

Government 30

Lecture 20

Bureaucratic Politics: Constitutional Foundations and History

April 17, 2006

ANNOUNCEMENTS

1. Third discussion papers due one week from today.
2. Office hours are regular this week: Thursday 1-4PM.

I. The Constitution & Bureaucracy

James Q. Wilson and John DiIulio: "No Mention"

"The Constitution made scarcely any provision for an administrative system other than to allow the president to appoint, with the advice and consent of the Senate, 'Ambassadors, other public Ministers and Consuls, judges of the supreme Court, and all other officers of the United States whose Appointments are not herein otherwise provided for, and which shall be established by Law.' **Departments and bureaus were not mentioned.**" (*American Government*, p. 389: emphasis added)

A very common view: Framers intended little or no role for bureaucracy.

B/c Framers didn't say "Set up FBI," "A Department of Commerce should be established" no Department of Commerce or FBI was ever intended.

Is This Right?

I. The Constitution & Bureaucracy

A. The Function of Departments

...“WELL, NOT EXACTLY”

A. *Informational Function of Executive Departments:*

Art II, S 2: “he [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 Offices”

- heads of Depts offer opinion
- they have duties, not defined in the Const

I. The Constitution & Bureaucracy

B. Appointment Power

B. *Appointment Power*

(Art II, S 2): “...the Congress may be Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.”

Q. Does lack of mention of specific executive departments mean that the Framers didn't want any?

I. The Constitution and Bureaucracy

C. Hamilton's Concept of Administration:

Federalist #72. “The administration of government, in its largest sense, comprehends all the operations of the body politic, whether legislative, executive, or judiciary; but in its most usual and perhaps in its most precise signification, it is limited to executive details, and *falls peculiarly within the province of the executive department*” (Rossiter ed., p. 435, emphasis added)

Includes (pp. 435-436):

- “the actual conduct of foreign negotiations”
- “the preparatory plans of finance”
- “the application and disbursement of the public moneys in conformity to the general appropriations of the legislature”
- “the direction of the operations of war”

Note: GW asked for a Dept of Agriculture in his Farewell Address.

II. PATRONAGE, CIVIL SERVICE REFORM, AND BUREAUCRATIC EFFICIENCY

A. Patronage System (1829-1883)

- “To the victors go the spoils” (Jackson)
- connected to machines: strengthened parties
- still exists in some major cities
- functioned as a tool of political control over bureaucracy

II. PATRONAGE, CIVIL SERVICE REFORM, AND BUREAUCRATIC EFFICIENCY

B. Reform: The Pendleton Act (1883).

- competitive exams for positions
- no dues-paying
- no campaigning (Hatch Act of 1939).
- no firing for political reasons

C. Problem: de-politicization = insulation.

- Difficult to hire and fire
- BUT: is efficiency separable from politics?

III. THE BUREAUCRACY TODAY

A. Types of Agencies

- executive depts & bureaus: State, USDA, EPA
- independent regulatory commissions:
FCC – Federal Communications Comm
NLRB – National Labor Relations Board

B. Civil Service

1. Competitive Service (2/3 of govt)
2. Senior Executive Service or “SES” (1978) – 8,000 top managers, more competition

III. THE BUREAUCRACY TODAY

C. The Innovation-Control Trade-Off

- bureaucracies are unelected powers: must have accountability
- autonomous agencies can innovate
 - ◆ DOD and the Internet
 - ◆ NASA: electronics, jet propulsion, Tang
 - ◆ USDA: oranges, wheat, **beer?**



D. *Structural Politics* (Moe) -- the very way agencies are designed reflects a chaotic game of political interests.

E. *Bureaucratic Autonomy* (Carpenter): agencies get autonomy not by shirking but by selling their ideas



BUREAUCRACY SAVES BEER:

David Fairchild and the Theft of Alsatian Hops

[National Archives Letter from David Fairchild to Jared Smith, March 8, 1901; RG 54, E 15, Volume 2.]

"I thought I had done well to get what [hops] I did, about 650, but I think by careful handling I can get more. Those I secured had to be gotten on the sly and under all sorts of false pretenses and I paid a big price for them too. You see this Semsh hop region is the most suspicious of any in all Bohemia."

Fairchild said that the "man who is trying to get me the remaining 9000 hops" told him "that the growers will lynch him, he is afraid, if it becomes known."

So what does he do?

BUREAUCRACY SAVES BEER:

David Fairchild and the Theft of Alsatian Hops

"You should congratulate the boy for he has after all sorts of night conferences and day wool-pulling-over-the-eyes contriving got two men to dig cuttings for him. And will get if not quite 10000 at least nearly that number. They will get away from a little station we have selected near here for our secret rendezvous, day after tomorrow afternoon...this is in some ways the most difficult and disagreeable bit of stealing I have done yet and when I came up here it seemed as if it were well nigh impossible."

"Prepare for the distribution of these plants please in as quiet a way as possible. For heaven's sake don't give the matter out to the newspapers. It will make things hot for me here and be devilish[ly] unpleasant.

Besides we are not sure of the success you know and it is just as well to lay low until we have everything in our hands. *I feel like a dog in this business Smith but am acting under my government's instructions*. The greatest quiet secrecy has been exercised in this affair."



IV. Bureaucracy as a peculiarly
Modern Type of Organization (Weber)

- A. Fixed & official jurisdictions -- official, rigid div of labor
- B. Clear distinction btw superiors ("bosses") and subordinates.
- C. Management based upon written documents ("files")
- D. Management presupposes training.
- E. Managing the office is a full-time job.
- F. Management by Rules.
- G. Advance of Bureaucracy via Technical Superiority.
Example: 19th century U.S. industrialization, as written in
Alfred Chandler, *The Visible Hand*
