

Study Outline

Chapter 13: The Bureaucracy

- I. Distinctiveness of the American bureaucracy
 - A. Constitutional system and traditions
 - 1. Supervision shared
 - 2. A federalist structure shares functions
 - 3. Adversary culture leads to defense of rights and lawsuits
 - B. Scope of bureaucracy
 - 1. Little public ownership of industry in the United States
 - 2. High degree of regulation in the United States of private industries
- II. The growth of the bureaucracy
 - A. The early controversies
 - 1. Senate consent to removal of officials is challenged by supporters of a strong president
 - 2. President is given sole removal power but Congress funds and investigates
 - B. The appointment of officials
 - 1. Officials affect how laws are interpreted, the tone of their administration, and their effectiveness
 - 2. Use of patronage in the nineteenth and early twentieth centuries to reward supporters
 - 3. Civil War a watershed in bureaucratic growth; showed the weakness of federal government
 - C. A service role
 - 1. 1861-1901: shift in role from regulation to service
 - 2. Reflects desire for limited government, laissez-faire beliefs, and the Constitution's silence
 - D. A change in role
 - 1. Depression and World War II lead to a role of government activism
 - 2. Introduction of heavy income taxes supports a large bureaucracy
- III. The federal bureaucracy today
 - A. Direct and indirect growth
 - 1. Modest increase in the number of government employees
 - 2. Indirect increase through the use of private contractors much greater
 - B. Growth in discretionary authority
 - 1. Delegation of undefined authority by Congress
 - 2. Primary areas of delegation
 - a. Subsidies to groups
 - b. Grant-in-aid programs
 - c. Enforcement of regulations
 - C. Factors explaining behavior of officials
 - 1. Recruitment and retention
 - a. The competitive service: most bureaucrats compete for jobs through OPM
 - 1. Appointment by merit based on a written exam
 - 2. Decreased to less than 54 percent of federal government work force
 - b. The excepted service: most are appointed by other agencies on the basis of qualifications approved by OPM
 - 1. Fastest growing sector of federal government employment
 - 2. Examples: Postal Service employees and FBI agents
 - 3. But president can also appoint employees: presidential appointments, Schedule C jobs, and NEA jobs
 - 4. Pendleton Act (1883): transferred basis of government jobs from patronage to merit
 - 5. Merit system protects president from pressure and protects patronage appointees from new presidents ("blanketing in")
 - c. The buddy system
 - 1. Name-request job: filled by a person whom an agency has already identified for middle- and upper-level jobs

- 2. Job description may be tailored for person
 - 3. Circumvents usual search process
 - 4. But also encourages "issue networks" based on shared policy views
- d. Firing a bureaucrat
 - 1. Most bureaucrats cannot be fired
 - 2. Exception: Senior Executive Service (SES)
 - 3. SES managers receive cash bonuses for good performance
 - 4. But very few SES members have been fired or even transferred
- e. The agencies' point of view
 - 1. Agencies are dominated by lifetime bureaucrats who have worked for no other agency
 - 2. System assures continuity and expertise
 - 3. But also gives subordinates power over new bosses: can work behind boss's back through sabotage, delaying, and so on
- 2. Personal attributes
 - a. Allegations of critics
 - 1. Higher civil servants are elitists
 - 2. Political appointees and career bureaucrats think about government and politics differently than public at large
 - b. Correlation between type of agency and attitudes of employees: activist versus traditional
 - c. Professional values of officials
- 3. Do bureaucrats sabotage their political bosses?
 - a. If so, such sabotage hurts conservatives more than liberals; bureaucrats tend to be liberal
 - b. But loyalty to bosses runs strong--despite the power of bureaucrats to obstruct or complain
 - 1. Whistleblower Protection Act (1989) created Office of Special Counsel
 - 2. "Cooperation is the nature of a bureaucrat's job"
 - c. Most civil servants: highly structured roles make them relatively immune to personal attitudes
 - d. Professionals such as lawyers and economists in the FTC: loosely structured roles may be much influenced by personal attitudes, professional values help explain how power is used
- 4. Culture and careers
 - a. Each agency has its own culture
 - b. Jobs with an agency can be career enhancing or not
 - c. Strong agency culture motivates employees but makes agencies resistant to change
- 5. Constraints
 - a. Biggest difference between a government agency and a business: hiring, firing, pay, procedures, and so forth
 - b. General constraints
 - 1. Administrative Procedure Act (1946)
 - 2. Freedom of Information Act (1966)
 - 3. National Environmental Policy Act (1969)
 - 4. Privacy Act (1974)
 - 5. Open Meeting Law (1976)
 - 6. Assignment of single jobs to several agencies
 - c. Effects of constraints
 - 1. Government moves slowly
 - 2. Government acts inconsistently
 - 3. Easier to block than to take action
 - 4. Reluctant decision making by lower-ranking employees
 - 5. Red tape
- 6. Why so many constraints?
 - a. Constraints come from us
 - b. They are an agency's response to our demands for openness, honesty, fairness, and so on

7. Agency allies
 - a. Agencies often seek alliances with congressional committees or interest groups: "iron triangle"
 - b. Far less common today; politics has become too complicated
 1. More interest groups, more congressional subcommittees, and easier access for individuals
 2. Far more competing forces than ever given access by courts
 - c. "Issue networks": groups that regularly debate government policy on certain issues
 1. Contentious and partisan
 2. New president often recruits from networks

IV. Congressional oversight

- A. Forms of congressional supervision
 1. Approval necessary for creation
 2. Statutes influence agency behavior (sometimes precisely)
 3. Authorization of money, either permanent or fixed number of years
 4. Appropriation of money allows spending
- B. Congressional oversight and "homeland security"
 1. Lieberman's call for Department of Homeland Defense after September 11 attack
 2. President Bush's creation of Office of Homeland Security
 - a. Appointment of Governor Ridge and the blueprint for homeland security
 - b. Congressional calls for testimony about strategies
 - c. Need to coordinate personnel and budgets
 3. Proposal of a Department of Homeland Security
 - a. Consolidation, reorganization and transformation
 - b. Need for Congress to reorganize itself to make the bureaucracy work
 1. Immediate protests about committee and subcommittee jurisdiction
 2. Congress' historical tendency to resist streamlining
- C. The Appropriations Committee and legislative committees
 1. Appropriations Committee most powerful
 - a. Most expenditure recommendations are approved by House
 - b. Has power to lower agency's expenditure request
 - c. Has power to influence an agency's policies by marking up an agency's budget
 - d. But becoming less powerful because of
 1. Trust funds: Social Security
 2. Annual authorizations
 3. Meeting target spending limits
 2. Legislative committees are important when
 - a. A law is first passed
 - b. An agency is first created
 - c. An agency is subject to annual authorization
 3. Informal congressional controls over agencies
 - a. Individual members of Congress can seek privileges for constituents
 - b. Congressional committees may seek *committee clearance*: right to pass on certain agency decisions
 - c. Committee heads may ask to be consulted
- D. The legislative veto
 1. Declared unconstitutional by Supreme Court in *Chadha* (1983)
 2. Weakens traditional legislative oversight but Congress continues creating such vetoes
- E. Congressional investigations
 1. Power inferred from power to legislate
 2. Means for checking agency discretion
 3. Means for limiting presidential control

V. Bureaucratic "pathologies"

- A. Red tape--complex and sometimes conflicting rules among agencies
- B. Conflict--agencies work at cross-purposes
- C. Duplication--two or more agencies seem to do the same thing
- D. Imperialism--tendency of agencies to grow, irrespective of benefits and costs of programs
- E. Waste--spending more than is necessary to buy some product or service

VI. Reforming the bureaucracy

- A. Numerous attempts to make bureaucracy work better for less money
 - 1. Eleven attempts to reform in this century alone
 - 2. National Performance Review (NPR) in 1993 designed to reinvent government
 - a. Differs from previous reforms that sought to increase presidential control
 - b. Emphasizes customer satisfaction by bringing citizens in contact with agencies
 - 3. NPR calls for innovation and quality consciousness by
 - a. Less-centralized management
 - b. More employee initiatives
 - c. Customer satisfaction
- B. Bureaucratic reform always difficult to accomplish
 - 1. Most rules and red tape result from the struggle between the president and Congress.
 - 2. This struggle makes bureaucrats nervous about irritating either
 - 3. Periods of divided government exacerbate matters, especially in implementing policy.
 - a. Republican presidents seek to increase political control (executive micromanagement)
 - b. Democratic Congresses respond by increasing investigations and rules (legislative micromanagement)