



## **Introduction to American Government**

POLS 1101

The University of Georgia

Prof. Anthony Madonna

ajmadonn@uga.edu

## **Government Regulation of the Economy**

1865 to the late 1930s: major issue was the government's regulation of the economy. This regulation frequently challenged property rights.

Scope of government powers at both levels (national and state) was in question. Rapid industrial expansion after the Civil War. Call for government (both national and state) to regulate monopolies and provide new services to citizens.

Government attempted to win public support by regulating industry — railroads for example.

The courts were generally unsympathetic. By the late 19th century a Constitutional tradition emerged that shielded business from economic regulation.

- Had its beginnings in the fundamental right of private property espoused by the Framers.
- 14th amendment applied to business (corporations defined as people)



## Government Regulation of the Economy

U.S. v. E.C. Knight (1895)



The Facts: American Sugar Company makes deals acquiring 98% of the market for sugar refining. Federal government sues to have the deals cancelled under the Sherman Anti-Trust Act.

Greenspan -> Trusts promote inefficiency, kill innovation.

The Question: Does the Sherman Act apply to manufacturing?

The Holding (8-1), Fuller -> No. Manufacturing is NOT interstate commerce.

## Government Regulation of the Economy

Lochner v. New York (1905)

Facts: New York passes a statute limiting bakers to 10 hours a day or 60 hours a week. They claim that it can regulate working conditions for the health of workers and consumers. Lochner, the owner of a bakery is arrested and challenged the law.

Question: Does the New York statute interfere with Lochner's right to enter a contract – guaranteed by the 14<sup>th</sup> Amendment?

Holding (5-4), Peckham -> Yes. The law is invalid. There is no reasonable purpose for this law.

Dissent, Holmes -> Accuses the majority of "activism."



## Government Regulation of the Economy



As the 1929 depression deepened, the federal government attempted to intervene more substantially, **BUT** the Supreme Court reaffirmed its commitment to a hands-off economy philosophy.

*Pollack v. Farmer's Loan and Trust (1895)* – Strikes down the income tax.

*Adkins v. Children's Hospital (1923)* – Strikes down a minimum wage law for the District of Columbia

*U.S. v. Butler (1936)* – Strikes down the Agricultural Adjustment Act.

From 1934 to 1937, the Court rejected twelve statutes enacted during FDR's first term. These included laws creating emergency relief programs, controlling the production of coal and basic agricultural commodities, regulating child labor, and providing mortgage relief

## Government Regulation of the Economy



FDR is angry... In 1936, after a landslide reelection, Roosevelt proposed a plan for revamping the judiciary (Court-packing plan)

- The attempt to “pack the court” was unpopular and ultimately failed in Congress.

But Court did begin to change its tune. In a 5–4 decision (resulting from one justice changing his mind) in a case about wage and working conditions, the Court began to uphold economic regulation that it had rejected for two years prior.

- *NLRB v. Jones & Laughlin Steel Co. (1937)* – NLRB settles wage disputes. Jones & Laughlin are discriminating against union workers. The court decides in favor of the NLRB.

FDR also benefited from the fact that in the ensuing years (1937–1941) he was able to fill seven vacancies with appointees more in tune to the needs and desires of the elected branches.

## Civil Rights and Liberties

The third era of judicial review began in earnest in the 1940s.

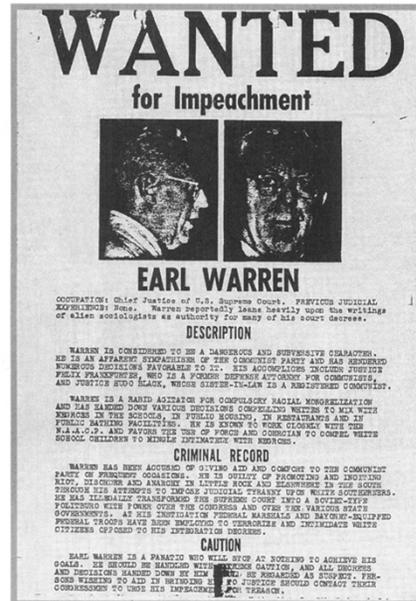
Court's main object of concern the relationship between the individual and government.

A number of historical reasons may have inspired this focus:

The rise of totalitarian regimes in Europe and the horrors of World War II.

- More focus on the preservation of personal freedom

The rise of civil rights proponents who would no longer allow their plight to be ignored, e.g. returning veterans



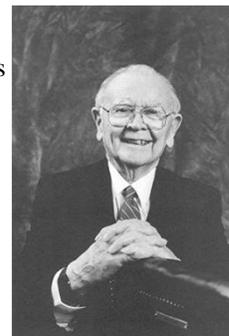
## Civil Rights and Liberties



*Mapp v. Ohio* (1961) – Protects against "unreasonable searches and seizures." Evidence found during said searches should be excluded from Court.

*Gideon v. Wainwright* (1963) – Requires states to appoint counsel for indigent defendants.

*Escobedo v. Illinois* (1964) – Criminal suspects have a right to counsel during police interrogations. Escobedo's lawyer was in the police station but he was refused access to him.



## Civil Rights and Liberties

Miranda v. Arizona (1966) -

Facts: Miranda is arrested for kidnapping and rape. During police interrogation, he confesses. Prosecutors use that confession and Miranda is convicted and sentenced to 20-30 years in prison. Miranda appeals.

Question: Are statements obtained from a defendant questioned while in custody admissible if the defendant was not informed of his rights on the outset of the interrogation process?

Holding (5-4), Warren -> No. "The person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and

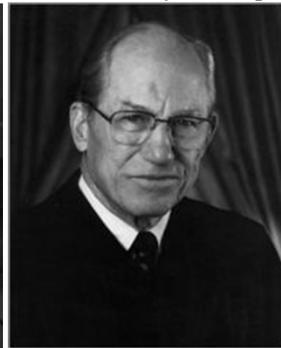
and that anything he says will be used against him in court; he must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation, and that, if he is indigent, a lawyer will be appointed to represent him."



## Civil Rights and Liberties



"In some unknown number of cases, the Court's rule will return a killer, a rapist or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleases him. As a consequence, there will not be a gain, but a loss, in human dignity. The real concern is not the unfortunate consequences of this new decision on the criminal law as an abstract, disembodied series of authoritative proscriptions, but the impact on those who rely on the public authority for protection,



and who, without it, can only engage in violent self-help with guns, knives and the help of their neighbors similarly inclined. There is, of course, a saving factor: the next victims are uncertain, unnamed and unrepresented in this case." – *Miranda v. Arizona* (1965), J. White dissenting

## Civil Rights and Liberties

Plessy v. Ferguson (1896) – Homer Plessy is arrested for sitting in a railroad coach reserved for whites. He appeals.

Holding (7-1), Brown -> “Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislature in the exercise of their police power.”

Dissent, Harlan -> “But in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law.”



## Civil Rights and Liberties

1953 – Seventeen states and the District of Columbia require segregated schools.

Brown v. Board of Education (1954) – Linda Brown (and others) are prohibited from attending a white public school in Topeka, Kansas. Brown asserts that segregation results in inferior accommodations for blacks, violating the equal protection clause of the 14<sup>th</sup> Amendment.



Holding, 9-0 (Warren) -> “A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system. Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority. Any language in Plessy v. Ferguson contrary to this finding is rejected. We conclude that, in the field of public education, the doctrine of "separate but equal" has no place.”

## Civil Rights and Liberties



### Roe v. Wade (1973)

The facts: A Texas law makes it a criminal offense to attempt an abortion except for the purpose of saving the mother's life. Under the pseudonym "Jane Roe," Norma McCorvey, a pregnant single woman, brings a lawsuit challenging the Constitutionality of that statute.

## Civil Rights and Liberties

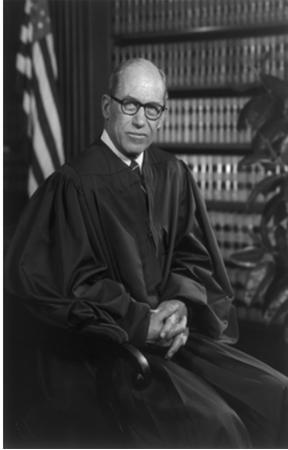
### Roe v. Wade (1973)

Holding, 7-2 (Blackmun) -> "The Constitution does not explicitly mention any right of privacy. In a line of decisions, however, going back perhaps as far as *Union Pacific R. Co. v. Botsford*, 141 U.S. 250, 251 (1891), the Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution. In varying contexts, the Court or individual Justices have, indeed, found at least the roots of that right in the First Amendment, in the Fourth and Fifth Amendments; in the penumbras of the Bill of Rights, in the Ninth Amendment; or in the concept of liberty guaranteed by the first section of the Fourteenth Amendment... We, therefore, conclude that the right of personal privacy includes the abortion decision, but that this right is not unqualified and must be considered against important state interests in regulation."



## Civil Rights and Liberties

Roe v. Wade (1973)



Dissent, White -> “I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions and announces a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing state abortion statutes. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus, on the one hand, against a spectrum of possible impacts on the mother, on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but, in my view, its judgment is an improvident and extravagant exercise of the power of judicial review that the Constitution extends to this Court.”

## A Fourth Era? Court as Referee



Three eras are important because they led to major changes in the country but also because they represent periods of sharp disagreement between the Court and the elected branches.

Once the Court left the policy domain of economic regulation, it removed a major source of friction between these institutions. Modern era has seen fewer eruptions of conflict and confrontation.

**But:** Current Court may be tentatively ushering in a fourth era...

Government could only grow if Congress and the president were willing to delegate authority to new agencies.

The Court has increasingly issued rulings limiting the federal government's ability to delegate and impose policy and administrative restrictions on the states.

## A Fourth Era? Court as Referee

INS v. Chadha (1983)

Limits to legislative delegation...

Facts: The Immigration and Nationality Act passed by Congress authorized either House to suspend decisions regarding deportations by the Attorney General. Chadha is a Kenyan national who is past his VISA deadline. The AG gives him a reprieve. The House vetoes this decision. Accordingly, Chadha is set to be deported.



Question: Did the INA, which allocates a one-house veto to Congress, violate the doctrine of Separation of Powers?

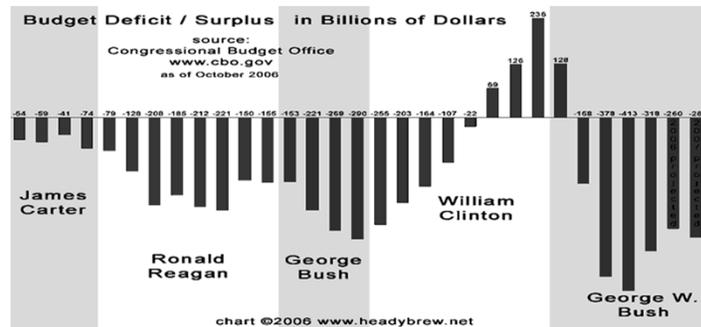
## A Fourth Era? Court as Referee

Holding: Burger (7-2) -> Yes, this section of the INA is unconstitutional. Article 1, Section 1, requires all powers to be vested in the House *and* Senate. Article 1, Section 7 requires passage of both Houses and the President.



Dissent: White -> This is idiotic: over 200 statutes are now unconstitutional. This is a “necessary check on the unavoidably expanding power of the agencies, both executive and independent as they engage in exercising authority delegated by Congress.”

## A Fourth Era? Court as Referee



Bowsher v. Synar (1986)

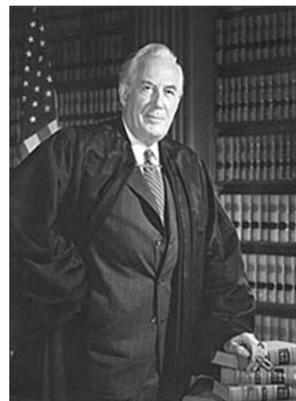
**Facts:** In the face of rising budget deficits, Congress passes the Balanced Budget and Emergency Deficit Control Act. The Act empowers the Comptroller General to make spending cuts if they were not made by Congress. The Comptroller General is appointed by the President but could be removed by Congress.

**Question:** Does the delegation violate the Constitution's principle of Separation of Powers?

## A Fourth Era? Court as Referee

**Holding:** Burger (7-2) -> No. Under the Constitution's principle of Separation of Powers, Congress can not resolve for itself the removal of an agent charged with executive powers except by impeachment. There is no merit to the argument that the comptroller general performs her duties independently of Congress. He/she can be removed by joint resolution. Therefore, the comptroller general has been inappropriately delegated executive powers.

**Dissent:** White -> This is too formalistic. Is this really a threat to SoP? The joint resolution is still subjected to bicameral constraints and narrow reasoning for dismissal. This is the "worst crisis since the depression."



## A Fourth Era? Court as Referee



### Clinton v. City of New York (1998)

Facts: In 1994, voters elected a Republican majority to Congress for the first time in many years. One of the planks of the “Contract with America” was to control spending, and to do so, Congress approved a line-item veto. President Clinton uses the line-item veto on a pork provision in the balanced budget act providing money to New York City hospitals. New York City challenges.

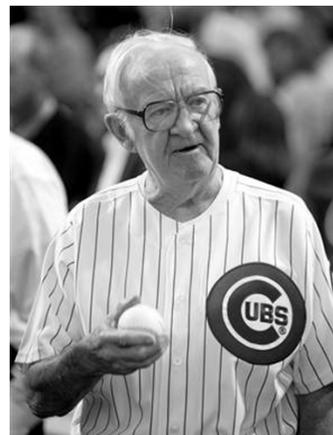
Question: Did the President’s ability to selectively cancel individual portions of bills, under the line-item veto act, violate the president clause of the Constitution?

## A Fourth Era? Court as Referee

Holding: Stevens (7-2)-> Yes. Amending two acts of Congress by repealing a portion of each. According to Article 1, Section 7, the veto must occur BEFORE the bill becomes law, NOT afterwards.

Concurrence: Kennedy -> This enhances the President’s ability to “play favorites.”

Dissent: Breyer -> This is a major problem. “Novel” methods like the line-item veto may be “implied” powers.





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## **Do We Really Want Bureaucracies?**



No. But, bureaucracies are indispensable.

Bureaucracies take on functions that would waste the time and effort of elected and unelected leaders.

Bureaucracies do pretty much everything that actually gets done by government.

## The Ideals of Bureaucratic Governance



*“Only he has the calling for politics who is sure that he will not crumble when the world from his point of view is too stupid or base for what he wants to offer.” – Max Weber*

The German sociologist Max Weber (1864–1920) recognized that modern nation-states needed professional bureaucracies. He argued that the ideal bureaucracy should be efficient and rational. It should function like a machine, with each of its parts playing a well-defined role.

Weber argued that there were a few critical elements for achieving this ideal:

- **Division of Labor:** Roles should be clearly defined. In order to fit together and function in unison, each of the parts in the bureaucratic machine must know both what it is supposed to do and how it fits within the larger organization.
- **Consistent rules:** For both efficiency and fairness, decisions and choices made by bureaucrats need to be impersonal and consistent.

## The Ideals of Bureaucratic Governance

- **Hierarchy:** bureaucracies are strictly hierarchical, each person should have only one immediate supervisor, and each supervisor should have only a limited number of subordinates.
- **Professionals:** There should be a career system and the selection of persons to fill roles within the bureaucracy, must be done on the basis of merit.
- **Impersonality:** Everyone should be treated the same equally regardless of who there are as individuals.
- **Specified Goals:** There should be a clear goal toward which the collective action is aimed.



*Peter: And here's something else, Bob I have eight different bosses right now.*

*Bob: I beg your pardon?*

*Peter: Eight bosses.*

*Bob: Eight?*

*Peter: Eight, Bob. So that means that when I make a mistake, I have eight different people coming by to tell me about it. That's my only real motivation is not to be hassled, that and the fear of losing my job. But you know, Bob, that will only make someone work just hard enough not to get fired.*

## Policymaking versus Administration

As bureaucracies grew in size and number, there has been constant concern that they might assume the roles meant for elected officials.

People feared that they would move from implementing laws to actually making the laws.

This would be particularly disturbing because they were not designed to be responsive to the people.



*The only thing that saves us from the bureaucracy is inefficiency. – Sen. Eugene McCarthy (D-MN)*

## Policymaking versus Administration



*"I bet I can eat that entire burrito." – President Woodrow Wilson*

Woodrow Wilson wrote an essay declaring that there should be a strict dichotomy between politics and administration.

Frank Goodnow picked up this theme and argued that there should be a sharp distinction between the political branches making the laws and the bureaucracy implementing them.

In reality completely severing politics from administration would be a disaster for democracy.



## Development of the Bureaucracy

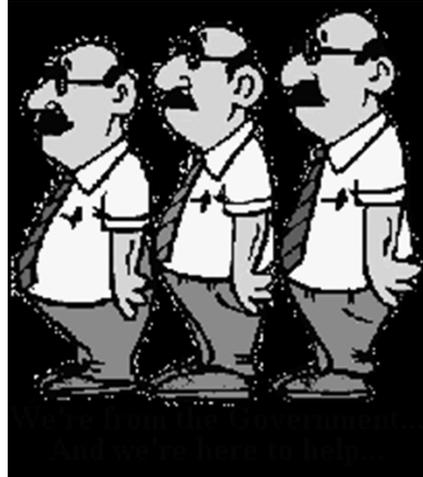
The larger departments were soon subdivided into a few more specialized offices called bureaus.

Congress set up single officials to be responsible for the departments' operations.

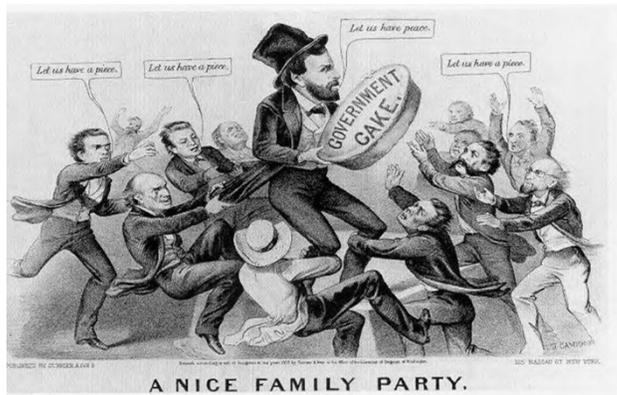
- However, it was unclear to whom they should report – Congress or the president.

The Constitution was unclear on the issue as well: whether or not the president, who could appoint officials, could also remove them.

- This issue was later resolved to give the president sole removal power.



## Development of the Bureaucracy



During early Federalist period, the informal custom was that civil servants served their tenure during good behavior.

- Rarely were they dismissed.
- Even passed positions on to progeny.
- However, these practices (notion of government by respectable gentlemen) were in conflict with the democratic spirit that would eclipse the Federalists.

## Development of the Bureaucracy

The most prominent spokesperson for the democratic spirit, Andrew Jackson, challenged the use of federal offices as private property.

Jackson advocated rotation in office. Officials would serve in positions for a short, fixed period, then move on to something else.

- This notion meshed with the practical need of party organizations to inspire and reward activists who had helped them gain office.

Thus democratization of the civil service was also motivated by pragmatic politics, and thus the spoils system (also known as patronage system) was born.

- Practice of the winning party dispensing government jobs



## Development of the Bureaucracy

Bureaucratic organization arises when leaders try to solve the huge problems of coordination and delegation raised by many forms of large-scale collective action.

The model bureaucracy is a purposive machine with interchangeable human parts designed to facilitate collective action.

- Centralized control over large numbers of people (ex. Army); those at the apex have more power.
- Imposes heavy conformity costs



BUT, Under Jackson, the federal administration did not become fully bureaucratized. The principle of rotation (the spoils system) did not allow for the development of government service as a career with job security and advancement based on merit.

The country wanted honesty and efficiency from government. The emerging industrial revolution was raising new problems of administration.

## Civil Service Reform

The principle of rotation (the spoils system) did not allow for the development of government service as a career with job security and advancement based on merit.

Needed experts not amateurs.

The emerging industrial revolution was raising new problems of administration. The most dramatic incident of the period was the exposure of the Whiskey Ring.

The Whiskey Ring was a massive conspiracy of revenue collectors and whiskey distillers to evade taxes. It led to 230 indictments and the resignation of one member of President Grant's cabinet.



## Civil Service Reform



Moreover, President James Garfield was assassinated in 1881 by a demented job seeker incensed at having lost a chance for a patronage appointment.

Revulsion against the spoils system led to the passage of the Pendleton Act in 1883.

This act is the basis of the modern civil service. Put 10 percent of federal jobs under the merit system; presidents have extended through executive order. By the time FDR became president in 1933, 80 percent of federal workers were included in the merit system.

## Civil Service Reform

Career civil service led to its own agency problems:

Career bureaucrats developed their own personal and institutional interests, and often acted on them.

- Non-responsive to citizens and elected officials.
- Yet it was difficult to “punish” such behavior.



Their expertise in procedures and policy domains could shield their actions from outside oversight by their principals. This is called hidden action.

Civil servants (agents) might also have access to information that is not available to the public or other branches of government (principals) and not be willing to share it if it goes against their goals. This is called hidden information.

## Expanding Government

While how the bureaucracy operated changed dramatically, what it did changed little:

- Collecting duties and taxes
- Delivering the mail
- Disposing of public lands in the West
- Granting patents
- Managing relations with foreign nations and Native Americans
- Maintaining a small navy and army



Government could only grow if Congress and the president were willing to delegate authority to new agencies (major expansion after Civil War and New Deal).

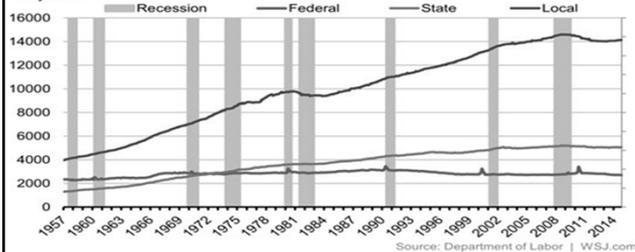
Most common reasons:

- Handle large-scale administrative tasks
- Exploit expertise
- Avoid blame for unpopular decisions
- Make credible commitments to stable policy
- Deal with crises demanding swift, coordinated action

## Expanding Government

### Government Growth

Government employees at the federal, state and local level (in thousands) seasonally adjusted

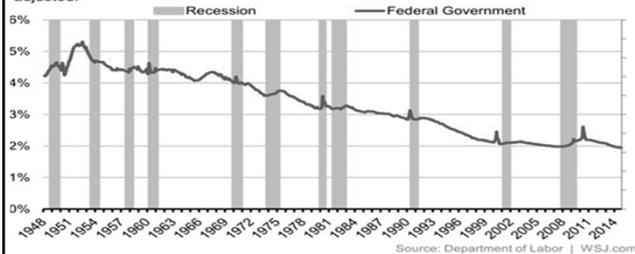


Per capita federal employment has dipped over the last half a century.

Some of this is picked up by state and local government.

### Share of Feds

Employees of the federal government, as a share of total employment, seasonally adjusted.



This has hit younger voters disproportionately.

## The Cabinet

Agencies that rise to the department level and gain a seat in the president's cabinet receive no special power or privileges.

Presidents can and do invite whomever they choose to serve in their cabinets regardless of whether they head a department.

The history of the cabinet provides a concise picture of the succession of social and economic interests that have become powerful enough to command this level of political recognition.



WASHINGTON—A cabinet meeting in the White House's West Wing was reportedly interrupted early Thursday morning when an agitated Vice President Joe Biden suddenly barged in, asking if anyone could “hook [him] up with a Dixie cup” of their urine. “C’mon, you gotta help me get some clean whiz—Shinseki, Donovan, I’m looking in your direction,” said Biden, who implored all 15 heads of the executive-branch departments not to say anything, noting he would be in “deep shit” if they did. “I’m not \*\*\*\*ing around. I need some lizard juice, pronto. And dudes only—I can’t get found out like I did last time.” According to sources, Biden then hurried out of the room, vowing to return with bottles of water in case anyone needed help “kickstarting their hogs.” — *Onion*

## The Cabinet

The Departments of Agriculture (1889), Labor (1903), and Commerce (1903) represented a new type of government agency altogether.

- Unlike the existing departments, which served general social purposes, each of the new departments was established to serve the particular clientele indicated by its title.

These agencies are very information oriented and serve their clientele by gathering and disseminating information, particularly technical information such as statistics, information on new products, the results of experiments and studies, and so on.

In granting interest group wishes and supporting department budgets, a member of Congress could claim credit for the continuing flow of benefits provided to constituents.



## The Cabinet



The lessons of WWII also had an impact on the government. They learned that only with a unified command of all military forces could they coordinate land, sea, and air operations.

In 1947 the Departments of the Army, Navy, and Air Force were formed into a single cabinet-level Department of Defense headquartered at the Pentagon.

The agencies make up the military establishment.

## The Cabinet

Department of Health and Human Services (HHS), 1979) — another major change in government’s role.

HHS, like its predecessor the Dept. of Health, Education and Welfare, is an umbrella department containing many social welfare agencies and programs that have roots in the New Deal.

HEW was established by a Republican administration in 1953. It was their attempt to deal with the politics of the New Deal.

- Could not repeal it, but only manage it more efficiently.
- Also a ploy to reduce the autonomy of officials appointed by the Democrats during the New Deal.



## The Cabinet

The next three departments also consolidated expansions of the federal domain while making pointed political statements.

- Department of Housing and Urban Development. Embodied the commitments of Kennedy and Johnson to revitalizing the inner cities.
- Department of Transportation. Became home to all the agencies established piecemeal over the years to promote the different forms of transportation.
- Department of Energy. Embodied another effort to coordinate policy, this time for sources of energy.

The creation of the Departments of Education (1979) and Veterans Affairs (1988) were almost entirely symbolic. They were established for political reasons.



## The Cabinet



The 9/11 terrorist attacks inspired latest addition to the cabinet – the Department of Homeland Security,

- First created within White House; Bush put off creating a new cabinet level department until his staff could work out, in secret, a detailed plan for the department that satisfied the administration’s ambitions.

The DHS combined twenty-two agencies with more than 180,000 employees and budgets totaling more than \$33 billion.

The structure and authority of the DHS reflects its political origins. Threat forced Congress to concede unprecedented, sweeping authority over the organization of a cabinet-level agency.

- Could write its own personnel rules
- This demonstrates how a president’s national security rationale for reducing transaction costs can trump Congress’s reluctance to risk higher conformity costs and agency loss.
- Result, when finished, was the most far-reaching government reorganization since the formation of the Department of Defense.

## Non-Cabinet Agencies

The expansion of the federal government has not been confined to cabinet-level executive departments.

Since the Civil War, Congress and the president have created an additional set of administrative bodies to make and carry out national policy.

These are generally categorized as:

- Independent executive agencies.
- Regulatory agencies.
- Government corporations.

Independent executive agencies are placed outside departments for political reasons.

CIA, U.S. Arms Control and Disarmament Agency, and Selective Service System all report directly to the president.

Keep important defense-related activities under predominantly civilian control.



## Bureaucratic Components



Independent regulatory commissions.

- Designed to maintain their independence from the president and the executive departments.
- Postal Rate Commission; Federal Reserve Board; NLRB.

Independence insulates the president and Congress from the fallout of unpopular decisions.



Independent government corporations.

- U.S. Postal Service; the most important government corporations are the Tennessee Valley Authority and Amtrak

## Who Controls the Bureaucracy?



“Jim has sponsored legislation to reduce taxes and reform the tax code; *reign in out of control federal bureaucracies*; promote fiscal responsibility; and reform the way Congress works.”

## Who Controls the Bureaucracy?



### Role of Congress:

- It creates and empowers the bureaucracy with ordinary legislation.
- It provides the funding that allows bureaucrats to carry out their work through yearly budgeting.
- Thus it maintains significant indirect control.
- The agencies, as agents, know that their existence depends on Congress, the principal, and generally respond accordingly.

## Who Controls the Bureaucracy?

Congress's primary means of regulating the bureaucracy is through oversight hearing.

It also regulates by delegating broad grants of authority to regulatory agencies and letting them fill in the details by making rules.

- These rules have the force of law.



When an agency wants to make a rule, it must give public notice in the Federal Register.

- Outline the proposed rule.
- Disclose the data and analysis on which it is based.
- Invite written comments from the public.
- Public hearings may be held as well.

## Who Controls the Bureaucracy?

The president is at the top of hierarchy.

- But difficult to control.
- Use of appointments.

Congress can intercede.

- Senatorial approval.
- Role of clientele groups.
- Appointments “marry the natives.”

Mechanisms for presidential supervision.

- OMB.
- Special authority over agencies involved in diplomacy and national defense.

The judiciary also shares authority over the bureaucracy.

- United States inherited the common law principle that the government, no less than its citizens, is bound by law.

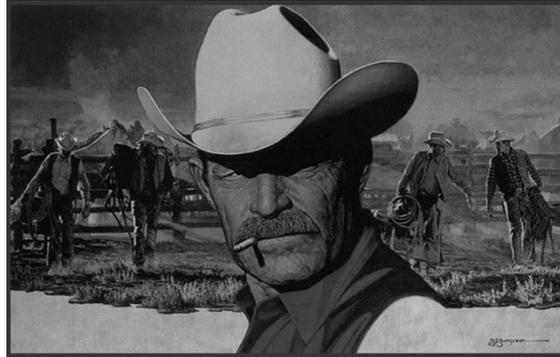


## The Iron Triangle



- The most obvious way to integrate bureaucracies into a democratic system is to create a system of overhead democracy.
- In this system, elected officials are put at the top of the bureaucratic hierarchy.
- However, serious doubts has been cast over a top-down model of a democratic bureaucracy.
- One problem is authority leakage.
- Another problem is the iron triangle.

## The Iron Triangle



Iron triangles are narrowly focused subgovernments controlling policy in their domains—out of sight or oversight of the full Congress, the president, and the public at large.

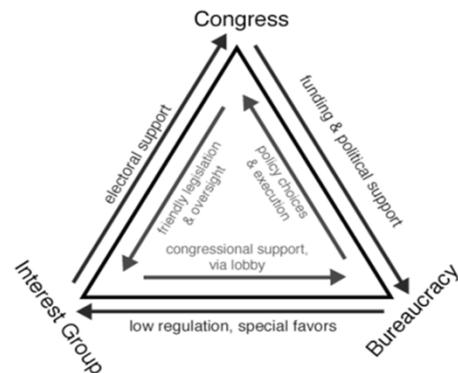
Classic examples: areas of agriculture, water, and public works.

## The Iron Triangle

The same electoral dynamics expected to encourage responsiveness to the public create an imbalance of interests in the activities of the bureaucracies.

This leads to agencies being “captured” by small interests group that are often those the bureaucracy is directed to regulate

The executive and legislature typically have little interest in bureaucratic oversight. In contrast, the interest groups directly affected by the bureaucracy have a great deal of interest in it.



## The Logic of Red Tape

Red tape does not flourish by accident.

- Proliferates because it helps principals control and monitor their agents and because it helps agents demonstrate that they are doing their jobs correctly.

Empowering bureaucrats on the front lines of service delivery may increase efficiency and customer satisfaction, but it also makes it easier for them to go astray.

Thus Congress rails against red tape, but without the red tape it could not monitor and influence administration.

Those who seek greater efficiency may have difficulty with measurement.

- How do you measure the productivity of the State Department in its efforts to pursue long-term security?
- Success in terms of vaguely defined ends is difficult.

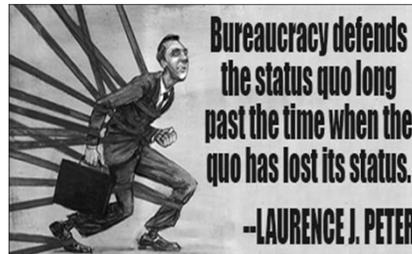


## The Logic of Red Tape

Changing government to reflect the creative, entrepreneurial model may be difficult.

Entrepreneurs take risks, but civil servants seldom profit from risk taking. If something goes wrong, it is due to the routine and not the bureaucrat.

- Red Tape (rules) protects bureaucrats from criticism: "I just followed the rule".
- The merit system rewards conscientious, long-term service – not risk-taking.



Congress could decide to give agency managers more authority to hire, promote, reward and re-deploy, or fire staff on the basis of their performance:

- But this would mean reducing the civil service protections put in place for good political reasons: to avoid a partisan spoils system and to preserve congressional influence over administration.

Presidents have frequently promised to reduce waste and improve policy coordination by eliminating "senseless" duplication.

- But this duplication would all seem senseless only if government pursued a coherent set of interrelated goals. Government pursues overlapping, conflicting, or disconnected goals in response to the diverse demands Americans place on it.

## Conclusion



Questions?

Enjoy the rest of your day!