

# Today's Agenda

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- Grades posted on ELC
- Opinion of the Bureaucracy
- Bureaucracy, what is it?
- Bureaucratic ideals and roles
- Pendleton Act
- Components and Controls of the Bur.
- Modern Bureaucracy

# Public Opinion

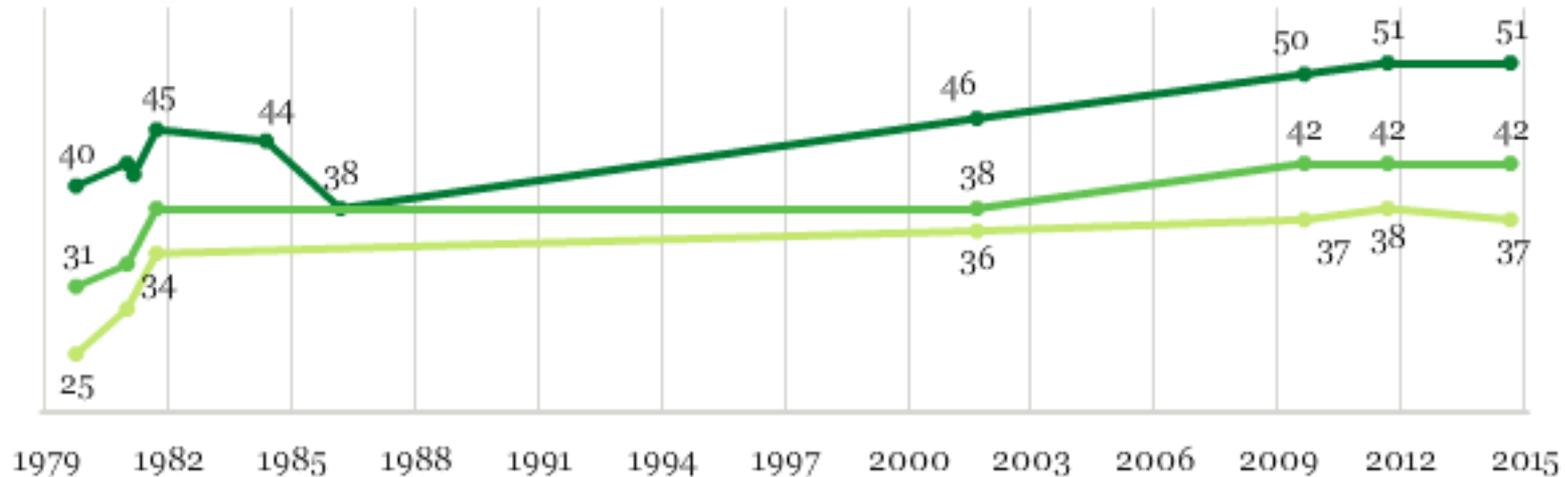
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- People feel the Federal Gov't wastes money

*Americans Say the Federal Government Wastes More of Each Tax Dollar Than They Say State and Local Governments Waste*

How many cents of each tax dollar would you say are wasted?

■ Cents wasted by the federal government (mean)   ■ Cents wasted by state government (mean)  
■ Cents wasted by local government (mean)



# What is Bureaucracy?

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- Bureaucracy is a diverse collection of departments, agencies, bureaus, commissions, and other units of the executive branch that carry out national policies
- The roots of the bureaucracy are found in the Constitution, which authorizes Congress to make laws and the president to see that they are faithfully executed

# What Do We Think of the Bureaucracy?

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- Do we want the bureaucracy? No
  - Red tape, inefficient, cumbersome
- But, bureaucracies are indispensable
  - Take on functions that would waste the time and effort of elected leaders
  - They do pretty much everything that actually gets done by government

# Ideals of Bureaucratic Governance

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- The German sociologist Max Weber (1864– 1920) recognized that modern nation-states needed professional bureaucracies.
  - He argued that the ideal bureaucracy should be efficient and rational.
- It should function like a machine, with each of its parts playing a well-defined role.
- Weber argued that there were a few critical elements for achieving this ideal:
  - Clear assignment of roles: In order to fit together and function in unison, each of the parts in the bureaucratic machine must know both what it is supposed to do and how it fits within the larger organization.
  - Rules, Rules, Rules, and More Rules: For both efficiency and fairness, decisions and choices made by bureaucrats need to be impersonal and consistent

# Ideals of Bureaucratic Governance

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- **Hierarchy:** bureaucracies are strictly hierarchical, each person should have only one immediate supervisor, and each supervisor should have only a limited number of subordinates
- **Professionals:** Most importantly, the selection of persons to fill roles within the bureaucracy, must be done on the basis of merit

# Administration or Policy Making?

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- As bureaucracies grew in size and number, there has been constant concern that they might assume the roles meant for elected officials
- People feared that they would move from implementing laws to actually making the laws
- This would be particularly disturbing because they were not designed to be responsive to the people

# Administration or Policy Making?

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- Woodrow Wilson wrote an essay declaring that there should be a strict dichotomy between politics and administration
- Frank Goodnow picked up this theme and argued that there should be a sharp distinction between the political branches making the laws and the bureaucracy implementing them
- In reality completely severing politics from administration would be a disaster for democracy

# Bureaucratic Roles

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- Bureaucracies are involved in *service, regulation, implementation, and policymaking*
  - Governments provide many services; they run hospitals, carry out welfare programs, run public schools, operate parks, etc
  - Administrative agencies also regulate; The FBI regulates personal behavior, the Food and Drug Administration regulates medicine, the Securities and Exchange Commission tries to regulate Wall Street, etc
  - Agencies are also primarily responsible for implementation; they make sure that the laws that legislatures pass get put into place
  - The bureaucracy is also responsible for making public policy; legislatures often pass laws that are general, and they will leave the specifics to the expertise of bureaucracies

# Development of the Bureaucracy

- The Framers viewed the executive as the necessary source of “energy” in government, but questions of administration received little attention at the Constitutional Convention
- The Constitution said little about how the executive would be organized
  - Article 2, Section 3: “shall take care that the laws be faithfully executed”
- From the beginning, Congress was wary of delegating too much power to the executive but realized the impracticality of delegating too little

# Development of the Bureaucracy

- The first Congress began the foundations of the ***executive branch*** by reestablishing the departments that had existed under the Articles:
  - Treasury
  - Foreign Affairs (renamed State)
  - War (now known as Defense)
- Congress also authorized the hiring of an attorney general to give the president and department heads legal advice

# Development of the Bureaucracy

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- The larger departments were soon subdivided into a few more specialized offices called bureaus
- Congress set up single officials to be responsible for the departments' operations. However, it was unclear whether they should report to Congress or the president
  - Congress faced the dilemma of delegation
- The resolution: Delegate, but incorporate institutional controls that would maintain the agencies' responsiveness to Congress. This was accomplished primarily through the power of the purse

# Dilemma of Delegation

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- The executive struggled with the same dilemma
- Even the skimpy government of the Federalist period was too large to be managed by the president and his cabinet alone
- How could they ensure that agents acting ostensibly on their behalf would faithfully carry out official policies?

# Dilemma of Delegation

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- Who made up the early bureaucrats?
  - Mail carriers, tax collectors,
- Washington promised only to hire people “as shall be the best qualified”
- But, most hired were of the newly formed Federalist Party
- 1800 Jefferson wins the White House, fires the Federalists and fills them with Democratic-Republicans
  - The beginnings of patronage

# The Spoils System

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- Really ramped up under Andrew Jackson
- He advocated rotation in office. Officials would serve in positions for a short, fixed period, then move on to something else
- This notion meshed with the practical need of party organizations to inspire and reward activists who had helped them gain office.
- Thus democratization of the civil service was also motivated by pragmatic politics, and thus the spoils system was born.

# Civil Service Reform

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- The principle of rotation (the spoils system) did not allow for the development of government service as a career with job security and advancement based on merit.
- President James Garfield was assassinated in 1881 by a demented job seeker incensed at having lost a chance for a patronage appointment. Revulsion against the spoils system led to the passage of the Pendleton Act in 1883.

# Pendleton Act

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- Put 10% of patronage jobs under the merit system
- Jobs given based on an open, merit-based exam
- By FDR's Presidency 80% of federal workers under the merit system
- Today, over 90% under the merit system
  - Some political appointments still, but those are either White House jobs not in the bureaucracy

# Downsides of a Career Civil Service?

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- Could be nonresponsive to citizens and elected officials
- Difficult to “punish” nonresponsive behavior
- Their expertise could shield them from oversight

# Expanding Gov't: Expanding Bureaucracy

- After the Civil War, the federal government began expanding its activities and personnel, and that trend, with few exceptions, has continued on with steady growth and dramatic increases during the New Deal period
- Government could only grow if Congress and the president were willing to delegate authority to new agencies.
  - To handle large-scale administrative tasks.
  - To exploit expertise.
  - To avoid blame for unpopular decisions.
  - To make credible commitments to stable policy.
  - To deal with crises demanding swift, coordinated action.

# Components of the Bureaucracy

- The cabinet:
- Until 1849, Treasury, State, Navy, and War stood alone as cabinet-level departments.
- Joined that year by the Department of the Interior. This was a major victory for members of Congress from western states -- more attention would be paid to the issues facing their constituents.
- The Department of Justice achieved cabinet status in 1879 after Congress, in response to the Civil War, Reconstruction, and industrial growth, expanded the government's role in law enforcement.

# Components of the Bureaucracy

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- Cabinet (and Cabinet level) and non-Cabinet agencies
- Non-cabinet agencies can be broken into 3 types:
  - Independent executive agencies.
  - Regulatory agencies.
  - Government corporations.
- Independent executive agencies are placed outside departments for political reasons.
  - CIA, U.S. Arms Control and Disarmament Agency, and Selective Service System all report directly to the president.
- Keep important defense-related activities under predominantly civilian control.

# Components of the Bureaucracy

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- Independent regulatory commissions.
- Designed to maintain their independence from the president and the executive departments.
  - Postal Rate Commission; Federal Reserve Board; NLRB
- Independence insulates the president and Congress from the fallout of unpopular decisions.
- Independent government corporations.
  - U.S. Postal Service; the most important government corporations are the Tennessee Valley Authority and Amtrak

# Who Controls the Bureaucracy?

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- **Role of Congress:**
  - It creates and empowers the bureaucracy with ordinary legislation.
  - It provides the funding that allows bureaucrats to carry out their work through yearly budgeting.
  - Thus it maintains significant indirect control.
  - The agencies, as agents, know that their existence depends on Congress, the principal, and generally respond accordingly.

# Methods of Congressional Control

- **At the same time, Congress has a variety means to influence administrative agencies:**
  - Hearings and investigations where agencies testify.
  - Mandatory reports on programs provided to Congress.
  - Legislative vetoes on agency policy proposals.
  - Committee and conference reports that provide instruction to agencies.
  - Inspectors general who audit the books and investigate the activities of agencies for Congress.
  - The General Accounting Office, which audits programs and agencies and reports their performance to Congress.
  - Time limit on delegations of authority.

# Methods of Congressional Control

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- Procedural devices:
  - Administrative Procedures Act of 1946
  - Rulemaking:
    - ✦ Congress normally regulates by delegating broad grants of authority to regulatory agencies and letting them fill in the details by making **rules**. These rules have the force of law.
- *Federal Register*
  - When an agency wants to make a rule, it must:
  - Give public notice in the *Federal Register*.
    - ✦ Outline the proposed rule.
    - ✦ Disclose the data and analysis on which it is based.
    - ✦ Invite written comments from the public.
    - ✦ Public hearings may be held as well.

# The Presidency & The Courts & The Bureaucracy

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- President at the TOP of the hierarchy
- President appoints the head/leaders of each agency
  - But these appointments are confirmed by the Senate
- The courts can overrule any agency
  - Find their actions and administration practices unconstitutional

# The Modern Bureaucracy

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- Currently 2.7 million civilians working for the federal government
  - 600k in the post office, excluding 1.4 million in the military
- Environmental Protection Agency (EPA)
  - Established in 1970
  - 15k employees, \$8.2 billion budget
  - More than half are scientists, engineers, environ. Specialists
- Programs: Energy Star, Fuel Economy, Air Quality
- Bush e-mail controversy
  - Administrator Johnson & Ass. Deputy Admin. Burnett

# The Modern Bureaucracy: Ambassadors

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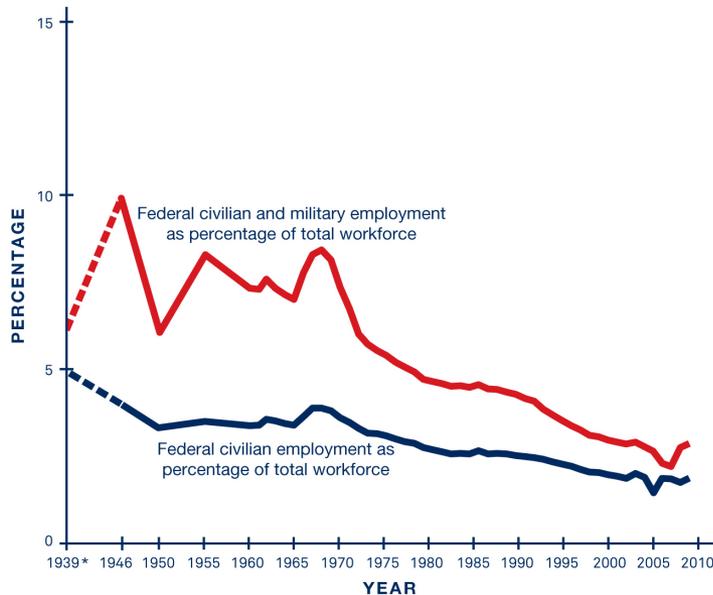
- Ambassador political appointments %
- Obama 35.2%
- W. Bush 28.9%
- Clinton 28.1%
- Bush 31.3%
- Reagan 38%
- Carter 26.7%
- Ford 38.2%



# Opinions About the Bureaucracy

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- While people think the government spends too much, the bureaucracy is generally well liked



## Positive Views of Most Agencies, Federal Workers

	Unfavorable	Favorable
CDC	14	75
NASA	15	73
Defense Dept.	23	72
Veterans Admin.	25	68
Homeland Security	30	66
FDA	29	65
EPA	30	62
Health/Human Serv.	30	61
Justice Dept.	33	61
Federal Reserve	32	57
NSA	35	54
Dept. of Education	42	53
IRS	51	44
Federal workers	29	62
Congress	73	23

PEW RESEARCH CENTER Oct. 9-13, 2013. Don't know responses not shown.

# Any Questions?

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