especially if one cannot rebel against all characteristics composing that type, and the Consumer Counsel obviously cannot rebel against the Democratic party values to gain Republican supporters, especially when the Republicans are in a minority. This is one example of how the policies of the Counsel are surrounded by a set of circumstances beyond its control. These circumstances are part of the environment within which it must live and somehow learn to survive.

Association of California Consumers

The Association of California Consumers (ACC) is an independent organization which was created shortly after the Consumer Counsel. Several of the same people who promoted the Consumer Counsel were instrumental in founding the ACC. This organization came about because there was a Consumer Counsel; the idea behind it was that it could help further the consumer movement and add to the strength of the Counsel.

Many of the officers of this organization are also executives in labor organizations. The Counsel's husband, Nathan Nelson, is on its board of directors and the chairman of the Program Advisory Committee. George Brunn, is secretary of the ACC.<sup>82</sup>

Whether or not this organization has strengthened the Consumer Counsel's position is not definite. Perhaps it has aroused some public sentiment. It publishes a paper called "The California Consumer", in which it presents news of interest to consumers, but the presentation is often inflationary. Much of it is obviously designed to arouse its readers for the purpose of gaining support for the consumer movement. This paper may or may not accomplish this goal, but one thing it has done, is to raise the ire of the people it reproaches in this manner. This included a variety of people who may not have been nearly so strongly opposed to the Consumer Counsel had they not seen themselves or their organization attacked on the pages of "The California Consumer". It is really a question of good politics. If this is a method that ultimately furthers the goals of the Consumer

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<sup>82</sup>The ACC is organized so that the secretary holds the key position rather than the president.

Counsel, it may not matter whose ire is raised in the meantime, but if it hurts the Counsel more than it helps her, it is not smart politics.

### Traditions

There are a few traditions which the Consumer Counsel has to overcome if it is to become fully institutionalized. One of these is the idea that consumer offices are to protect people by enforcing existing laws. The Counsel did start out performing this very function which only strengthened this idea in the minds of the public. But the Counsel must educate consumers about her function in representing them. This entails teaching them that they can be politically effective if they act in the right place and at the right time. It further entails educating the public to the facts of lobby power and how it operates.

Another tradition which the Consumer Counsel has to cope with when educating consumers in the strong public faith in the existing laws and the existing protection agencies. Without shattering people's faith in the entire governmental system, the Counsel is faced with the task of trying to penetrate such naive concepts as, 1) a law passed thirty years ago is equally good and applicable today, and 2) agencies exist to regulate certain businesses and this protects the consumers from any possible harm. These concepts are just not always true and the Counsel, in order to gain a backing from the public, must enlighten them as to the need for new or revised laws and regulations which are not likely to come about without a lobby speaking for the consumer.

The unquestioning confidence on the part of the public in the existing laws and government agencies is a danger which the Counsel fights. Ironically, it is conceivable that the Counsel may be simultaneously furthering the same type of danger. If the public becomes aware of its

role as consumers and becomes aware of the Consumer Counsel and its function as their lobby, they may place this same sort of confidence in it. But if the Office is not given the capacity to fulfill its job, it cannot do an effective job for consumers, then the confidence placed in it would be false and from the standpoint of consumers' welfare, it might be better if the Office did not even exist. A little bit of a job, like a little bit of knowledge can sometimes be a very dangerous thing when accompanied by a lot of confidence.

One interviewee expressed an opinion about the organization of the Office which is worth considering. He pointed out that when Mrs. Nelson was appointed to the newly created Office, the whole idea of a Consumer Counsel was presented as a promotion of a personality. Mrs. Nelson and the Consumer Counsel were interchangeable and were identified as one and the same. This served a very useful purpose for publicity and for launching the new program, but he felt that even though the promotion of a personality had its strengths in the beginning, it was becoming a weakness as the years went on. Because the Consumer Counsel and Mrs. Nelson were so closely identified, groups who opposed the Office could cripple the whole program if they could limit the power of Mrs. Nelson. This interviewee believed that if the Consumer Counsel had been presented as a concept - the concept of consumer representation - rather than as a personality, it might be less vulnerable to outside attack. This is really one example of how the needs of an organization change as it evolved over time. If this particular observation is correct, it may be that the physical organization of the Office should be revised in the interests of meeting one of its main goals -- survival.

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