Chapter 13
The Federal Bureaucracy

In This Chapter
- How our bureaucracy compares to those in other countries
- Who bureaucrats are and what they do
- How the executive branch is organized
- What's wrong and what's right with the federal bureaucracy
- Myths about the federal bureaucracy
For much of the 1990s, anger at the federal government and disrespect for federal government workers were rampant in the United States. Complaints about the size, cost, inefficiency, and excessive interference of the “bureaucracy in Washington” were common, as was unhappiness about particular agencies in the executive branch, such as the Internal Revenue Service, the Postal Service, the Bureau of Land Management, and the Bureau of Alcohol, Tobacco, and Firearms. For example, after running on a set of promises to get the federal government off the backs of the American people—part of the so-called “Contract With America”—Republicans captured the House of Representatives in 1994. In that same year, Americans’ sense of trust in the federal government fell to an all-time low when only 21 percent of the public said that the “federal government can be trusted to do the right thing most of the time” or “almost always.” Talk radio and TV “chatting heads” carried on the same refrain, with attacks on President Clinton and the Clinton-led government accounting for much of the total air time. Sensing the antigovernment tide, Clinton declared in his 1996 State of the Union Address that “the era of big government is over,” and carried through by successfully pushing tax and spending bills through Congress that would first balance the federal budget, then put it into surplus. The implication was that the federal government would be smaller and do less.

More extreme expressions of antigovernment and antibureaucratic sentiments surfaced, as well. When news of the terrorist bombing of the Frederick P. Murrah Federal Building in Oklahoma City hit the airwaves on April 19, 1995, retired sheriff Howard Stewart of Meadville, Pennsylvania, immediately dismissed the speculation of the experts that it was somehow connected to the troubled politics of the Middle East: “When I realized the date [the anniversary of the FBI raid on the Branch Davidians in Waco, Texas], and I thought about all the anger and fear that’s out there,” Stewart says, “I said to my wife, ‘I don’t think it was Arabs that did this.’”

Stewart had reason to suspect a homegrown origin for the attack on a government center; he had been hearing some strange antigovernment rumblings in his quiet, conservative rural community. In the coffee shops on Main Street, talk was of a government conspiracy to enslave Americans to the United Nations. Color-coded highway signs, it was being said, were guideposts for foreign invaders. Meadville citizens were particularly upset by federal gun control laws, the 1993 siege in Waco of the Branch Davidians, and restrictive environmental regulations.

Anti-federal-government anger is a staple of American political history. In the early days of the nation, many Anti-Federalists believed that the Constitution gave undue power to the central government. Buttressed by the theories of John C. Calhoun, the state of South Carolina passed a resolution in 1830 suggesting that the states had the right to nullify federal laws. Several of the New England states thought about seceding from the union in 1812 to remove themselves from federal authority, and the South did so in 1860, bringing on the Civil War. Many conservatives, including a majority on the Supreme Court for a few years, believed that the expansion of federal authority during the Great Depression in the 1930s was unconstitutional. Many whites in the South grew angry with the federal government in the 1960s and 1970s because of federal championing of civil rights. Antiwar activists during the years of the Vietnam War were unhappy with the Defense Department for waging the war and with the CIA and the FBI for interfering with legitimate protest activities. Much of the corporate community turned against the federal government in the 1980s and 1990s for what seemed like undue zeal on the part of government officials for
environmental and consumer protection. Western ranchers opposed to extensive government ownership of land sparked what came to be called the “sagebrush rebellion” in the 1990s. The chorus of anti-federal-government complaints has ebbed and flowed throughout our history.

The attacks on the United States on September 11, 2001, and the subsequent war on terrorism, seemed to change everything, at least for awhile. Government came rushing back into fashion. “Trust in government” scores among the public rebounded to a heady level of 64 percent by December 2001. Recruiters for the CIA, FBI, the Foreign Service, and the armed forces reported a rush of people trying to join. ROTC was invited back onto several campuses from where it had been exiled after the Vietnam conflict. The reasons are not hard to fathom. It was, after all, government workers on whom Americans counted during the crisis caused by the attack: local police and firefighters who gave their lives to save others at the World Trade Center; members of the armed services who struck back at the Taliban regime and the al Qaeda network; scientists at the Center for Disease Control who tracked and tried to contain the Anthrax outbreak; postal workers who continued to deliver the mail despite Anthrax deaths; agents of the FBI and the CIA who tracked terror cells in the United States and abroad; and federally employed personnel who screened airline passengers and baggage.

Despite Americans’ long mistrust of government, these developments fit our history. In a national crisis, particularly war, we have always turned to the government in Washington to mobilize and coordinate the vast human and material resources that are required. In such times, we grant more power to, ask more of, and give greater respect to the national government, particularly the executive branch: the president, the Department of Defense, the National Security Council, the CIA, the uniformed services, and other agencies newly created for the emergency. Though it is too early to tell if these dramatic changes in how government and government employees are perceived will last, they remain a sharp departure from sentiments that have prevailed in the United States for the past quarter century.

Thinking Critically About This Chapter

This chapter is about the federal bureaucracy, how it is organized, what it does, and what effects its actions have on public policies and American democracy.

Using the Framework You will see in this chapter how the federal bureaucracy has grown over the years, primarily as a result of structural transformations in the economy and international position of the United States, but also because of the influence of political linkage level actors and institutions, including voters, public opinion, and interest groups. Primary responsibility for many of the enduring features of the federal bureaucracy will be shown to be associated with our political culture and the Constitution.

Using the Democracy Standard You will see in this chapter that the federal bureaucracy in general, despite much speculation to the contrary, is fairly responsive to the American people, reacting in the long run to pressures brought to bear on it by the elected branches, the president, and Congress. On the other hand, bureaucrats in specific agencies, in specific circumstances, can be relatively immune from public opinion, at least in the short and medium run. You will be asked to think about what this means in terms of our democratic evaluative standard.

A Comparative View of the American Bureaucracy

The American bureaucracy is different from bureaucracies in other democratic nations. Structural influences such as the American political culture and the constitutional rules of the game have a great deal to do with these differences.
**Hostile Political Culture**

As we indicated in the story that opens this chapter, Americans generally do not trust their government, nor do they think it can accomplish most of the tasks assigned to it. They believe, on the whole, that the private sector can usually do a better job, and most of the time want responsibilities lodged there rather than with government. As suggested, this traditional outlook towards government and those who work for it may have changed since Nine-Eleven, but for how long, no one knows.

This generally hostile environment influences the American bureaucracy in several important ways. For one thing, our public bureaucracy is surrounded by more legal restrictions and is subject to more intense legislative oversight than bureaucracies in other countries. Because civil servants have so little prestige, moreover, many of the most talented people in our society tend to stay away; they do not generally aspire to work in government, though this may be changing, as suggested above. In many other democratic countries, by way of contrast, civil servants are highly respected and attract talented people. In France, Britain, and Germany, for example, the higher civil service positions are filled by the top graduates of the countries’ elite universities and are accorded enormous prestige. Finally, the highest policymaking positions in the U.S. executive branch are closed to civil servants; they are reserved for presidential political appointees. This is not true in other democracies.

**Incoherent Organization**

Our bureaucracy is an organizational hodgepodge. It does not take the standard pyramidal form, as bureaucracies elsewhere do. There are few clear lines of control, responsibility, or accountability. Some executive branch units have

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**Web Exploration**

Comparing Bureaucracies as Information Providers

**Issue:** The bureaucracies of the United States and other democratic governments around the world have been racing to put information about their activities, policies, and services online. Some do it better than others.

**Site:** Access the Executive Branch Website at the Library of Congress and the official site of the government of Canada on our Website at [www.ablongman.com/greenberg](http://www.ablongman.com/greenberg). Go to the “Web Explorations” section for Chapter 13. Select “comparing bureaucracies. . .,” then “information for each country.” Browse each of the sites; examine four or five of their most important departments, ministries, agencies, and bureaus.

**What You’ve Learned:** Which national government does a better job of serving its constituency on the Web? How informative are the sites? How easy or difficult are they to navigate? Which are more graphically interesting?

**HINT:** To a large extent, your response to this query is strictly a matter of personal preference. However, one thing to be alert to is whether or not the government sites are simply conveying “good news.”

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**civil servants**

Government workers employed under the merit system; not political appointees.

**civil service**

Federal government jobs held by civilian employees, excluding political appointees.
no relationship at all to other agencies and departments. As one of the leading students of the federal bureaucracy once put it, other societies have “a more orderly and symmetrical, a more prudent, a more cohesive and more powerful bureaucracy,” whereas we have “a more internally competitive, a more experimental, a noisier and less coherent, a less powerful bureaucracy.” Our bureaucracy was built piece by piece over the years in a political system without a strong central government. Bureaucracies in other democratic nations were often created at a single point in time, by powerful political leaders, such as Frederick the Great in Prussia and Napoleon in France.

**Divided Control**

Adding to the organizational incoherence of our federal bureaucracy is the fact that it has two bosses—the president and Congress—who are constantly vying with one another for control. In addition, the federal courts keep an eye on it. This situation is created by the separation of powers and checks and balances in our Constitution, which give each branch a role in the principal activities and responsibilities of the other branches. No other democratic nation has opted for this arrangement. Civil servants in parliamentary democracies are accountable to a single boss, a minister appointed by the prime minister.

**Transformation of the Bureaucracy**

The Constitution neither specifies the number and kinds of departments to be established nor describes other bureaucratic agencies. The framers apparently wanted to leave these questions to the wisdom of Congress and the president. Over the years, they created a large and complex bureaucracy to meet a wide range of needs.

**A Brief Administrative History of the United States**

The most immediate causes for the transformation of the role of the federal government and the scale of the bureaucracy are political linkage sector pressures—from public opinion, voters, parties, interest groups, and social movements—on government decision makers. The more fundamental causes are changes in such structural level factors as the U.S. economy, the nation’s population, and the role of the United States in the world, including involvement in war.

**Nineteenth-Century Changes**

Until the Civil War, the federal government had few responsibilities, and the administrative apparatus of the executive branch was relatively undeveloped. Rapid population growth, westward expansion, the Industrial Revolution, and economic uncertainty in the last quarter of the nineteenth century gradually changed people’s thinking about the appropriate responsibilities of government and the size of the bureaucracy. The Department of the Interior, created in 1849, was given responsibility for Indian affairs, the census, and the regulation of public lands and mining. The Department of Justice was created in 1870 to handle the federal government’s growing legal burden in the fields of civil and criminal, antitrust, tax, and natural resources law. The Department of Agriculture became a full-fledged cabinet department in 1889 in response to economic crisis in the farm economy and the demands of farm groups. The Department of Labor was created in 1913 in an effort to ease the rising tensions between workers and
owners. The Department of Commerce was created in the same year to foster technological development, standardization, and business cooperation.

The Corporation and the Progressives  The rise to prominence of the large corporations in the late nineteenth and early twentieth centuries, and the problems they caused, also contributed to a rethinking of the role of the federal government. Monopoly practices in the railroad, manufacturing, oil, and banking industries triggered reform movements that resulted in new federal regulatory laws, of which the most important were the Interstate Commerce Act (1887) and the Sherman Antitrust Act (1890). Progressive reformers and farsighted business leaders, who were worried about the growing public hostility to big business, helped convince Congress to pass such landmark legislation as the Federal Reserve Act (passed in 1914 to stabilize the banking industry), the Pure Food and Drug Act (1906), the Meat Inspection Act (passed in 1906 in response to the horrors reported in Upton Sinclair’s “muckraking” book *The Jungle*), and the Federal Trade Commission Act (1914). Each piece of legislation was a response to a set of problems, each expanded the federal government’s responsibilities, and each created a new executive branch agency to carry out the law.

The Great Depression  The Great Depression forever changed how Americans thought about their government. Economic collapse, widespread social distress, and serious threats of violence and social unrest impelled President Franklin Roosevelt and Congress to respond with a range of new programs: work programs for the unemployed, relief for the poor, Social Security, regulation of the banking and the securities industries, agricultural subsidy programs, collective bargaining, and programs to encourage business expansion. Each program added new bureaucratic agencies to the executive branch.

Certain problems that cross state boundaries—such as the production for a national market of unsafe and unwholesome food by companies—are probably best solved by the federal government. Upton Sinclair’s description of a meat-packing plant like this one in his novel *The Jungle* helped swing public opinion behind the Pure Food and Drug Act, passed in 1906.
World War II and Its Aftermath  World War II, America’s new role as a superpower, and the long Cold War with the Soviet Union also brought a substantial increase in the federal government’s responsibilities and in the size of the executive branch. Some old-line departments, such as the Department of State, grew substantially after World War II. The Department of Defense was created by merging the old Army and Navy departments and adding an Air Force component. New administrative units such as the Central Intelligence Agency, the National Security Agency, the National Security Council, the Agency for International Development, and the U.S. Arms Control and Disarmament Agency were created to fill new needs and missions. The Atomic Energy Commission was created both to regulate and to encourage atomic power and weapons production. The Internal Revenue Service expanded its operations so that it could collect the revenues to pay for these new responsibilities. By 1950, a federal bureaucracy of substantial size and effect was firmly in place.  

The Regulatory State  During the 1960s and 1970s, successful social reform movements and important changes in public opinion convinced political leaders to take on new responsibilities in the areas of civil rights, urban affairs, environmental and consumer protection, workplace safety, and education. Important among these initiatives was the formation of the Department of Health, Education, and Welfare (now split into the Department of Health and Human Services and the Department of Education). The Environmental Protection Agency was created to monitor compliance with federal environmental laws and to regulate business activities that might pollute the nation’s air and water. The Occupational Safety and Health Administration keeps its regulatory eye on potentially dangerous workplace practices. Each expansion of responsibility, as in the past, brought an expansion in the size of the bureaucracy. Although the Reagan Revolution slowed the growth in the federal government’s responsibilities, it was unable to roll back most of the programs and agencies created since the Great Depression.  

Devolution and Rollback  On taking control of Congress after their 1994 landslide electoral victory, Republicans began to pare down the size of the federal government, roll back many of its regulatory responsibilities, and shift a
number of functions to the states. For instance, Congress made it more difficult to identify and protect wetlands. It also shifted much of the responsibility for providing public assistance to the states (see Chapter 3). Finally, Congress made deep slashes in the federal budget, which forced substantial “downsizing” in a broad range of executive branch agencies. Increasingly, Republicans especially, but many Democrats as well, have been asking what essential services the federal government should provide.

Devolution and rollback may be related to changes in the global economy, where success seems to go to business enterprises that are “lean and mean,” nimble and entrepreneurial, and to countries that allow their major companies to succeed by lowering regulatory and tax burdens. Whether this is cause or excuse is too early to tell. It may well be that globalization forces are not the cause of these changes, as some analysts suggest, but merely a rhetorical device used by the business community to lighten the burden of government regulation on corporations. Whether cause or rhetorical weapon, political leaders in the United States have been paying attention recently to globalization processes and have acted to diminish the role and size of the federal government and its bureaucracy.

**The War on Terrorism**

Because waging war requires the organization and mobilization of vast material and human resources, it has always led to an expansion in the size and reach of the executive branch of government. This looks to be true for the war on terrorism, as well. Within only a few months of September 11, virtually every federal police and intelligence agency—including the FBI, the CIA and the NSA—was authorized to hire more people, as was the Department of Defense, funded by emergency budget authorizations. Budgets for these agencies and a range of others involved in the war, including the Federal Emergency Management Administration...
(FEMA), were all beefed up in President Bush’s annual budget request to Congress in early 2002. The Airline Security Act, moreover, created a new federal agency that will hire its own people to screen baggage and passengers rather than depend on the private sector to do the job. President Bush issued an executive order creating an Office of Homeland Security to run the war against terrorism at home, appointing former Pennsylvania governor Tom Ridge to be its head. Bush later asked Congress to create a new cabinet-level Department of Homeland Security with enhanced authority to coordinate the counterterrorism effort on the home front. There is every indication, then, that bureaucratic expansion, at least in those areas either directly or indirectly associated with the war on terrorism, is here to stay as long as the threat of terrorism remains a reality.

So, although there have been more than a few fits and starts, the general picture over the course of American history has been toward a growth in the size and responsibilities of the national government. However, determining just how big the government has grown depends on what measures one uses. (See “By the Numbers: How big is the federal government?” on pages 394–395.)

### How the Executive Branch Is Organized

The executive branch is made up of several different kinds of administrative units, which make the federal bureaucracy a very complicated entity.

- The most familiar are **departments**, which are headed by cabinet-level secretaries, appointed by the president and approved by the Senate. Departments are meant to carry out the most essential government functions. The first three ever established were War, State, and Treasury. Departments vary greatly in size and internal organization. The Department of Agriculture, for example, has almost 50 offices and bureaus, whereas the Department of Housing and Urban Development has only a few operating agencies. Over the years, departments (and employees) were added as the need arose, as powerful groups demanded them, or as presidents and members of Congress wished to signal a new national need or to cement political alliances with important constituencies. During wartime, the Department of Defense becomes particularly important. To protect the homefront as the war on terrorism is waged, President Bush pushed for a new Department of Homeland Security.

- Subdivisions within cabinet departments are known as **bureaus** and **agencies**. In some departments, such as the Department of Defense, these subdivisions are closely controlled by the department leadership, and the entire department works very much like a textbook hierarchical model. In other cases, where the bureaus or agencies have fashioned their own relationships with interest groups and powerful congressional committees, the departments are little more than holding companies for powerful bureaucratic subunits. During the long reign of J. Edgar Hoover, for example, the FBI did virtually as it pleased, even though it was (and remains) a unit within the Justice Department.

- **Independent executive agencies** report directly to the president rather than to a department- or cabinet-level secretary. They are usually created to give greater control to the president in carrying out some execu-
tive function or to highlight some particular public problem or issue that policymakers wish to address. The Environmental Protection Agency was given independent status to focus government and public attention on environmental issues and to give the federal government more flexibility in solving environmental problems.

- **Government corporations** are agencies that operate very much like private companies. They can sell stock, retain and reinvest earnings, and borrow money, for instance. They are usually created to perform some crucial economic activity that private investors are unwilling or unable to perform. The Tennessee Valley Authority, for example, was created during the Great Depression to bring electricity to most of the upper South; today it provides about 6 percent of all U.S. electrical power. The U.S. Postal Service was transformed from an executive department to a government corporation in 1970 in the hope of increasing efficiency.

- **Quasi-governmental organizations** are hybrids of public and private organizations. They allow the federal government to be involved in a particular area of activity without directly controlling it. They are distinguished from government corporations by the fact that a portion of the boards of directors are appointed by the private sector. The Corporation for Public Broadcasting fits into this category, as does the Federal Reserve Board, responsible for setting the nation’s monetary policy (see Chapter 17 for more on the “Fed”).

- **Independent regulatory commissions**, such as the Securities and Exchange Commission and the Consumer Product Safety Commission, are responsible for regulating sectors of the economy in which it is judged that the free market does not work properly to protect the public interest. The commissions are “independent” in the sense that they stand outside the departmental structure and are protected against direct presidential or congressional control. A commission is run by commissioners with long, overlapping terms, and many require a balance between Republicans and Democrats.

- **Foundations** are units that are separated from the rest of government to protect them from political interference with science and the arts. Most prominent are the foundations for the Arts and for the Humanities and the National Science Foundation.
Chapter 17—it is fairly common among academics, journalists, and politicians to use the number of federal government employees as a simple, straightforward measure. Using this metric, the size of the government in Washington is not only relatively small at 1.9 million employees (only one-sixth the size of the manufacturing sector in 1996 in terms of employees, and one-thirty-sixth the size of the service sector), but shrinking.

Criticism of the Measure of Government Size: Critics point out that the number of federal civilian employees measures only a portion of the total number of employees who produce goods and services for the federal government. The following, they say, should be included (all figures are for 1996, based on research by Light):

- Employees who work in government contract-created jobs, such as employees working for defense contractors on federal projects (5.6 million)
- Employees who work in government grant-created jobs, such as employees working on federally funded road construction grants or on federally funded research projects (2.4 million)
- Employees hired by state and local governments to meet federal mandates in areas such as child health and nutrition, safe schools, and pollution control (4.6 million)
- U.S. Postal workers, who are not counted as federal civilian employees (0.8 million)
- Uniformed military personnel (1.5 million)

By the Numbers

How big is the federal government? Is it really shrinking, as people say?

When Bill Clinton proclaimed in 1996 that “the era of big government is over,” he was sharing a vision of government espoused by his two conservative predecessors: Ronald Reagan and George H. W. Bush. The notion that the government in Washington is too big and ought to be cut down to size is a recurring theme in American political discourse. Recently, the call to “downsize” or “right size” government has taken an especially strong turn, with recent presidents committed to this vision of a “leaner” and theoretically more efficient government.

What should we make of all these calls to downsize? Just how big is government?

Why It Matters: A significant number of Americans want a smaller government that does less; a significant number of Americans want a bigger government that does more. Whichever camp you fall into, it makes sense that we have accurate measures of what is actually going on.

Calculating the Size of the Federal Government: In addition to using the size of the federal budget as a measure of the size of government—we do this in

What Do Bureaucrats Do?

Bureaucrats engage in a wide range of activities that are relevant to the quality of democracy in the United States and affect how laws and regulations work.

Executing the Law

The term executive branch suggests the branch of the federal government that executes or carries out the law. The framers of the Constitution assumed that Congress would be the principal national policymaker and stipulated that the president and his appointees to administrative positions in the executive
Adding these categories together, we have a total of direct and indirect federal government employment of almost 17 million people in 1996, almost as many as work in the American manufacturing sector.

How about the question of whether government is shrinking? The following graph shows what is happening. (Unfortunately, there is no information available for “mandate-created jobs” prior to 1996, so it cannot be included.)

The picture is pretty clear: Although the overall size of government is considerably larger than it first appears using only the numbers of federal civilian employees, the size of government shrank during the period 1984 to 1996. One other fact is worth noting: Most of the shrinkage of government in this period was related to decreases in the size of the defense sector, including cuts in the number of uniformed military personnel and decreases in defense contracting to the private sector. Considering only the domestic side of the equation, the total size of the federal government actually increased by about 15 percent between 1984 and 1996.

What to Watch For: Numbers that are reported by government, journalists, and academics about government may often be correct, yet incomplete. Always try to expand your search to include multiple measures of the phenomenon or institution you are trying to understand.

What Do You Think? In formulating an opinion about the appropriate size for government, consider what responsibilities and tasks should be the responsibility of the federal government. Are these responsibilities and tasks being accomplished to your satisfaction? Are there too many people working either directly or indirectly for the federal government in terms of the responsibilities and tasks? Too few? Or just about the right number?

things it ought to do. Vaguely written statutes and directives, then, leave a great deal of discretion to bureaucrats.

**Regulating (Rule Making)**

Congress often gives bureaucratic agencies the power to write specific rules. Because of the complexity of the problems that government must face, Congress tends to create agencies and to specify the job or mission that it wants done and then charges the agency with using its expertise to do the job. Congress created the Environmental Protection Agency (EPA), for instance, and gave it a mission—to help coordinate the cleanup of the nation’s air and water—but it left to the EPA the power to set the specific standards that communities and businesses must meet. The standards set by the EPA have the force of law unless they are rescinded by Congress or overruled by the courts. The Food and Drug Administration (FDA) writes rules about the introduction of new drugs that researchers and pharmaceutical companies are obliged to follow. (See the “Using the Framework” feature for more on the FDA.)

Some critics believe that Congress delegates entirely too much lawmaking to the executive branch, but it is difficult to see what alternative Congress has. It cannot micromanage every issue. And in the end, Congress retains control; it can change the rules written by bureaucrats if they drift too far from congressional intent or constituent desires.

Other critics simply believe that there are too many rules and regulations. When candidates promise to “get government off our backs,” the reference is to the purported burdens of regulation. Several attempts have been made to roll back executive branch rule making. Under Ronald Reagan, required **cost-benefit analysis** was introduced as a way to slow the rule-making process, for example. And all recent presidents have used the Office of Management and Budget (OMB) to review “excessive” rule making.

Congress identifies tasks and creates agencies to complete them using their own expertise. For example, the Environmental Protection Agency was created by Congress to clean up and prevent pollution in the nation’s air and water; the EPA creates and implements environmental standards without much direct congressional involvement.
One of the emerging conflicts that will be playing itself out over the next few years, both in the United States and in the global economy, concerns the safety of genetically engineered food and the rules that will apply for protecting the public from its possible harmful effects. In the United States, unless Congress chooses to act in its own right, the rules will be made by the Food and Drug Administration. We can better understand why the FDA can make rules on genetically engineered foods by using a broad perspective that takes into account structural, political linkage, and governmental level factors.

The Constitution says little about the organization and operations of the Executive Branch and leaves the details to be filled in by Congress.

Scientific researchers have made dramatic breakthroughs in plant and animal genetics, causing some segments of society to call for regulations.

Global agribusiness corporations are always looking for the most efficient forms of production, and genetically engineered products help them do this.

Public opinion polls show that some Americans are beginning to worry about genetically engineered food and want some action.

Interest groups, for and against genetically engineered food, have pressed their positions on public officials, using both "inside" and "outside" forms of lobbying.

Demonstrators at the WTO protests in Seattle targeted genetically engineered food, putting further pressure on public officials to take action.

Congress created the Food and Drug Administration, defined its overall mission, but left room for the FDA to make rules in its areas of responsibility.

The FDA scientific staff pressed the FDA’s leadership to become active in this area of rulemaking.

The FDA leadership, attentive to the growing interest in rules to regulate in the area of genetically engineered food, held a series of hearings on the subject in 1999.

The Court has allowed bureaucratic agencies to make rules within the boundaries set by Congress.

No laws specifically addressing genetically engineered food have been enacted, leaving rulemaking in this area to the FDA.

The FDA issued rules in 2000 specifying how genetically engineered food is to be tested for safety and wholesomeness and requiring packaging to carry a warning label for consumers.

The FDA issues rules on genetically engineered food products.
Adjudicating

Congress has given some executive branch agencies the power to conduct quasi-judicial proceedings in which disputes are resolved. Much as in a court of law, the decisions of an administrative law judge have the force of law, unless appealed to a higher panel. The National Labor Relations Board, for instance, adjudicates disputes between labor and management on matters concerning federal labor laws. Disputes may involve claims of unfair labor practices, for example—firing a labor organizer falls into this category—or disagreements about whether proper procedures were followed in filing for a union certification election.

It is quite clear that bureaucrats exercise a great deal of discretion. They do not simply follow a set of orders from Congress or the president, but find many opportunities to exercise their own judgment. Because bureaucrats make important decisions that have consequences for many other people, groups, and organizations, we can say that they are policymakers. They are unelected policymakers, however, and this fact should immediately alert us to some potential problems with regard to the practice of democracy.

Who Are the Bureaucrats?

Because bureaucrats exercise substantial discretion as policymakers, we want to know who they are. How representative are they of the American people? In a democracy, we would probably want to see a pretty close correspondence between the people and bureaucrats. There are several different personnel systems in the executive branch: career civil service, separate merit services in specific agencies, and political appointees.

The Merit Services

Merit services choose employees on the basis of examinations and educational credentials.

Career Civil Service  From the election of Andrew Jackson in 1828 until the late nineteenth century, the executive branch was staffed through what is commonly called the spoils system. It was generally accepted that the “spoils of victory” belonged to the winning party. Winners were expected to clear out people who were loyal to the previous administration and to replace them with their own people. Also known as patronage, this system of appointment caused no great alarm in the beginning because of the small and relatively unimportant role of the federal government in American society. The shortcomings of the War Department and other bureaucratic agencies during the Civil War, however, convinced many people that reform of the federal personnel system was required. Rampant corruption and favoritism in the government service during the years after the Civil War gave an additional boost to the reform effort, as did the realization that the growing role of the federal government required more skilled and less partisan personnel. The final catalyst for change was the assassination in 1881 of President James Garfield by a person who, it is said, badly wanted a government job but could not get one.

The Civil Service Act of 1883, also known as the Pendleton Act, created a bipartisan Civil Service Commission to oversee a system of appointments to
certain executive branch posts on the basis of merit. Competitive examinations were to be used to determine merit. In the beginning, the competitive civil service system included only about 10 percent of federal positions. Congress has gradually extended the reach of the career civil service; today, it covers about 60 percent of federal employees. In 1978, Congress abolished the Civil Service Commission and replaced it with two separate agencies, the Office of Personnel Management and the Merit Systems Protection Board. The former administers the civil service laws, advertises positions, writes examinations, and acts as a clearinghouse for agencies that are looking for workers. The latter settles disputes concerning employee rights and obligations, hears employee grievances, and orders corrective action when needed.

**Agency Merit Services** Many federal agencies require personnel with particular kinds of training and experience appropriate to their special missions. For such agencies, Congress has established separate merit systems administered by each agency itself. The Public Health Service, for instance, recruits its own doctors. The State Department has its own examinations and procedures for recruiting foreign service officers. The National Aeronautics and Space Administration (NASA) recruits scientists and engineers without the help of the Office of Personnel Management. About 35 percent of all federal civilian employees fall under these agency-specific merit systems.

**How Different Are Civil Servants?** Civil servants are very much like other Americans. Their educational levels, regional origins, average incomes, and age distribution match almost exactly those of the general population. Civil servants’ political beliefs and opinions also match almost exactly those of

**Web Explorations**

**Who Are the Bureaucrats?**

**Issue:** Although women are well represented in the federal bureaucracy, their presence in the upper-most, politically appointed, decision-making positions in the Executive Branch may be less than equitable. Or, they may be well represented in decision-making positions in some agencies and not others.

**Site:** Access the Plumbook, which lists all federal politically appointed offices, on our Website at [www.ablongman.com/greenberg](http://www.ablongman.com/greenberg). Go to the “Web Explorations” section for Chapter 13. Select “Who are the bureaucrats?” and then open “how representative?” Select three Executive Branch Departments and review the names of the people who hold top offices in the Departments.

**What You’ve Learned:** How well are women represented in the Executive Branch departments you selected? If women are better represented in some as compared with others, why do you think that is the case?

**Hint:** Because women professionals in American society are most heavily represented in education, welfare, the health professions, and in the law, the Departments with their principal missions in these areas are likely to have the most women available for appointment.
the general American public, although they tend to favor the Democrats a bit more than the general public and are slightly more liberal on social issues than the national average.\textsuperscript{11} Women and minorities are very well represented (the latter are actually overrepresented), with women holding 43 percent of all nonpostal jobs and African-Americans 17 percent. It is worth noting, however, that women and minorities are overrepresented in the very lowest civil service grades and are underrepresented in the highest. They also are far less evident in the special-agency merit systems (such as the Foreign Service and the FBI) and in the professional categories (scientists at the National Institutes of Health; doctors in the Public Health Service).

In addition, the demographic representativeness of the bureaucracy is far greater in the United States than in virtually any other democratic nation.\textsuperscript{12} In Britain and France, for example, people of aristocratic background have long dominated the upper levels of the civil service in the former; graduates of the elite \textit{grandes écoles}, like the École Nationale d’Administration, dominate in the latter.

**Political Appointees**

The highest policymaking positions in the federal bureaucracy (e.g., department secretaries, assistants to the president, leading officials in the agencies) enter government service not by way of competitive merit examinations but by presidential appointment. About 1,200 of these top appointments require Senate confirmation, and about 2,000 more do not. These patronage positions, in theory at least, allow the president to translate his electoral mandate into public policy by permitting him to put his people in place in key policymaking jobs.

Most presidents use patronage not only to build support for their programs but also to firm up their political coalition by being sensitive to the needs of important party factions and interest groups. Ronald Reagan used his appointments to advance a conservative agenda for America and made conservative beliefs a prerequisite for high bureaucratic appointments.\textsuperscript{13}

Secretary of the Interior Gale Norton was one of several prominent women conservatives appointed by President George W. Bush.
President Clinton, by contrast, promised to make government “look more like America,” and did so by appointing many women and minorities to top posts in his administration, (see Figure 13.1). George W. Bush combined the Reagan and Clinton approaches by making quite conservative but racially and ethnically diverse appointments. Particularly notable conservative Bush appointments included: John Ashcroft as Attorney General; Eugene Scalia, son of Supreme Court justice Antonin Scalia and a prominent anti-labor, corporate lawyer, to be the solicitor at the Department of Labor; and long-time critic of the Securities and Exchange Commission Harvey Pitt to be its chairman. Prominent minority and women appointments included Colin Power as Secretary of State, Elaine Chao as Secretary of Labor, Rod Paige as Secretary of Education, Mel Martinez as Secretary of Housing and Urban Development, and Gale Norton as Secretary of the Interior.

Presidents also reserve important appointments for people they trust and who bring expertise and experience. George W. Bush has been particularly eager and successful in filling both cabinet posts and his inner circle with people with much experience in the upper reaches of the federal government, including several who had served in his father’s administration; namely Donald Rumsfeld (Secretary of Defense), Colin Powell (Secretary of State), and Condoleezza Rice (National Security Advisor).

Top political appointees are not very representative of the American people. They tend to be much better educated and wealthier than other Americans. They also tend to be professionals, independent businesspeople, or executives from large corporations and financial institutions. Using this narrow and privileged pool of appointees has important ramifications for the practice of democracy, because it is these officials who exercise the most discretion and
make the most important policy decisions. To be sure, background is not every-
thing in the determination of the outlook and behavior of political appointees,
but it cannot be discounted either.

Despite having been appointed to their posts by the president, political ap-
pointees cannot automatically be assumed to do the president’s bidding. High-
level political appointees are subject to many influences in addition to the
president, including Congress, the courts, personnel in their own departments
and agencies, the press, and public opinion. The result is sometimes unpleas-
ant. President Clinton could not have been happy, for example, when Attorney
General Janet Reno agreed to allow Special Prosecutor Kenneth Starr to in-
v estigate allegations of sexual misconduct against the president.

Top political appointees do not last very long on the job. On average, they
stay in office only 22 months; political scientist Hugh Heclo called them “birds
of passage.” They leave for many reasons. Most are accomplished people from
the private sector who see government service as only a short-term commit-
ment. Most make financial sacrifices to become top bureaucratic officials.
Many don’t find the public notoriety appealing. Some find themselves the tar-
g et of partisan campaigns that later prove groundless but leave them with
damaged reputations. Finally, many become frustrated by how difficult it is to
change and implement public policy.

**Political and Governmental Influences on Bureaucratic Behavior**

Rather than there being a single chain of command with clear lines of author-
ity, the bureaucracy in general (and bureaucrats in particular) must heed sev-
eral important voices, among the most important of them, the public, the pres-
ident, Congress, and the courts.

**The Public**

Most Americans pay little attention to bureaucratic agencies as such. The public
focuses mainly on the *content* of public policies rather than on the bureaucratic
agencies or the bureaucrats who carry them out. Americans have opinions about
Social Security—level of benefits, eligibility, taxes, and so on—but do not concern
themselves much with the Social Security Administration per se. In general, then,
the public does not directly know or think much about bureaucratic agencies.

There are many exceptions to this generalization, however. Some bureau-
cratic agencies are constantly in the public eye and occasion the development of
opinions. So many businesses are affected by environmental regulations, for in-
stance, that the Environmental Protection Agency finds itself under constant
scrutiny. Because taxes are a constant irritant for most people, Americans tend
to have opinions—not very favorable, to be sure—about the Internal Revenue
Service and its agents.

Foul-ups often focus public attention on an agency, as NASA discovered to
its discomfort with the *Challenger* explosion and the failed Mars missions in
1999. The Branch Davidian tragedy in Waco, Texas, focused a harsh light on the
Bureau of Alcohol, Tobacco, and Firearms, the FBI, and Attorney General Janet
Reno. The FBI was further embarrassed in recent years by the shootout at Ruby
Ridge, the revelation that one of their top counterintelligence officials (Robert
Hanssen) was spying for the Russians, news that it had withheld evidence in
the case of Oklahoma City bomber Timothy McVeigh, and revelations of intelli-
gence failures (shared with the CIA) surrounding the 9/11 attacks on the United States. Lax enforcement at the Securities and Exchange Commission came to public attention in the aftermath of the collapse of Enron, WorldCom, and Arthur Andersen.

The President

The president, as the nation’s chief executive, is the formal head of the executive branch. But as we saw in Chapter 12, the president’s ability to control the executive branch is limited. Virtually every modern president has been perplexed by the discovery that he cannot assume that bureaucrats will do what he wants them to do.\(^{15}\)

Richard Nixon was so frustrated by his inability to move the federal bureaucracy that he came to think of it as an alien institution filled with Democratic party enemies. His strategy was to intimidate bureaucrats or bypass them. He created the notorious “plumbers” unit in the White House to act as his personal domestic surveillance and espionage unit. Revelation of its activities was one of the factors leading the House Judiciary Committee to recommend approval of three articles of impeachment in the Watergate scandal.

Why Presidents Are Often Stymied by the Bureaucracy

The sheer size and complexity of the executive branch is one reason why presidents are frustrated by it. There is so much going on, in so many agencies, involving the activity of tens of thousands of people, that simply keeping abreast of it all is no easy task. Moreover, because of civil service regulations, presidents have no say about the tenure or salary of most bureaucrats. When presidents want something to happen, they are unlikely to get instantaneous acquiescence from bureaucrats, who do not fear them as they would fear a private employer. Presidents also find that they are not the only ones...
trying to control the actions of bureaucrats; they must always share executive functions with Congress and sometimes with the courts. Finally, bureaucratic agencies are heavily insulated against presidential efforts to control them because of agency alliances with powerful interest groups.

**Tools of Presidential Leadership** Presidents are not entirely helpless, of course. They have a number of ways to encourage bureaucratic compliance. Occasionally, because of a crisis or a widely shared national commitment, decisive bureaucratic action is possible, as during Roosevelt’s New Deal era, Lyndon Johnson’s first years as president, Ronald Reagan’s first administration, and George W. Bush’s war on terrorism.

Even during ordinary times, however, the president is not helpless. First, although it is difficult to measure precisely, the president’s prestige as our only nationally elected political leader makes his wishes hard to ignore. When Teddy Roosevelt called the presidency a “bully pulpit,” he meant that only the president can speak for the nation, set the tone for the government, and call the American people to some great national purpose. A popular president, willing and able to play this role, is hard to resist. Bureaucrats are citizens and respond like other Americans to presidential leadership. When a president chooses to become directly involved in some bureaucratic matter—for example, with a phone call to a reluctant agency head or a comment about some bureaucratic shortcoming during a press conference—most bureaucrats respond.

The power of appointment is also an important tool of presidential leadership. If a president is very careful to fill the top administrative posts with people who support him and his programs, he greatly increases his ability to have his way. Although the Senate must advise on and consent to many of his choices, it rarely interferes, recognizing, perhaps, that a coherent administration requires that a president have his own people in place. Thus, George W. Bush was able to fill top executive branch posts with people such as John Ashcroft at Justice and Gale Norton at Interior, who believed firmly in carrying forward his conservative domestic agenda.

Popular presidents can use the office, in Teddy Roosevelt’s words, as a “bully pulpit” to move the nation to action on a broad range of fronts, even in non-crisis times. Roosevelt was very effective in using the “bully pulpit” to establish the national park system, build a more powerful navy, and move vigorously against the powerful “trusts” that dominated the American economy in the early years of the twentieth century.
The president’s power as chief budget officer of the federal government is also a formidable tool of the administration. No agency of the federal bureaucracy, for instance, can make its own budget request directly to Congress. The president’s main budgetary instrument, the Office of Management and Budget, also has the statutory authority to block proposed legislation coming from any executive branch agency if it deems it contrary to the president’s budget or program.

**Congress**

Congress also exercises considerable influence over the federal bureaucracy by legislating agency organization and mission, confirming presidential appointments, controlling the agency budget, and holding oversight hearings.

**Legislating Agency Organization and Mission** The president and Congress share control over the executive branch. The congressional tools of control, in fact, are at least as formidable as those of the president. Congress legislates the mission of bureaucratic agencies and the details of their organization and can change either one. President George W. Bush’s proposed Department of Homeland Security, for example, could only be created by congressional action. Congress can also alter agency policy or behavior. For example, it recently passed a bill requiring the Census Bureau to do the 2000 census by direct count, disallowing the use of statistical sampling.

**Confirming Presidential Appointments** Although the Senate almost always approves presidential appointments to top positions in the executive branch, it will sometimes use the “advice and consent” process to shape policies in bureaucratic departments and agencies. It occasionally turns down

[Image of Attorney General John Ashcroft pondering a question]

Although the Senate almost always approves presidential appointments to top positions in the executive branch, it will sometimes use the “advice and consent” process to shape policies in bureaucratic departments and agencies. It occasionally turns down
presidential nominations, as it did in the case of George H. W. Bush’s nominee for the post of defense secretary, John Tower. At other times, it can simply draw out and delay the process in a bid to gain concessions from the president and the nominee on future policies. Former Senate Foreign Relations Committee Chairman Jesse Helms was a master at this, gaining concessions on policies concerning Cuba, foreign aid, and funding for international population control agencies. Defeat of nominees and long delays are most likely to happen during periods of divided government, when the atmosphere in the Senate is highly partisan.\textsuperscript{18}

\textbf{Controlling the Agency Budget} Congress can also use its control over agency budgets to influence agency behavior. In theory, Congress uses the budget process to assess the performance of each agency each year, closely scrutinizing its activities before determining its next \textit{appropriation}, the legal authority for the agency to spend money. Congress has neither the time nor the resources actually to do such a thing and usually gives each agency some small increment over what it had in the previous year.\textsuperscript{19} Of course, if a particular agency displeases Congress, its budget may be cut; if a new set of responsibilities is given to an agency, its budget is usually increased. Sometimes these agency budget actions are taken with the full concurrence of the president; often they are not. Congress sometimes lends a sympathetic ear and increases the budgets of agencies that are not favored by the president. In the 1980s, Congress consistently gave more money than President Reagan wanted given to the EPA, the National Institutes of Health, and the National Science Foundation.

\textbf{Holding Oversight Hearings} Oversight hearings are an important instrument for conveying the views of the members of Congress to bureaucrats. There is a great deal of evidence that agency heads listen when the message is delivered clearly.\textsuperscript{20} The head of the Internal Revenue Service, for example, recently responded to Senate Finance Committee hearings on the agency’s harassment of taxpayers by apologizing to taxpayers and promising changes in IRS behavior and policies. The SEC took a tougher line on accounting practices in public corporations after the collapse of Enron and WorldCom in 2002.

Congress does not always speak with a single voice, however. Congress is a highly fragmented and decentralized institution, and its power is dispersed among scores of subcommittees. Often the activities of a particular bureaucratic agency are the province of more than a single committee or subcommittee, and the probability of receiving mixed signals from them is very high. A skilled administrator can often play these competing forces off of each other and gain a degree of autonomy for his or her agency.

\textbf{Common Criticisms of the Federal Bureaucracy} Bureaucrats are often portrayed in popular culture as lazy paper shufflers or as indifferent, unresponsive, inhumane clerks denying us the benefits or services to which we are entitled. Politicians feed on this popular culture when they “run against Washington,” promising to pare the bureaucracy down to size and to get it off the backs of the American people. (Interestingly enough, however, the 2001 “customer satisfaction” survey of federal government
services shows that Americans are only slightly less satisfied with government agencies than with private businesses.21)

Let’s look at the four most common criticisms of the federal bureaucracy and see how much merit they have.

“**The Federal Bureaucracy Is Always Expanding**”

Surprisingly, this complaint has no basis in fact. Although the number of federal civilian employees expanded dramatically in the first half of the twentieth century, it remained relatively stable at about 3 million from the mid-1960s to the early 1990s and has since dropped to less than 2.4 million, although federal regulations and mandates have required states and localities to hire more people. (See the “By the Numbers” feature earlier in this chapter.) Government does more and spends more money today than it did in 1950, but it does so with fewer employees. Nor is it the case that all bureaucratic agencies grow without stopping. Even important ones decrease in size, as the Departments of Defense, Agriculture, and State have done since 1970. It will be interesting to see, of course, if the war on terrorism leads to a significant expansion in the size of the bureaucracy—particularly at Defense, the CIA, the National Security Agency, Homeland Defense, and Justice—and reverses the long-term trends.

“**The Federal Bureaucracy Is Ineffective**”

The record of the federal bureaucracy with respect to effectiveness—the ability to carry out its missions and reach its goals—is mixed. NASA landed a man on the moon in less than a decade, fulfilling President Kennedy’s promise to the American people. But by the same token, NASA has suffered some problems in its shuttle and Mars programs over the years. To take another example, the Defense Department and American armed forces had difficulties in Somalia in the early 1990s, but it managed a brilliant and lightning fast campaign against the Taliban regime in Afghanistan in 2001.

People who worry about government effectiveness must contend with the fact that the framers did not necessarily want government to be effective because they were worried first and foremost about tyranny. They created a system in which power would be fragmented. They were willing to trade some efficiency for inoculation against an overbearing and threatening government. Remember also that the federal bureaucracy was not designed as a rational machine with a clear chain of command, as in most democratic nations.

Finally, one must ask, “Compared to what?” Although most of us feel absolutely certain that the federal bureaucracy cannot be as effective in meeting its goals as private organizations, evidence to support such a belief is not overwhelming. Many studies on productivity, costs, and innovation show no public-private differences.22 Large organizations, public or private, may be quite similar. It took private American automakers at least two decades to formulate an effective response to the challenge of foreign imports, for example. More research needs to be done on this issue, to be sure, but it is prudent to be skeptical of the conventional wisdom about government bureaucratic ineptitude.

“**The Federal Bureaucracy Is Wasteful and Inefficient**”

Waste in government is such an enduring theme in American politics that it is hard to imagine a political campaign without it. Once again, however, the matter is more complex than it may seem.
In actuality, the opportunity for agencies to waste money is quite limited, because the bureaucracy has discretionary control over only about 5 percent of the total federal budget. Ninety-five percent is earmarked for specific purposes or is distributed to beneficiaries by formula, or entitlements. Almost all of the federal budget goes to pay the interest on the national debt, to direct payments to individuals (e.g., military pensions and Social Security benefits), and to grants-in-aid and block grants to states and localities. The small discretionary pot that remains is closely monitored and encumbered with strict rules on its use. None of this suggests that there isn’t waste or inefficient use of taxpayers’ money in bureaucratic agencies. It is to say, however, that the charges are probably exaggerated. Of course, if what we mean by “waste of taxpayers’ money” is spending on programs that we don’t like (for some, it may be bilingual education; for others, it may be a new strategic bomber), then our complaint is not with the bureaucracy but with the policymaking branches of the federal government: the president and Congress. Government can seldom please everyone.

Perhaps more important, there are certain things we want government to do that the private sector cannot or will not provide because they are hard to assess in terms of economic costs and benefits. Economists call such products and services—things that society needs but the private sector does not provide—public goods. Most Americans want things such as pollution control, first-class airports and harbors, national defense, and basic scientific research, even though private companies are unlikely to provide them. Where there is inefficiency and waste, of course, the president and Congress should insist that the bureaucracy do better.

“The Federal Bureaucracy Is Mired in Red Tape”

Americans complain incessantly about bureaucratic rules, regulations, formal procedures, and forms—in short, about red tape. At one time or another, we have all felt stymied by rules and procedures, irritated by delays,
and frustrated by forms. But how valid is the complaint that we are bound up in red tape?

Again, we run into the problem of measurement. Is there more red tape in the federal bureaucracy than in other large institutions such as HMOs, universities, and private corporations? Red tape, moreover, is often in the eye of the beholder. What is a waste of time and an inconvenience to one person may represent good public policy to another. Complaints about red tape are almost always directed at agencies that are carrying out policies we don’t like. For example, following federal procedures for the disposal of dangerous chemicals may not be what chemical companies would want to do on their own, but Americans have shown that they want strong environmental protection laws. Monitoring disposal is part of what protects us.

All in all, there is some truth to the stereotypes about the federal bureaucracy: It is large; there are programs that do not work; there is waste and inefficiency; there is a great deal of red tape. We would suggest, however, that the stereotypes greatly exaggerate the extent of the problem because our measuring instruments are very imprecise. Nor do we have reason to believe that the pathologies are unique to the federal bureaucracy. Finally, we must recognize that many of the pathologies, to the extent that they do exist, do not necessarily originate in the bureaucracy but are imposed by the Constitution.

**Reforming the Federal Bureaucracy**

How should we fix what’s wrong with the federal bureaucracy? It depends on what we think is wrong.

**Scaling Back the Size of the Bureaucracy**

Government activities can be trimmed in two ways: by slimming down and by transferring control.

**Cutting the Fat** For observers who worry that the federal bureaucracy is simply too big and costly, what might be called the “meat ax” approach is the preferred strategy. Virtually every candidate worth his or her salt promises to “cut the fat” if elected. Bill Clinton made such a promise during the 1992 presidential campaign, and he carried through after his election. In the early weeks of his administration, he ordered that 100,000 federal jobs be eliminated within four years, that freezes be placed on the salaries of government workers, that cost-of-living pay adjustments be reduced, and that the use of government vehicles and planes be sharply restricted.23

**Privatizing** A much talked about strategy for scaling back the federal bureaucracy is to turn over some of its functions and responsibilities to the private sector.24 The privatization approach is based on two beliefs:

- First, that private business can almost always do things better than government.
- Second, that competitive pressure from the private sector will force government agencies to be more efficient.

Many states and local communities have “contracted out” public services such as trash collecting, the management of jails and prisons, and even the schools, to private companies. For many years, the federal government has contracted out some activities; the defense contracting system by which the Department
One strong argument against the privatization of government agencies is that private corporations might discontinue or increase the price of services that are costly or marginally profitable. For example, the U.S. Postal Service provides mail delivery to remote and less populous areas, such as the Alaskan outback, for the same cost as it does for the rest of the country. A private, profit-motivated company might be less inclined to do so.

Critics worry that privatizing government carries significant costs. First, some matters seem so central to the national security and well-being that citizens and officials are unwilling to run the risk that the private sector will necessarily do the job well or at all. A good recent example is the transfer of the responsibility for screening airline passengers and baggage from private companies to a new government agency.

Second, private business firms might not provide services that do not turn a profit. Delivery of mail to remote locations is something that the Postal Service does, for instance, but that a private company might decide not to do.

Third, a private business under government contract is several steps removed from political control, and the normal instruments of democratic accountability, however imperfect, might not be as effective as they are in controlling government agencies. The voice of the public, expressed in public opinion polls or elections, might not be heard with much clarity by private companies, particularly if they are the only supplier of some essential service. Cable TV customers have an inkling, perhaps, of the meaning of “nonaccountability.”

Reinventing Government

President Clinton turned over the responsibility for “reinventing government” to Vice-President Al Gore at the beginning of his administration. The ideas for these reforms come from advocates of what is called “the new public management,” though the term “reinventing government” comes from a popular and influential book by that name written by David Osborne and
Ted Gaebler. “Reinventing” advocates propose transforming the federal bureaucracy not only by cutting the fat and privatizing (as discussed in the preceding section) but also by introducing business principles into the executive branch. Their idea is that government agencies will provide better public services if they are run like private businesses. Forcing agencies to compete for customers, for instance, would motivate government employees to be more attentive to their customers (citizens). Paying employees on the basis of their performance rather than by pay grade (the present system) would make them work harder and better. Allowing agency heads more freedom to experiment—allowing them to be more entrepreneurial, if you will—might lead to innovative solutions to pressing social problems.

Gore’s report closely followed the proposals made by Osborne and Gaebler and other “reinventing government” advocates. Although Congress was unwilling to cooperate, many changes were made in the agencies by presidential executive order. The most notable change was the dramatic streamlining of the drug approval process at the FDA.

**Protecting Against Bureaucratic Abuses of Power**

Many people believe that a bureaucracy of the size and shape of our present one, albeit necessary in a modern society, is potentially dangerous. Closer control over the bureaucracy by elected political bodies and by clear legislative constraints has been the preferred solution. There are many legislative enactments that try to keep bureaucratic activity within narrow boundaries. The Freedom of Information Act of 1966 was designed to enhance the ability of the press and private citizens to obtain information about bureaucratic policies and activities. The Ethics in Government Act of 1978 strengthened requirements of financial disclosure by officials and prohibitions against conflicts of interest.
Some reformers would like to see greater protection provided for whistle-blowers—bureaucrats who report corruption, financial mismanagement, abuses of power, or other official malfeasance. All too often, these courageous people, acting in the public interest, are fired or harassed on the job. This happened to Ernest Fitzgerald, a civilian cost accountant at the Pentagon, who lost his job after he revealed $2 billion cost overruns on the C5A military transport plane (he eventually won reinstatement through the courts, but it took 14 years to do so).

### HOW DEMOCRATIC ARE WE?

#### The Bureaucracy and Democracy

**PROPOSITION:** The federal bureaucracy is inherently undemocratic because it is filled with people, none of whom are elected, who make important government decisions that affect the lives of Americans.

**AGREE:** The bureaucracy is out of control. Although the number of federal civil servants has stabilized and even declined in the last few years, the federal government and its unelected bureaucrats seem to intrude further and further into our lives. Career civil servants at the Environmental Protection Agency issue rules on how farmers can use wetlands and on which animal species are endangered and protected from hunters. Employees of the Bureau of Land Management make rules for grazing on public lands that ranchers must follow.

**DISAGREE:** Civil servants are merely carrying out the missions defined for them by elected public officials, namely, Congress and the president. And, because they are especially sensitive to the wishes of the public because of their desire to be effective and to be reelected, the president and members of Congress pay close attention to what civil servants in the bureaucratic agencies are doing and intervene to force changes when civil servants go astray and act contrary to the public interest and the wishes of the public.

**THE AUTHORS:** While there are very powerful constraints on the actions of civil servants in the federal bureaucracy, they nevertheless enjoy substantial discretion in carrying out their missions. Most of what the bureaucracy does on a day-to-day basis goes unnoticed and unchallenged for a number of reasons. First, there are simply so many decisions being made and rules issued that no one could possibly keep track of them all. Second, many of the rules and decisions are highly technical in nature, with only specialists and experts paying very close attention. Having said that, however, the bureaucratic system in the United States retains important democratic dimensions. For one thing, civil servants are very much like other Americans, both in their demographic makeup and in what they think the government should be doing. For another thing, interest groups concerned with a particular area of bureaucratic activity do pay close attention, even if the public in general does not, and they do not hesitate to bring their concerns to the attention of elected officials. Finally, when bureaucratic misconduct or mismanagement comes to light, elected officials tend to intervene. Knowing this, civil servants try not to stray too far from the mainstream of public and governmental opinion. The elite and big business backgrounds of most high-level presidential appointees, however, must remain the cause for some concern for those who care strongly about democratic responsiveness.
Increasing Popular Participation

Many people worry that federal bureaucrats go about their business without the public’s having much say in what they do. Without citizen input, it is argued, bureaucrats lose touch with the people they are supposed to serve—a situation that leads to irrational policies and citizen alienation from the bureaucracy. Citizen participation in agency affairs has been pushed by some reformers as a solution. The antipoverty program of Lyndon Johnson’s Great Society required the “maximum feasible participation” of the poor in its design and implementation. President George H. W. Bush’s housing secretary, Jack Kemp, introduced tenant councils to help administer federal housing programs at the neighborhood level.

Increasing Presidential Control

Popular sovereignty requires that the elected representatives of the people closely control the bureaucracy. Popular sovereignty implies that administrative discretion should be narrowed as much as possible and that clear directions and unambiguous policies should be communicated by elected officials to bureaucratic agencies. (Note that this is a very different goal from the one envisioned by the advocates of privatization and reinventing government.) Some have argued that the only public official who has an interest in seeing that the bureaucracy as a whole is well run and coherently organized is the president. Accordingly, one suggestion for reform is to increase the powers of the president so that he can be the chief executive, in fact and not just in name.

Summary

The executive branch has grown in size and responsibility. This growth is a consequence of a transformation in the conception of the proper role of government because of structural changes in the economy and society. Although bureaucracy is not a popular concept in the American political tradition, we have created a sizable one. The reason is partly that bureaucratic organizations have certain strengths that make them attractive for accomplishing large-scale tasks.

Bureaucrats are involved in three major kinds of activities: executing the law, regulating, and adjudicating disputes. In each of these, they exercise a great deal of discretion. Because they are unelected policymakers, democratic theory demands that we be concerned about who the bureaucrats are. In the merit services, they are very much like other Americans in terms of background and attitudes. Political appointees, however, the most important bureaucratic decision makers, are very different from their fellow citizens.

Several political and governmental actors and institutions affect bureaucratic behavior, including the president, Congress, and the courts, as well as public opinion and interest groups. Bureaucratic pathologies, while real, are either exaggerated or the result of forces outside the bureaucracy itself: the constitutional rules and the struggle between the president and Congress. Proposals to reform the executive branch are related to what reformers believe is wrong with the federal bureaucracy. Those who worry most about size and inefficiency propose budget and personnel cuts, privatization, and the introduction of business principles into government. Those who want to make democracy more of a reality propose giving more control over the bureaucracy to the president and diminishing the role of interest groups.
Suggestions for Further Reading


*Description of 14 winners of the Ford Foundation’s Innovation in Government award; demonstrates that innovation is possible (although difficult) to achieve in the bureaucracy.*


*A well-written polemic that gives the other side of the bureaucratic story.*


*The bible for “reinventing government” advocates.*


*A review of American public policies with a particularly informative discussion of the role of the federal bureaucracy in policy implementation.*


*A careful historical analysis of the first budding of an expanded federal bureaucracy.*

Washington Monthly.

*Washington’s leading journal of “bureaucracy bashing”; filled with outrageous and (sometimes) illuminating stories.*


*A look at the federal bureaucracy by one of the nation’s leading conservative academics.*

Internet Sources


*The gateway to the federal government’s numerous Websites and Gophers; connections to virtually every federal department, bureau, commission, and foundation, as well as access to government statistics and reports.*


*Similar to Fedworld; which one to use depends on personal taste.*

Notes


8. Ibid., p. 97.


23. Ibid., p. 177.


