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How the United States transformed the ombudsman

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Introduction

The 1967 edition of *Webster's Seventh New Collegiate Dictionary* was the first to include the term 'ombudsman' in its English lexicon, providing several lines of Swedish etymology and defining it as 'a government official (as in Sweden or New Zealand) appointed to receive and investigate complaints made by individuals against abuses or capricious acts of public officials.' In 1971, *Webster's* introduced a new definition as an addendum to the first: 'one that investigates reported complaints (as from students or customers), reports findings, and helps to achieve equitable settlements.'¹ *Webster's* editorial choices reflected in microcosm a larger transformation of the ombudsman office following its arrival in the United States during the 1960s. The ombudsman title, if still alien to many Americans, was now widespread enough to warrant inclusion in a prominent American-English dictionary even as the office itself underwent extensive naturalization, with its mushrooming presence within the United States obscuring its Scandinavian origins. Connected with this process of naturalization, the meaning and responsibilities of the ombudsman changed, moving from a government official investigating public abuses to a more open-ended investigative position. In less than a decade, the Scandinavian policy had been woven into the fabric of American political and social institutions.

The global circulation of the ombudsman office is one of the most successful examples of the export of Nordic policy; yet, scholars interested in the ombudsman often overlook the office's placement within the Nordic model's blend of political values and state programs.² Partially accounting for this omission, the ombudsman originated in a political environment with goals and concerns very different from those of mid-twentieth-century Nordic politics. However, the policy's subsequent evolution reoriented the office to fit with a political culture of consensus-making and compromise, in effect carving a niche within the later Nordic 'view of the state as a benign institution capable of acting in the best interests of society' (Sørensen and Stråth, 1997: 19; Hilsen, 2008: 33). The ombudsman helped guarantee the perpetuation of the cooperative relationship between the citizen and state

by providing ‘supervision’ of their interactions as the public sector expanded to incorporate a range of social programs and activities (Hurwitz, 1968: 6). The ombudsman’s presence in mid-century Norden thus reflects the model’s emphasis on liberty within security, with the welfare state’s prerogative to protect individual freedoms while maintaining expansive social benefits. Despite favoring more market-oriented entitlement programs, the United States’ social safety net and associated bureaucratic structures likewise expanded rapidly after World War II, eliciting intense discussions about the ‘intrusion of the state’ and the resulting mitigation of democratic protections of rights (Quadagno, 1996: 6; Bell, 2010).

While common concerns about the state’s growth and changing responsibilities paved the way for a transfer of the ombudsman office to the United States, diverging political structures and cultures nonetheless required a ‘translation’ of Scandinavian policy into local practices, institutions, and discourses. Notably, advocates of instituting regulative procedures through an ombudsman would have to place the policy within American normative and cognitive assumptions about the role and effectiveness of state institutions (Campbell, 2004: 79–85), while simultaneously navigating preexisting political enmities and alliances. Driving the resulting negotiations about power relationships between the state the citizen and their translations from a Scandinavian context was an epistemic community of legal and political scholars who acted as authoritative experts and advocates for the ombudsman (Haas, 1992: 20; Stone, 2004: 562).³ To broadcast their expertise to American audiences, these scholars orchestrated public media campaigns, drafted model legislation, and collaborated with political actors to find solutions to state problems and, in doing so, define state interests. However, differences arose between experts and policymakers regarding the extent that Nordic methods of establishing trust between the citizen and the state should be preserved or revised.

This chapter explores the spread of the ombudsman as a manifestation of mid-century Nordic politics, briefly outlining its reorientation toward a Nordic model before investigating how transnational experts and American policymakers variously sought to interpret the office in light of foreign challenges and in the process redefine Nordic precedents. Following this process of transnational circulation, the ombudsman not only underwent an operational transformation in an American political and social context but also was unpacked and domesticated in a way that severed many of its ties to a Nordic political culture.

The origins of the ombudsman

Accounts of the ombudsman from the 1960s, when the office achieved worldwide renown, often bespeak a sense of surprise that the ombudsman originated 150 years prior in a Swedish political system with far different concerns. Although it formally ended absolutism and established greater

legislative control over lawmaking and state finances, the constitution of 1809 ensured the state remained centralized by granting the monarch wide-ranging powers. In response, the Riksdag established a *Justitieombudsman* as a balance and a parliamentary check against legal abuses by administrative authorities acting under the king. Although chosen by parliament, the ombudsman's formal independence from both the government and parliament was intended to ensure the office's invulnerability to outside influence.

As Swedish democracy's expansion lessened concerns about the privileges of royal ministers, the purpose and functions of the ombudsman shifted to address, 'The extension of the activities of the society to new fields and the enormous enlargement of the administration' (Bexelius, 1965: 42–43). Accordingly, the ombudsman increasingly focused on supervising bureaucracy (Rowat, 1985: 3), with the prerogative to investigate and subpoena officials and civil servants based on citizen complaints of abuse or lawbreaking, and even publically reprimand or prosecute wrongdoers, although the latter function was so rare as to be nonexistent (Bexelius, 1965: 24–25). From a larger perspective, the new duties fit with the high rates of organization within Sweden's corporatist arrangements. 'Ombud' (meaning one who represents) came to refer to representatives throughout Swedish society: in the Riksdag, political parties, trade unions, and the workplace (Rosenthal, 1964: 227). Indeed, as state services expanded, the ombudsman became a mediator between the citizen and bureaucracy and a means of ensuring trust in a purportedly benevolent system.

With the ombudsman's placement as guarantor of 'justice and efficient administration of citizens' affairs, large and small' (Hurwitz, 1968: 40), it logically spread to other countries concerned with establishing trust in the government. With the Constitution Act of 1919, Finland drew upon its long-preserved legal system, originally developed under Swedish rule. Like its Swedish counterpart, the Finnish ombudsman investigated citizen complaints to ensure that decisions by bureaucrats and the judiciary were 'just,' while notably not aiming to restrict their independence (Gellhorn, 1966a: 360; Rowat, 1985: 15–27. See also Erikklä, 2020: 70).

The policy again spread in 1955 when Denmark adopted an ombudsman to facilitate conflicts between administrators and citizens, which were 'more frequent and often more serious than in former days' (Pedersen, 1965: 76–77). Just like the Norwegian ombudsman, established in 1962, the Danish ombudsman's functions reflected its placement within the expanding framework of the mid-century Nordic welfare state. While chosen by parliament to ensure legality within bureaucracy, these ombudsman offices could also investigate 'arbitrary or unreasonable decisions' made by administrators (Means, 1968: 629), which in Denmark included the power to subpoena. The stipulations in both countries against examining the judiciary made it clear that the office was no longer primarily a means of controlling executive or judicial privilege but instead a buffer for citizen rights

within an increasingly bureaucratized society. As Swedish ombudsman Alfred Bexelius summed up in 1961, an independent organization aimed at investigating wrongdoing in administration ‘must necessarily help to maintain the confidence of the general public’ given ‘the new situation created by the rapid development of society’ (Bexelius, 1961: 255–256). The Scandinavian ombudsman did not limit social services but guaranteed a measure of citizen liberty within it.

However, Scandinavia was not alone in facing challenges of expanding state responsibilities, and the ombudsman became a frequently studied policy throughout the 1960s. The result was a policy diffusion wave, as New Zealand, Tanzania, India, and the United Kingdom all adopted some form of the ombudsman. The Parliamentary Commissioner in the United Kingdom particularly provided a relevant example for the United States, given the translation of both intent and form of the policy to fit a non-Nordic political culture nervous about ‘maladministration’ or even ‘authoritarian’ bureaucracy (Schwartz, 1970: 57, 58; Stacey, 1971: 29).

Translating the ombudsman

This diffusion of the ombudsman innovation did not happen instinctively but rather was midwifed into existence by an epistemic community of experts who translated Scandinavian results for foreign audiences (Haas, 1992). These translators, acting as authoritative ‘consultants,’ gained legitimacy by prescribing popular, external remedies for local issues, often through widely circulated publications (Røvik, 1998: 157). Their efforts to de- and then recontextualize the ombudsman, defining aspects requisite for success while approving alterations to others, became prized by policymakers over independent investigation of foreign institutions, thereby severing the office from Scandinavian political culture (Røvik, 2016). The epistemic community consequently possessed wide latitude as ‘brokers,’ interpreting the functions and goals of the ombudsman and facilitating its movement from one setting to another, and as ‘theorists,’ promoting paradigms that emphasized bureaucratic solutions to modern political challenges (Rogers, 1995: chap. 9; Campbell, 2004: chap. 4). As Tero Erikkilä notes, the diffusion of the ombudsman thus, ‘is hardly a testimony to the power of the idea but rather the transnational actors’ ability to shape it to fit their needs’ (Erikkilä, 2020, 48). However, these legal and political experts did not themselves possess policymaking authority and were dependent on decision-makers to implement programs based on their prescribed policy courses and mobilize popular support for these programs. This led to a level of conflict between the ‘pure’ policy models of the theorists and the ‘diluted’ programs actually realized in the United States.

Differences between experts and policymakers inspired an inevitable conflict between ‘foreignizing’ and ‘domesticating’ the ombudsman. Whereas advocates of foreignizing the ombudsman emphasized the program’s success

in Scandinavia and therefore supported maintaining as many policy features as possible from the original, supporters for domesticating the office were more interested in specific domestic issues facing the United States and accordingly more willing to make alterations (Røvik, 2016: 293). Further complicating this debate about adapting policy features—including goals, selection processes, and constraints—was that policies like the ombudsman consisted of both practical and normative components, which could become decoupled during the process of translation. These caveats meant that multiple outcomes of policy transfer were possible, including emulation, in which a foreign exemplar acted as the standard for local policy development; hybridization when elements of several policies were synthesized; and inspiration or ‘fresh thinking’ (Evans, 2009: 246).

The efforts of expert translators to popularize the ombudsman coincided with and, in certain cases, precipitated the popularity of the ombudsman in the United States in the 1960s. A search for articles in the *JSTOR* database containing the word ‘ombudsman’ returns only three articles from 1950 to 1959, but 608 from 1960 to 1970, the high tide of ombudsman acclaim. Even with the majority of the articles coming from English-speaking countries without an ombudsman and curious about its potential—such as the United Kingdom, the United States, and India—references to Scandinavia were frequent, sometimes detailed in extensive reports, sometimes with a single mention. Sweden, as the originator of the ombudsman, was the most cited country, but the other Nordic states (with the exception of Iceland) also appeared regularly.⁴ Moreover, experts often attached a more generalized ‘Scandinavian’ or ‘Nordic’ moniker to the ombudsman, even when discussing its results in New Zealand, the United Kingdom, and parts of Canada.

Two principal factors account for the circulation of a ‘Nordic’ ombudsman, as opposed to a strictly Swedish office. First, Denmark and Norway had recently implemented an ombudsman for reasons similar to other nations considering its adoption, making their experiences highly relevant. Second and more importantly, Danish experts had been especially active in disseminating information on their new ombudsman internationally.

The trailblazer in the midcentury propagation of the Danish ombudsman was Stephan Hurwitz, Denmark’s first ombudsman and, according to the Associated Press, ‘the main reason for the worldwide acceptance of that position as an institution’ (Associated Press, 1981). Upon assuming office, Hurwitz set out on a public information campaign, penning multiple articles in Danish and English to publicize the functions and purpose of his office. In Hurwitz’s articles, the ombudsman acted as a guarantor of the ‘public trust,’ guiding a highly competent and cooperative Danish administration while also protecting civil servants from erroneous charges. Moreover, Hurwitz stressed the ‘Scandinavian’ ombudsman’s independence from partisan divisions, instead describing the office as a ‘personal contact’ for all citizens regardless of political leaning (Hurwitz, 1956a: 110, 1956b, 1958, 1960, 1961: 207).

Despite such acclaim, a foreign official alone would have found it difficult to sell the policy as a solution to other countries. Indeed, Hurwitz's early articles largely refrained from explicit recommendations for the spread of the ombudsman, instead broadcasting his own achievements. But Hurwitz was *not* alone in spreading news of the ombudsman in America. Throughout the 1960s, a transnational community of legal and political scholars coalesced around interest in the ombudsman and proved highly active in promulgating its record in Scandinavia to justify the office's establishment in the United States. In contrast to Hurwitz's 'personal contact,' American expert translators' ubiquitous references to the ombudsman as a 'watchdog' or 'watchman' recalled American concerns about misuses of administrative autonomy, aiding the appeal of the office (e.g., Abraham, 1960; Gellhorn, 1966a). Nonetheless, even while acknowledging that its original form may not be suitable for political structures in the United States, these experts advocated emulating the Scandinavian ombudsman policy as closely as possible. As partisans of 'foreignizing' the ombudsman, these scholars modeled an office for the purpose of establishing regulated and peaceable contact between the state and the citizen without explicitly opposing bureaucracy.

Among the notable translators was Stanley V. Anderson, a legal and international relations scholar, whose published articles and books included *Ombudsmen for American Government?* (Anderson, 1964, 1968; Reuss and Anderson, 1966; Anderson, 1969). In 1971, Anderson was appointed to head the Ombudsman Activities Project at the University of California Santa Barbara, which focused on tracking and furthering the spread of the American ombudsman (Hill, 1976: 15, fn. 21; Moore, 2010: 164). This put Anderson in close contact with Donald Cameron Rowat, a Canadian political scientist and another prominent figure for ombudsman advocacy. The most prestigious of the American experts was Walter Gellhorn. Gellhorn, a long-time legal professor at Columbia University and a vocal liberal proponent of individual rights (Thomas, 1995), first published on the Scandinavian ombudsman in 1962 (Gellhorn, 1962). His greatest contributions were two books in 1966: *Ombudsman and Others* and *When Americans Complain*. Gellhorn's books received extensive acclaim in both academic journals and popular newspapers (Bylin, 1966; Long, 1966; Chazen, 1967; MacFull, 1967; Auerbach, 1968) and were widely 'credited with establishing the Swedish notion of official mediation as a part of the American scene' (Thomas, 1995).

The models that Anderson, Rowat, and Gellhorn derived from this 'export of Scandinavia' (Rowat, 1964: 230) attempted to replicate 'Nordic' recognition 'that in the age of the welfare state, traditional controls are not good enough' (Rowat, 1962). Still, all three took pains to show that the ombudsman was not designed to restrict bureaucracy, but rather to bolster 'lessened confidence in public administration.' Indeed, Gellhorn pointed to experiences in Scandinavia as evidence that the ombudsman was 'most useful in a society already so well run that it could get along happily without having his services at all' (Gellhorn, 1966b: 192, 422). By setting Scandinavia

as the standard for emulation, these assertions advanced a paradigm emphasizing greater administrative oversight as the solution for issues related to public sector expansion, an extension of the Nordic model's normative assumptions of liberty within security. The purpose of the ombudsman was, therefore, to remain the same: securing the effectiveness of the modern state although the experts all recognized that certain changes, including multiple ombudsmen, might be necessary to account for the size of the United States. Other aspects, such as the ombudsman's independence and political neutrality, were also to be retained (Rowat, 1964: 232; Gellhorn, 1966c: 225–231; Anderson, 1968: 148–149). Just as important, Americans must not see the Scandinavian ombudsman as a 'panacea for the cure of government ills' (Gellhorn, 1966b: 47; Anderson, 1968: 155).

Around the same time that Americans experts were 'discovering' the ombudsman, various newspaper journalists and editors began promoting the office as a fit for American politics. In 1960, the *Baltimore Sun* wistfully speculated, 'Almost everyone can think of a case in which he would have been very glad to have one to hand, with all the majesty of Congress behind him' (Baltimore Sun, 1960). Journalists regularly linked the ombudsman to a Scandinavian 'national father-image,' with the officeholder acting as a citizen's defender against bureaucracy (Boston Globe, 1965) and, for conservative commentators, a safeguard against the 'welfare state' (Hutchins, 1966). For many popular writers on both sides of the political spectrum, the ombudsman seemed a promising and, much to the chagrin of Gellhorn, easy means of protecting the citizen and ensuring government accountability. Such enthusiasm carried into the first campaign for a US ombudsman in 1963.

The federal ombudsman

On February 10, 1963, Democratic representative Henry S. Reuss proposed that the US Congress should examine the feasibility of adopting 'the Scandinavian office of "ombudsman" to help constituents who turn to Congressmen for help' (Associated Press, 1963). Reuss wasted little time acting on his own recommendation, proposing a bill on July 16, 1963, for a congressional 'Administrative Counsel' based on the 'highly successful Ombudsman device.' Like the ombudsman, the Administrative Counsel was an investigatory office handling civilian claims alleging improper treatment or denial of rightful benefits. The position included a jurisdiction to investigate federal 'departments, agencies, or instrumentalities' although the president, Congress, and the federal judiciary were exempted. Yet Reuss's Administrative Counsel also contained important revisions for an American environment. Rather than a truly independent officer, the Speaker of the House and the President would appoint the Counsel for two-year terms, fitting with the constitutional cycles of the House of Representatives. Furthermore, to allay concerns about weakening 'congressional-constituent' relationships,

members of Congress would bring the Counsel constituent complaints for investigation, rather than having citizens directly contact the Counsel. In its focus on easing congressmen's 'administrative burden,' Reuss's bill resembled a similar, failed proposal in Norway to decrease 'errands for constituents,' which would have made 'the Ombudsman dependent on the Storting to a degree quite incompatible with the basic idea of the office' (Means, 1968: 628). Dependency was not a concern for Reuss, who instead described the Administrative Counsel as 'an agent of Congress.' The Norwegian and other Scandinavian ombudsmen, while cited as 'a successful adjunct of democratic government,' were largely absent from Reuss's speech to the House floor.⁵

Support failed to materialize and the bill languished in the House Committee on Administration until the 88th Congress ended in January 1965. Unlike its Norwegian counterpart, the bill's opposition from Republicans and Democrats alike centered on their reluctance to surrender former congressional power. This opposition stemmed from an international inconsistency in perceptions of political authority, with the American emphasis on elected officials as the most effective agents for handling complaints at odds with the Scandinavian deference to experts. Opponents indicated this discrepancy as a sign that Scandinavian policy was inapplicable in a larger nation (Long, 1963; Cleveland, 1964). The resistance to the ombudsman thereby couched itself in a rhetoric of national difference, based on the poignant, if simplistic, argument that the United States was not Scandinavia.

In an article cowritten with Stanley Anderson, who had taken an advisory position in Reuss's office (Moore, 2010: 164), Reuss responded by promising that the Counsel would reduce congressional workload, increase efficiency, ensure separation of the state, and stop administrative malpractice. Despite including Scandinavian experience as proof that the ombudsman safeguarded individual rights, Reuss and Anderson also asserted any foreign influence was purely inspirational (Reuss and Anderson, 1966: 47–50). A second Administrative Counsel bill in 1965 drew heavily on Scandinavian examples, with no more success than in 1963.⁶ However, a parallel bill proposed by Senator Claiborne Pell received a hearing before the Subcommittee on Administrative Practice and Procedure, headed by Missouri Democrat Edward Long, himself a supporter of the ombudsman campaign. Long opened the hearing by remarking that the ombudsman was the third Swedish word to enter the American vocabulary after 'skål' and 'smörgåsbord.' Indeed, the term 'ombudsman' would never effectively be translated into English, Reuss's abortive 'Administrative Counsel' notwithstanding. The application of the ombudsman as a 'loan word' nonetheless necessitated an explanation of how the office should function (Pernau, 2012: 7); in Long's Congressional hearing, its precedents abroad served to explain its operations and feasibility to American decision-makers. The choice of witnesses reflected the emphasis on a Swedish model: Swedish ambassador to the US Hubert de Besche and Sweden's ombudsman Alfred Bexelius, who

had been touring the United States for three weeks to lecture on his office (*Ombudsman Hearings*, 1966).

The contents of the hearing and its results capture the difficulties of adapting programs designed for a foreign context. Presenting the duties of his office, Bexelius described how the ombudsman ‘strengthens the confidence of the public in the authorities,’ necessary as modern ‘citizens have become increasingly dependent on public agencies’ (*Ombudsman Hearings*, 1966: 13, 17). Attendees of the hearing pressed Bexelius to forecast the ombudsman’s role in the United States: its protection against wiretapping, elimination of administrative intimidation, and advantages over an elected official. Reuss, also in attendance, explained his Administrative Counsel plan and asked Bexelius to judge whether ‘such an adaptation of your Scandinavian device would retain many of the advantages of the ombudsman.’ Bexelius responded favorably although with some trepidation about the lack of direct citizen contact. Despite these positive responses, the hearings ended without suggestions for further action and the bill never made it out of committee (*Ombudsman Hearings*, 1966: 29). However, Long and Benny Kass, the subcommittee’s assistant counsel, supported Reuss as the congressman proposed a federal ombudsman again in 1967 and 1969, with Kass turning to American popular culture to familiarize the office as ‘a cross between Batman and a public ear’ (Long, 1966; Kass, 1967: 231).⁷ As part of his efforts in Congress, Reuss—who had finally given in to popular vogue and adopted the title ‘Congressional Ombudsman’ (Anderson, 1969: 15)—invoked the recommendations of Gellhorn and Anderson, while also tapping the two experts, along with Rowat, to serve as advisors to a Milwaukee ombudsman that Reuss hoped would demonstrate the policy’s feasibility (New York Times, 1967a).⁸

Fears of losing contact with constituents, a lack of support among better-educated voters, and concerns about implementing a ‘foreign,’ ‘socialist’ policy combined to doom Reuss’s proposals (Gallup, 1965; Sacco, 1967). Although bills aimed at creating a federal ombudsman continued until 1973 (Anderson and Stockton, 1990), the most notable a bipartisan effort in 1971 that drew upon a model statute written by Gellhorn in *Ombudsmen for American Government?*, a federal ombudsman bill never passed.⁹ Despite committed political advocates, the proposal came too close to upsetting the traditional powers of elected officials in the US federal system. The efforts of Reuss and his colleagues nonetheless left a mark in Congress, as a positive reputation combined with successful Scandinavian experiences to establish the ombudsman as the default method of bureaucratic regulation.

The early history of the Administrative Conference of the United States (ACUS) provides evidence to the extent that the ombudsman penetrated the American mindset. Begun as a temporary institution by President Dwight Eisenhower in 1953 and 1960, the ACUS sought to end ‘the cumbersome procedures, unnecessary expense, and the delays’ of federal administration (United Press, 1960; Kohlmeier, 1963). Notwithstanding similar goals

in regulating administrative bodies, the structure and methods of the Administrative Conference varied greatly from the ombudsman. Instead of a single independent official and his small staff, the rolls of the ACUS were expansive and drawn both from within and without federal agencies (Gardner, 1972: 36–39). Moreover, the ACUS did not respond directly to civilian complaints but focused on general problems determined by a professional core working inside the agencies they intended to regulate.

Even before the approval of a permanent ACUS in 1964, the ombudsman idea proved pervasive in ACUS activities. As part of the 1960 iteration of the ACUS, Gellhorn had supported a broader, ombudsman-style mandate for the conference and produced a report on the Finnish, Swedish, and especially Danish ombudsman as a means of impressing upon his colleagues ‘the scope and methods of any permanent organization that may grow out of the Administrative Conference.’¹⁰ Gellhorn’s reputation as a respected legal authority on the ombudsman encouraged President Lyndon Johnson to appoint him the first chairman of the ACUS (the only 1 of 15 candidates approved by Johnson).¹¹ Although Gellhorn declined the position, he served as a board member once the ACUS finally received funding in 1967.

Despite formal funding, Jerre Williams, the eventual chairman, found it difficult to differentiate the ACUS’s application of internal regulation from the ombudsman’s grievance-based inquiries. At an early appropriation meeting, Williams recalled being asked by Congressman Tom Steed, ‘Will you investigate individual complaints—Will you be a “homespun man”?’¹² The misnomer indicates the continued foreignness of both the term and the concept ‘ombudsman’ to many Americans as well as Williams’s struggle to distinguish his organization from the Scandinavian position. Such pressure eventually culminated in the ACUS executive council investigating the possibility of handling individual complaints during its first year of existence.¹³

Politicians and experts thus continuously worked a Scandinavian policy into other forms of bureaucratic control, even as the plan for a congressional ombudsman faltered. The Administrative Conference originated with goals and structures very different from the ombudsman. However, by 1968, the ombudsman was ‘being used to describe any complaint-handling or appeal machinery’ (Rowat, 1968: 35), consequently forcing Williams to position himself relative to such policy. Although the ACUS never did examine citizen complaints directly, the idea of fulfilling ombudsman functions continued to intrigue successive conferences into 1990 when the ACUS adopted Recommendation 90-2, which encouraged the creation of a federal ombudsman ‘with major responsibilities involving significant interactions with members of the general public’ (Anderson and Stockton, 1990). Fittingly, Walter Gellhorn, now in his mid-80s, chaired the meeting.

The state and municipal ombudsman

Campaigns to adopt the ombudsman were more successful within other administrative divisions. Taking place at a smaller scale, where notions of

a single officer capable of handling complaints were less implausible and legislatures were more likely to be controlled by a single party, the state and municipal ombudsman offices nonetheless only really became successful after the idea had already firmly taken root in the United States. Thus, early bills in Connecticut (1963) and California (1965, 1967) failed to pass despite support from leading politicians and experts (Nader, 1963; Bylin, 1966; Los Angeles Times, 1966). Yet the popularity and tenacity of its expert-advocates of the ombudsman gave the legislation the resiliency to survive years of rejection and retooling. By 1967, Walter Gellhorn observed, 'bills to create American variants of the ombudsman system that has been identified with the Scandinavian government [sic] have now been introduced in 47 of the 50 state legislatures.' This widespread consideration made Gellhorn hopeful of 'transplanting ombudsmanship to our country' (Kuhnle, 1981: 125).¹⁴ His conflation of the Scandinavian countries into a single political-administrative unit displayed the flexibility of foreign models even for the most acclaimed experts.

1967 also witnessed the first successful bill for a state ombudsman in Hawaii, drawing upon the 'Scandinavian model' (Wall Street Journal, 1970). In 1969, Herman Doi, director of the University of Hawaii's Legislative Reference Bureau, was appointed to the office and immediately departed for a three-week study tour in Europe.¹⁵ Other states followed in Hawaii's wake (Nebraska, 1969; Oregon, 1969; Iowa, 1972; Alaska, 1976) although sometimes with great deviance from the original ombudsman. Oregon Governor Tom McCall, for example, bypassed the legislature altogether by unilaterally appointing an ombudsman (Rowat, 1985: 88), a far stretch from the independent check upon executive overreach found in the Nordic countries. The variations in form revealed a reorientation toward local situations and internal precedents, as Doi became an elder statesman of the ombudsman campaign, publishing on the policy and accepting invitations by states to explain his part in preventing 'bureaucracies from overrunning citizens' rights' (New York Times, 1970).¹⁶

Just as important to the spread of the ombudsman was the mature epistemic community led by Walter Gellhorn. As a conduit bridging the geographical and political gap between the United States and Scandinavian countries, Gellhorn raised awareness of the office and aided in the more practical requirements of its establishment. Legislators took notice, including the Senate of Maryland, which based a 1970 bill off a 'Model Ombudsman Statute' prepared by Gellhorn for the ombudsman-themed 1967 conference of the American Assembly, a public policy institute, which recommended, 'Ombudsman offices be established in American local and state governments' (Tibbles and Hollands, 1970: 356; Gregory and Giddings, 2000: 6).¹⁷ Another conference in 1971 reveals the influence wielded by North American members of the epistemic community. The meeting of the 'New Jersey Ombudsman Committee'—consisting of academics, labor, business, and community-action groups in support of a state ombudsman bill—promoted Gellhorn as its notable invitee.¹⁸ Bexelius, on the other

hand, only received an invitation at Gellhorn's urging.¹⁹ As the strength and standing of national translator experts increased, Scandinavia faded as the model for ombudsman policy.

Complicating the disassociation of ombudsman policy with Scandinavia were developments at the municipal level, as attempts to pass an urban ombudsman in the wake of minority riots in the urban north changed the focus of the office to diffusing racial tensions. Ironically, these efforts also came closer to approaching the Scandinavian ombudsman's emphasis on a 'personal contact' for building public trust. While the Scandinavian ombudsmen also had jurisdiction to investigate grievances against police, the United States' urban ombudsmen would give it a distinctly racial focus.

In 1964, liberal editor Marion Sanders was among the first to advocate an ombudsman in national print for solving America's urban discord, the same year that tensions between urban minorities and police boiled over into six-day riots in New York City. Sanders looked toward Sweden to correct the 'kinds of government failures which can precipitate violence and police brutality.' The ombudsman was, therefore, not specific to be a check on the police, but a means of solving certain institutional problems. Unlike a civilian review board to monitor police activity, Sanders assumed an ombudsman would be less onerous to conservatives and law enforcement, with half a dozen New York lawyers capable of filling Bexelius's shoes (Sanders, 1964: 134).

Sanders's prediction proved astute, as the New York City police force proposed an ombudsman in 1966 as an alternative to the civilian review board sponsored by New York's liberal mayor John Lindsay. Backing the proposal was William Buckley, Jr., founder of the influential conservative journal *National Review*. Buckley supported a New York City ombudsman as a means of protecting 'the little man' from the real 'bureaucratic labyrinths'—the Bureau of Internal Revenue, the educational department, and the sanitation department—and a federal ombudsman to roll back Lyndon Johnson's Great Society (Buckley, 1966; *New York Times*, 1966). These proposals subsequently led to endorsements of Buckley as the first New York ombudsman (Chamberlain, 1966). Initially, Lindsay opposed the policy; however, when the mayor's allies—the National Association for the Advancement of Colored People (NAACP), the American Civil Liberties Union, and several labor unions—all threw in their support for an ombudsman, the mayor backtracked. At a press conference in late 1966, Lindsay declared that he had appointed a committee of officials to study the feasibility of an ombudsman several months prior and was awaiting their findings (Fulton, 1966). After Bexelius met with City Council President Frank O'Conner and NAACP President Roy Wilkins, O'Conner formally proposed an ombudsman for the city on May 12, 1967, based, in part, on Gellhorn's model bill (*New York Times*, 1967b).²⁰ However, continued discussions could not overcome Lindsay's resistance and the bill 'disappeared from sight' (Buckley, 1968; Rowat, 1985: 89) although new

proposals sporadically emerged out of the Democratic controlled City Council (New York Times, 1969).

As the ombudsman became embedded as a standard response to racial tensions, New York City's policy discussions for improving municipal responsiveness to resident complaints were replayed in Los Angeles (1966), Oakland (1967), Newark (1968), and Detroit (1968)—cities with large black populations where long-simmering resentments erupted into violence during the 1960s. Reflecting this growing aspiration to establish trust in municipal government and law enforcement, the Kerner Report, written following a wave of riots in summer 1967, supported improved methods of facilitating communication between minority communities and police as part of the need for 'comprehensive grievance-response mechanisms in order to bring all public agencies under public scrutiny' (National Advisory Commission on Civil Disorders, 1968: 1, 5, 8).

In a reversal of conservative support for the ombudsman to limit federal bureaucracy, Republicans in communities like Berkeley, California offered stiff resistance to 'importing the Scandinavian system,' which they declared was part of a nationwide 'campaign of the radical Left' to 'assault' law enforcement (Berkeley Daily Gazette, 1968; Culbert, 1968). In spite of setbacks in many American cities, the urban ombudsman finally broke through in March 1967 when the President's Commission on Law Enforcement and Administration 'recommended replacing local police review boards with general "ombudsman-type" complaint agencies' (Rowat, 1985, 14). In response to a further federal recommendation to allocate money to such agencies the following year (Frank, 1972), the Office of Economic Opportunity (OEO), created to administer Lyndon Johnson's antipoverty and antidiscrimination programs, gave approval to ombudsman trials New York City and Buffalo (Bennett, 1967). While the New York ombudsman failed to materialize, Buffalo's Citizens Administrative Service was approved for funding and ran for a year and a half (Tibbles and Hollands, 1970: 4).²¹

Like the state ombudsman, these efforts to institute a municipal ombudsman relied on American translator experts for knowledge and advice, hastening the office away from its Scandinavian roots by limiting reliance on its Nordic precedents. Both New York City and Newark-based legislation off Gellhorn's model bill (Gwyn, 1974: 2; Rowat, 1985: 90), while Stanley Anderson's Ombudsman Activities Project capitalized on federal funding by helping establish ombudsmen in Nebraska, Iowa, and Seattle-King County. In 1972, Anderson dispatched political scientist William Gwyn to assist Newark in a second attempt to establish an ombudsman. With ready access to so many domestic experts, Gwyn focused on gathering information from American ombudsmen about the rewards and obstacles of their work,²² making a study tour of Scandinavia unnecessary. Newark's second attempt at ombudsman legislation advanced further than its first, actually passing and receiving OEO funding, although local political rivalries, manifest in the city's inability to agree on an appointee, left this funding idle.

Conclusion

As ‘ombudsmania’ took hold in the mid-twentieth century United States (Anderson, 1968: 155), the office’s reputation for safeguarding democratic principles initially thrived from its connections with Scandinavia. American proponents of the ombudsman frequently linked the office with sustaining a strong, service-minded state and projected that such qualities could be translated into American institutions.

There remained, however, a stark divide between the expectations and desires of Gellhorn and other translator experts and the application of the ombudsman by American political figures. As ‘foreignizers,’ Gellhorn, Anderson, and Rowat generally advocated a process of emulation, retaining from Scandinavia the purpose of establishing societal trust in government along with features like independent action, while tweaking other aspects of the office to fit with American conditions. However, policymakers were more interested in ‘domesticating’ the policy to local contexts, modifying aspects as they saw fit. The resulting hybrid policies combined elements from different ombudsman offices worldwide or, more often, simply appropriated the ombudsman’s popularity as inspiration for new programs. In the latter case, policymakers combined the image of the ombudsman as a safeguard or ‘watchdog’ of liberties with a more individualistic definition of liberty than in Scandinavia. This led to substantial and uneven changes to the Nordic office’s normative objectives in order to restructure it for American political culture, where skepticism of large government encouraged decision-makers and public commentators alike to treat the office as a check on administrative power and expansion. Unlike in Scandinavia, liberty in security was oxymoronic for conservative proponents like Buckley.

Beyond altering its purpose, American policymakers made little effort to preserve Scandinavian methods. In some cases, a symbolic resonance back to Scandinavia masked substantial practical changes to the office’s functions and forms. At the federal level, the Reuss bills imagined the ‘Administrative Counsel’ as an outlet for excess work placed on congressmen, rather than as a ‘personal contact’ between citizens and administration. The reluctance of Reuss’ colleagues to transfer authority from elected officials to an appointed expert led proponents to alter its form even further, including potentially placing grievance mechanisms within the ACUS. Even more pronounced was the transformation of the ombudsman at the municipal level, where praise for Nordic precedents presaged the proposal of the ombudsman as an alternative to a civilian review board. That the urban ombudsman shared its Scandinavian predecessor’s focus on establishing public trust does not disguise its underlying objective of solving racial tensions distinctive to the mid-century United States.

By the end of the decade, if Scandinavia was mentioned at all in American ombudsman debate, it was usually limited to noting the policy’s original inspiration. Instead, American policymakers now relied on domestic precedents and the assistance of translator experts, who, in supporting

attempts to establish the ombudsman across the United States regardless of their faithfulness to the Scandinavian original, furthered the transformation of the policy. Such substantial changes eventually led more stringent foreignizers to bemoan the spread of an American ‘pseudo-ombudsman.’²³ The American ombudsman’s forfeiture of ‘trust’ for ‘control’ as its primary aim was evident when journalist Roland Huntford’s *The New Totalitarians*, written for Anglo-American audiences in 1971, condemned the Swedish ombudsman as ‘an instrument of the civil service’ in its dominance over individual liberties (Huntford, 1971: 131–134). In the international dissemination of the ombudsman, Nordic policy lessons thus circulated more effectively as inspirational images of success than as ready-made program models. Ultimately, American suspicions of the state and the desire to erect bulwarks against its autonomy proved too pervasive to support a more extensive transfer of Nordic innovations. Nonetheless, in the following years, the presence of the ombudsman remained a sign of the possibility of transferring Nordic policies to the United States and an argument for continued implementation of a ‘Nordic model’ (Egerstrom, 2010). For all its reshaping in an American context, the ombudsman never fully lost its connection to the Nordic countries and their particular policy systems.

Notes

- 1 KABC, ‘Handling the Complaints of Over 30,000 Citizens a Year,’ *Gellhorn*, Box 110 (Ombudsman-Developments).
- 2 In a recent study of the ombudsman’s global diffusion, Tero Erikkilä links a ‘Nordic model’ of the ombudsman with other Nordic democratic and governance measures, but does not explore in depth the historical development of perceptions of the policy’s Nordicness (Erikkilä, 2020: 31–49). However, the institution’s spread as part of a ‘Nordic gender equality model’ is explored in Blomberg et al. (2017).
- 3 The diffusion of the ombudsman into the United States also included negotiations about the relationship of the producer and consumer, seen in the growth and popularity of the ombudsman in newspapers and universities; however, I have however confined the study to the adoption of the ombudsman in purely political contexts.
- 4 Iceland’s first parliamentary ombudsman was not established until 1987, significantly after the establishment of the ombudsman throughout the rest of the Nordic states.
- 5 H. Reuss, ‘A Congressional Administrative Counsel, Along the lines of the Scandinavian Ombudsman, to Help Congressmen Help Constituents,’ *CR-H*, volume 109, part 10, July 16, 1963, 12749–12751.
- 6 H. Reuss, ‘An Administrative Counsel or American Ombudsman etc.,’ *CR-H*, volume 111, part 2, February 3, 1965, 1880–1881.
- 7 E. Dirksen, ‘Ombudsman,’ *CR-S*, volume 113, part 7, 5 April, 1967, 8360–8363.
- 8 H. Reuss, ‘A Congressional Ombudsman Would Help Congressmen Serve Their Constituents,’ *CR-H*, volume 113, part 1, 23 January 1967, 1137–1140.
- 9 J. Scales to W. Gellhorn, 19 July 1971, *Gellhorn*, Box 112 (Ombudsman Proposals).
- 10 W. Gellhorn to E. Prettyman, January 3, 1962, *Gellhorn*, Box 232 (A-Administrative Conference, 3); W. Gellhorn to E. Hutchinson, May 9, 1962, *Gellhorn*, Ibid.

- 11 J. Macy to L. Johnson, September 17, 1966, *LBJ*, WHCF, Box 371 (EX FG608, 1).
- 12 J. Williams to E. Goldstein, August 1, 1968, *LBJ*, WHCF, Box 371 (EX FG608, 3).
- 13 E. Morgan to J. Williams, September 15, 1969, *Gellhorn*, Box 235.
- 14 W. Gellhorn to Office of the Editor, October 3, 1967, *Gellhorn*, Box 107.
- 15 W. Gellhorn to Office of the Editor, October 3, 1967, *Gellhorn*, Box 107.
- 16 J. Moore, 'Hawaii's State Ombudsman Office an American Prototype?' Undated, *Gellhorn*, Box 112.
- 17 R. Hart to W. Gellhorn, February 20, 1970, *Gellhorn* (Misc. 1970 Ombudsman Letters).
- 18 W. Gellhorn to C. Nelson, January 15, 1970; W. Kramer to W. Gellhorn, May 13, 1970, *Gellhorn*, Box 110 (Misc. 1970 Ombudsman); S. Anderson to W. Gellhorn, March 17, 1971, *Gellhorn*, Box 114 (Ombudsman Local, 1971).
- 19 E. Melick to W. Gellhorn, February 6, 1971, *Gellhorn*, Box 114 (New Jersey Ombudsman).
- 20 E. Long, 'The Ombudsman,' *CR-S*, volume 113, part 13, June 28, 1967, 17654–17655.
- 21 Ombudsman Demonstration Project, 'Report to the United States Office of Economic Opportunity,' July 31, 1969, *Gellhorn*, Box 113 (State and Local Governments).
- 22 W. Gwyn, 'The Erie Ombudsman,' January, 1973, *Gellhorn*, Box 114 (Ombudsman Local, 1971).
- 23 P. Dolan to W. Gellhorn, August 26, 1969, *Gellhorn*, Box 113 (State and Local Governments).

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WHCF: White House Central File.