**Federal Bureaucracy – Chapter 15 Homework AP US Government Due March 20, 2013**

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| What is your image (mental picture) of a bureaucracy? | Is bureaucracy good, bad or neither? Why? |

**Key Terms**

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| **Term** | **Definition** | **Symbol/synonym/translation** |
| **appropriation** | A legislative grant of money to finance a government program or agency |  |
| **authorization legislation** | Legislative permission to begin or continue a government program or agency |  |
| **bureaucracy** | A large, complex organization composed of appointed officials |  |
| **committee clearance** | The ability of a congressional committee to review and approve certain agency decisions in advance and without passing a law |  |
| **competitive service** | The government offices to which people are appointed on the basis of merit as ascertained by a written exam or by meeting certain selection criteria |  |
| **discretionary authority** | The extent to which appointed bureaucrats can choose courses of action and make policies that are not spelled out in advance by laws |  |
| **government by proxy** | Situation in which Washington pays state and local governments and private groups to staff and administer federal programs |  |
| **iron triangle** | A close relationship among an agency, a congressional committee, and an interest group |  |
| **issue network** | A network of people in Washington-based interest groups, on congressional staffs, in universities and think tanks, and in the mass media, who regularly discuss and advocate public policies |  |
| ***laissez-faire*** | An economic theory that government should not regulate or interfere with commerce |  |
| **legislative veto** | The authority of Congress to block a presidential action after it has taken place. The Supreme Court has held that Congress does not have this power |  |
| **name-request job** | A job that is filled by a person whom an agency has already identified |  |
| **red tape** | Complex bureaucratic rules and procedures that must be followed to get something done |  |
| **trust fund** | Fund for a government programs that is collected and spent outside the regular government budget |  |

**Annotate the 3 summaries and answer the corresponding questions. Email answers to historysharer@gmail.com**

**While reading, annotate using:**

* Check (✓ – concept or fact that is already known
* question mark (?) – concept or fact that is confusing or not understood
* exclamation mark (!) – something that is unusual or surprising
* plus (+)– idea or concept that I want to remember

**Summary – Size and power of a Bureaucracy**

A bureaucracy is a large organization composed of appointed officials in which authority is divided among several managers. Bureaucracy is an obvious feature of all modern societies, but the United States governmental bureaucracy is distinctive in three ways. First, political authority over the bureaucracy is shared among several institutions. Second, most federal agencies share their functions with agencies of state and local government. Finally, America’s adversary culture means that the actions of bureaucrats are often fought in court.

The Constitution makes little mention of the bureaucracy, other than to give the president power to appoint various sorts of officials. In 1789, Congress gave the president power to remove officials without congressional assent, but the question of who (if anyone) would actually control the bureaucracy has continued to be hotly contested.

Throughout most of American history, *patronage* was the chief means of determining who would hold federal jobs. Congress was the dominant institution, and the president usually accommodated congressional preferences in appointments. Thus appointments were made to reward local supporters of congressional members or to build up local party organizations. By the middle of the nineteenth century, there were many federal jobs: from 1816 to 1861, the number of federal employees increased eightfold, with the Post Office accounting for most of this increase. The Civil War and the postwar period saw the creation of many additional bureaus. A strong commitment to *laissez-faire* meant that these agencies did not regulate; instead, they served specialized constituencies such as farmers or veterans. The bureaucracy as we know it today is most clearly the product of the New Deal and the Great Society (whose programs gave broad but vaguely defined powers to agencies) and of World War II (during which the government made use of the vastly increased revenues the income tax allowed).

The Supreme Court has interceded to restrict political patronage on constitutional grounds. The first step was taken in *Elrod v. Burns* (1976), in which the Court noted that important First Amendment interests in the protection of free speech must be taken into consideration in patronage firings. According to the majority, the public’s interest in the effective implementation of policy “can be fully satisfied by limiting patronage dismissals to policy-making positions.” Four years later, in *Branti v. Finkel,* the Supreme Court elaborated by explaining that “the question is whether the hiring authority can demonstrate that party affiliation is an appropriate requirement for the effective performance of the office.” The mere fact that a bureaucrat occupied a policy-making position no longer constituted the ultimate factor in a patronage firing. This line of cases was brought to conclusion with *Rutan v. Republican Party of Illinois* (1990), when the Court extended the *Branti* standard to “promotion, transfer, recall, and hiring decisions based on party affiliation and support.” Thus, patronage has reached the point of nearing political extinction.

People often think of big government in terms of the size of the bureaucracy, but the number of civilian federal employees has not grown since World War II. What has increased is the number of indirect federal employees, those employees working for state or local governments or private firms funded by federal programs. However, the power of the bureaucracy is a function not of its size but of the degree to which appointed officials have *discretionary authority,* or the ability to choose courses of action and to make policies not spelled out in advance by laws. The vast increase in expenditures channeled through the bureaucracy, as well as the vast expansion in the number of regulations issued during the past thirty years, shows that the bureaucracy has indeed become very powerful.

**Question A1:** Discuss ways in which bureaucratic policies affect our everyday activities. For example, how might decisions by bureaucratic agencies affect the food that you eat, the transportation you take or the medicine that you can take when you are ill? Is there any recourse for citizens who object to the rules imposed by bureaucratic agencies?

**Summary – Control of a Bureaucracy**

Federal bureaucrats exercise a great deal of power, especially when operating under discretionary authority. It is therefore important to understand what influences bureaucratic conduct. In general, four factors explain the behavior of governmental officials:

1. *Recruitment and reward*.In the nineteenth century, presidents could appoint virtually every federal employee because of *patronage*. This practice, sometimes referred to as the *spoils system*, was based on the belief that a winning candidate was entitled to reward supporters. Government employment could function in this manner for two reasons. First, the number of federal employees was small, making a relatively wholesale change of personnel a simple task to accomplish. From 1816 to 1851, total federal employment grew from 4,479 to just 25,713. Second, the jobs required little expertise or specialized knowledge, with the Post Office accounting for over two-thirds of all positions. The spoils system became obsolete as the size of the federal government spiraled after the Civil War and as professional training became necessary to perform the more complex tasks assigned the federal bureaucracy. The assassination of President Garfield by a disgruntled office seeker, Charles Guiteau, was also an impetus for change. The *Pendleton Act*, enacted in 1883, began the process of transferring federal hiring to a *merit system*.

Once hired, a federal bureaucrat normally serves a one-year trial period before being granted tenure. A tenured bureaucrat is extremely difficult to fire, with the average termination process (including appeals) lasting about two years. Thus, in practice, almost no one is ever fired, and executives develop informal strategies for dealing with incompetent employees.

The *Senior Executive Service* (SES) was created in 1978 to provide presidents with a core group of neutral, professional managers in the upper grades of the bureaucracy. To ensure competence, members of the SES—who join on a voluntary basis—are subject to easier transfer and firing procedures as well as to pay increases determined by performance. The SES has not worked out as intended, however. Almost no member of the group has been fired, and salary raises have been fairly automatic.

In spite of the merit system, hiring in federal agencies remains political, especially at the middle and upper levels. An agency can hire a particular individual on a *name-request* basis, giving rise to the *buddy system.* This practice allows the maintenance of *issue networks* based on shared policy views. Bureaucrats in consumer protection agencies, for example, may hire people from Ralph Nader’s public interest research groups (PIRGs). The product of the recruitment and reward structure is that most bureaucrats become quite comfortable in their position and defensive of their agency, adopting an agency point of view.

2. *Personal attributes*.Bureaucrats at the middle and upper levels of government are not representative of the American public. They tend to be highly educated, middle-aged white males. However, none of these factors explains much about the attitudes bureaucrats hold. Surveys have found top-level bureaucrats to be slightly more liberal than the average voter but not as liberal as members of the media. Yet even this generalization is a bit misleading. Attitudes tend to vary depending on the agency for which a bureaucrat works. Those employed by activist agencies and departments (FTC, EPA) are much more liberal than those who work in traditional agencies and departments (Commerce).

Although attitudes differ, they do not necessarily influence bureaucratic behavior, because much of bureaucratic work is governed by standardized rules and procedures. It is only where roles are loosely structured that a civil servant’s attitudes come into play.

3. *The nature of the job*.Some agencies have a sense of mission, a clear doctrine that is shared by its members. Such agencies (which include the Forest Service, the FBI, and the Public Health Service) are easy to manage and have high morale but are hard to change and are resistant to political direction. To be sure, a sense of mission probably infiltrates most agencies to some degree. A survey by Kenneth Meier and Lloyd Nigro, for example, revealed that federal bureaucrats generally believe in the importance of their agency’s work. Thus, the mission of the agency may become synonymous with the public interest in the minds of many bureaucrats. An agency’s mission, however, must be accomplished within an array of laws, rules, and regulations that deal with hiring and firing, freedom of information, accounting for money spent, affirmative action, environmental impact, and administrative procedures. Agencies also have overlapping and even conflicting missions. These characteristics make controlling the bureaucracy difficult, no matter which party occupies the White House.

4. *External forces*.All government bureaus must cope with seven external forces: executive-branch superiors, the president’s staff, congressional committees, interest groups, the media, the courts, and other government agencies. All federal agencies are nominally subordinate to the president. In practice, agencies that distribute benefits among significant, discrete groups, regions, or localities within the United States (such as HUD, Agriculture, and Interior) tend to be closely overseen by Congress and are correspondingly oriented toward the Congress. Others (such as State, Treasury, or Justice) are more under the control of the president and are oriented more toward the president.

Bureaucrats, like people generally, desire autonomy—to be left alone, free of bureaucratic rivals and close political supervision. They may obtain autonomy through the skillful use of publicity to build public support, as did the FBI and NASA. A less risky strategy is to develop strong allies in the private sector that will provide political support in Congress. However, this limits the freedom of the agency; it must serve the interests of its clients. Thus, the Maritime Administration supports high subsidies for the shipping industry and the Department of Labor could never recommend a decrease in the minimum wage.

External forces have also influenced agency decisions through *iron triangles*—the informal and exclusive policy relationships that bring together an agency, an interest group, and a congressional committee. More often, though, an agency will be faced with conflicting interest-group demands. The National Farmers Union favors high subsidies to farmers, whereas the American Farm Bureau Federation takes a free-market position. Organized labor favors strict enforcement by the Occupational Safety and Health Administration, whereas business is opposed. In these instances, issue networks emerge. These are an array of groups and individuals, often contentious, split along ideological, partisan, and economic lines.

Congress has a formidable array of powers to deal with the bureaucracy. First, congressional statutes establish the existence of an agency and occasionally specify in detail how agencies should behave. Lately, however, Congress has given broad discretion to agencies. For many decades, Congress made use of the *legislative veto* to control bureaucratic or presidential actions by vetoing particular decisions within a thirty- to ninety-day period. However, in June 1983, the Supreme Court declared the legislative veto unconstitutional (the *Chadha* case). This decision’s exact effect on congressional oversight of the bureaucracy is still uncertain.

As a second check on the bureaucracy, money must be *authorized* and then *appropriated* by Congress. Finally, congressional investigations are the most visible and dramatic form of oversight.

With sustained public pressure to keep the federal government small coming from both political parties, the president and Congress have begun to use outside agencies to implement federal programs. In addition to keeping the federal payroll from ballooning, “government by proxy” offers additional advantages. First, the partnerships allow for greater flexibility in the implementation of federal programs and promote creative problem solving within government and nongovernment agencies. Second, allowing private firms to compete for federal contracts to deliver goods or services also helps to keep costs low. Despite these advantages, some concerns are associated with this arrangement. Some fear that these organizations are ill prepared and are ill trained to handle the volume of work, which could result in even greater inefficiencies in the implementation of critical federal programs. Additionally, direct federal oversight of the use of funds is limited, which creates the possibility of abuse, waste, and fraud by agencies that partner with the federal government.

**Questions:** B1. The text’s definition of bureaucracy includes the phrase “appointed officials.” Why do the large, complex organizations in United States society not have elected rather than appointed officials? Would it be more consistent with the U.S. governmental system if bureaucratic leaders were elected? Should voters elect the Secretary of Defense or the Secretary of Health and Human Services (HHS), for example? Would this make these officials more responsive to public opinion? What about an Assistant Secretary of Defense? Would the president be more or less able to control the bureaucracy if these officials were independently elected? Would concerted, consistent action be more or less likely if many more officials were elected?

B2. One of the criticisms of the federal government’s response to Hurricane Katrina and the flooding of New Orleans (2005) is that the director of the Federal Emergency Management Agency (FEMA), Michael Brown, was a presidential appointee with limited experience in emergency management. Is it important for agency directors to have direct experience or expertise in a field that correlates with their agency position? On the other hand, should general leadership and managerial skills be sufficient for this type of high-level position? If external standards are imposed in addition to the president’s usual political criteria, how might his hurt his ability to fill bureaucratic positions?

**Summary – Bureaucratic Pathologies**

There are five major problems with bureaucracies: *red tape, conflict, duplication, imperialism,* and *waste.*

1. *Red tape* is the existence of complex rules and procedures that must be followed to get something done. Any large organization must have some way of ensuring that one part of the organization does not operate out of step with another.

2. *Conflict* exists when some agencies work at cross purposes with other agencies. The Agricultural Research Service tells farmers how to grow crops more efficiently, whereas the Agricultural Stabilization and Conservation Service pays farmers to grow fewer crops. Because Congress has 535 members and little strong leadership, it is not surprising that laws promoting inconsistent or even contradictory goals are passed.

3. *Duplication* occurs when two government agencies seem to be doing the same thing, as when the Customs Service and the Drug Enforcement Administration both attempt to intercept illegally smuggled drugs.

4. *Imperialism* refers to the tendency of agencies to grow without regard to the benefits their programs confer or the costs they entail. Because government agencies seek vague goals and have vague mandates from Congress, it is not surprising that they often take the broadest possible view of their powers. If they do not, interest groups and judges may prod them into doing so.

5. *Waste* occurs when an agency spends more than is necessary to buy some product or perform some service. An example would be the much-publicized purchase of $300 hammers by the military.

It should be clear that bureaucratic problems are hard to correct. Congress cannot always make the hard policy choices and set the clear priorities necessary to eliminate conflict and duplication. Government exists partly to achieve the kind of vague goals that resist clear cost-benefit analysis; eliminating red tape might make coordination more difficult. Although Americans dislike “the bureaucracy” in general, studies show that they like the bureaucrats with whom they interact.

**Questions** C1. The text says that red tape is caused by the size of the agency and the political complexity of its structure. Is this a sufficient explanation? Is there more red tape in government than these two factors can explain? Might not bureaucrats have a tendency to be more concerned that elaborate procedures are followed than that certain substantive outcomes happen? Is there a bureaucratic way of thinking that might produce this result?

C2. Explain why bureaucrats have little motivation to keep costs down. Can this situation be remedied? Is so, how?

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**Annotate and complete**

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| **Main ideas** | **Details** |
| I. Distinctiveness of the U.S. bureaucracy | Distinctiveness of the U.S. bureaucracy  . President and Congress share political authority over the bureaucracy  . Federal agencies share functions with related state and local government agencies.  . Adversary culture leads to closer scrutiny and makes court challenges more likely  Scope of bureaucracy  . Little public ownership of industry in the United States  . High degree of regulation of private industries in the United States  Proxy government: federally funded programs that are staffed and administered by state and local governments and private groups  . Government by proxy affects large federal programs, including Social Security and Medicare.  . Military support and emergency response programs also supplemented by federal partners  . Disadvantages of government by proxy:  ) No accountability about how funds are used  ) No incentive for Congress to increase oversight  . Advantages of government by proxy:  ) Increased flexibility  ) Greater utilization of skills found in private and nonprofit sectors  ) Defends constitutional principle of federalism  d) Many average citizens receive costly federal government services without ever directly interacting with civil servants. |
| **Summary:** | |
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| **Main ideas** | **Details** |
| . The growth of bureaucracy | . Constitution made little provision for administrative system, so provides little guidance  . Early debate in the Senate over whether the president should have sole removal power over cabinet appointments; president won that challenge  . Congress retained right to appropriate money, investigate the administration, and shape laws that the president would execute during his administration.  . The appointment of officials  1. What is patronage?  2. How is patronage connected to political parties?  . How did the Civil War impact the bureaucracy?  . Post–Civil War and interstate commerce – What happened? Why?  . A service role  . 1861–1901: Role of new agencies was to serve, not regulate  ) Constitutional values of limited government, states’ rights, and fragmented power  ) *Laissez-faire* philosophy  ) Supreme Court held that, under the Constitution, an executive agency could not make rules on its own; it could only apply standards enacted by Congress.  . How did wars affect the federal bureaucracy?  . A change in role: Role of agencies was to deal with economic and social problems  How did the following change the federal bureaucracy?  Depression and World War II:  Income taxes:  “Military preparedness:”  September 2001 attacks: |

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| III. Federal Bureaucracy today | A. Direct and indirect growth  . Modest increase in number of government employees  . Significant indirect increase in number of employees through use of private contractors and state and local government employees  . Other indicators of size:  ) Federal spending as a percentage of the GDP has averaged around 20 percent  ) Number of pages in *Federal Register* decreased in 1980s, but rose steeply in 1990s to bring it back up to mid-1970s levels  ) Number of federal civilian employees decreased by about 10 percent between 1975 and 2005; drop seen across all agencies except Department of Justice  B. Growth in discretionary authority, the ability to choose courses of action and to make policies not set out in the statutory law  . Three ways Congress has delegated power:  C. Factors explaining the behavior of officials  . Recruitment and reward systems  . Personal and political attributes  . Nature of work  . Constraints imposed on agencies by various outside actors  D. Recruitment and retention  What is OPM?  How do bureaucrats compete for jobs?  What are some of the complications?  What was the Pendleton Act (1883)?  What is the buddy system?  Are bureaucrats easily fired? Why or why not?  What is the Senior Executive Service (SES) (1978)?  The agency’s point of view  ) Agencies are dominated by lifetime bureaucrats who have worked for no other agency.  ) Long-term service assures continuity and expertise.  ) Long-term service also gives subordinates power over new bosses: can work behind their boss’s back through sabotage, withholding information, and so on  E. Personal attributes  . Includes social class, education, political beliefs  . Beliefs about politics and government may differ from those of the public, because political appointees and career bureaucrats are unrepresentative of the average US citizen and because they have a supposed occupational self-interest.  . Surveys of bureaucrats  ) Career bureaucrats more likely to hold liberal views, trust government, and vote for Democrats.  ) Political appointees usually reflect same political beliefs as president appointing them.  ) Bureaucrats do not take extreme positions.  . Correlation found between the type of agency and the attitudes of the employees  What are “activists agencies?”  What are “traditional agency bureaucrats?”  F. Do bureaucrats sabotage their political bosses?  . Most bureaucrats try to carry out policies, even those they disagree with.  What was the Whistleblower Protection Act (1989)?  G. Culture and careers  . Each agency has its own culture, an informal understanding among employees about how they are supposed to act.  . Strong agency culture motivates employees but makes agencies resistant to change.  H. Constraints  . Much greater on government agencies than on private bureaucracies  . Hiring, firing, pay, and other procedures are established by law, not by the market.  ) General constraints:  () Administrative Procedure Act (1946)  () Freedom of Information Act (1966)  () National Environmental Policy Act (1969)  () Privacy Act (1974)  () Open Meeting Law (1976)  () Several agencies are often assigned to a single policy.  ) Effects of constraints:  () Government moves slowly.  () Government sometimes acts inconsistently.  () Easier to block action than take action  () Reluctant decision making by lower-ranking employees.  () Red tape  . Constraints come from citizens: agencies try to respond to citizen demands for openness, honesty, fairness, and so on.  I. Agency allies  . Agencies often seek alliances with congressional committees and interest groups.  ) **Iron triangle:** a tight, mutually advantageous alliance  ) Can be politically powerful (for example, Small Business Administration)  Why has politics become more complicated? (e.g. interest groups,  Issue networks, and…) |

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| IV. Congressional oversight | A. Three forms of congressional supervision are:  B. The Appropriations Committee and legislative committees  . Appropriations Committee may be the most powerful of all the congressional committees.  ) Most expenditure recommendations are approved by House  ) Tends to recommend an amount lower than the agency requested  ) Has power to influence an agency’s policies by “marking up” an agency’s budget  ) But becoming less powerful:  () Trust funds operate outside the regular government budget and are not controlled by the appropriations committees.  () Annual authorizations allow the legislative committees greater oversight.  () Budget deficits have necessitated cuts.  . Informal congressional controls over agencies  ) Individual members of Congress can seek privileges for constituents.  ) Congressional committees may seek committee clearance, which is the right to pass on certain agency decisions.  C. What is the legislative veto?  How did the Supreme Court case Chadha (1983) affect the “legislative veto?”  D. What are congressional investigations? |

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| V. Bureaucratic “pathologies”  VI. Reforming the Bureaucracy | A. What are 5 major complaints about bureaucracies?     * 1. For decades, surveys have found that despite complaints about “the bureaucracy,” most Americans have judged each federal agency to be fair and useful.   2. Explains why government agencies are rarely reduced in size or budget. Any given agency, even the much criticized FEMA in the wake of its failed response to Hurricanes Katrina and Rita, still has many supporters.   What are ways the federal bureaucracy has been reformed or changed for the better?  What is the National Performance Review (NPR) (1993)?  What is the Performance Assessment Activity Tool (PART)?  B. Bureaucratic reform is always difficult to accomplish. Why? |

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