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The Executive Branch and the Federal Bureaucracy



In the afternoon of May 2, 2011, United States Navy SEAL Team Six performed the most significant counterterrorism assassination in the history of United States. Two helicopters flew from Afghanistan to al-Qaeda founder Osama bin Laden's compound in Abbottabad, Pakistan. Despite difficulties with the first helicopter, the SEAL Team successfully landed and entered the compound. Several gunmen, including bin Laden's son, Khalid, confronted them immediately; the SEALs rebuffed the gunmen's attack. Reaching the third floor of the house, one member of the SEAL Team saw an armed man look outside a door. The SEAL fired on the male assailant, injuring him with the first shot; additional shots were fired, and the assailant was soon dead. When prompted, a child identified the man on the floor by name: Osama bin Laden.

The SEAL Team immediately relayed their victorious message to their commander in chief, President Barack Obama, and his Cabinet. In military language, they stated: "For God and country, I pass Geronimo, Geronimo, E.K.I.A." which meant, "Osama bin Laden, Enemy Killed In Action."

Although the SEAL Team carried out the on-the-ground attack that ultimately took bin Laden's life, their actions were supported by years of research and data collection by intelligence analysts in a variety of government agencies. Perhaps no bureaucrat was more dedicated to the cause than a Central Intelligence Agency employee known only as Miss One-Hundred Percent. In the

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BUREAUCRATS PLAY AN IMPORTANT ROLE AS ADVISORS TO THE PRESIDENT Above, President John F. Kennedy meets with his national security team in the wake of the Cuban Missile Crisis. Below, President Barack Obama and his national security team watch live coverage of the capture of Osama bin Laden.



federal bureaucracy

The thousands of federal government agencies and institutions that implement and administer federal laws and programs.

days leading up to the attack, Miss One-Hundred Percent briefed the SEAL Team. During these meetings, she shared information about bin Laden's compound, the location of the target within the compound, and the amount of time they would have to execute their orders. Once they returned to their base in Afghanistan, Miss One-Hundred Percent not only debriefed the SEALs, but she also identified bin Laden's body on behalf of the U.S. government, shedding tears for the success of her career's greatest mission.

Without the cooperation of Miss One-Hundred Percent and others like her at the Central Intelligence Agency, Federal Bureau of Investigation, Department of Defense, and National Security Agency, just to name a few, the mission to capture and ultimately kill bin Laden would have been impossible. Employing this type of cooperation to solve large-scale national problems is the hallmark of the federal bureaucracy. The diverse programs and agencies that comprise the bureaucracy also enable government officials to work efficiently on many issues at once. In so doing, the executive branch can carry out orders handed down from officials in each of the three branches of government. For example, the mission to capture bin Laden, officially called Operation Neptune Spear, was confirmed and ordered by the president of the United States, acting as commander in chief of the armed forces. Funds appropriated by Congress were essential to its completion, and the U.S. Supreme Court could have reviewed its constitutionality.¹



The **federal bureaucracy**, or the thousands of federal government agencies and institutions that implement and administer federal laws and programs, is frequently called the "fourth branch of government." Critics often charge that the bureaucracy is too large, too powerful, and too unaccountable to the people or even to elected officials. Many politicians, elected officials, and voters complain that the federal bureaucracy is too wasteful. However, few critics discuss the fact that state and local bureaucracies and bureaucrats, whose numbers are far larger, also implement laws and policies and are often less accountable than those working for the federal government.

Many Americans—as evidenced by the success of the Tea Party movement—are uncomfortable with the prominent role of the federal government in their lives. Nevertheless, recent studies show that most users of federal agencies rate quite favorably the agencies and services they receive. Most of those polled drew sharp distinctions between particular agencies and the government as a whole. For example, only 20 percent of Americans in one poll expressed positive views toward federal agencies, whereas 61 percent of respondents voiced satisfaction with the agencies with which they have dealt.²

Harold D. Lasswell once defined political science as the "study of who gets what, when, and how."³ Those questions of "what, when, and how" can perhaps best be answered by examining what the bureaucracy is, how it works, and how it is controlled—the topics in this chapter.

Roots of the Federal Bureaucracy

8.1

Trace the growth and development of the federal bureaucracy.

In 1789, three executive departments existed under the Articles of Confederation: Foreign Affairs, War, and Treasury, which President George Washington inherited as his Cabinet. A secretary headed each department, and the Department of State almost immediately became the new name for Foreign Affairs. To provide the president with legal advice, Congress also created the office of attorney general. From the beginning, individuals appointed as Cabinet secretaries (as well as the attorney general) were subject to approval by the U.S. Senate, but the president alone could remove them from office. Even the first Congress realized how important it was for a president to be surrounded by those in whom he had complete confidence and trust.

From 1816 to 1861, the size of the federal executive branch and the bureaucracy grew as existing departments faced increased demands and new departments were created. The Post Office, for example, which Article I constitutionally authorized Congress to create, had to enlarge to meet the needs of a growing and westward-expanding population. President Andrew Jackson removed the Post Office from the jurisdiction of the Department of the Treasury in 1829 and promoted the postmaster general to Cabinet rank.

The Post Office quickly became a major source of jobs President Jackson could fill by presidential appointment, as every small town and village in the United States had its own postmaster. In commenting on Jackson's wide use of political positions to reward friends and loyalists, one fellow Jacksonian Democrat commented: "to the victors belong the spoils." From that statement came the term **spoils system**, which describes an executive's ability to fire public-office holders of the defeated political party and replace them with party loyalists. The spoils system was a form of **patronage**—jobs, grants, or other special favors given as rewards to friends and political allies for their support.

□ The Civil War and the Growth of Government

The Civil War (1861–1865) permanently changed the nature of the federal bureaucracy. As the nation geared up for war, President Abraham Lincoln authorized the addition of thousands of new employees to existing departments. The Civil War also spawned the need for new government agencies in response to a series of poor harvests and distribution problems. President Lincoln (who understood that well-fed troops are necessary to conduct a war) created the Department of Agriculture in 1862, although it was not given full Cabinet-level status until more than twenty years later.

Congress also created the Pension Office in 1866 to pay benefits to the thousands of Union veterans who had fought in the war (more than 127,000 veterans initially were eligible for benefits). Justice, headed by the attorney general, became a Cabinet department in 1870, and Congress and the president added other departments through 1900. Agriculture became a full-fledged department in 1889 and began to play an important part in informing farmers about the latest developments in soil conservation, livestock breeding, and planting.

□ From the Spoils System to the Merit System

By the time James A. Garfield, a former distinguished Civil War officer, was elected president in 1880, many reformers were calling for changes in the patronage system. Garfield's immediate predecessor, Rutherford B. Hayes, had favored the idea of replacing the spoils system with a **merit system**, a system of employment based on qualifications, test scores, and ability, rather than loyalty. Congress, however, failed to pass the legislation he proposed. Possibly because potential job seekers wanted to secure positions before Congress had the opportunity to act on an overhauled civil service system, thousands pressed Garfield for positions. This siege prompted Garfield to record in his diary: "My day is frittered away with the personal seeking of people when it ought to be given to the great problems which concern the whole country."⁴ Garfield resolved to reform the civil service, but his life was cut short by the bullets of an assassin who, ironically, was a frustrated job seeker.

Public reaction to Garfield's death and increasing criticism of the spoils system prompted Congress to pass the Civil Service Reform Act in 1883, more commonly known as the **Pendleton Act**. It established a merit system of federal employment on the basis of open, competitive exams and created a bipartisan three-member Civil Service Commission, which operated until 1978. Initially, the law covered only about 10 percent of positions in the federal **civil service system**, but later laws and executive orders extended coverage of the act to over 90 percent of all federal employees.

spoils system

The firing of public-office holders of a defeated political party to replace them with loyalists of the newly elected party.

patronage

Jobs, grants, or other special favors that are given as rewards to friends and political allies for their support.

merit system

A system of employment based on qualifications, test scores, and ability, rather than party loyalty.

Pendleton Act

Reform measure that established the principle of federal employment on the basis of open, competitive exams and created the Civil Service Commission.

civil service system

The merit system by which many federal bureaucrats are selected.

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independent regulatory commission

An entity created by Congress outside a major executive department.



WHICH U.S. PRESIDENT POPULARIZED THE SPOILS SYSTEM?

Here, political cartoonist Thomas Nast depicts how President Andrew Jackson might have been immortalized for his unprecedented use of the spoils system. Note that President Jackson is shown riding a pig, rather than a horse. Words written below the animal include “fraud,” “bribery,” and “plunder.”

□ Regulating Commerce

As the nation grew, so did the bureaucracy (see Figure 8.1). In the wake of the tremendous growth of big business (especially railroads), widespread price fixing, and other unfair business practices that occurred after the Civil War, Congress created the Interstate Commerce Commission (ICC) in 1887. In doing so, Congress was reacting to public outcries over exorbitant rates charged by railroad companies for hauling freight. It became the first **independent regulatory commission**, an entity outside a major executive department. Congress creates independent regulatory commissions such as the ICC, which generally focus on particular aspects of the economy. Commission members are appointed by the president and hold their jobs for fixed terms, but the president cannot remove them unless they fail to uphold their oaths of office. The creation of the ICC also marked a shift in the focus of the bureaucracy from service to regulation, giving the government—in the shape of the bureaucracy—vast powers over individual and property rights.

Theodore Roosevelt, a progressive Republican, became president in 1901, and he strengthened the movement toward governmental regulation of the economic sphere. When he asked Congress, and it agreed, to establish and oversee employer–employee relations, the size of the bureaucracy grew further. At the turn of the twentieth century, many workers toiled long hours for low wages in substandard conditions. Many employers refused to recognize the rights of workers to join unions, and many businesses had grown so large and powerful they could force workers to accept substandard conditions and wages. Progressives wanted new government regulations to cure some of the ills suffered by workers and to control the power of increasingly monopolistic corporations.

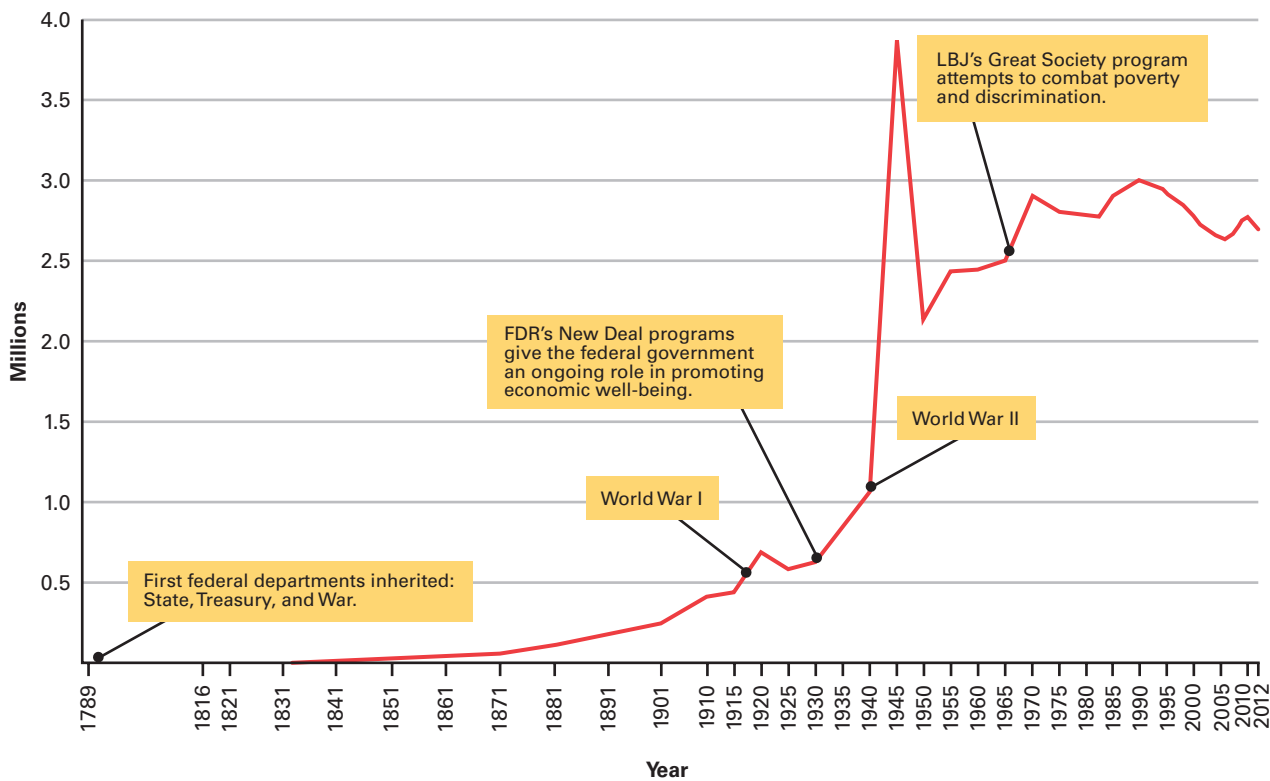


FIGURE 8.1 HOW MANY EMPLOYEES WORK IN THE FEDERAL EXECUTIVE BRANCH?

The size of the federal executive branch has fluctuated with the needs of the nation. The line graph above tracks these changes from the country's creation to the twenty-first century. Notice the overall growth marked by periods of decline.

SOURCE: Office of Personnel Management, <http://www.opm.gov/feddata/historicaltables/totalgovernmentsince1962.asp>.

In 1913, when it became clear that one agency could not represent the interests of both employers and employees, President Woodrow Wilson divided the Department of Commerce and Labor, creating two separate departments. One year later, Congress created the Federal Trade Commission (FTC) to protect small businesses and the public from unfair competition, especially from big business.

The ratification of the Sixteenth Amendment to the Constitution in 1913 also affected the size and growth potential of government. It gave Congress the authority to implement a federal income tax to supplement the national treasury and provided a huge infusion of funds to support new federal agencies, services, and programs.

□ The World Wars and the Growth of Government

The economy appeared to boom as U.S. involvement in World War I caused an increase in manufacturing, but ominous events loomed just over the horizon. Farmers were in trouble after a series of bad harvests, the nation experienced a severe slump in agricultural prices, the construction industry went into decline, and, throughout the 1920s, bank failures became common. After stock prices crashed in 1929, the nation plunged into the Great Depression. To combat the resultant high unemployment and weak financial markets, President Franklin D. Roosevelt (who was first elected in 1932) created hundreds of new government agencies to regulate business practices and various aspects of the national economy. Roosevelt believed that a national economic depression called for national intervention. Thus, the president proposed, and the Congress enacted, far-ranging economic legislation. The desperate mood of the nation supported these moves, as most Americans began to reconsider their ideas about the proper role of government and the provision of governmental services. Formerly, most Americans had believed in a hands-off approach; now they considered it the federal government's job to get the economy going and get Americans back to work.

As the nation struggled to recover from the Great Depression, the Japanese attack on U.S. ships at Pearl Harbor, Hawaii, on December 7, 1941, forced the United States into World War II. The war immediately affected the economy: healthy, eligible men went to war, and women went to work at factories or in other jobs to replace the men. Factories operated around the clock to produce the armaments, material, and clothes necessary to equip, shelter, and dress an army.

During World War II, the federal government also continued to grow tremendously to meet the needs of a nation at war. Tax rates were increased to support the war, and they never again fell to prewar levels. After the war, this infusion of new monies and veterans' demands for services led to a variety of new programs and a much bigger government. The G.I. (Government Issue) Bill, for example, provided college loans for returning veterans and reduced mortgage rates to enable them to buy homes. The national government's involvement in these programs not only affected more people but also led to its greater involvement in more regulation. Homes bought with Veterans Housing Authority loans, for example, had to meet certain specifications. With these programs, Americans became increasingly accustomed to the national government's role in entirely new areas, such as affordable middle-class housing and scholarships that allowed lower- and middle-class men who fought in World War II their first opportunities for higher education.

Within two decades after World War II, the civil rights movement and President Lyndon B. Johnson's Great Society program produced additional growth in the bureaucracy. The Civil Rights Act of 1964 brought about creation of the Equal Employment Opportunity Commission (EEOC) in 1965. Congress also created the Departments



HOW DID WORLD WAR II CHANGE GOVERNMENT?

During World War II, the size of the federal government grew dramatically. Men went off to war, and the U.S. government launched a media campaign encouraging women to work in factories at home to help the war effort, as exemplified by this famous poster of Rosie the Riveter. When the war ended, veterans returned to their jobs.

of Housing and Urban Development (HUD) and Transportation in 1965 and 1966, respectively. These expansions of the bureaucracy corresponded to increases in the president's power and his ability to persuade Congress that new commissions and departments would prove an effective way to solve pressing social problems.

The Modern Bureaucracy

8.2 Describe modern bureaucrats, and outline the structure of the modern bureaucracy.

The national government differs from private business in numerous ways. Governments exist for the public good, not to make money. Businesses are driven by a profit motive; government leaders, but not bureaucrats, are driven by reelection. Businesses earn their money from customers; the national government raises revenue from taxpayers. Bureaucracies also differ from businesses because it is difficult to determine to whom bureaucracies are responsible. Is it the president? Congress? The people?

The different natures of government and business have a tremendous impact on the way the bureaucracy operates. Because all of the incentive in government “is in the direction of not making mistakes,” public employees view risks and rewards very differently from their private-sector counterparts.⁵ Government employees have little reason to take risks or go beyond their assigned job tasks. In contrast, private employers are far more likely to reward ambition. One key to understanding the modern bureaucracy is to learn who bureaucrats are, how the bureaucracy is organized, how organization and personnel affect each other, and how bureaucrats act within the political process. It also is important to recognize that government cannot be run entirely like a business. An understanding of these facts and factors can help in the search for ways to motivate positive change in the bureaucracy.

□ Who Are Bureaucrats?

Federal bureaucrats are career government employees who work in Cabinet-level departments and independent agencies that comprise more than 2,000 bureaus, divisions, branches, offices, services, and other subunits of the federal government. Federal workers number about 3 million. Over one-quarter of all civilian employees work in the U.S. Postal Service, making it the nation's second largest employer behind Walmart. Small percentages work as legislative and judicial staff. The remaining federal civilian workers are spread out among the various executive departments and agencies throughout the United States. Most of these federal employees are paid according to what is called the “General Schedule” (GS). They advance within fifteen GS grades (as well as steps within those grades), moving into higher GS levels and salaries as their careers progress.

At the lower levels of the U.S. Civil Service, competitive examinations are used to fill most positions. These usually involve a written test. Mid-level to upper ranges of federal positions do not normally require tests; instead, applicants submit résumés online. Personnel departments then evaluate potential candidates and rank them according to how well they fit a particular job opening. The personnel department then forwards to the agency filling the vacancy only the names of those deemed “qualified.” This can be a time-consuming process; it often takes six to nine months to fill a position in this manner.

Persons not covered by the civil service system make up the remaining 10 percent of the federal workforce. Their positions generally fall into three categories:

1. *Appointive policy-making positions.* Nearly 3,500 people are presidential appointees. About 1,200 of these, including Cabinet secretaries and under- and assistant secretaries, are subject to Senate confirmation. These appointees, in turn, are responsible for appointing high-level policy-making assistants who form the top of the bureaucratic hierarchy. These are called “Schedule C” political appointees.⁶

2. *Independent regulatory commissioners.* Although each president has the authority to appoint as many as one hundred commissioners, they become independent of his direct political influence once they take office.
3. *Low-level, nonpolicy patronage positions.* These types of positions generally concern administrative assistants to policy makers.

More than 15,000 job skills are represented in the federal government. Government employees, whose average age is approximately fifty years, have a length of service averaging between fifteen and twenty years. They include forest rangers, FBI agents, foreign service officers, computer programmers, security guards, librarians, administrators, engineers, plumbers, lawyers, doctors, postal carriers, and zoologists, among others. The diversity of jobs in the government mirrors that in the private sector. The federal workforce, itself, is also diverse but underrepresents Hispanics, in particular, and the overall employment of women lags behind that of men. Women make up 64 percent of the lowest GS levels but only 34 percent of the highest GS levels.⁷

About 303,000 federal workers are found in the nation's capital; the rest are located in regional, state, and local offices scattered throughout the country. To enhance efficiency, the United States is divided into ten regions, with most agencies having regional offices in at least one city in that region (see Figure 8.2). The decentralization of the bureaucracy facilitates accessibility to the public. The Social Security Administration, for example, has numerous offices so that its clients can have a place nearby to take their paperwork, questions, and problems. Decentralization also helps distribute jobs and incomes across the country.

A major concern about the federal workforce is the high rate of turnover in many of the most important positions. This turnover rate has become especially true in the Department of Homeland Security. Many employees of its Transportation Security Administration, for example, leave after only a short time on the job for more lucrative careers outside government. At the Department of State, which once boasted many of the most highly coveted jobs in the federal bureaucracy, the dangers associated with postings in Iraq and Afghanistan, as well as elsewhere in the Middle East, are making it harder to find well-qualified people to staff critical positions.⁸ Consequently, the military has enlisted private contractors at unprecedented rates to fill many bureaucratic positions in these potentially dangerous sites. Many of these private contractors are former government employees who can make almost twice the amount of money working for private companies. While

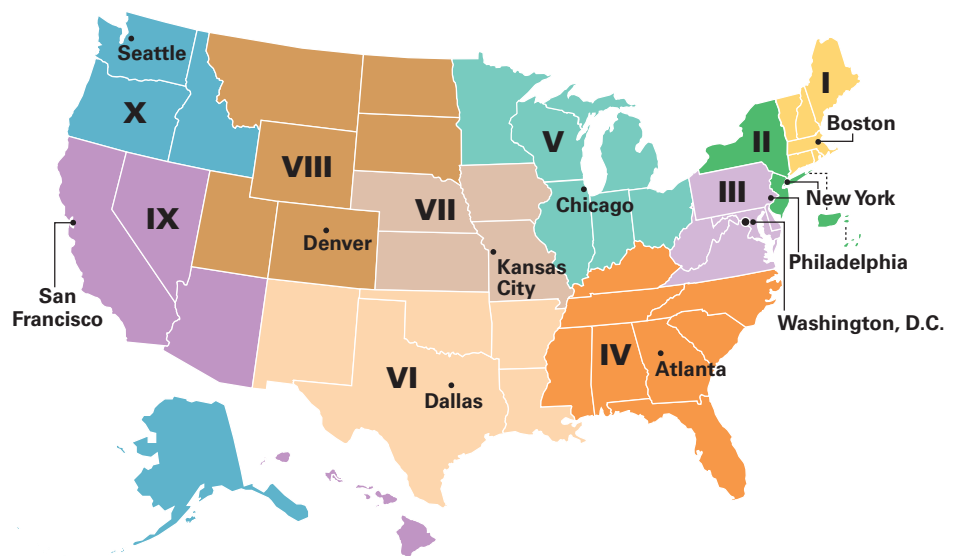


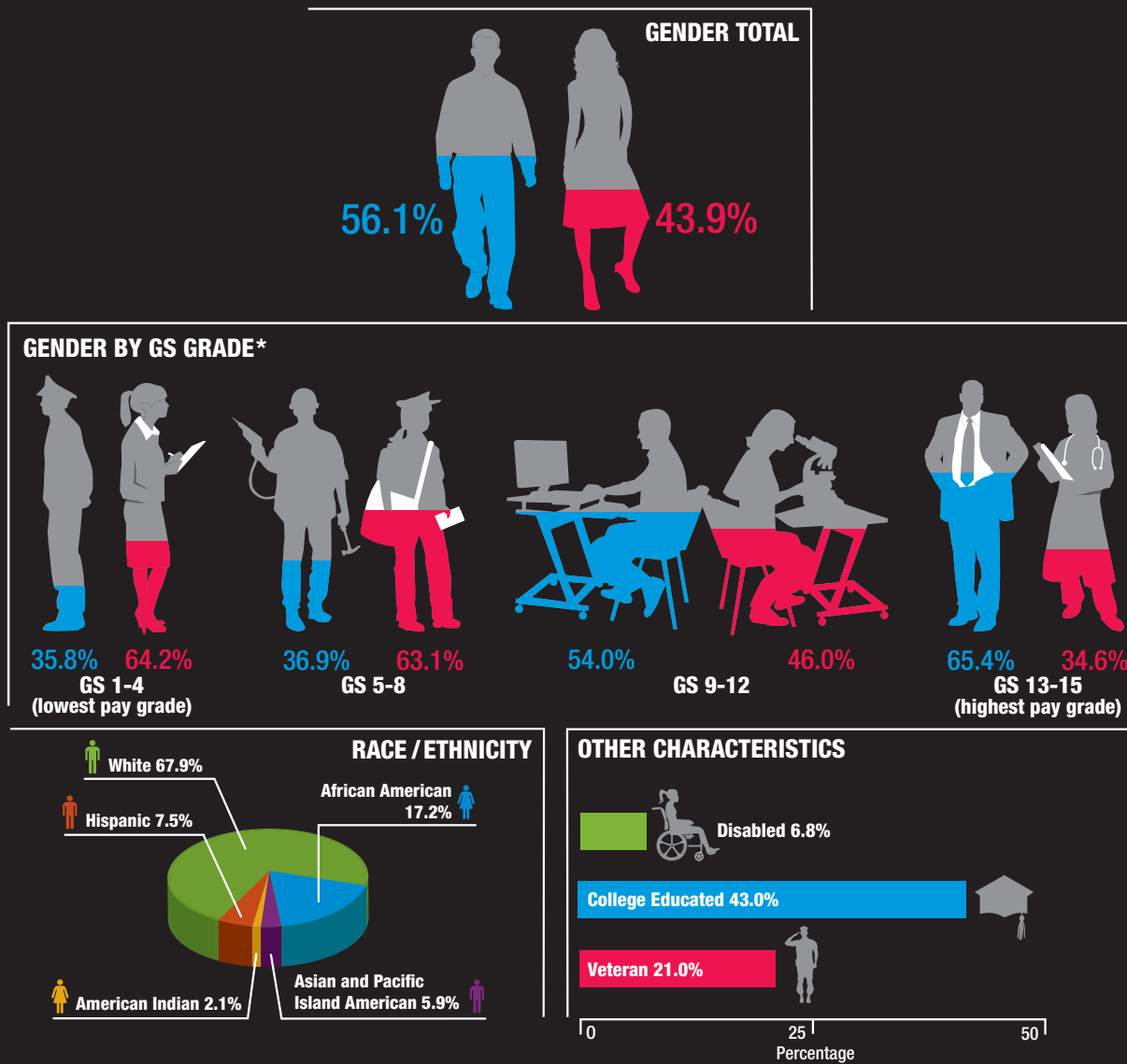
FIGURE 8.2 WHAT ARE THE FEDERAL AGENCY REGIONS, AND WHERE ARE THEIR HEADQUARTERS LOCATED?

To bring the federal bureaucracy closer to citizens and increase the efficiency of providing government services, the federal agencies maintain offices in Washington, D.C. and in regional locations across the country. The regional headquarters are shown on the map above.

SOURCE: Department of Health and Human Services, www.hhs.gov/images/regions.gif.

Who Are Federal Workers?

The federal government employs over 3 million people in a diverse range of jobs, from administrative assistant to scientist. But bureaucrats do not necessarily match the demographics of America. Older Americans and men are overrepresented at the highest levels of the federal workforce, while other groups, such as Hispanics and African Americans, are underrepresented. Examine the demographics of the federal workforce in greater detail in the infographic below.



CRITICAL THINKING QUESTIONS

1. Compare the male to female ratio at each GS level. How do the percentages change as the GS levels increase? What does this suggest about gender equity in the federal workforce?
2. Which race and ethnicity categories appear to be over and underrepresented in the federal workforce? Does the federal government appear to be an equal opportunity employer?
3. Why are so many federal workers college educated and veterans? How might these demographic characteristics affect policy outcomes?

departments

Major administrative units with responsibility for a broad area of government operations. Departmental status usually indicates a permanent national interest in a particular governmental function, such as defense, commerce, or agriculture.

the exact number of private contractors is unknown, it is estimated that \$536 billion of the federal budget was spent on government contractors in one recent year. More than \$177 billion was spent in Iraq and Afghanistan alone.⁹

The graying of the federal workforce is another concern. More than two-thirds of those in the highest nonpolitical positions, as well as a large number of mid-level managers, are eligible to retire.¹⁰ Many in government hope that the Presidential Management Fellows Program, which began in 1977 to hire and train future managers and executives, will be enhanced to make up for the shortfall in experienced managers that the federal government now faces. Agencies even are contemplating ways to pay the college loans of prospective recruits, while at the same time trying to improve benefits to attract older workers.¹¹

Formal Organization

At least 1,150 civilian agencies are in existence. But, even experts cannot agree on the exact number of separate governmental agencies, commissions, and departments that make up the federal bureaucracy.¹² A distinctive feature of the executive bureaucracy is its traditional division into areas of specialization. For example, the Occupational Safety and Health Administration (OSHA) handles occupational safety, and the Department of State specializes in foreign affairs. It is normal, however, for more than one agency to be involved in a particular issue or for one agency to be involved in many issues. The largest department, the Department of Homeland Security, with its vast authority and range of activities, is probably the best example of this phenomenon. In fact, numerous agencies often have authority in the same issue areas, making administration even more difficult.

Agencies fall into four general categories: (1) Cabinet departments; (2) government corporations; (3) independent executive agencies; and, (4) independent regulatory commissions.

CABINET DEPARTMENTS The fifteen Cabinet **departments** are major administrative units that have responsibility for conducting broad areas of government operations (see Figure 8.3). Cabinet departments account for about 60 percent of the federal workforce.

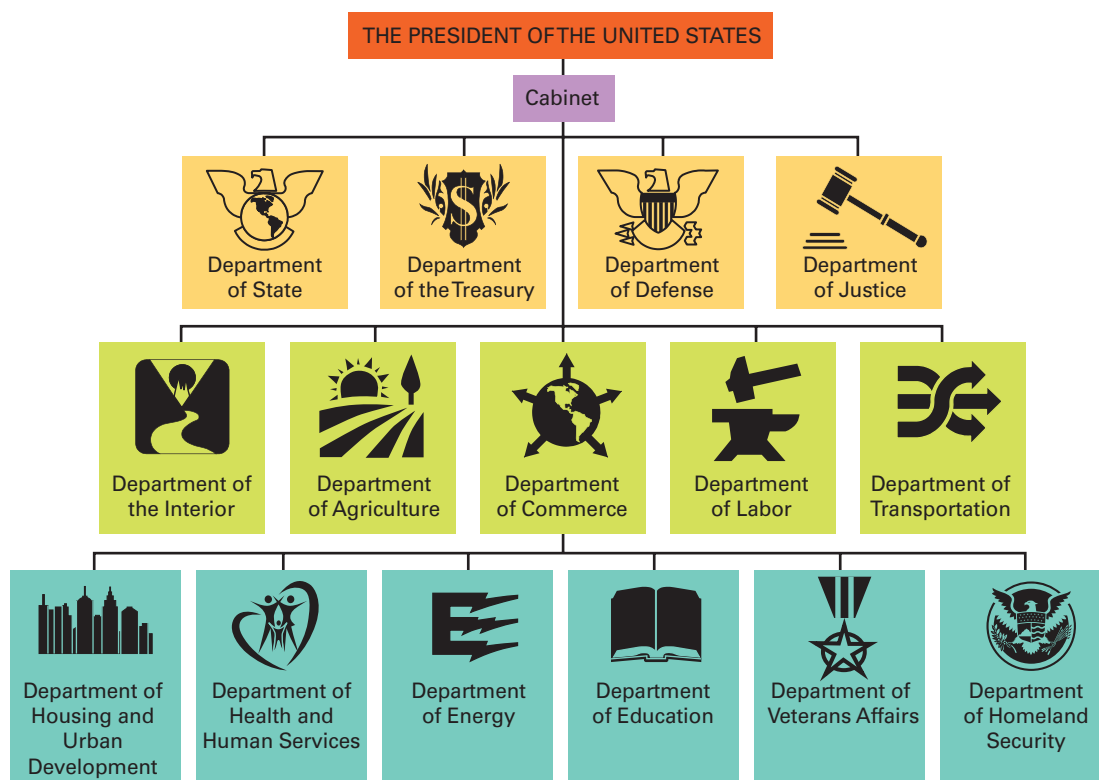


FIGURE 8.3 WHAT ARE THE CABINET DEPARTMENTS?

Cabinet departments reflect the government's permanent interest in a particular issue area. The modern Cabinet includes fifteen agencies focusing on issues ranging from commerce and foreign affairs to education and health.

The Living Constitution

The President . . . may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Office. —ARTICLE II, SECTION 2, CLAUSE 1

This clause, along with additional language designating that the president shall be the commander in chief, notes that the heads of departments are to serve as advisers to the president. The Constitution does not directly mention a Cabinet.

This meager language is all that remains of the Framers' initial efforts to create a council to guide the president. Those in attendance at the Constitutional Convention largely favored the idea of a council but could not agree on who should be part of that body. Some actually wanted to follow the British parliamentary model and create the Cabinet from members of the House and Senate, who would rotate into the bureaucracy; most, however, appeared to support the idea of the heads of departments along with the chief justice, who would preside when the president was unavailable. The resulting language above depicts a one-sided arrangement whereby the heads of executive departments must simply answer in writing any questions put to them by the president.

The Cabinet of today differs totally from the structure envisioned by the Framers. George Washington

was the first to convene a meeting of what he called his Cabinet. Some presidents have used their Cabinets as trusted advisers; others have used them as a demonstration of their commitment to political, racial, ethnic, or gender diversity, and have relied more on White House aides than particular Cabinet members. Who is included in the Cabinet, as well as how it is used, is solely up to the discretion of the sitting president, with the approval of the U.S. Senate, although both houses of Congress must approve the creation or abolishment of executive departments.

CRITICAL THINKING QUESTIONS

1. What issues arise from requiring senatorial approval for Cabinet positions, and how does the Constitution remedy these issues?
2. Can you think of any new constituencies or issues that are sufficiently important to be elevated to Cabinet-level status?

The vice president, the heads of all the departments, as well as the U.S. Ambassador to the United Nations, the U.S. Trade Representative, the president's chief of staff, and the heads of the Environmental Protection Agency (EPA), Office of Management and Budget (OMB), and the Council of Economic Advisors make up the formal Cabinet.

Cabinet members called secretaries head the executive branch departments (except the Department of Justice, which the attorney general leads). A secretary is responsible for establishing his or her department's general policy and overseeing its operations. Cabinet secretaries are directly responsible to the president but are often viewed as having two masters—the president and citizens affected by the business of their departments. Cabinet secretaries also are tied to Congress through the appropriations, or budgetary, process and their role in implementing legislation and making rules and policy.

One or more undersecretaries or deputies assist the secretary by taking part of the administrative burden off his or her shoulders, and several assistant secretaries lend support by directing major programs within the department. In addition, each secretary has numerous assistants who help with planning, budgeting, personnel, legal services, public relations, and key staff functions. Some of these individuals are political appointees while others are career civil servants.

Most departments are subdivided into bureaus, divisions, sections, or other smaller units, and the real work of each agency is done at this level. Subdivision usually takes place along functional lines, but the basis for division may be geography, work processes (for example, the Transportation Security Administration is housed in the Department of Homeland Security), or clientele (such as the Bureau of Indian Affairs in the Department of the Interior). Clientele agencies representing clearly defined interests are particularly subject to outside lobbying. These organized interests are also active at the regional level, where the agencies conduct most of their program implementation.

8.1

independent executive agencies

Governmental units that closely resemble a Cabinet department but have narrower areas of responsibility and perform services rather than regulatory functions.

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INDEPENDENT EXECUTIVE AGENCIES Independent executive agencies closely resemble Cabinet departments but have narrower areas of responsibility. Generally speaking, independent agencies perform services rather than regulatory functions. The president appoints the heads of these agencies, and they serve, like Cabinet secretaries, at his pleasure.

Independent agencies exist apart from executive departments for practical or symbolic reasons. The National Aeronautics and Space Administration (NASA), for example, could have been placed within the Department of Defense. Such positioning, however, might have conjured up thoughts of a space program dedicated solely to military purposes, rather than to civilian satellite communication or scientific exploration. Similarly, the Department of the Interior could have been home to the Environmental Protection Agency (EPA); instead, Congress created the EPA as an independent agency in 1970 to administer federal programs aimed at controlling pollution and protecting the nation's environment. As an independent agency, the EPA is less indebted to the president on a day-to-day basis than if it were within a Cabinet department, although the president still has the power to appoint its director and often intervenes in high-profile environmental issues and decisions. Most presidents have also given the EPA director informal Cabinet-level status.

INDEPENDENT REGULATORY COMMISSIONS As noted earlier, independent regulatory commissions are agencies created by Congress to exist outside the major departments and regulate a specific economic activity or interest. Because of the complexity of modern economic issues, Congress sought to create commissions that could develop expertise and provide continuity of policy with respect to economic issues because neither Congress nor the courts have the time or specific talents to do so. Examples include the National Labor Relations Board (NLRB), the Federal Reserve Board, the Federal Communications Commission (FCC), and the Securities and Exchange Commission (SEC).¹³

Older boards and commissions, such as the SEC and the Federal Reserve Board, generally are charged with overseeing a certain industry. Most were created specifically to be free from partisan political pressure. Each has five to seven members (always an odd number, to avoid tie votes) selected by the president, and confirmed by the Senate, for fixed, staggered terms to increase the chances of a bipartisan board. Unlike the case of executive department

**WHAT DO GOVERNMENT CORPORATIONS DO?**

Amtrak provides train service across the United States. Its most profitable line runs through the Northeast Corridor from Boston to Washington, D.C. Thousands of travelers use these train lines to navigate the important business centers and congested airspace of the Northeast. Vice President Joe Biden is among these commuters; he frequently takes the train from the nation's capital to his home in Wilmington, Delaware.

heads, the president cannot easily remove them. In 1935, the U.S. Supreme Court ruled that in creating independent commissions, Congress had intended them to be independent panels of experts sequestered, as far as possible, from immediate political pressures.¹⁴

Regulatory boards established since the 1960s concern themselves with how the business sector relates to public health and safety. The Occupational Safety and Health Administration (OSHA), for example, promotes job safety. These boards and commissions often lack autonomy and freedom from political pressures; they are generally headed by a single administrator who is subject to removal by the president. Thus, they are far more susceptible to the political wishes of the president who appoints them.¹⁵

GOVERNMENT CORPORATIONS Government corporations are the most recent addition to the bureaucracy. Dating from the early 1930s, they are businesses established by Congress to perform functions that private businesses could provide. Some of the better known government corporations include the United States Postal Service, Amtrak, and the Federal Deposit Insurance Corporation (FDIC). Unlike other governmental agencies, government corporations charge a fee for their services. The Tennessee Valley Authority (TVA), for example, provides electricity at reduced rates to millions of Americans in Appalachia.

The government often forms corporations when the financial incentives for private industry to provide services are minimal. The area served by the TVA demonstrates this point; it was a poor region of Appalachia that had failed to attract private companies. In other cases, Congress intervenes to salvage valuable public assets. For example, when passenger rail service in the United States became unprofitable, Congress stepped in to create Amtrak, nationalizing the passenger-train industry to keep passenger trains running, especially along the Northeast Corridor.

□ Government Workers and Political Involvement

As the number of federal employees and agencies grew during the 1930s, many Americans began to fear that members of the civil service would play major roles not only in implementing public policy but also in electing members of Congress and even the president. Consequently, Congress enacted the Political Activities Act of 1939, commonly known as the **Hatch Act**. It prohibited federal employees from becoming directly involved in working for political candidates. Although this act allayed many critics' fears, other people argued that the Hatch Act was too extreme.

government corporations

Businesses established by Congress to perform functions that private businesses could provide.

Hatch Act

The 1939 act to prohibit civil servants from taking activist roles in partisan campaigns. This act prohibited federal employees from making political contributions, working for a particular party, or campaigning for a particular candidate.

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TABLE 8.1 WHAT DOES THE LIBERALIZED HATCH ACT STIPULATE?

Federal Employees May	Federal Employees May Not
Be candidates for public office in nonpartisan elections	Use their official authority or influence to interfere with an election
Assist in voter registration drives	Collect political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee
Express opinions about candidates and issues	Knowingly solicit or discourage the political activity of any person who has business before the agency
Contribute money to political organizations	Engage in political activity while on duty
Attend political fund-raising functions	Engage in political activity in any government office
Attend and be active at political rallies and meetings	Engage in political activity while wearing an official uniform
Join and be active members of a political party or club	Engage in political activity while using a government vehicle
Sign nominating petitions	Solicit political contributions from the general public
Campaign for or against referendum questions, constitutional amendments, and municipal ordinances	Be candidates for public office in partisan elections
Campaign for or against candidates in partisan elections	
Make campaign speeches for candidates in partisan elections	
Distribute campaign literature in partisan elections	
Hold office in political clubs or parties	

SOURCE: U.S. Special Counsel's Office.

8.1

implementation

The process by which a law or policy is put into operation.

8.2

iron triangles

The relatively ironclad relationships and patterns of interaction that occur among agencies, interest groups, and congressional committees or subcommittees.

8.3

issue networks

The loose and informal relationships that exist among a large number of actors who work in broad policy areas.

8.4

In 1993, the Hatch Act was liberalized to allow employees to run for public office in nonpartisan elections, contribute money to political organizations, and campaign for or against candidates in partisan elections. Federal employees still, however, are prohibited from engaging in political activity while on duty, soliciting contributions from the general public, and running for office in partisan elections (see Table 8.1). The act, however, has proved difficult to enforce. For example, government employees are not allowed to display photos of themselves with elected officials, unless it is an official photo. However, even if it is an official photo, it must be in its original, unaltered state, with no modifications such as horns or halos.¹⁶

How the Bureaucracy Works

8.3

Determine how the bureaucracy makes policy.



erman sociologist Max Weber believed bureaucracies were a rational way for complex societies to organize themselves. Model bureaucracies, said Weber, exhibit certain features, including:

1. A chain of command in which authority flows from top to bottom.
2. A division of labor whereby work is apportioned among specialized workers to increase productivity.
3. Clear lines of authority among workers and their superiors.
4. A goal orientation that determines structure, authority, and rules.
5. Impersonality, whereby all employees are treated fairly based on merit and all clients are served equally, without discrimination, according to established rules.
6. Productivity, whereby all work and actions are evaluated according to established rules.¹⁷

Clearly, this Weberian idea is somewhat idealistic, and even the best run government agencies do not always work this way, but most try to do so.

When Congress creates any kind of department, agency, or commission, it is actually delegating some of its powers listed in Article I, section 8, of the U.S. Constitution. Therefore, the laws creating departments, agencies, corporations, or commissions carefully describe their purpose and give them the authority to make numerous policy decisions, which have the effect of law. Congress recognizes that it does not have the time, expertise, or ability to involve itself in every detail of every program; therefore, it sets general guidelines for agency action and then allows the agency to work out the details. How agencies execute congressional wishes is called **implementation**, the process by which a law or policy is put into operation.

Historically, in attempting to study how the bureaucracy made policy, political scientists investigated what they termed **iron triangles**, the relatively ironclad relationships and patterns of interaction that occur among federal workers in agencies or departments, interest groups, and relevant congressional committees and subcommittees. Today, iron triangles no longer dominate most policy processes. Some do persist, however, such as the relationships between the Department of Veterans Affairs, the House Committee on Veterans Affairs, and the American Legion and the Veterans of Foreign Wars, the two largest veterans groups (see Figure 8.4).

Many political scientists who examine external influences on the modern bureaucracy prefer to study **issue networks**. In general, issue networks, like iron triangles, include agency officials, members of Congress (and committee staffers), and interest group lobbyists. But, they also include lawyers, consultants, academics, public relations specialists, and sometimes even the courts. Unlike iron triangles, issue networks constantly are changing as members with technical expertise or newly interested parties become involved in issue areas and others phase out.

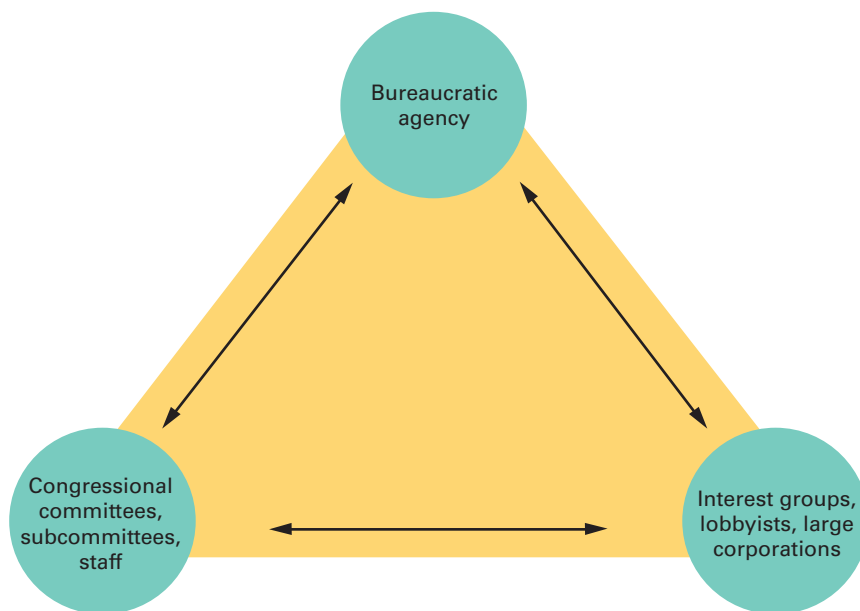


FIGURE 8.4 WHAT CONSTITUTES AN IRON TRIANGLE?

Iron triangles are the relatively stable relationships formed between bureaucratic agencies, congressional committees, and interest groups. Cooperation between these three policy actors may make policy making in some issue areas, such as veterans' affairs, an insular process confined to a small clientele.

As a result of the increasing complexity of many policy domains, a number of alliances have also arisen within the bureaucracy. One such example is **interagency councils**, working groups established to facilitate the coordination of policy making and implementation across a host of agencies. Depending on the amount of funding these councils receive, they can be the prime movers of administration policy in any area where an interagency council exists. The U.S. Interagency Council on Homelessness, for example, works to coordinate the activities of the more than fifty governmental agencies and programs that work to alleviate homelessness.

In areas marked by extraordinarily complex policy problems, recent presidential administrations have set up **policy coordinating committees** (PCCs) to facilitate interaction among agencies and departments at the subcabinet level. For example, the Homeland Security Council PCC (the HSC-PCC) is composed of representatives from various executive departments as well as the FBI, CIA, Federal Emergency Management Agency (FEMA), and the vice president's office, among others. It oversees multiple agencies and executive departments to ensure the creation and implementation of consistent, effective homeland security policies.

□ Making Policy

The main purpose of all of these decision-making bodies is policy making. Policy making and implementation take place on both informal and formal levels. From a practical standpoint, many decisions are left to individual government employees on a day-to-day basis. Department of Justice lawyers, for example, make daily decisions about whether or not to prosecute suspects. Similarly, street-level Internal Revenue Service agents make many decisions during personal audits. These street-level bureaucrats make policy on two levels. First, they exercise broad judgment in decisions concerning citizens with whom they interact. Second, taken together, their individual actions add up to agency behavior.¹⁸ Thus, how bureaucrats interpret and how they apply (or choose not to apply) various policies are equally important parts of the policy-making process.

interagency councils

Working groups created to facilitate coordination of policy making and implementation across a host of governmental agencies.

policy coordinating committees

Subcabinet-level committees created to facilitate interactions between agencies and departments to handle complex policy problems.

8.1

8.2

8.3

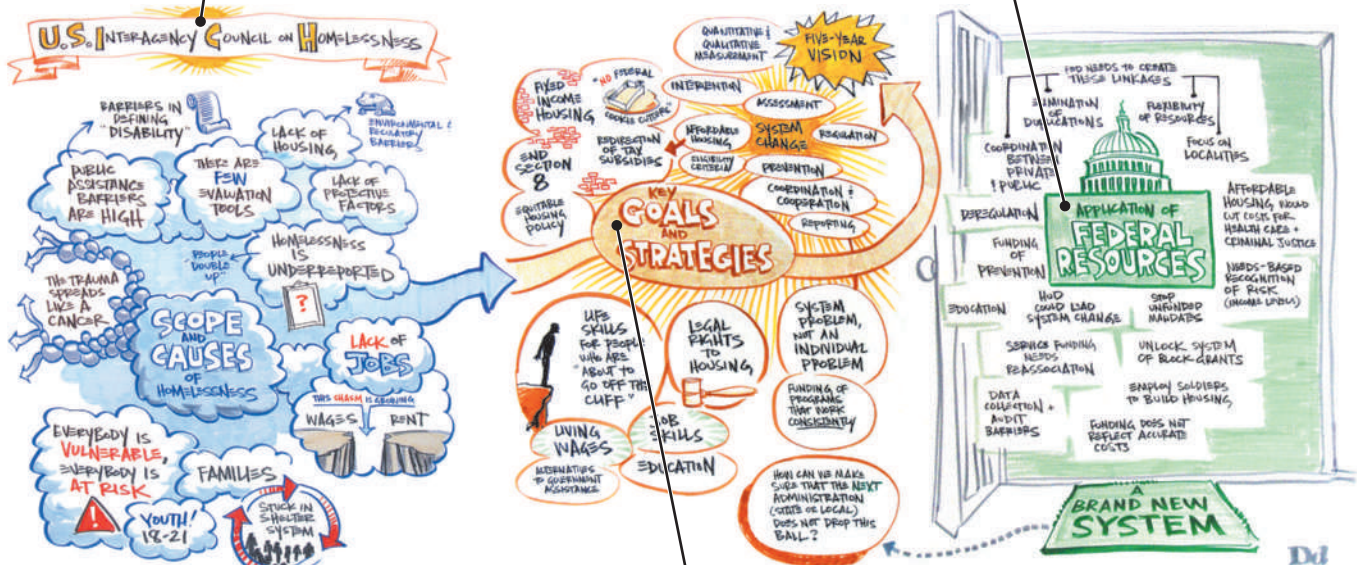
8.4

Take a Closer Look

Interagency councils are working groups established to facilitate the coordination of policy making and implementation across a number of agencies. One such group is the U.S. Interagency Council on Homelessness, which was formed in 1987 as a partnership between nearly all of the Cabinet departments and a number of other executive branch agencies, including the Executive Office of the President. The diagram below, taken from the group's "Federal Strategic Plan to Prevent and End Homelessness," shows the interagency scope of the causes and solutions to homelessness in the United States.

The scope and causes, as well as goals and strategies, illustrated in this diagram show the need for multiple agency involvement in addressing the problem of homelessness.

The problem-solving process illustrated in this diagram is typical of policy making in the United States.



The potential solutions to the problem of homelessness involve pooling resources from multiple federal agencies and programs, as well as cooperation from state and local governments.

SOURCE: Input from the New York Stakeholders' Meeting is captured in a graphic format by Art of Hosting volunteer Drew Dernavich, http://www.usich.gov/PDF/OpeningDoors_2010_FSPPPreventEndHomeless.pdf.

CRITICAL THINKING QUESTIONS

1. How do the causes, goals, and solutions illustrated in the diagram show the need for interagency cooperation to solve the problem of homelessness?
2. How does this diagram reveal some of the challenges of interagency cooperation?
3. How might similar cooperation help to solve other policy problems facing the United States today? What agencies would you need to bring together to address these problems?

Administrative discretion, the ability of bureaucrats to make choices concerning the best way to implement congressional or executive intentions, also allows decision makers (whether they are in a Cabinet-level position or at the lowest GS levels) a tremendous amount of leeway. Bureaucrats exercise administrative discretion through two formal procedures: rule making and administrative adjudication.

RULE MAKING **Rule making** is a quasi-legislative process resulting in regulations that have the characteristics of a legislative act. **Regulations** are the rules that govern the operation of all government programs and have the force of law. In essence, then, bureaucratic rule makers often act as lawmakers as well as law enforcers when they make rules or draft regulations to implement various congressional statutes. Some political scientists say that rule making “is the single most important function performed by agencies of government” (see Figure 8.5).¹⁹

Because regulations often involve political conflict, the 1946 Administrative Procedures Act established rule-making procedures to give everyone the chance to participate in the process. The act requires that: (1) public notice of the time, place, and nature of the rule-making proceedings be provided in the *Federal Register*; (2) interested parties be given the opportunity to submit written arguments and facts relevant to the rule; and, (3) the statutory purpose and basis of the rule be stated. After rules are published, thirty days generally must elapse before they take effect.

Sometimes the law requires an agency to conduct a formal hearing before issuing rules. A committee helps staffers collect evidence and calls interested parties and

administrative discretion

The ability of bureaucrats to make choices concerning the best way to implement congressional or executive intentions.

8.1

8.2

rule making

A quasi-legislative process resulting in regulations that have the characteristics of a legislative act.

8.3

regulations

Rules governing the operation of all government programs that have the force of law.

8.4

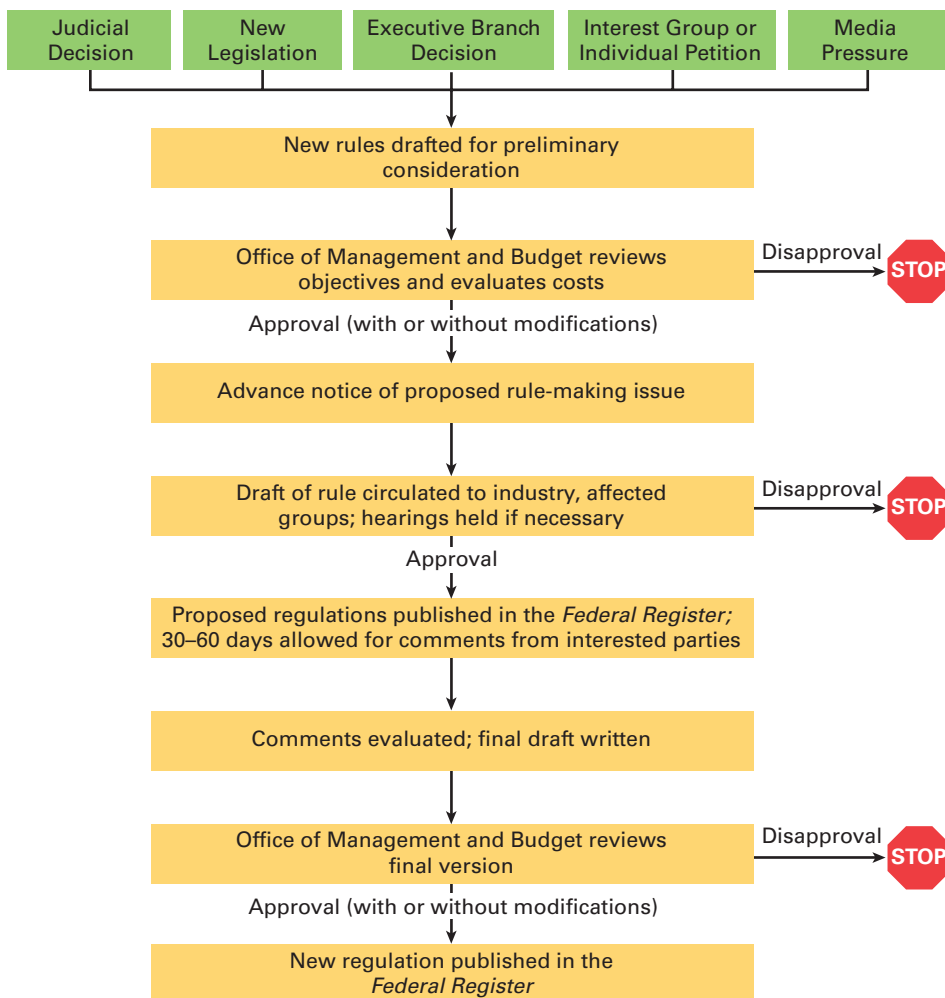


FIGURE 8.5 HOW IS A REGULATION MADE?

The 1946 Administrative Procedures Act spells out a specific process for rule making in the federal bureaucracy. Similar to the process of making legislation, a proposed rule has many opportunities to fail to be implemented. Affected citizens also have a number of opportunities to offer their opinions of a proposed rule.

administrative adjudication

A quasi-judicial process in which a bureaucratic agency settles disputes between two parties in a manner similar to the way courts resolve disputes.

TABLE 8.2 HOW MANY COMMENTS DO AGENCIES RECEIVE ON PROPOSED RULES?

Agency	Subject	Comments
Food and Nutrition Service	Nutrition in school lunches	54,468
Federal Motor Carrier Safety Administration	Hours of service for drivers	27,333
Centers for Medicare and Medicaid Services	Physical fee schedule	20,280
National Oceanic and Atmospheric Agency	Annual fish catch limits	14,681
Environmental Protection Agency	Greenhouse gas emissions	5,028

SOURCE: Gregory Korte, "Comments Slow Down Rules Process." *USA Today* (May 25, 2011): A5; and www.regulations.gov.

interest groups to testify on the issue. The process can take weeks, months, or even years, at the end of which agency administrators must review the entire record and then justify the new rules. Although cumbersome, the process has reduced criticism of some rules and bolstered the deference given by the courts to agency decisions.

Many Americans are unaware of their opportunity to influence government through the rule-making process. All private citizens with interest in potential rules have the right to submit comments. Recent presidents have taken efforts to make commenting easier for citizens by using the government's [regulations.gov](http://www.regulations.gov) portal. As a result, the average rule receives about eighty comments, but some rules may receive thousands of comments from citizens (see Table 8.2).

ADMINISTRATIVE ADJUDICATION Agencies regularly find that persons or businesses are not in compliance with the federal laws the agencies are charged with enforcing, or that they are in violation of an agency rule or regulation. To force compliance, some agencies resort to **administrative adjudication**, a quasi-judicial process in which a bureaucratic agency settles disputes between two parties in a manner similar to the way courts resolve disputes. Administrative adjudication is referred to as quasi-judicial, because adjudication by any body other than the judiciary would be a violation of the constitutional principle of separation of powers.

Several agencies and boards employ administrative law judges to conduct hearings. Although employed by the agencies, these judges are strictly independent and cannot be removed except for gross misconduct. Their actions, however, are reviewable in the federal courts, as are the findings of judges in agencies such as the Equal Employment Opportunity Commission and Social Security Administration.

Toward Reform: Making the Bureaucracy Accountable

8.4

Evaluate controls designed to make agencies more accountable.



Although many critics of the bureaucracy argue that federal employees should be responsive to the public interest, the public interest is difficult to define. As it turns out, several factors control the power of the bureaucracy, and to some degree, the same kinds of checks and balances that operate among the three branches of government serve to rein in the bureaucracy (see Table 8.3).

Many political scientists argue that the president should take charge of the bureaucracy because it is his responsibility to see that popular ideas and expectations are translated into administrative action. But, under our constitutional system, the president is not the only actor in the policy process. Congress creates the agencies, funds them, and establishes the broad rules of their operation. Moreover, Congress continually reviews the various agencies through oversight committee investigations, hearings, and its

TABLE 8.3 HOW ARE AGENCIES MADE ACCOUNTABLE?

The President Has the Authority to:	The Congress Has the Authority to:	The Judiciary Has the Authority to:
Appoint and remove agency heads and other top bureaucrats.	Pass legislation that alters the bureaucracy's activities.	Rule on whether bureaucrats have acted within the law and require policy changes to comply with the law.
Reorganize the bureaucracy (with congressional approval).	Abolish existing programs and agencies.	Force agencies to respect the rights of individuals through hearings and other proceedings.
Make changes in an agency's annual budget proposals.	Refuse to appropriate funds for certain programs.	Rule on the constitutionality of all challenged rules and regulations.
Ignore legislative initiatives originating within the bureaucracy.	Investigate agency activities and compel bureaucrats to testify about them.	
Initiate or adjust policies that would, if enacted by Congress, alter the bureaucracy's activities.	Influence presidential appointments of agency heads and other top bureaucratic officials.	
Issue executive orders.	Write legislation to limit bureaucratic discretion.	

power of the purse. And, the federal judiciary, as in most other matters, has the ultimate authority to review administrative actions.

□ Executive Control

As the size and scope of the American national government, in general, and of the executive branch and bureaucracy, in particular, have grown, presidents have delegated more and more power to bureaucrats. But, most presidents have continued to try to exercise some control over the bureaucracy. They have often found that task more difficult than first envisioned. President John F. Kennedy, for example, once lamented that to give anyone at the Department of State an instruction was comparable to putting your request in a dead-letter box.²⁰ No response would ever be forthcoming.

Recognizing these potential problems, presidents try to appoint the best possible people to carry out their wishes and policy preferences. Presidents make hundreds of appointments to the executive branch; in doing so, they have the opportunity to appoint individuals who share their views on a range of policies. Although presidential appointments account for a very small proportion of all federal jobs, presidents or the Cabinet secretaries usually appoint most top policy-making positions. Executive control over these positions can be severely hampered when Congress refuses to approve nominees. At one point during the administration of President George W. Bush, for example, 138 of 575 top positions were vacant.²¹

With the approval of Congress, presidents can reorganize the bureaucracy. They also can make changes in an agency's annual budget requests and ignore legislative initiatives originating within the bureaucracy. Several presidents have made a priority of trying to tame the bureaucracy to increase its accountability. Thomas Jefferson, the first president to address the issue of accountability, attempted to cut waste and bring about a "wise and frugal government." The government began to seriously consider calls for reform during the Progressive era (1890–1920). Later, President Calvin Coolidge urged spending cuts and other reforms. His Correspondence Club aimed to reduce bureaucratic letter writing by 30 percent.²²

Presidents also can shape policy and provide direction to bureaucrats by issuing executive orders.²³ Executive orders are rules or regulations issued by the president that have the effect of law; the *Federal Register* must publish all executive orders. A president can direct an agency to act, but it may take some time to carry out the order. Given their many jobs, few presidents can ensure that the government will implement all their orders or will like all the rules that have been made. For example, even before Congress acted to protect women from discrimination by the federal government, the National Organization for Women convinced President Lyndon B. Johnson to sign a 1967 executive order that added the category of "gender" to an earlier order prohibiting discrimination on the basis of race, color, religion, or national origin in the awarding of federal contracts. Although the president signed the order, the Office of Federal

Explore Your World

A key function of the bureaucracy is to represent the U.S. government to foreign states. One way the Department of State accomplishes this goal is by sending diplomats and bureaucrats to other countries to establish relationships with foreign leaders. Diplomatic offices are of two types: consulates and embassies. Consulates are smaller and are found in large cities that attract tourists; they help U.S. citizens with visas, international law, and identification. Embassies are large, usually located in a foreign capital, and work directly with foreign governments. The structure and functions of an embassy may be telling about the quality of U.S. relations with a particular country. Examine the U.S. embassies shown below and consider the variations in their appearance.



U.S. embassies and consulates are occasionally targets for anti-American sentiment. On September 11, 2012, and for several days thereafter, U.S. diplomatic missions throughout the Muslim world were attacked in a series of protests. This photo shows the embassy in Tunis, Tunisia after these acts of violence. In total, at least 75 people, including the U.S. ambassador to Libya, were killed and hundreds of others were injured.



The U.S. Embassy in Paris, France, is the U.S.'s first diplomatic mission. It is located near the Champs-Élysées in the heart of the capital city.



The U.S. Embassy in Iraq was constructed in the past several years. It is the largest, most fortified embassy in the world. It is located in the International (or "Green") Zone of Baghdad.

CRITICAL THINKING QUESTIONS

1. What do these buildings say about the importance of a U.S. embassy in these states?
2. Consider our relationship with each of these governments. Do we maintain strong relationships with these countries, or are we struggling in our efforts to remain friendly? How is the role of an American embassy in an "ally" country different from that of an embassy in a nation where we are constantly in conflict?
3. How do the security and location of embassies vary across states? How might this reflect the quality of a country's relationship with the United States?

Contract Compliance, part of the Department of Labor's Employment Standards Administration, failed to draft appropriate guidelines for implementation of the order until several years later.²⁴

□ Congressional Control

Congress can confirm (or reject) nominees to top bureaucratic positions and has also played an important role in checking the power of the bureaucracy. Constitutionally, it possesses the authority to create or abolish departments and agencies. It may also transfer agency functions, and expand or contract bureaucratic discretion.

Congress can also use its investigatory powers to conduct program evaluations or hold oversight hearings. It is not at all unusual for a congressional committee or subcommittee to conduct hearings on a particular problem and then direct the relevant agency to study the problem or find ways to remedy it. Representatives of the agencies also appear before these committees on a regular basis to inform members about agency activities, ongoing investigations, and budget requests.

Political scientists distinguish between two different forms of congressional oversight. One is proactive and allows Congress to set its own agenda for programs or agencies to review. For example, bureaucrats appear before congressional committees on a regular basis to inform members about agency activities, ongoing investigations, and budget requests. A second kind of oversight is reactive and generally involves a congressional response to a complaint filed by a constituent, a politically significant actor, or the media. For example, in the aftermath of an oil rig explosion and ensuing oil spill in the Gulf of Mexico in 2010, a host of congressional committees held hearings to investigate the cause of what has been called the worst environmental disaster in U.S. history. Members of Congress from both houses grilled executives from British Petroleum (BP), the oil drilling company Transocean, the service contractor Halliburton, and others to determine not only who was responsible for the accident but also what efforts were being made to contain it.²⁵

Congress also has the power of the purse. To control the bureaucracy, it can use its abilities to authorize spending and appropriate funds for an agency's activities. Money can be a powerful tool to coerce bureaucrats into making particular policies.



HOW DOES GOVERNMENT OVERSEE ENVIRONMENTAL DISASTERS?

Congressional oversight hearings examined the causes of a massive oil spill in the Gulf of Mexico in 2010. The results of these hearings helped the U.S. Coast Guard, the National Oceanic and Atmospheric Administration, and numerous other agencies to design ways to minimize the effects of this spill and craft strategies to prevent future disasters.

The first step in the funding process is authorization. Budget authorization originates in the various legislative committees that oversee particular agencies (such as Agriculture, Veterans Affairs, Education, and Labor) and sets the maximum amounts that agencies can spend on particular programs. While some authorizations, such as those for Social Security, are permanent, others, including Departments of State and Defense procurements, are watched closely and are subject to annual authorizations.

Once Congress authorizes programs, it requires specific allocation, or appropriation, of funds before they can be spent. Such appropriations originate with the House Appropriations Committee, not the specialized legislative committees. Thus, the House Appropriations Committee routinely holds hearings to allow agency heads to justify their budget requests.

To help Congress oversee the bureaucracy's financial affairs, in 1921 Congress created the General Accounting Office, now called the Government Accountability Office (GAO). The GAO is Congress's watchdog over executive branch spending. At the same time, the Office of the Budget, now the Office of Management and Budget (OMB), was set up in the executive branch to help with creating the president's budget. The GAO, the Congressional Research Service (CRS), and the Congressional Budget Office (CBO) provide Congress with its own bureaucracy to research and monitor what the executive branch and bureaucracy are doing. Today, the GAO not only tracks how money is spent by the executive branch but also monitors how policies are implemented. If the GAO uncovers problems with an agency's work, it notifies Congress immediately.

Legislators also augment their formal oversight of the executive branch by allowing citizens to appeal adverse bureaucratic decisions to agencies, Congress, and even the courts. Congressional review, by which joint resolutions of legislative disapproval can nullify agency regulations, is another method of exercising congressional oversight. This form of oversight is discussed in greater detail in our discussion of Congress.

□ Judicial Control

Whereas the president and Congress have direct ongoing control over the actions of the bureaucracy, the judiciary's oversight function is less apparent, but equally important. Still, federal judges, for example, can issue injunctions or orders to an executive agency even before a rule is publicized, giving the federal judiciary a potent check on the bureaucracy.

The courts also have ruled that agencies must give all affected individuals their due process rights guaranteed by the U.S. Constitution. The Social Security Administration cannot stop a recipient's checks, for example, unless that individual receives reasonable notice and an opportunity for a hearing. These types of cases make up the largest proportion of cases filed in federal district courts.

On a more informal, indirect level, litigation, or even the threat of litigation, often exerts a strong influence on bureaucrats. Injured parties can bring suit against agencies for their failure to enforce a law and can challenge agency interpretations of any law. In general, however, the courts give great weight to the opinions of bureaucrats and usually defer to their expertise.²⁶

The development of specialized courts, however, has altered the relationship of some agencies with the federal courts, apparently resulting in less judicial deference to agency rulings. Research by political scientists reveals that specialized courts such as the Court of International Trade, because of its jurists' expertise, defer less to agency decisions than do more generalized federal courts. Conversely, reversal of decisions from executive agencies is more likely than reversal of decisions from more specialized independent regulatory commissions.²⁷

Review the Chapter

Roots of the Federal Bureaucracy

8.1 Trace the growth and development of the federal bureaucracy, p. 222.

The federal bureaucracy has changed dramatically since President George Washington's time, when the executive branch had only three departments—State, War, and Treasury. The size of the federal bureaucracy increased significantly following the Civil War. As employment opportunities within the federal government expanded, a civil service system was created to ensure that more and more jobs were filled according to merit and not by patronage. By the late 1800s, reform efforts led to further growth of the bureaucracy, as independent regulatory commissions came into existence. In the wake of the Great Depression, President Franklin D. Roosevelt's New Deal created many new agencies to get the national economy back on course.

The Modern Bureaucracy

8.2 Describe modern bureaucrats, and outline the structure of the modern bureaucracy, p. 227.

The modern bureaucracy has more than 3 million civilian workers from all walks of life. In general, bureaucratic agencies fall into four categories: departments, independent agencies, independent regulatory commissions, and government corporations. The Hatch Act regulates the political activity of employees in the federal government.

How the Bureaucracy Works

8.3 Determine how the bureaucracy makes policy, p. 234.

The bureaucracy is responsible for implementing many laws passed by Congress. A variety of formal and informal mechanisms, such as rule making and administrative adjudication, help bureaucrats make policy.

Toward Reform: Making the Bureaucracy Accountable

8.4 Evaluate controls designed to make agencies more accountable, p. 238.

Agencies enjoy considerable discretion, but they are also subject to many formal controls that help make them more accountable. The president, Congress, and the judiciary all exercise various degrees of control over the bureaucracy through oversight, funding, or litigation.

Learn the Terms



Study and **Review** the **Flashcards**

administrative adjudication, p. 238
administrative discretion, p. 237
civil service system, p. 223
departments, p. 230
federal bureaucracy, p. 222
government corporations, p. 233
Hatch Act, p. 233
implementation, p. 234

independent executive agencies, p. 232
independent regulatory commission, p. 224
interagency councils, p. 235
iron triangles, p. 234
issue networks, p. 234
merit system, p. 223

patronage, p. 223
Pendleton Act, p. 223
policy coordinating committees, p. 235
regulations, p. 237
rule making, p. 237
spoils system, p. 223



1. What was the primary goal of the spoils system?
 - a. To reward political allies for their support
 - b. To increase pay for certain workers
 - c. To increase loyalty among members of the opposition party
 - d. To give soldiers additional food rations
 - e. To hire federal workers on the basis of their previous experience and credentials
2. Which act of Congress established a merit system of federal employment?
 - a. Federal Employees Act
 - b. Pendleton Act
 - c. Dawes Act
 - d. Hatch Act
 - e. Political Activities Act
3. Bureaucratic agencies representing areas of permanent national interest whose heads are appointed directly by the president are known as:
 - a. government corporations.
 - b. independent regulatory commissions.
 - c. independent executive agencies.
 - d. policy coordinating committees.
 - e. Cabinet departments.
4. Why did Congress initially create independent regulatory commissions such as the Interstate Commerce Commission?
 - a. To better address foreign affairs issues
 - b. To maintain checks and balances in the government
 - c. To serve the Cabinet departments
 - d. To regulate specific economic interests
 - e. To perform functions that could be provided by private businesses
5. The Hatch Act regulates:
 - a. the creation of federal regulatory commissions.
 - b. job safety.
 - c. the use of government contractors.
 - d. the political activity of government employees.
 - e. hiring and firing government employees for poor performance.
6. Iron triangles are made up of:
 - a. the president, Congress, and bureaucrats.
 - b. interest groups, lobbyists, and bureaucrats.
 - c. bureaucratic agencies, interest groups, and congressional committees.
 - d. the vice president, Supreme Court, and Congress.
 - e. bureaucratic agencies, congressional committees, and the president.
7. Why were interagency councils created?
 - a. To develop nonpartisan solutions to partisan problems
 - b. To decrease government spending
 - c. To give interest groups greater access to the policy-making process
 - d. To improve relations between the executive and legislative branches
 - e. To facilitate policy making in complex issue areas
8. Which of the following does the 1946 Administrative Procedures Act NOT require?
 - a. Giving everyone a chance to participate in the rule-making process
 - b. Providing public notice of the time, place, and nature of the rule-making proceedings in the *Federal Register*
 - c. The Office of Management and Budget must review proposed rules.
 - d. Proposed rules must state the statutory purpose and basis of the provision.
 - e. The president must sign a rule for it to become law.
9. Which of the following must be published in the *Federal Register* in order to become law?
 - a. Executive orders
 - b. Regulations
 - c. Administrative adjudications
 - d. Supreme Court decisions
 - e. Proposed bills
10. The president can check the power of the bureaucracy by:
 - a. amending the Constitution.
 - b. issuing executive orders.
 - c. confirming or rejecting nominees.
 - d. holding oversight hearings.
 - e. issuing injunctions before rules are published.

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