

## Summary

### INTRODUCTION

Once Congress, the president, or the Supreme Court makes a policy decision, it is most likely that bureaucrats must step in to implement those decisions. Since bureaucrats are typically less visible and are not elected to their positions, their actions and power are often subjects of considerable debate. This chapter describes who government bureaucrats are, the functions they perform, and their relationships to the three branches of government designated in the constitution.

### THE BUREAUCRATS

This section examines some myths about bureaucrats and shows who they are, how they got their jobs, and what they do.

There are approximately 2.7 million civilian bureaucrats (21 million if state and local public employees are included). Although Congress has ordered federal agencies to make special efforts to recruit and promote previously disadvantaged groups, *women and nonwhites are still clustered in the lower ranks*. As a whole, however, the permanent bureaucracy is more broadly representative of the American people than legislators, judges, or presidential appointees in the executive branch.

Until approximately 100 years ago, a person got a job with the government through the **patronage system** (a hiring and promotion system based on knowing the right people). Under this "**spoils system**," nineteenth century presidents staffed the government with their friends and allies. Today, most federal agencies are covered by some sort of **civil service system**. The rationale for all civil service systems rests on the idea of *merit* and the desire to create a *nonpartisan* government service. The **Office of Personnel Management (OPM)** is in charge of hiring for most agencies of the federal government. At the very top of the civil service system are about 9,000 members of the **Senior Executive Service**. These executives earn high salaries and may be moved from one agency to another as leadership needs change.

After serving a probationary period, civil servants are *protected*. It is difficult to fire a civil service employee after the probationary period: An employee can appeal his or her dismissal, which can consume weeks, months, or even years. Ensuring a nonpartisan civil service requires that workers have protection from dismissals that are politically motivated.

The other route to federal jobs involves recruiting from the **plum book**. Congress publishes the **plum book**, which lists top federal jobs available for direct presidential appointment (often with Senate confirmation). Every incoming president launches a nationwide talent search to fill these positions (approximately 500 of them). Most will be "in-and-outers" who stay for a while and leave; they soon learn that senior civil servants know more, have been there longer, and will outlast them.

### HOW BUREAUCRACIES ARE ORGANIZED

In general, there are four types of bureaucracies: cabinet departments, regulatory agencies, government corporations, and independent executive agencies. Each of the **14 cabinet departments** is headed by a secretary (except the Department of Justice, which is headed by the attorney general); all are chosen by the president and approved by the Senate. Beneath the secretary are undersecretaries, deputy undersecretaries, and assistant secretaries. Each department manages specific policy areas, and each has its own budget and staff.

Each of the **independent regulatory agencies** has responsibility for some sector of the economy. Regulatory agencies make and enforce rules designed to protect the public interest; they also judge disputes over those rules.

**Government corporations** provide a service that could be handled by the private sector. They typically charge for their services, though often at cheaper rates than the consumer would pay a private sector producer.

The **independent executive agencies** are not part of the cabinet departments and generally do not have regulatory functions. They usually perform specialized functions.

## **BUREAUCRACIES AS IMPLEMENTORS**

As policymakers, bureaucrats play three key roles: They are policy *implementors*; they *administer* public policy; and they are *regulators*. Policy **implementation** occurs when the bureaucracy carries out decisions of Congress, the president, and even the courts. Public policies are *rarely self-executing*: Bureaucrats translate legislative policy goals into programs.

Policy implementation does not always work well, and bureaucrats usually take the blame when it does not. Reasons why implementation may break down include faulty program design, lack of clarity in the laws bureaucrats administer, lack of resources, the following of **standard operating procedures**, and dispersal of policy responsibility among several units of the bureaucracy.

Title IX of the Education Act of 1972 illustrates the consequences of the lack of clarity for policy implementation. The courts have had to rule on such matters as whether Title IX requires that exactly equivalent dollar amounts be spent on women's and men's athletics. Litigation continues to this day. The complex case of implementing Title IX for intercollegiate athletics contains an important lesson: Policy problems that Congress cannot resolve are not likely to be easily resolved by bureaucracies.

**Administrative discretion** is the authority of administrative actors to select among various responses to a given problem. Discretion is greatest when rules do not fit a case; but even in agencies with elaborate rules and regulations—especially when more than one rule fits—there is still room for discretion. Michael Lipsky coined the phrase **street-level bureaucrats** to refer to those bureaucrats who are in constant contact with the public and have considerable discretion (including police officers, welfare workers, and lower court judges).

## **BUREAUCRACIES AS REGULATORS**

Government **regulation** is the use of governmental authority to control or change some practice in the private sector. This is the most controversial role of the bureaucracies, yet Congress gives them broad mandates to regulate activities as diverse as interest rates, the location of nuclear power plants, and food additives.

Until 1887, the federal government made almost no regulatory policies. Even the minimum regulatory powers of state and local governments were disputed. In 1887, Congress created the first regulatory agency, the **Interstate Commerce Commission (ICC)**, charged with regulating the railroads, their prices, and their services to farmers:

Most agencies charged with regulation first have to develop a set of rules (often called *guidelines*); guidelines are developed in consultation with (and sometimes with the agreement of) the people or industries being regulated. The agency must then apply and enforce its rules and guidelines, either in court or through its own administrative procedures.

**Deregulation**—the lifting of government restrictions on business, industry, and professional activities—is currently a fashionable term. The idea behind deregulation is that the number and complexity of regulatory policies have made regulation too complicated and burdensome. To critics, the problem with regulation is that it raises prices, distorts market forces, and, worst of all,

does not work.

President Reagan's conservative political philosophy was opposed to much government regulation, but even before the Reagan administration, sentiment favoring deregulation was building in the Washington community. Even liberals sometimes joined the anti-regulation chorus. Not everyone, however, believes that deregulation is in the nation's best interest. For example, critics point to severe environmental damage resulting from lax enforcement of environmental protection standards during the Reagan administration. In addition, many regulations have proved beneficial to Americans.

Government regulation of the American economy and society has grown in recent decades. The budgets of regulatory agencies, their level of employment, and the number of rules they issue are all increasing. Opponents of government regulation contend that the rapid increase in the number and scope of environmental regulations during the past two decades has stifled economic growth. Supporters of government regulation argue that such regulations are essential to protect the nation's air, land, and water (and the people who use it).

### UNDERSTANDING BUREAUCRACIES

In democratic theory, popular control of government depends on elections, but we could not possibly elect the 4.1 million federal civilian and military employees (or even the few thousand top men and women). However, the fact that voters do not elect civil servants does not mean that bureaucracies cannot respond to and *represent* the public's interests. Much depends on *whether bureaucracies are effectively controlled by the policymakers* that citizens do elect—the president and Congress.

Presidents seek to control the bureaucracy in numerous ways, including appointing the right people to head the agency, issuing executive orders, tinkering with an agency's budget, and reorganizing agencies. Congress tries to control the bureaucracy by influencing the appointment of agency heads, tinkering with an agency's budget, holding hearings, and rewriting the legislation or making it more detailed.

One crucial explanation for the difficulty presidents and Congress face in controlling bureaucracies relates to the role of iron triangles and issue networks. When agencies, groups, and committees all depend on one another and are in close, frequent contact, they form **iron triangles** (or **subgovernments**). Iron triangles have dominated some areas of domestic policymaking by combining internal consensus with a virtual monopoly on information in their area. Iron triangles are characterized by *mutual dependency*, in which each element provides key services, information, or policy for the others (illustrated by the *tobacco triangle*). These subgovernments can add a strong decentralizing and fragmenting element to the policymaking process. Despite the fact that subgovernments often are able to dominate policymaking for decades, they are not indestructible; policies of the tobacco triangle, for one, have increasingly come under fire from health authorities.

The federal bureaucracy *has not grown over the past two generations*; in fact, the bureaucracy has *shrunk* in size relative to the population it serves. Originally, the federal bureaucracy had a modest role; but as the economy and the society of the United States changed, additional demands were made on government. Considering the more active role the bureaucracy is expected to play in dealing with social and economic problems, a good case can be made that the bureaucracy is actually too *small* for many of the tasks currently assigned to it (such as the control of illicit drugs or the protection of the environment).

