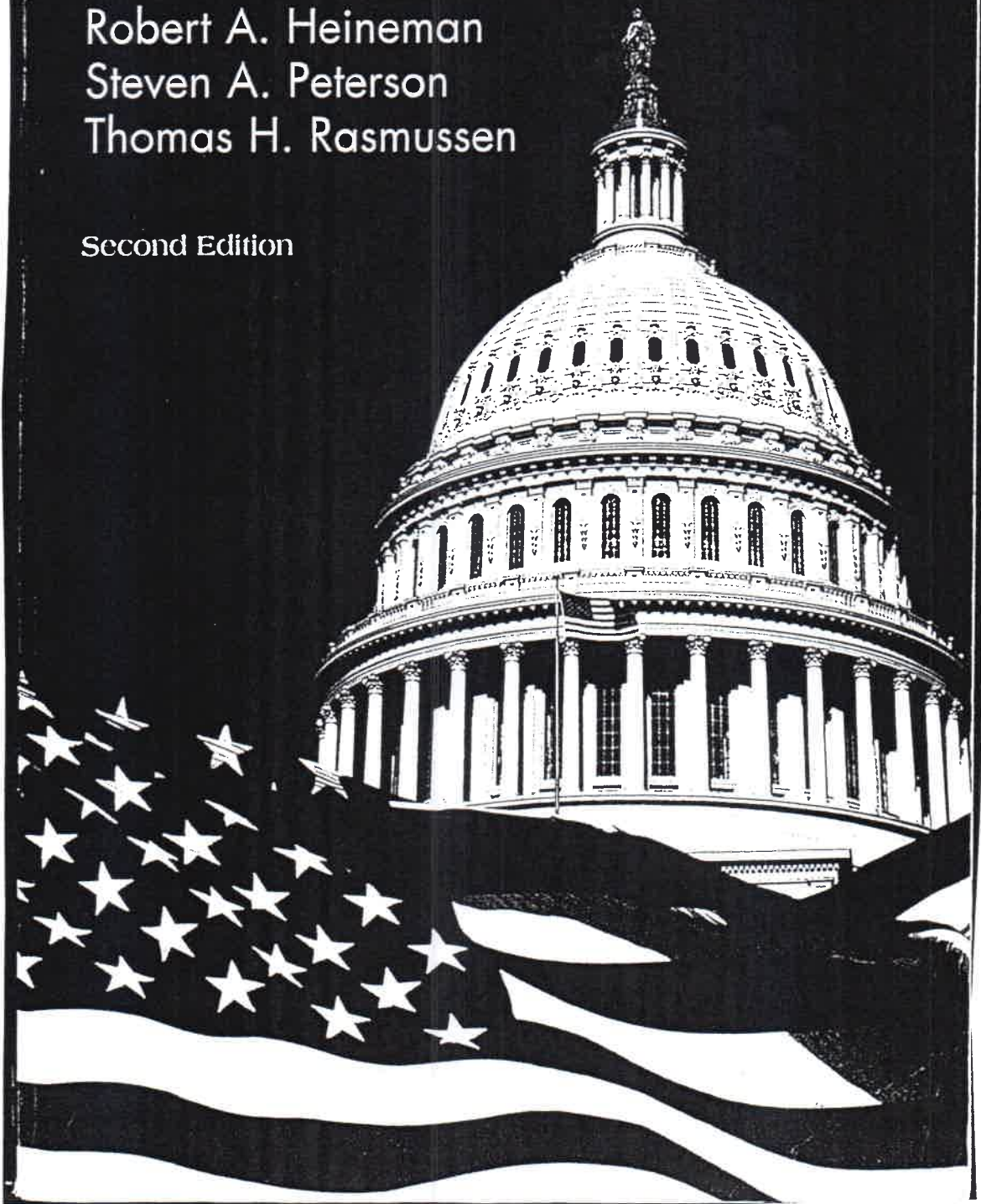


American Government

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CHAPTER 10

The Bureaucracy

Some 3 million civilian employees implement policies devised by the president and authorized by Congress. These employees, called bureaucrats, have considerable discretion in implementing generally broad policy directives, and therefore, they have considerable power to shape our lives. Yet we citizens have little direct control over what these bureaucrats do.

This chapter begins with a discussion of the basic principles of bureaucratic organization. The focus then narrows to the public sector bureaucracy, paying special attention to the growth of government responsibilities in the twentieth century, how the federal bureaucracy is organized, and the evolution of the civil service system for hiring bureaucrats.

Finally, the chapter specifies some sources of bureaucratic power and autonomy and examines some criticisms of bureaucratic performance. Our assessment of how well the bureaucrats serve us and how responsive they are to our demands is important to our sense of the quality of American political life.

Complex Organizations in American Life

When the American republic was founded in 1789, most Americans lived on small farms and provided for many of their own needs. A farmer was, for better or worse, his own carpenter, furniture maker, weather forecaster, veterinarian, soil analyst, and leather repairer. A farm woman was candlemaker, food preserver, tailor, pharmacist, and nurse. Whatever ser-

vices they needed or could afford were available in the local town—a general store, the community church, a one-room schoolhouse, a blacksmith's shop.

Two hundred years later, most Americans live in metropolitan areas, work at specialized jobs, and depend heavily on others to provide for life's needs. People work as carpenters or tailors and pay others for shoe repair and veterinary services. Goods and services are often provided by large, complex organizations—industrial firms, television stations, hospitals, supermarkets, department stores, schools, and government.

Large, complex organizations are known as bureaucracies, and the people working within them are called bureaucrats. Bureaucracies flourish because they are a superior form of social organization. Max Weber, writing in the early twentieth century,¹ noted that goods and services are provided more efficiently when people work together in complex organizations than if each person works alone or with very few others, as they did in frontier America.

Today, the labor force consists of about 125 million workers. Most are employed in the private sector; only 15 percent work for government. Five out of six government employees work at the state and local levels. They are schoolteachers, police officers, health care providers, and public works employees.

As we saw in Chapter 3, state and local governments administer many programs for which the federal government pays the bills. This is why the federal government generates about 23 percent of our annual gross national product while employing less than 3 percent of the labor force. About 200,000 federal bureaucrats, 1 in every 14, work in Washington, D.C.

The Expanding Role of Government in the Twentieth Century

Before World War I, the philosophy of *laissez-faire* was firmly in place, and government's role in society was quite modest. But the role of government has expanded over the course of the twentieth century, and Americans today expect much more of their government than did their grandparents.

Providing Collective Benefits

Government provides some services which a private company could not. Most important, government provides military security. Since the outbreak of World War II, our stake in a stable world has forced us to increase military spending dramatically. Military security is a collective benefit in the sense that

whatever level of security is achieved benefits everyone, and all should pay their fair share. Only governments can collect taxes from everyone to pay for military spending.

Similarly, highways and schools benefit everyone, and everyone should pay for them through taxes. If these services were provided by private entrepreneurs, only direct users would pay for them and fees would be prohibitively expensive. Roads would not be built, and too few children would be educated. A private police force offering protection to a community would have no legal way to require all to contribute, even though all would benefit from lower crime rates. Some households would neglect to pay their fair share. This behavior is known as the free rider problem; some people “ride free” on the efforts of their responsible neighbors. Since government can require all to pay for needed community services through taxes, government builds the roads, operates the schools, and provides police and fire services.²

Regulating Abuses of Private Power

Sometimes the private marketplace fails to work efficiently. The first regulatory commission, the Interstate Commerce Commission (ICC), was established in 1887 to protect rural communities from the predatory pricing practices of railroads. (Often small communities were served by only one railroad, which could use its monopoly position to charge very high rates and make very high profits.) For the same reason, rates charged by “public utilities,” those private companies that provide telephone service, electricity, and natural gas to our homes, are regulated by state public utility commissions.

Protecting Health and Safety

Much government regulation is intended to protect the health and safety of the public. The Food and Drug Administration (FDA) protects the buying public from unwholesome food and dangerous drugs. The FDA exists because consumers cannot know what the manufacturer put into a container of food or whether a drug might have dangerous side effects. The Occupational Safety and Health Administration (OSHA) establishes rules for the workplace in an effort to reduce accident and illness rates among American workers. The Department of Transportation requires automobile manufacturers to install turn signals, safety belts, and impact-resistant bumpers to reduce automobile accident and injury rates. The Environmental Protection Agency (EPA) prevents industries from dumping pollutants into the air and water,

protecting the health and quality of life of communities downwind and downstream.³

Implementation

Bureaucrats are so important because after Congress enacts a law or the president issues a policy directive, most of the implementation work remains. Once a food stamp program is authorized, for example, bureaucrats must determine eligibility standards, set up a distribution system, and ensure that local governments and recipients are complying with program regulations. Congress enacts, and the president signs, a law requiring that strip-mined land be restored to its original contours and replanted, leaving to bureaucrats the task of devising regulations consistent with the law’s intent and responsive to very different terrains, soil types, and climatic conditions.⁴

How Government is Organized

Looking at the federal bureaucracy from the top down, we see that the work is divided among some 70 units which report to the president.

Cabinet Departments

Cabinet-level departments are headed by a secretary who is assisted by a network of undersecretaries, deputy secretaries, and assistant secretaries. The 14 Cabinet departments employ about 60 percent of our federal civil servants. The biggest employer is the Department of Defense, which purchases weapons, recruits troops, and designs military strategy. The unit with the fewest employees is the Department of Education, which sponsors educational research and administers scholarship and loan programs. Some Cabinet departments are formed around specialized functions such as foreign affairs, finance, and transportation. Others (e.g., Labor, Commerce, Veterans Affairs) are devoted to promoting the interests of particular social groups.

Executive Agencies

Executive agencies, like the Cabinet departments, are fully responsible to the president. Some units, like the EPA and the CIA, have policy-making responsibilities and close access to the president and the White House staff. Other units implement less visible programs and receive little presidential attention. For example, the National Science Foundation funds scientific research; the General Services Administration buys, cleans, and repairs the thousands of buildings and automobiles owned by the federal government.

Independent Regulatory Agencies

Most independent regulatory agencies were established to protect consumers from monopoly pricing and dishonest business practices. Among important regulatory agencies are the Federal Communications Commission, which regulates the broadcast industry; the Federal Elections Commission, which monitors candidate compliance with federal election laws; the Securities and Exchange Commission, which regulates trading in stocks and bonds; and the Federal Trade Commission, which prohibits deceptive advertising.

Independent regulatory agencies are governed by commissioners appointed by the president for four- to seven-year terms. They have legislative, administrative, and judicial responsibilities and operate independently of the president, who cannot set policy or remove the commissioners from office. These agencies were insulated from close political control in order to encourage objective, nonpartisan, technically competent regulatory practice.⁵

Government Corporations

Government corporations charge customers for services and operate much like a private business. Two familiar examples of government corporations are the United States Postal Service, which delivers the mail, and Amtrak, which provides rail passenger service. The Tennessee Valley Authority has built a network of dams on the Tennessee River to provide electricity, flood control, and recreational opportunities in the Tennessee Valley.

Principles of Bureaucratic Organization

The Department of the Interior, a city government, a college or university, an automobile manufacturer, and a fast-food franchise are all complex organizations designed according to bureaucratic principles. Max Weber noted that several characteristics of bureaucracies make them more efficient than less cooperative, more individualistic patterns of organization.

Hierarchy

At each level of the organization, higher-level superiors direct and coordinate the activities of numerous subordinate employees. The constellation of units, often called offices, divisions, or bureaus, resembles a pyramid or triangle. Several units report to the next level up the hierarchy, where activities are monitored and efforts are coordinated. The principle of hierarchy makes it possible for an organization to harness the efforts of thousands of employees toward a common purpose.

Figure 10.1 presents a portion of the organization chart for the Department of the Interior. A ranger maintaining trails and monitoring campsites in Yellowstone National Park is one of 78,000 employees of the Department of the Interior, of whom about 85 percent work outside Washington, D.C. Within the National Park Division (at the bottom of Figure 10.1), supervisors decide how many rangers should be allocated to each of the national parks and whether they will emphasize information and education activities or trail monitoring and maintenance. At the top of the Department of the Interior, a dozen offices and bureaus report to the secretary (three are shown in Figure 10.1).

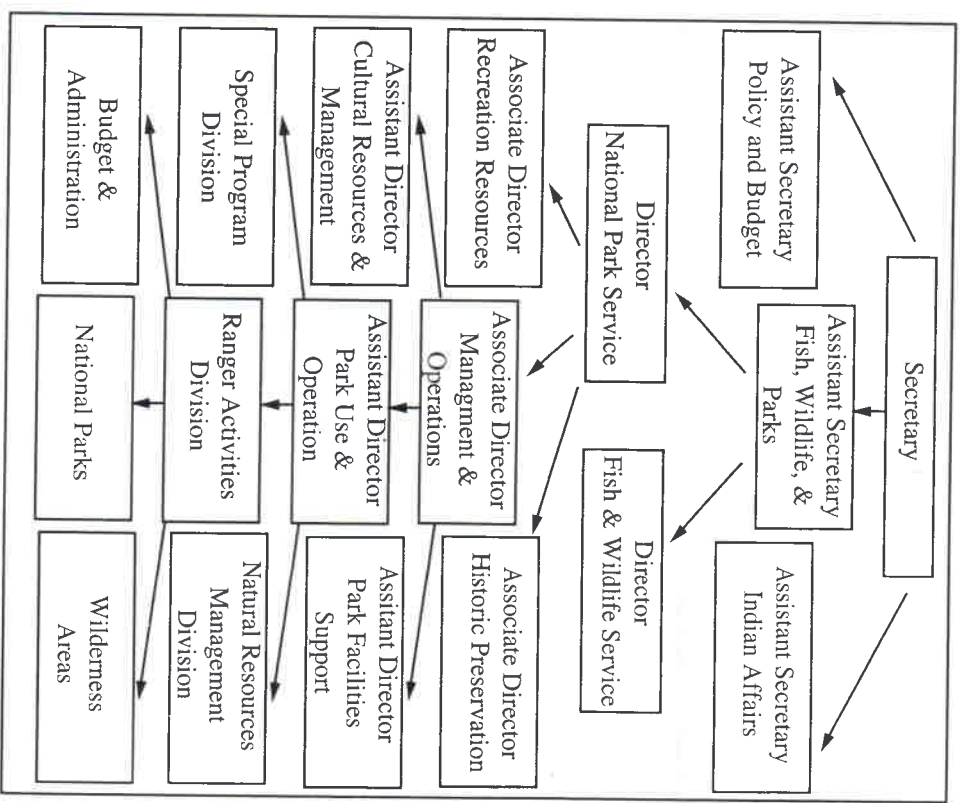


Fig. 10.1 Department of the Interior

The secretary decides policy, coordinates efforts, and represents department interests to the president and to other departments (such as the EPA) whose activities affect the parks.

The full organizational chart forms a pyramid with a very broad base. Most employees work within the national parks or in bureaus consisting of experts with specialized training and skills.

Specialization

Complex organizations are efficient because each employee specializes in rather narrowly defined activities. The Department of the Interior employs experts in Native American languages and culture, accountants, wildlife biologists, librarians, and media specialists for national park visitor centers. After learning a certain kind of work and gaining experience, employees tend to make a career of that kind of work. Today's 30-year-old secretary, accountant, or forestry officer will often be working at the same type of job at age 50.

Formal Rules

Formal rules govern the hiring of employees to ensure that every position is filled by a person qualified in terms of aptitude, training, and experience. While knowing someone in the Park Service may help an individual to land a ranger job, that person must meet the basic qualifications.

Organizations also spell out how employees are expected to carry out their work. The job of ranger or receptionist is defined, and whoever fills that job is expected to do the job in about the same way, regardless of personality or personal preference. Employees are expected to follow standard operating procedures or established routines.

Bureaucrats apply organization rules impersonally to their clients. The Department of Agriculture bureaucrat asks the same questions of every person who requests food stamps to determine whether or not the applicant is eligible. The bureaucrat at Housing and Urban Development allocates funds for housing project construction among communities according to a clearly defined set of criteria. In a modern complex organization, the personal inclinations of the bureaucrat are not a major factor in applying the rules.

Hiring the Federal Work Force

The Spoils System

For a century after the founding of the republic, the president and his appointed department heads hired and fired federal employees very much as they

pleased. In the hiring process, political connections sometimes outranked training and experience. Indeed, the hiring process became known as the "spoils system" in the 1820s during Andrew Jackson's presidency. A newly elected president would fire many of the incumbent bureaucrats and appoint his political supporters to replace them. "To the victor belong the spoils" became a well-established principle of nineteenth-century American politics.⁶

The spoils system worked well enough when most jobs were easily learned and did not require much training or experience, but by 1880 the federal bureaucracy had expanded in size and jobs were more complex and detailed. Critics of the spoils system demanded reform. Jobs should be filled by workers with experience and training, not political hacks, thought reformers. The cause of the reformers was aided when President Garfield was assassinated in 1881 by a disappointed office-seeker. Two years later, the Pendleton Act (1883) established a civil service system to develop and administer a personnel system in which employees would be hired, fired, and promoted on the basis of their job performance.

The Civil Service Commission

The Civil Service Commission (now the Office of Personnel Management) established many procedures to foster a technically competent, politically neutral federal work force. Important civil service practices include the following:

1. Defining appropriate experience, education, and testing requirements for each federal job. An accountant must be familiar with accepted accounting practices, and a bricklayer must know how to lay bricks. A person is not put on the federal payroll because of his or her personal or political connections.
2. Rank-ordering all civil service jobs according to level of difficulty. The general schedule (GS) grades all jobs from GS-1 (unskilled jobs paying an annual salary of \$10,600) to GS-18 (upper-level management positions paying \$90,000 per year). At lower and middle grades, federal salaries and benefits are comparable to private sector salaries; at higher grades, federal salaries are lower than those usually paid in the private sector.
3. Developing procedures for dismissal of federal employees. Originally intended to protect civil servants from dismissal for political reasons, these procedures make it very difficult to dismiss incompetent employees. Workers have an interest in doing minimally acceptable work, and managers seek to avoid the costs of training replacements. Thus, dismissal rates tend to be low.

4. Setting up performance evaluation programs, which assist supervisors in making promotion decisions and motivate employees to improve the quality of their work.

Discrimination

The civil service system upgraded the quality of government, building a core of well-trained, experienced bureaucrats better able to implement public programs. But these bureaucrats were largely white males; the system tended to exclude women and minorities. Managers assumed that women and blacks would not fit in, would make clients or other workers uncomfortable, were not capable of doing many kinds of work, and did not need well-paying jobs.

Equal Opportunity and Affirmative Action

The federal Civil Rights Act of 1964 declared that “it shall be the policy of the United States to ensure equal employment opportunities for all employees.” The principle of equal opportunity for all, regardless of race, religion, or gender, was widely accepted. More controversial were affirmative action programs, which encouraged government agencies to seek out well-qualified minority applicants to fill positions. Under affirmative action plans, when a minority or female and a male candidate were equally qualified, the minority or female candidate would receive preference. The objective was to increase the share of minority and female employees in the work force quickly.

Affirmative action programs have improved the job opportunities of women and, to a lesser extent, minorities. The proportion of women among holders of federal jobs rose from 33 percent in 1970 to 48 percent in 1989. Representation of women in middle management jobs (GS 13–15) rose sharply, from 3 percent in 1970 to 17 percent in 1989.⁷

Affirmative action has generated much controversy. White males have claimed that affirmative action policies deny them the equal protection of the law under the Fourteenth Amendment, and recently federal courts have placed limits on the extent to which employers can use affirmative action programs.

Civil Service Reform Act

The civil service system was overhauled in 1978 with passage of the Civil Service Reform Act (CSRA). This law replaced the Civil Service Commission with an Office of Personal Management; upgraded performance appraisal methods to facilitate dismissal of incompetent employees and promotion of effective employees; established a Senior Executive Service (SES), a core of

top-level managers at the GS-16 to GS-18 levels who would receive bonus payments of up to 20 percent of base salary for exceptional performance; and set up a Merit System Protection Board to protect worker rights.

The CSRA was enacted to upgrade the quality of the federal bureaucracy. Existing practices were well established, however, and modest changes, not major reform, characterize the CSRA's first decade. It remains difficult for supervisors to dismiss incompetent employees. Supervisors often find it easier to make the life of an unwanted employee miserable by giving the employee nothing to do or assigning jobs that the employee dislikes than to document the employee's deficiencies adequately.⁸ It also has been difficult to tie the bonus payments of SES personnel to their job performance.

What Motivates Bureaucrats?

Bureaucrats are at the center of a complex network of political activity. The president sets broad priorities, Congress monitors agency programs and intervenes on behalf of constituents, and interest groups affected by agency decisions take the agency to court and speak out at public hearings. How do bureaucrats go about their business of setting goals and making decisions when so many outsiders are interested in their activities?

Observers of bureaucracy have approached this question in three ways. The public interest approach assumes that bureaucrats seek to allocate resources for the well-being of society. The self-interest approach emphasizes that individual bureaucrats and agencies are motivated primarily by the desire for personal and organizational success. The political response approach describes bureaucratic decisions as reaction to the political pressures of clientele groups, the general public, and elected politicians.

Public Interest

Writing in 1887, Woodrow Wilson described an important difference between politics and administration. Politics, thought Wilson, involves making basic policy choices. Administration implements these policy decisions. Bureaucrats are expected to closely follow the policy directives of elected officials and to use their specialized skills and experience to implement the policies in an efficient, businesslike way. While politicians should be responsive to the people, bureaucrats should be politically neutral experts.⁹

The idea that government employees should pursue the public interest is well established among government workers and within society. The ethically responsible bureaucrat serves the people and must subordinate self-interest to the public good. Indeed, we commonly call a government worker a public ser-

vant. Some bureaucrats see themselves as protecting the public from special-interest-oriented elected officials; they perceive that politicians seek to maximize their reelection chances, while bureaucrats are more inclined to pursue the public interest.¹⁰

Limits on the Rights of Bureaucrats

To encourage the view that bureaucrats serve all of the people, society restricts the right of federal employees to participate in political party activity. The Hatch Act (1939) allowed a federal employee to run for office in non-partisan elections, make campaign contributions, and vote in primary contests. It prohibited any political activity in the workplace, campaigning in local partisan elections, or running for office as a Republican or as a Democrat. In 1993, a new law extended the freedom of federal employees to engage in political activities away from the workplace.¹¹

The right of public employees to join unions and to strike against society is also limited. In 1962, President John F. Kennedy issued an executive order which gave federal employees the right to join unions and engage in collective bargaining with the federal government. However, compensation is not subject to collective bargaining, and federal workers do not have the right to strike. Postal workers illegally walked out in 1970. When air traffic controllers walked off the job in 1981, they were summarily dismissed and replaced.

The Cost-Benefit Factor

Bureaucrats serve the public interest by "making a profit" for society, providing goods and services whose value to society is greater than the cost of the resources needed to provide them. If OSHA issues a workplace regulation, the value to society of reduced injuries and workers' peace of mind should be greater than the cost of complying with the regulation. The Department of Transportation should allow states to set speed limits on rural interstates at 65 miles per hour only if the value of faster travel exceeds the cost of higher accident rates and increased fuel consumption. An agency should not provide its own staff training program if it can contract with another agency to provide the same program at lower cost.

Recent administrations have required government agencies to make more use of cost-benefit analysis, which asks bureaucrats to calculate the costs and benefits of proposed programs and to undertake only those programs whose benefits are greater than their costs. Traditionally, cost-benefit calculations have not been widely employed because measuring benefits in the public sector is rather difficult. Private corporations sell their product for a price, and the bottom line, profit, is a ready comparison of costs and benefits. For a government agency, however, how does one tell what benefits are generated by a

billion-dollar highway program? What contribution does a \$20 billion weapons system make to national security? How do we establish the aesthetic value to society of a river that does not smell?

While useful techniques for measuring benefits are available, they have been used infrequently because Washington has tended to be dominated by lawyers rather than economists. Economists think naturally in cost-benefit terms and have developed techniques for measuring benefits in the public sector.¹² Lawyers often respond to political pressure, writing a regulation on behalf of their agency and then enforcing compliance with that regulation. Economists are trained to compare costs and benefits; lawyers are trained to make the strongest possible case on their client's behalf, not to judge the merit of their client's case.

Self-Interest

Personal Concerns

The self-interest approach to bureaucratic motivation assumes that government bureaucrats maximize their individual self-interest, not the interests of the taxpaying public.¹³ In this view, individual bureaucrats pursue income, status, and power within their agency. Family concerns and leisure preferences may also affect work performance. Bureaucrats engage in a perpetual process of weighing benefits and costs in making daily decisions about whether to make an exception to agency rules, whether to stay home with a sick child, whether to implement a new policy directive in good faith.

Organizational Goals

Bureaucrats may also pursue organizational goals, expanding the agency's mission or budget and protecting turf in bureaucratic struggle with other agencies. William Niskanen argues that government grows because bureaucrats are continuously seeking to expand the size of agency budgets. Bureaucrats seek to maximize some combination of salary, reputation, power, and service output, all of which are enhanced when agency budgets are expanding. In the 1970s and 1980s, bureaucrats proposed many ways to spend money and expand agency services. In the 1990s, bureaucrats struggle to avoid layoffs and cutbacks as legislators cut spending to shrink the budget deficit and avoid hefty tax increases.¹⁴

Bureaucrats want their agencies to be successful. The scientific researcher studying air pollution at the EPA believes that cleaner air is an important social goal. The weapons purchasing specialist at the Department of Defense is convinced that military preparedness is an essential national objective. The lawyer who works in the Department of Justice's antitrust section wants to

protect the public from high prices and poor service, a possible result of a proposed merger between two competing corporations.

Political Response

According to this view of motivation, bureaucrats work within the context of a political system in which power is scattered among various elected politicians, interest groups, and other bureaucrats. As they do their work, bureaucrats engage in a continuous process of negotiation. They negotiate with legislators about how to implement imprecise laws stating broad goals and with special interests who are affected by bureaucratic decisions.¹⁵

Regulators are sometimes puppets manipulated by a dominant interest. Sometimes they are impartial umpires weighing the evidence and arguments presented by competing interest groups. And often regulators are spirited participants whose strong preferences may be tempered in the course of bargaining and negotiations with the regulated interests. Thousands of regulatory dramas unfold each year, with different scripts and actors playing different parts.

Policy Triangles

Agencies typically devote much care to building and maintaining the policy triangles formed by the agencies, their clientele groups, and congressional committees. For example, the Department of Agriculture is attentive to the needs of farmers and consults closely with farm interest groups such as the Grange and the Dairy Farmers Association. The Veterans of Foreign Wars and the American Legion are strong supporters of the Veterans Administration, which provides medical and educational benefits to veterans.

Agencies also cultivate good relations with the congressional committees which authorize spending and appropriate funds. The policy triangles formed by these political relationships are described as iron triangles, which emphasizes their durability, or cozy triangles, which indicates that like-minded bureaucrats, legislators, and interest groups work comfortably together. Policy triangles are common in routine, day-to-day government.

Agency Capture

While policy triangles are pervasive, the links between government agencies and those affected by agency activities are varied, especially when the agency must satisfy several constituencies. One pattern is that an agency established to regulate an industry for the benefit of the public ultimately works closely with the regulated industry. The Interstate Commerce Commission (ICC), established in 1887 to protect farmers from high rates set by monop-

olistic railroads, eventually came to regulate competition, setting rates at high enough levels that all railroads could make a profit and discouraging competition.¹⁶

This pattern, called agency capture, was characteristic of the airline and trucking industries before deregulation in the late 1970s.¹⁷ The Civil Aeronautics Board set fares and assigned routes to passenger airlines, discouraging innovation and guaranteeing profits. The ICC limited the number of carriers and set rates that truckers could charge. In both cases, customers paid lower rates and enjoyed better service after deregulation. Agencies tend to be captured because members of the general public, who initially demand action to correct industry abuses, subsequently lose interest in agency decision making. However, the regulated industry continues to have a keen interest in agency decisions and works hard to shape those decisions.

Issue Nets

On controversial policy matters, bureaucrats must take into account sharply different viewpoints. For example, the automobile industry and environmental groups pressure the EPA to issue favorable rules on urban air pollution. The pharmaceutical industry and consumer groups attempt to influence the FDA on how much testing for a new drug is adequate to protect consumer health and safety. These issue nets involve small numbers of people with expertise and interest in a particular policy area, competing points of view, and valuable expertise. Unlike policy triangles, issue nets involve conflict between competing interests which the bureaucrats who make and implement policy must reconcile.¹⁸

In the intense political conflict generated in issue net politics, bureaucrats must engage in a process of negotiation with competing groups in search of a set of rules minimally acceptable to each.¹⁹ Government regulators sometimes have to choose between well-organized competing groups. In these circumstances, the regulatory agency acts as a more or less impartial umpire, drawing on the information and arguments presented by competing groups to reach a decision fair to the competing groups and the general public. The Nuclear Regulatory Commission must make rules promoting safe operation of nuclear power plants, balancing the opposing preferences of industry groups and environmental interest groups. The industry wants to limit construction and operating costs, while antinuclear groups seek to minimize the risk of a nuclear accident at any cost. FDA regulators expect the pharmaceutical industry to test new drugs thoroughly before marketing them, while the industry complains that years of testing in search of unexpected side effects make drugs prohibitively expensive and deny sick people access to them.

Both issue nets and policy triangles imply that policy is made by elites with expertise far beyond that of the ordinary citizen. From a pluralist point of view, issue networks are an improvement over policy triangles because a wide range of competing interests is represented.

Criticisms of Bureaucracy

Our high standard of living and centralized, interdependent culture are possible because of bureaucracy. Large, complex organizations are efficient and highly productive because they embody the principles of hierarchy, specialization, formal rules, and impersonality which Max Weber first described. However, if you ask people what bureaucracy means to them, they are likely to mention inefficiency, red tape, and delay. Consumers of private sector goods and services want what they are buying; taxpayers often cannot see an equally direct connection between publicly provided goods and services and the taxes they pay.

Inefficiency and Low Productivity

Bureaucracies (whether public or private) may be inefficient because bureaucrats may attempt to ride free on the efforts of their fellow workers, anticipating that the organization's work will get done without their making a fair contribution.²⁰ Free riding is common because no one can judge precisely the value of an individual worker's contribution to an organization. That is why all employees who do similar work are paid at the same rate. Most federal jobs are classified into 18 categories according to training required, level of difficulty, and level of responsibility. A mechanic, a nurse, and a librarian with the same job rating are paid at the same rate regardless of how well they work. In effect, the employee is paid the average salary for employees in that work classification.²¹

A shirking worker who does the job poorly, reads the newspaper at work, and goes home early hurts the organization's productivity, and these losses are borne by everyone. Meanwhile, the shirker gains 100 percent of the value of a more relaxed approach to the job. Why should an office worker sacrifice a longer coffee break in order to process more applications?

Organizations seek to minimize shirking by monitoring how employees are spending their time and by establishing and enforcing rules. They can require employees to punch a time clock to record their arrival and departure times and can instruct them to limit their coffee breaks to 10 minutes. They can set out detailed rules and regulations that describe how employees are to do their jobs. And they can institute work load measures that keep track of

how many letters an office worker types, how many factories an inspector visits, and how many licenses a clerk issues.

One problem is that monitoring is itself costly. An agency head who spends time and energy monitoring workers has less time for making policy decisions, and for coordinating the work effort, and for communicating with legislators, the department head, and related agencies. A supervisor may well conclude that close monitoring takes too much time and energy or has too little effect on employee behavior.²²

An additional problem is that supervisors themselves have an incentive to shirk their monitoring responsibilities. The supervisor who is paid a salary of \$45,000 regardless of how well the organization works has little incentive to spend time in the thankless task of monitoring workers closely.

Close monitoring is not feasible in complex, nonroutine situations where subordinates need to be flexible and use their judgment. In enforcing workplace safety regulations, for example, the individual enforcement officer must decide whether a marginal improvement of workplace safety justifies imposing a costly regulation on a workplace.

Fortunately, many bureaucrats do not shirk even if they are not closely monitored. In those organizations which establish an ethic of hard work, bureaucrats will work diligently without close supervision. When individuals see that others are working hard, they will be more inclined to work hard too.²³

Many workers also have a sense of professional pride in doing their job well. Many occupational fields now require higher education, foster adherence to standards of work and behavior, and create a sense of identity among practitioners. These professionals may draw their behavioral cues from their professional organizations. Accountants, teachers, and nurses are more likely than sanitation workers and file clerks to have a sense of professional responsibility. Over time, the federal work force is becoming more professionalized. The Bureau of Labor Statistics estimates that the professions grew from 4 percent of the work force in the 1920s to 15 percent in the 1970s.²⁴

Red Tape

As bureaucracies grow larger and more complex, coordination becomes more necessary and more difficult. More rules are written and procedures specified to ensure that similar situations are handled in similar ways. On the one hand, these rules and procedures protect against arbitrary, inconsistent case-by-case decisions; on the other, the rules can seem like foolish red tape.

Consider the case of Arlo Van Veldhuizen, an aging Iowa dairy farmer. He agreed to sell his dairy cattle for slaughter under the Department of Agri-

culture's Dairy Termination Program, a plan to shrink milk production. An assistant secretary decided that participating dairy producers had to sell all their cattle to discourage cheating and to minimize the need for case-by-case dickering (which would open the door to the appearance of favoritism). When Van Veldhuizen asked if he could keep "Old Mama," who no longer gave milk, as a pet, Department of Agriculture bureaucrats said no. The policy rule was no pets, because exceptions would require thousands of difficult case-by-case decisions. ("Yes, my pet cow does give some milk but not much." "Can I keep pets for each of my children?").

From the Department of Agriculture's point of view, the "no pet" policy made sense. Hiring more bureaucrats to authorize exceptions and monitor compliance would cost taxpayers more money. However, from the farmer's point of view, he and Old Mama were innocent victims of Department of Agriculture red tape. The farmer's congressman agreed, and the department was successfully pressured to grant the exception.²⁵

Turfing

As the government addresses complex issues, problems of coordination mount. When the Department of Transportation proposes to build a highway, it must work closely with for example, HUD, whose buildings may be knocked down; the EPA, for air pollution levels may be affected; and the Department of the Interior, whose historical landmarks may be in the way. Endless meetings and memos delay the process until each affected agency is satisfied and "signs off" on the project. This lengthy coordination process is necessary because frequently what one agency proposes affects the work of another agency.

Occasionally, agencies compete for jurisdiction in what is a competitive, not a cooperative, process. In Washington, bureaucratic struggles over jurisdiction are known as turfing. One recurring example is the conflict between the CIA, the Department of Defense, and the State Department, all of which gather and interpret information. Turfing also occurs along the Texas-Mexico border, where agents of the Immigration and Naturalization Service have clashed with agents of the Drug Enforcement Agency while pursuing their respective missions of preventing illegal border crossing and drug smuggling.

Inconsistent Policies

Bureaucrats are expected to provide services efficiently and to respond to political pressures, two objectives which are not always compatible. The Army Corps of Engineers may decide to build a dam project in a key congressional district for political reasons, not because potential flood damage is great or

because irrigation is needed at that site. HUD may take into account a phone call from the White House suggesting that the application of a powerful mayor's city for an urban development grant receive favorable consideration. HUD bureaucrats may believe that the money can be best used in city A, yet award the grant to city B because of the political pressure. Moreover, citizens may shake their heads to learn that government agencies are following contradictory policies, for example, providing subsidies to tobacco growers while the surgeon general is waging a campaign to discourage smoking.

Bureaucratic Jargon

Bureaucrats are also criticized for their impenetrable prose. Their graceless, jargon-filled sentences alternately irritate or amuse citizens who wish to communicate with bureaucrats. How is one to interpret the following sentence from a New York State Department of Environmental Conservation memo? "The department has the responsibility under the state environmental quality review act and under its regulations to ensure that its determinations on applications for permits, for which environmental impact statements are prepared, to construct and operate solid-waste management facilities will minimize to the greatest extent practicable adverse environmental impacts relating to those facilities."²⁶ Few readers would have the patience or interest to decipher such a sentence, which translated into ordinary English means "The department will grant permits to construct and operate solid-waste management facilities that minimize adverse environmental impact."

Bureaucrats frequently use passive verbs and place the subject at the end of long sentences, habits which frustrate all but the most patient of readers. For example, the thought "The department should study the situation" can be bureaucratized by writing "It is felt that the situation should be subjected to further study by the department." Another common practice in writing bureaucratic jargon is to convert words that are nouns into verbs. Thus a bureaucrat might write, "I tasked the committee to prioritize projects and undertake those which will impact on the problem." Unflattering caricatures of how bureaucrats speak and write are commonplace.²⁷

The 3 million federal bureaucrats convert general policy statements of the president and Congress into specific rules and regulations binding upon each of us. Bureaucrats shape the programs and provide the services which we pay for through taxes and borrowing.

A large, powerful bureaucracy poses serious questions for democratic theory. For nearly 100 years, bureaucrats have been selected according to the

civil service principle of technical competence and political neutrality. Bureaucrats, accordingly, are partially insulated from close control by our democratically elected president. Bureaucratic decisions are binding upon us and affect our lives, but we citizens have little direct control over them. We do, however, have considerable indirect leverage through our elected members of Congress, who watch over agency activities, appropriate funds annually, and attend to the complaints of their constituents. Citizens also have indirect control through the interest groups they support.

Pluralists assign great importance to these checks on bureaucratic performance to ensure that the ruled have a substantial measure of control over their rulers. Elitists tend to focus on broad policy issues, not the details of policy implementation. For elitists the activities of bureaucrats are of less interest than the policy priorities of their masters.

Recommended Reading

- Anthony Downs: *Inside Bureaucracy*, Little, Brown, Boston, 1967.
 Judith Gruber: *Controlling Bureaucracy: Dilemmas of Democratic Governance*, University of California Press, Berkeley, 1987.
 Kenneth Meier: *Regulation: Politics, Bureaucracy and Economics*, St. Martin's, New York, 1985.
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 Francis E. Rourke: *Bureaucracy, Politics and Public Policy*, Little, Brown, Boston, 1984.
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CHAPTER 11

The Federal Judiciary

Eras of Judicial Interpretation

1789–1800	The early Supreme Court period
1800–1835	Marshall Court protects private property and furthers national power
1836–1864	Taney Court supports state police power and is deeply divided by slavery issue
1864–1875	Civil War and Reconstruction lead to decline in the position of the Court
1875–1937	Court increases in status and becomes protective of corporate property against national and state regulation
1937–1953	Court removes itself from determining economic and social policy and begins to expand individual rights
1953–1969	Warren Court expands rights in the areas of speech and association, religion, voting, race, and the criminal process
1969–present	Burger and Rehnquist Courts slow the expansion of individual rights and give greater deference to state power

14. Arthur Schlesinger, *The Imperial Presidency*, Houghton Mifflin, Boston, 1973.
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17. Bob Woodward and Carl Bernstein, *The Final Days*, Simon and Schuster, New York, 1976.
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19. Clinton Rossiter, *The American Presidency*, Harcourt, Brace & World, New York, 1960.
20. Neustadt, *op. cit.*, chap. 1.
21. Calvin Mouw and Michael Mackuen, "The Strategic Configuration, Personal Influence and Presidential Power in Congress," *Western Political Quarterly*, 45:2, September 1992.
22. Cronin, *op. cit.*, chap. 7.
23. Irving Janis, *Victims of Groupthink*, Houghton Mifflin, Boston, 1952.
24. Waterman, *op. cit.*
25. Neustadt, *op. cit.*, p. 77.
26. Watson and Thomas, *op. cit.*, p. 501.
27. Cronin, *op. cit.*, p. 22.

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2. Mancur Olson, *The Logic of Collective Action*, Harvard University Press, Cambridge, Mass., 1971.
3. James Q. Wilson, ed., *The Politics of Regulation*, Basic Books, New York, 1980.
4. Eugene Bardach, *The Implementation Game*, MIT Press, Cambridge, Mass., 1977; Jeffrey Pressman and Aaron Wildavsky, *Implementation*, 2d ed., University of California Press, Berkeley, 1979.
5. Louis M. Kohlmeier, Jr., *The Regulators: Watchdog Agencies and the Public Interest*, Harper & Row, New York, 1969; Richard A. Harris and Sidney M. Milkis, *The Politics of Regulatory Change: A Tale of Two Agencies*, Oxford University Press, New York, 1989.
6. Dennis Dresang, *Public Personnel Management and Public Policy*, Little, Brown, Boston, 1984, p. 28.

7. *United States Statistical Abstract*, Government Printing Office, Washington, D.C., 1992, pp. 330, 333.
8. Steven W. Hays and T. Zane Reeves, *Personnel Management in the Public Sector*, Allyn and Bacon, Boston, 1984.
9. Woodrow Wilson, "The Study of Administration," *Political Science Quarterly*, vol. 2, June 1887.
10. Judith Gruber, *Controlling Bureaucracy: Dilemmas in Democratic Governance*, University of California Press, Berkeley, 1987.
11. George Berkeley, *The Craft of Public Administration*, Allyn and Bacon, Boston, 1984, p. 140; *Washington Post*, September 23, 1993, p. A23.
12. Allen Kneese, *Measuring the Benefits of Clean Air and Water*, Resources for the Future, Washington, D.C., 1984.
13. Anthony Downs, *Inside Bureaucracy*, Little, Brown, Boston, 1967.
14. William Niskanen, *Bureaucracy and Representative Government*, Aldine-Atherton, Chicago, 1971.
15. B. Dan Wood, "The Dynamics of Political-Bureaucratic Adaptation," *American Journal of Political Science*, 37:2, May 1993. Cathy Marie Johnson, *The Dynamics of Conflict between Bureaucrats and Legislators*, Sharpe, Armonk, N.Y., 1992; Susan Hunter and Richard W. Waterman, "Determining an Agency's Regulatory Style: How Does the EPA Water Office Enforce the Law?," *Western Political Quarterly*, 45:2, June 1992.
16. Samuel P. Huntington, "The Marasmus of the ICC: The Commission, the Railroads and the Public Interest," *Yale Law Journal*, 61:4, 1952.
17. Marver Bernstein, *Regulating Business by Independent Commission*, Princeton University Press, Princeton N.J., 1955.
18. Hugh Hechlo, "Issue Networks and the Executive Establishment," in Anthony King, ed., *The New Political System*, American Enterprise Institute, Washington, D.C., 1978.
19. Francis E. Rourke, *Bureaucracy, Politics and Public Policy*, Little, Brown, Boston, 1984.
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21. Terry M. Moe, "The New Economics of Organization," *American Journal of Political Science*, 28:4, November 1984; John Brahm and Scott Gates, "Donut Shops and Speed Traps: Evaluating Models of Supervision on Police Behavior," *American Journal of Political Science*, 17:2, May 1993.
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23. Gary J. Miller, *Managerial Dilemmas: The Political Economy of Hierarchy*, Cambridge University Press, Cambridge, England, 1992, chap. 9.

24. Frederick Mosher, *Democracy and the Public Service*, Oxford University Press, New York, 1982.
25. *New York Times*, August 19, 1987.
26. New York State Department of Environmental Conservation, Memorandum #87-14: Source Separation and Recycling, June 15, 1987.
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Chapter 11

1. An explanation of Supreme Court citations is appropriate at this point. In these citations, the first number is the volume number and the second is the page number on which the case begins. In cases since the late 1800s, these numbers for the official Court citations are separated by the initials *U.S.* designating the government's printing of the decisions. Before this, the names of the Court's reporters were used. Thus in this citation Cranch was the Court reporter, and the case can be found in volume 1 at page 137. There are also two major private publishers of Supreme Court decisions: West Publishing Company in St. Paul, Minnesota, and The Lawyers Co-operative Publishing Company in Rochester, New York. Instead of the initials *U.S.*, West uses a *S. Ct.* citation and the Lawyers Co-operative uses *L. Ed.* (for volumes since the mid-1950s, *L. Ed. 2d*.) These editions of the Supreme Court's decisions include law notes, case summaries, and other information not included in the official Supreme Court reports.
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3. B. Guy Peters, *American Public Policy*, 2d ed., Chatham House, Chatham, N.J., 1986, p. 86.
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5. Carl Brent Swisher, *Stephen J. Field*, Archon Books, Hamden, Conn, 1963, pp. 443-444.
6. William B. Lockhart, et al., *The American Constitution*, 6th ed., West, St. Paul, Minn., 1986, p. 264.
7. See Samuel J. Konetsky, *The Legacy of Holmes and Brandeis*, Collier Books, New York, 1961.

Chapter 12

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2. Matthew Crenson, *The Un-Politics of Air Pollution*, Johns Hopkins University Press, Baltimore, 1971.
3. David R. Morgan and Robert E. England, "White Enrollment Loss," *American Politics Quarterly*, 12:241-264, 1984.
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5. The diagram is based on Charles O. Jones, "The Policy Process," paper presented at the Northeastern Political Science Association meeting, Newark, N.J., November, 1993.
6. Jones, *op. cit.*, p. 38.
7. John W. Kingdon, *Agendas, Alternatives, and Public Policies*, Little, Brown, Boston, 1984, p. 106.
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9. Kingdon, *op. cit.*, p. 207.
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11. Charles Lindblom, "The Science of Muddling Through," *Public Administration Review*, 19:79-88, 1959.
12. Steven A. Peterson, "Why Policies Don't Work" in Elliott White and Joseph Losco, eds., *Biology and Bureaucracy*, University Press of America, Washington, D.C., 1984.
13. Kingdon, *op. cit.*, p. 209.
14. Eugene Bardach, *The Implementation Game*, Cambridge, Mass., MIT Press, 1977.
15. Jeffrey Pressman and Aaron Wildavsky, *Implementation*, University of California Press, Berkeley, 1973.
16. Graham Allison, *Essence of Decision*, Little, Brown, Boston, 1971.
17. George C. Edwards III, *Implementing Public Policy*, Congressional Quarterly Press, Washington, D.C., 1980.
18. Erwin L. Levine and Elizabeth M. Wexler, *PL 94-142. An Act of Congress*, Macmillan, New York, 1981.
19. For instance, see Carol H. Weiss, "Utilization of Evaluation" and "The Politicization of Evaluation Research," in Carol H. Weiss, ed., *Evaluating Action Programs*, Allyn and Bacon, Boston, 1972.