I. THE NATURE OF THE BUREAUCRACY

A **bureaucracy** is a large organization that is structured hierarchically to carry out specific functions. The purpose of a bureaucracy is the efficient administration of rules, regulations, and policies. Governments, businesses, and other institutions such as colleges and universities have bureaucracies by necessity.

A. Public and Private Bureaucracies

Public bureaucracies are governmental bureaucracies that do not have a single set of leaders in the way that private or business bureaucracies do. The purpose of a private-sector company is to make a profit. A bureaucracy within a company will attempt to administer the policies of the company to maximize profits for the company. Unlike a private company, the government is supposed to provide services to the public. A governmental bureaucracy is concerned with administering policies that provide services to the people. These fundamental differences between public and private bureaucracies make comparisons difficult.

B. Models of Bureaucracy

1. **Weberian Model.** Analyses of how bureaucracies operate and how they should operate are often based on the work of Max Weber (pronounced VAY-ber), a famous German sociologist. Weber believed that all bureaucracies share certain qualities:
   - **Hierarchy.** Every person who works in an organization has a superior to whom they report.
   - **Specialization.** Workers have an area of expertise as opposed to being knowledgeable about all aspects of the organization.
   - **Rules and regulations.** Decisions are made based on set rules and organizations. All people are treated the same based on these formal rules.
   - **Neutrality.** Bureaucrats are supposed to administer the rules without bias. No one should be given preferential treatment.

   The **Weberian model** views bureaucracy as a hierarchically organized model with formal rules and regulations. Power flows from the top down. Decisions are technical in nature. The focus is placed on rational and unbiased decision making.

2. **Acquisitive Model.** The **acquisitive model** is a view of bureaucracy where decisions are made for the needs of the top bureaucrats. Each division of the bureaucracy is most concerned with protecting the turf of the department and expanding the size of its budget. Once created, an
agency will continue to seek new goals in order to justify the existence of the agency.

3. Monopolistic Model. The monopolistic model views bureaucracy as the sole provider of a service. Without competition, the department has little or no incentive to be efficient and typically is not penalized for waste or inefficiencies.

C. Bureaucracies Compared

The sheer size of the U.S. bureaucracy—which follows from the sheer size of the country—may make the bureaucracy more autonomous than in some other nations. Our federal system also limits the top-down system that empowers the political leadership. States may need to be persuaded rather than ordered.

II. THE SIZE OF THE BUREAUCRACY

In 1789, the size of the federal bureaucracy was extremely small. The federal bureaucracy has grown considerably since that time. Most of this growth has been the result of a continuing expansion of the role of the government. In 1789 there were few policies implemented by the federal government. State governments made most policies that affected the people. Today there are about 2.7 million civilian employees of the federal government. The two biggest employers are the U.S. Postal Service, with almost 800,000 workers, and the Department of Defense, with more than 650,000 civilian staff. In recent years, the greatest growth in government employment has been at the local level. Federal employment has remained stable. However, the federal government also uses a large number of contractors and subcontractors who are not counted as employees. Federal spending today is equal to about 44 percent of the nation’s gross domestic product (GDP).

III. THE ORGANIZATION OF THE FEDERAL BUREAUCRACY

The executive branch has four major types of structures: (1) cabinet departments, (2) independent executive agencies, (3) independent regulatory agencies, and (4) government corporations. Each has a distinctive relationship to the president, and some have unusual internal structures, overall goals, and grants of power.

A. Cabinet Departments

The cabinet departments are the fifteen major service organizations of the federal government. They are the departments of:

- Agriculture,
- Commerce,
- Defense,
- Education,
- Energy,
• Health & Human Services,
• Homeland Security,
• Housing & Urban Development,
• Interior,
• Justice,
• Labor,
• State,
• Transportation,
• Treasury, and
• Veterans Affairs.

B. Independent Executive Agencies

Independent Executive Agencies are governmental entities that have a single function and are not part of a cabinet department. The director of the agency reports to the president. Examples of these agencies include the Central Intelligence Agency (CIA), the General Service Administration (GSA), and the National Aeronautics and Space Administration (NASA).

C. Independent Regulatory Agencies

Independent Regulatory Agencies are agencies outside the major executive departments charged with making and implementing rules and regulations to protect the public interest. Examples include the Federal Communications Commission (FCC) and the Nuclear Regulatory Commission (NRC).

1. The Purpose and Nature of Regulatory Agencies. These agencies are supposed to be independent of the rest of the government to guarantee their impartiality. In theory, their rulings should be based on the law and on technical knowledge, not politics.

2. Agency Capture. It is argued, however, that many agencies have come to be dominated by the industries they were meant to regulate. This process is called agency capture.

3. Deregulation and Reregulation. Calls for a reduction in the general level of governmental regulation met with success during the administrations of presidents Carter and Reagan. A degree of reregulation occurred under the elder Bush (George H.W. Bush). Under Clinton, some economic regulations were lifted, but environmental ones were tightened.

D. Government Corporations

Government Corporations are agencies that charge the public for a specific service. Examples of government corporations include the United States Postal
Service, which is approaching solvency, and Amtrak, the domestic passenger railroad corporation. They differ from private corporations in that they do not have shareholders, but are owned by the government.

IV. CHALLENGES TO THE BUREAUCRACY

The federal bureaucracy is both complex and very specialized. Each organization has its own mission, goals, and, in many cases, its own constituents. There are, however, problems and crises that require the attention of multiple agencies. In these cases, there may be overlapping jurisdictions that can cause confusion, or there may be problems that no agency has the authority to solve.

A. Reorganizing to Stop Terrorism

Fighting terrorism involves many different aspects. The creation of the Department of Homeland Security (DHS) in 2003 was the largest reorganization of the U.S. government since 1947. Twenty-two agencies with responsibilities for preventing terrorism were merged into a single department. Importantly, the DHS did not unify all U.S. anti-terrorism efforts as the most important anti-terrorist agencies, the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA), are not part of the DHS. To try to address problems with information exchange between agencies, President Bush also created the Terrorist Threat Integration Center. Further, Congress established the Office of the Director of National Intelligence in 2004.

B. Dealing with Natural Disasters

Hurricane Katrina illustrates the huge challenge faced by bureaucracies when dealing with natural disasters. Many agencies and levels of government must be coordinated, so responses sometimes are delayed and aid does not get to the victims in a timely way. Media coverage of hurricanes, tornados, floods, and blizzards focuses on the struggles of citizens, while the struggles of the bureaucrats take place in back rooms. The DHS, which is responsible for disaster relief, now includes many of the agencies needed to meet natural disasters, but it remains to be seen how effective its response will be.

V. STAFFING THE BUREAUCRACY

Bureaucrats can be placed into two categories: political appointees and civil servants.

A. Political Appointees

The president appoints individuals in the first category. The most important factor in this selection process is political party. The overwhelming majority of presidential appointees are of the same party of the president. These political plums are bestowed to qualified individuals who typically helped the president get elected. Among the biggest plums are ambassadorships. These may be reserved for large contributors to the president’s campaign. One of the most dubious political appointments in recent years was George W. Bush’s
appointment of Mike Brown as head of the Federal Emergency Management Agency. Brown’s lack of expertise was revealed in the aftermath of Hurricane Katrina.

1. **The Aristocracy of the Federal Government.** The powers of political appointees appear formidable on paper, but may be less so in reality. Often, such appointees lack detailed knowledge of the institutions they are running. They may be in place only two or so years and have little time to learn. Top career bureaucrats can often frustrate the plans of their political boss.

2. **The Difficulty in Firing Civil Servants.** The problem is compounded by the fact that firing a civil servant is a difficult and very time-consuming process.

**B. History of the Federal Civil Service**

Historically, individuals of the party of the president staffed the bureaucracy. The first political party, the Federalists, held the early positions for the first twelve years of the government. When Thomas Jefferson was elected, he replaced many bureaucrats with members of his own party. The Jeffersonian Republicans controlled the government for the next twenty-four years, and so the bureaucracy did not turn over.

1. **To the Victor Belong the Spoils.** Andrew Jackson found that many existing bureaucrats were unwilling to implement many of his programs. Thus, Jackson made the decision to fire more officials than any president before him, on the principle “to the victor belong the spoils.” Thereafter, whenever a president was elected who was of a different party from the previous president, most federal employees were replaced.

2. **The Civil Service Reform Act of 1883.** Reform of the bureaucracy selection process began in 1883. The Pendleton Act (Civil Service Reform Act) established the Civil Service Commission and created a situation in which civil servants were to be selected on merit, not political affiliation. At first only 10 percent of federal employees were covered, but the program expanded over time to cover most administrators.

3. **The Civil Service Reform Act of 1978.** This created the Office of Personnel Management to oversee testing and hiring, and the Merit Systems Protection Board to hear employee grievances.

4. **Federal Employees and Political Campaigns.** In 1939, the Hatch Act prohibited civil servants from active involvement in political campaigns. It sought to ensure a neutral bureaucracy, and sought to protect bureaucrats from being pressured by their superiors to make political contributions or engage in campaigning. Although some have complained that the Hatch Act violates the constitutional rights of civil
servants who wish to be politically active, the Supreme Court ruled in 1973 that the government’s interest in preserving a nonpartisan civil service was so great that the prohibition should remain. The Federal Employees Political Activities Act of 1993 removed some Hatch act restrictions, allowing bureaucrats to participate in campaigns voluntarily.

VI. MODERN ATTEMPTS AT BUREAUCRATIC REFORM

There have been a number of attempts at opening up the process of administering policy and making the bureaucracy more efficient and responsive to citizen needs.

A. Sunshine Laws before and after 9/11

Sunshine laws require agencies to conduct many sessions in public.

1. Information Disclosure. The 1966 Freedom of Information Act opened up government files to citizen requests for information, in particular about themselves.

2. Curbs on Information Disclosure. After 9/11, however, the government established a campaign to limit disclosure of any information that could conceivably be used by terrorists.

B. Sunset Laws

These require legislative review of existing programs to determine their effectiveness. If the legislature does not explicitly reauthorize a program, it expires. Although many states have enacted this process, unfortunately Congress has not made it the law in the federal bureaucracy.

C. Privatization

The privatization of services occurs when the government contracts with the private sector for certain services, in the belief that some services can be provided more efficiently by private firms. This practice occurs more frequently on the local level.

D. Incentives for Efficiency and Productivity

A number of state governments are experimenting with ways to increase their efficiency and capabilities by providing incentives to government workers for improved performance.

1. The Government Performance and Results Act of 1997. This Act seeks to improve governmental efficiency by requiring government agencies to describe their goals and create mechanisms for evaluating whether these goals have been met.

2. Bureaucracy Changed Little, Though. One argument is that bureaucratic inefficiencies are the direct result of the political decision-making process. If Congress wants a more efficient bureaucracy, it should examine its own demands on the system.
3. **Saving Costs through E-Government.** The Internet has also improved the efficiency of federal government. Now, citizens can find information on government Web sites, and can communicate directly with government offices through e-mail.

E. **Helping Out the Whistleblowers**

The term *whistleblower* as applied to the federal bureaucracy means someone who blows the whistle on a gross governmental inefficiency or illegal action. Whistleblowers may be clerical workers, managers, or specialists such as scientists.

1. **Laws Protecting Whistleblowers.** The 1978 Civil Service Reform Act prohibits reprisals against whistleblowers by their superiors, and it set up the Merit Systems Protection Board as part of this protection. The Whistleblower’s Protection Act of 1989 was an attempt to encourage federal bureaucrats to report waste and fraud within agencies by protecting them. It established the Office of Special Counsel (OSC) to investigate complaints about government waste or inefficiency.

2. **The Problem Continues.** Despite endeavors to help whistleblowers, there is little evidence that potential whistleblowers have received more protection. More than 40 percent of the employees who turned to the OSC for assistance in a recent three-year period stated that they were no longer employees of the agencies on which they blew the whistle. Additionally, in a significant 2006 decision, the U.S. Supreme Court placed restrictions on lawsuits brought by public workers regarding whistleblowing.

VII. **Bureaucrats as Politicians and Policy Makers**

Although Congress has the power to legislate, it must rely on the executive branch to administer the laws. When Congress enacts legislation that is very precise, the bureaucracy simply administers the law. However, it is rare that laws are so precise that there is no room for questions concerning interpretation and application. Therefore, the bureaucracy usually must make policy decisions concerning interpretation and application of a statute. This administrative discretion is not accidental. Congress has long realized that it does not have the technical expertise to draft laws that cover all contingencies.

A. **The Rulemaking Environment**

Proposed rules are published in the *Federal Register* and interested parties have an opportunity to comment on the proposal.

1. **Waiting Periods and Court Challenges.** Sixty days must pass before the rule goes into effect. Interested parties can ask the agency for changes or ask Congress to overrule the agency. Directly affected parties can also sue before or after the 60 days on the grounds the rule exceeds the agency’s
mandate or is unfair. The courts tend to presume in favor of the agency in such cases—those objecting must have a strong case if they expect to win.

2. **Controversies.** How agencies implement, administer, and enforce legislation can result in controversy. An example of controversial administrative decisions involves the steps to implement the Endangered Species Act, which can interfere with the property rights of landowners. Often challenges to regulatory agencies are intended to weaken new regulations, but in some cases agencies may be challenged to issue stronger regulations.

B. **Negotiated Rulemaking**

In an attempt to reduce the number of court cases challenging administrative decisions, the executive branch has encouraged interested parties to participate in the drafting of administrative decisions concerning laws enacted by Congress. This is called negotiated rulemaking. While negotiated rulemaking has not eliminated court cases of this nature, it has reduced the number of challenges to administrative decisions in certain policy areas such as the environment. Congress endorsed this policy with the Negotiated Rulemaking Act of 1990.

C. **Bureaucrats Are Policymakers**

The federal bureaucracy has become a major source for decision making concerning public policy. Different theories have been advanced to describe the impact of outside groups on the process.

1. **Iron Triangles.** Key concept: An iron triangle, or a three-way alliance among legislators, bureaucrats, and interest groups that seeks to make or preserve policies that benefit their respective interests. Advocates of this theory usually believe that special interests have too much influence. The bureaucrats, then, no longer act as impartial administrators. Instead, bureaucrats act as agents for the special interests and attempt to influence Congress to enact laws that favor the special interest. The committee structure in Congress may help perpetuate this system. The members of Congress who serve on committees and subcommittees are interested in gaining support for their constituents who would benefit by the enactment of legislation favoring a particular special interest.

2. **Issue Networks.** Others assert that iron triangles do not fully describe the complex web of relations between the executive and legislative branches and interest groups. Most scholars now see the policy process as being one where issue networks dominate. That is, legislators, interest groups, bureaucrats, scholars and experts, and members of the media who share a position on a given issue may attempt to exert influence on the executive branch, on Congress, on the courts, or on the media to see their policy
position enacted. Obviously, issue networks with opposing positions may come into political conflict with each other.

VIII. CONGRESSIONAL CONTROL OF THE BUREAUCRACY

A. Ways Congress Does Control the Bureaucracy

The ultimate control is in the hands of Congress because Congress controls the purse strings. Congressional control of the bureaucracy includes the establishment of agencies and departments, the budget process, and oversight conducted through investigations, hearings, and review.

B. Reasons Why Congress Cannot Easily Oversee the Bureaucracy

Although Congress is able to identify certain bureaucratic failures, especially the catastrophic mistakes such as the CIA and 9/11 and FEMA and Hurricane Katrina, there are so many bureaucratic shortcomings that there are not enough hours in the day or months in the year to identify them all.