



Turf disputes within federal systems: Leadership amidst enforceable checks and balances

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ABSTRACT

Organizational leadership is a complex set of interdependent processes that occur within specific contexts. This article explores the case of leadership within a federal system where the members have legally enforceable powers, they operate within a system of checks and balances, there is no single “boss,” and the goal is not solely efficiency. Federal systems provide alternative mechanisms for managing change and organizational leadership. Terms are defined to derive a model of turf disputes. This model is applied to the historical case of the “turf war” between a U.S. President, Franklin D. Roosevelt, and the U.S. Senate over his 1937 attempt to “pack” the U.S. Supreme Court. This leads to a more general discussion of turf disputes and their occurrence. They are manifestations of underlying, unresolved authority-task gaps which become virtual-like organizational arrangements. The LAMPE (Leadership, Authority, Management, Power, and Environments) theory of organizational leadership appears to be appropriate for analyzing organizational leadership in federal systems.

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Leadership has many definitions. Rost (1991) discovered 190 different definitions following his survey of 587 publications on leadership. It remains unclear whether leadership is a noun or a verb, a set of abilities, compendia of behaviors, a class of processes, and whether or not it is an individual or organizational phenomenon. The argument in this paper, because the focus is on leadership within federal systems, is that leadership is a verb, a set of definable processes, and is both an individual and an organizational phenomenon. The main premise is that organizational leadership is centered on managing group and organizational change. *Organizational leadership* is defined as “the processes of initiating, enabling, implementing, and sustaining change in an organization” (Mackenzie, 2006). The challenge is to create and maintain an organization in which the organization’s leadership, authority, management, power, and environments (LAMPE) are made coherent, integrated, and operational.

This prescription is derived from extensive analysis of existing leadership literature. A premise of this approach is that leadership is inherently contextual and that its practices and processes are firmly linked to the actual circumstances in which it is occurring. Mackenzie and Barnes (2007) argue that nine of eleven major approaches to the analysis of leadership lack a means of directly linking the constructs and/or variables of the leadership approach to the actual, practical and pressing problems that occur within some specific organization. In other words, the impacts of content and context are implied rather than specified in these leadership approaches: contingency theory (Fiedler, 1967); leadership traits (Stogdill, 1974; Katz, 1955); leader–member exchange or vertical dyad linkage (Dansereau, Graen, & Haga, 1975); multiple linkage model (Yukl, 1981); path-goal theory (House & Mitchell, 1974); situational leadership (Hersey, Blanchard, & Johnson, 2001); substitutes for leadership (Kerr & Jermier, 1978); team leadership (Hill, 2004); transformational leadership (Bass & Avolio, 1990). However, adaptive leadership (Heifetz, 1994) and LAMPE (Mackenzie, 2006) are more concerned with the specifics of content and context in the formulation of their leadership approaches. Most leadership approaches, in fact, do not involve the organization itself and focus on unit and individual

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output and rewards. It is anyone's guess to predict or explain the effects of different places or contexts on the applicability of a leadership approach. This suggests that, if one were to construct a place in which such constraints were binding and conditions on the ground were special, but which lay outside the workings within a hierarchical organization, some rethinking about leadership might be both necessary and illuminating.

This paper constructs such a different place, called a federal system, in which the participants have enforceable legal powers, are constrained by defined checks and balances, have no "boss" astride the entire organization, have activities that can take place over extended periods of time while many of them are concurrent, involve both coordinated and independent tasks, have incumbents that can change due to external events and processes which are only partially under the control of the organization, where the issues can change suddenly, where there may be "permanent" rivals and allies, and in which some of the actors are collectives of persons and organizations within the broader system. Such a world is vastly different from the place of most studies and analysis of leadership. However, such a world is approximated in firms organized by powerful labor unions, subject to rigorous regulation, and monitored by external groups.

This paper begins with a description of a federal system and defines the "pure case" of a federal system enshrined in the 1787 U.S. Constitution. It describes alternative mechanisms for managing organizational change and the leadership issues within such a federal system. Thus, the ideas of "turf disputes" and their characteristics within a federal system are introduced. New concepts are defined such as federal processual agents (FPA), pairs of FPAs, FPA pair transitions, and a generic process by which such transitions occur. This model will be illustrated by analyzing some of the checks and balances within the U.S. federal system. A section is devoted to an historical analysis of the attempt by President F. D. Roosevelt to "pack" the U.S. Supreme Court from February 5 to July 22, 1937 under the Judiciary Reorganization Bill of 1937. This was a "turf dispute" of major proportions as it involved an overreaching U.S. President who set off a series of conflicts involving the U.S. Congress, U.S. Courts, political parties, and the public. This historic battle illustrates the effects of a system of checks and balances on the processes of leadership. The concluding section links the findings and draws lessons for managing turf disputes and challenges imposed by virtual-like organizational arrangements in the management of organizational change.

1. Defining federal systems

The word *federalism* is used to describe a system of government in which sovereignty is constitutionally divided between a central governing authority and constituent political units such as states and provinces. Such systems of governance change and evolve. The principles of federalism are adapted to meet specific historical and political contexts. Hence, there are varieties of federalism. For example, the Kingdom of Belgium has four linguistic communities and three economic regions. In Germany, the upper house (the Bundesrat) is neither elected nor appointed but is composed of the governments of their constituents. The United States of America has three branches of government, two elected legislatures at the national level and fifty states and the District of Columbia. In addition, the methods of governance within some large, multi-national corporations resemble federalism with their Board of Directors acting as the governing authority and its constituent divisions and subsidiaries resembling states and provinces.

Given the varieties of federalism, the 1787 U.S. Constitution is selected as the benchmark federal system. It is the model for many other countries, is an understandable model and useful standard upon which to base the analysis, is the most senior, and arguably the most successful, government so far in modern history. The U.S. *federal system* consists of the set of federal Powers and federal levels of government. A *federal Power* is the authority to exercise a specific set of governmental tasks within a federal system including its enforcement and updating. (Please note that the word "power" in the constitutional phrase, federal Power, is a noun. Power in the social science is usually a verb. Throughout this article whenever the word power refers to federal Power it is capitalized). The underlying structural/processual issues in federalism are these: Where, by whom, when, and over what is a federal Power to be exercised?

A *federal issue* is a conflict involving the distribution of a federal Power among its branches and levels of the federal system. There are many types of federal issues, including:

1. Conflicts among the three branches of government (executive, legislative, and judicial),
2. Conflicts among the federal levels (U.S. government, state governments, local governments, citizens),
3. Conflicts within any federal branch (e.g., FBI vs. CIA, State Department vs. Homeland Security),
4. Usurpations and encroachments by other sovereign entities (e.g., the United Nations, Non-governmental organizations, etc.).
5. Usurpations and encroachments into the private sector (e.g., extension of the "commerce clause" to intrastate and personal choice, and recently, the nationalizing of financial institutions, and direct involvement by the U.S. Government in corporate governance).

The U.S. Constitution has been amended seventeen times since it was ratified in 1788. It is often ignored by legislatures and courts (cf. May, 1989; Woods & Gutzman, 2008). There are many books decrying the current federal system compared to the one enshrined in the 1787 Constitution. Barnett (2005), Levin (2005, 2009), Napolitano (2004, 2006, 2007), Phillips (2008), Woods and Gutzman (2008), and others have voiced their objections to the drift away from the meaning of the original document. Confusion reigns even in the basic concepts of U.S. federal systems. For example, the U.S. government is one of 51 federal governments in the U.S.A. (the other 50 are the states). Federalism can have different, even opposite meanings. For example, some use federalism as a plea for less U.S. government and others use it for increasing the size and Powers of the U.S. government. Federal issues arose almost as fast as the ink began to dry on the original constitution (cf. Sisson, 1974), and they continue to be contentious today. Many basic concepts within it are subject to extensive debate and change. For instance, the concepts of

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