THIRTEENTH EDITION

PUBLIC ADMINISTRATION AND PUBLIC AFFAIRS

Nicholas Henry

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Nicholas Henry is Professor Emeritus of Public Administration and President Emeritus at Georgia Southern University, USA.

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PREFACE TO THE THIRTEENTH EDITION

Public Administration and Public Affairs is, at root, about the public interest. It explains both the means used to fulfill the public interest, and the human panoply that is the public interest.

Public Administration and Public Affairs, despite its orientation toward U.S. readers, has been translated and published in Chinese, Japanese, Romanian, and portions of it in Spanish. There is also an Indian edition and other national editions in English. We relate this polyglot publishing history to demonstrate that, with accelerating appreciation, public administration is seen around the globe as central to "good government," and good government, as we explain in the introduction to Part I, is seen by the world's people as central to a good life.

WHAT'S NEW?

The thirteenth edition of *Public Administration and Public Affairs* has been significantly revised, expanded, and updated. Most notably, we have concentrated on three developments of singular consequence. They are:

- Public administration's reinvigorated concern with curbing corruption.
- The rise of the nonprofit sector in governing and administering the state.
- And the current, and likely long-term, crises in public finance.

There is a *great* deal of brand new information in this edition. A few highlights follow.

- Why are so many leaders losers? Because they too often are men, white, handsome, tall, and sociopathic.
- Bridgegate: The George Washington Bridge "repairs" as illustrative of the damaging impact of the environment on public organizations.
- The Supreme Court and the legalization of corruption. Campaign contributions, the uniquely complex and huge federal tax code, and the facilitation of corruption. E-government reduces official corruption, but opens new opportunities for fraudsters. The growing problem of healthcare fraud.
- The emergence of big data analytics, enterprise risk management, PerformanceStat, open data, and chief data officers as paladins of more efficient governance.
- Gone: the hack of the U.S. Office of Personnel Management and the theft of 22.5 million federal personnel records.
- The Supreme Court and its undermining of whistleblowers and public unions.
- The crushing costs of healthcare, pensions and public penury, costly budget "cuts," and two rarely used but useful budgetary tools, the budget rollover and the biennial budget.

- The obsessive focus of emergency financial managers and the fate of Flint, Michigan.
- The return to government of cognitive ability tests for hiring and promotion.
- Snowed: Edward Snowden and federal incompetence in contracting.
- The case against federal contracting: lobbying, incompetence, corruption, and a growing body of proof that government is better than business in delivering public programs.
- Outsourcing's unabashed outcome: wealthier Washingtonians.
- The 115 "entities" that constitute the federal fringe government.
- Governments' support of the third sector and nonprofits' little-known support of government.
- Fractured federalism, deceptive federalism, and governments lobbying governments.

WHAT'S OLD?

What's old? This book. It is now nearing its sixth decade.

Writing textbooks is unique. Paul Krugman, Nobel laureate and a columnist for the *New York Times*, and Robin Wells, also a distinguished economist, wrote a textbook that consumed "five years of intense work." Wells described writing it as "excruciatingly hard" because, as Krugman explained, a textbook "has to be impeccable. If you're writing an academic paper, if you have some stuff that's blurrily written, that won't do much harm. If you write a newspaper article, and a third of your readers don't get it, that's a success. But a textbook has to be perfect."[1]

As one who also has written academic papers, newspaper articles, and textbooks (alas, the Nobel has stubbornly eluded us), we concur that a textbook should be perfect. A textbook has a far longer reach, a far larger audience, and a far deeper impact than virtually any other intellectual medium.

We doubt, frankly, that *Public Administration and Public Affairs* is perfect. But we keep trying.

NOTE

1. Larissa MacFarquhar, "The Deflationist," *The New Yorker* (March 1, 2010), pp. 38–49. The quotations are on p. 47.

ACKNOWLEDGMENTS

I owe an unpayable intellectual debt to at least three of my teachers, Lynton Keith Caldwell, Jack T. Johnson, and York Y. Wilbern. Later, Frank J. Sackton introduced me to the classroom of the practical world. All, regrettably, are deceased, but their beneficent influence lives on.

I am indebted to my editors at Routledge for their good cheer, hard work, and solid advice in producing what you are reading.

I also am indebted to my colleagues, students, and the book's reviewers who have had such a constructive influence on the continuing evolution of Public Administration and Public Affairs.

As always, my wife, Muriel, and my children, Adrienne and Miles, and their spouses, Kevin and Anna, provided the deepest level of support. The book is for them, and, much to my gratification, my grandchildren, Callum, Margaret, and Charlotte.

Nicholas Henry
Savannah, Georgia

PART I

In Defense of Governing Well

Bureaucracy is in our bones. Prehistoric evidence unearthed at archeological digs suggests that the rudiments of a bureaucratic social order were in place 19,000 years ago.[1]

DO WE NEED GOVERNMENT?

Not everyone agrees that bureaucracy and government are basic to society. Some contend, in a distorted extension of Thomas Paine's dictum "that government is best which governs least," that the very best government is no government at all. As a prominent conservative explains, "What holds together the conservative movement" is that conservatives "want the government to go away."[2]

The Wrecking-Crew View

It has been argued that, when those who want the government to go away are in power, they deliberately delegitimize government in the eyes of the public. Restrained by only what is politically infeasible, these "no-government conservatives"[3] act as a "wrecking crew" that sabotages governmental competence; tolerates, even encourages, corruption; and privatizes or sheds altogether core public responsibilities.[4] It is this perspective that has encouraged the founding of roughly a thousand extreme anti-government groups (the number varies widely from year to year), such as those that influenced the bombers of a federal building in 1995, that killed 168 adults and children, and the armed takeover and trashing of federal facilities in Oregon, in 2015, resulting in one death by shooting.

Americans do not subscribe to the wrecking-crew view. Out of thirteen major issues, majorities state that the federal government should play a major role in twelve (the exception is space exploration). Most Republicans and Democrats agree that Washington should play a prominent role in controlling terrorism, responding to natural disasters, and managing food, medicine safety, infrastructure, and even immigration.[5]

Perhaps the clearest and most critical example of the wrecking-crew mentality is that of regulation, an area often touted by these advocates as a burden from which Americans demand relief. Yet, when queried about regulating specific industries, three times more citizens, on average, want more regulation than those who want less.[6]

Underlying the wreckers' ideology is their belief that more governmental regulation equals fewer jobs, and *vice versa*. Research, however, consistently shows that there is no evidence supporting this view. In the aggregate, the jobs lost to regulation (for example, the jobs lost in a factory that produced lead additives for gasoline because of air pollution regulations) are replaced elsewhere in the economy (e.g., in a factory that makes catalytic converters, which control automobile emissions). It is, in short, a wash.[7]

Wrecking Government and Wrecking America

That the public could benefit from more responsible regulation of some industries seems plausible. Consider some evidence.

Wrecking the Environment On April 20, 2010, BP's (formerly British Petroleum) thirty-story-tall Deepwater Horizon oilrig in the Gulf of Mexico exploded, listed, and sank. Eleven crewmen's lives ended, and the most disastrous oil spill in American history began. Ultimately, nearly 5 million barrels of crude polluted the Gulf. The company could not have been drilling in the Gulf had it not received a federal permit to do so.

Which BP had indeed received, despite its spectacularly tawdry safety record. Over the three years preceding the spill, the Occupational Health and Safety Administration cited BP for 760 "egregious willful" safety violations. These are the agency's most severe violations out of five types, and apply only to violations of those rules that are "designed to prevent catastrophic events." How many citations for egregious willful violations had all other oil companies combined accumulated over the same period? One.[8]

The regulatory agency that had licensed BP to drill in the Gulf was the Minerals Management Service (MMS), a little-known bureau of 1,700 employees created by the interior secretary in 1982. It is charged with issuing permits to, and collecting royalties from, companies that drill offshore.

MMS's regulatory record was at least as tawdry as BP's safety record. The agency, which collects more non-tax revenue—$9 billion per year—than any other, had for decades failed to collect billions in royalties due it.[9] MMS's administrators "routinely overruled staff scientists whose findings highlight the environmental risks of drilling," and scientists "repeatedly had their scientific findings changed to indicate no environmental impact." It would slander boilerplate to apply that term to BP's 582-page "oil spill response plan" that it submitted to MMS to establish the Deepwater Horizon. Besides stating that "no significant adverse impacts are expected" from a spill, it notes that walruses (which have not wallowed in the Gulf since the Ice Age) would be protected; provides an address for the "rapid deployment of spill response resources" that turned out to be that of a Japanese home shopping network; and "never once discusses how to stop a deepwater blowout . . .. Nobody" at MMS "read it."[10]

Nor, apparently, had anyone read any of the nearly identical plans, "all written by the same tiny Texas subcontractor," submitted by the four other major offshore drillers, all but one of which also referenced those walruses in the Gulf.[11] All five of the major companies' spill response plans amounted to the longest works of maritime fiction since *Moby-Dick*.

MMS was also riddled with corruption. According to a federal report, the agency had a "culture of ethical failure." Not surprising in light of the fact that three out of every four of the more than 600 lobbyists who lobby for the oil and gas industry are former federal employees, including two former directors of MMS. "Nowhere has government and industry coziness been on display more clearly than at MMS."[12]

Besides being incompetent and corrupt, MMS's administrators were just plain dumb. During the week following the president's declaration of a moratorium on offshore drilling and the issuance of waivers, with oil still gushing into the Gulf, MMS granted seven permits and five waivers.[13]

In 2011, the Government Accountability Office belatedly declared the management of oil and gas resources to be a "high-risk area" that required extra federal attention to prevent waste, fraud, and abuse; it still remains one.

In the midst of the spill, MMS was hastily renamed the Bureau of Ocean Energy Management, Regulation and Enforcement, an exhaustingly long moniker that should discourage future journalistic coverage of the agency.

Wrecking the Economy Three decades after the steady deregulation of the financial sector that began in the early 1980s, America's foremost business magazine stated that, "It is chillingly clear that U.S. financial institutions have for a good while been regulated no more stringently than, say, demolition derby drivers."[14]

Demolition is a fitting word. In the late 2000s, the United States narrowly escaped economic collapse. Near, or perhaps at, the heart of that barely-missed meltdown were over-the-counter derivatives, which are highly leveraged financial exotica, such as mortgage-backed securities, that many analysts think caused the crisis. In 2003, the legendary investor, Warren Buffet, dubbed these derivatives "weapons of mass financial destruction," and warned that they involved "huge-scale fraud."[15]

Derivatives were introduced in the 1980s and flourished in a secretive, "completely dark market" about which regulators were also in the dark.[16] When the derivatives market peaked in June 2008, its face (or "notional") value was an absurd and inconceivable $683 *trillion*,[17] and almost all of it was owned by America's biggest banks.

When the head of a small regulatory agency attempted, in the late 1990s, to persuade Washington to regulate derivatives, she ran into rock-hard resistance. She was stunned when the chair of the Federal Reserve, Alan Greenspan, informed her that he did not "believe that fraud . . . was something that regulators should worry about [because] the free market self-corrects and takes care of fraudulent actors."[18]

In 2000, at the urging of Greenspan, the treasury secretary, and the financial industry (which has five lobbyists on its payroll for every member of Congress[19]), Congress passed the Commodity Futures Modernization Act, which declared illegal any federal *or state* regulation of over-the-counter derivatives.

In less than a year and a half after the resultant "Great Recession" struck in 2007–2009, the stock market had lost an astounding 56 percent of its value, more than had been lost over the same period during the Great Depression. Two years after its start, 8.7 million jobs were gone, four times more than in the severe, double-dip recession of 1980–1982.[20] Five years after the Great Recession ended, the percentage of children living in poverty had risen from 18 percent to 22 percent, an increase of more than a fifth.[21]

In 2015, Standard & Poor's, the world's largest credit ratings firm, was fined almost $1.4 billion over its risky rating of mortgage-backed securities that had led to the Great Recession, and, in 2017, Moody's was fined nearly $864 million for the same reason. No executives were prosecuted.

Equal Opportunity Wreckage The wrecking-crew mentality is an equal-opportunity ideology. It hurts rich and poor alike.

Here is an example of the former: the chief business regulator, the Securities and Exchange Commission (SEC), received, over the course of sixteen years, "more than ample information," including "six substantive complaints that should have raised significant red flags" and two articles that "appeared in reputable publications," that financier Bernard Madoff was swindling his wealthy investors, including several charities. Yet, "a thorough and competent investigation . . . was never performed."[22] Not that one was really needed; a whistleblower tried in vain to convince SEC that Madoff was a crook, showing its inept staff that, if Madoff were a baseball player, he would have a batting average of 960 each and every year, and hit only doubles, a pair of statistical impossibilities.[23] Madoff's machinations eventually were ratted out by his own sons, and, by the time he was sentenced to 150 years in prison, Madoff had "made off" with an estimated $65 billion, marking it the biggest Ponzi scheme in the history of the Milky Way Galaxy—well, at least of Planet Earth.

Here is an example of the latter: the federal Wage and Hour Division, which is charged with assuring that employers do not steal their employees' wages, is "an ineffective system" that "discourages wage theft complaints"; is beset with "sluggish response times [of] months to years"; is characterized by a refusal to "compel employers to pay" their employees what they owe them; and is rife with "inadequately investigated" cases in which some investigators "lied about investigative work performed and did not investigate." The Division "instructed many offices" to alter their databases to hide the fact that they had made "low wage workers vulnerable to wage theft."[24]

All the quotations and findings in the foregoing examples (with the exception of the whistleblower's baseball calculations) appeared not in lurid press accounts, but in official government reports. These reports draw short of charging the agencies with corruption, but whether they are corrupt or merely incompetent (if staggeringly so), is either condition good for society? Some scholars think so.

IS GRAFT GOOD?

Graft, or *corruption*, is the conduct of dishonest practices. This is the nicest definition; standard dictionaries also offer such nouns as "putrefaction," "perversion," "depravity," and "debasement" in their several definitions. Corruption's etymological roots reflect these descriptions; the Latin *corrumpere* can mean bribe—or it can mean destruction.

Defying even the basic definition of corruption is the contention that graft-ridden government can be good. It has two components: the political and the economic. Both positions have been touted, often enthusiastically, by political scientists,[25] who sometimes seem to act as cheerleaders for political corruption.

Fighting for Fraud: Corruption Improves Public Services

The political argument for corruption is an old chestnut originated by a distinguished political scientist (the American Political Science Association's Prize for Excellence is named in his honor), who studied corruption in Chicago. Although, ironically, he was personally an ardent reformer, his work still is cited, approvingly, in mainstream texts.[26]

Graft's political justification is that corrupt political machines "work," and perform "many important social functions." In exchange for votes and the public's tolerance for politicians and their toadies who plunder the public till, ward heelers fix their constituents' traffic tickets, get them jobs, lower their tax bills, waive zoning and building codes, and attend their funerals, among a slew of other services, some more licit than others. (To be fair, up until the 1940s or so, these practices often saved immigrants' livelihoods, but no longer.) When an "upper-class elite [of] reformers and do-gooders," this argument implicitly continues, replaces responsive political machines with lumbering, lethargic, legalistic public bureaucracies, the needs of the poor, and even of better-off taxpayers, are seldom met.[27]

This romanticized defense of corruption has scant evidentiary support. Corruption slashes governments' legitimate revenue by as much as half, and, with it, public services, and adds from 3 to 10 percent to the cost of legitimate services because citizens must bribe officials to acquire them.[28]

Fighting for Fraud: Corruption Brings Prosperity

The other argument for corruption, though originated by a sociologist,[29] is economic; it holds that graft munificently paves the way for longer-term prosperity. "Grease money" amounts to "speed money," in that bribes are used to circumvent a blocking bureaucracy, thereby accelerating economic development.[30]

Unfortunately for this perspective, it is increasingly clear that "efficient grease" actually retards prosperity. Not one of the nineteen impoverished nations that have been granted debt service relief through the Heavily Indebted Poor Countries Initiative is rated as having anything better than "serious to severe" governmental corruption.[31] The rate of investment in countries with high and unpredictable rates of corruption is almost half of that in low-corruption countries.[32] An analysis of more than a hundred countries found that, when corruption increases by about two points on a ten-point scale, investment decreases by 4 percent, and gross domestic product falls by half a percent.[33] Corruption inflates the prices of goods by as much as a fifth,[34] and severely curtails personal income growth for just about everyone, but especially for the poor, thereby intensifying income inequality. Graft even decreases the years that children spend in school.[35]

The World Bank estimates that, globally, some $1 trillion dollars in bribes are paid to government officials each year.[36] So obviously some people—the corruptors—are making a ton of money, right?

Well, no. Bribery costs even the bribers. Three surveys of 2,400 businesses in fifty-eight nations found that "firms that pay more bribes are also likely to spend more, not less, management time with bureaucrats negotiating regulations, and face higher, not lower, costs of capital."[37] When firms increase their bribes to bureaucrats by 1 percent, their annual growth rate declines by an average of 3.3 percent.[38]

The evidence, in sum, is overwhelming that corruption brings not prosperity, but poverty.

FIGHTING FRAUD: THE MANY REASONS TO DO SO

The fact that graft reduces public services, increases their costs, and impoverishes the citizenry is reason enough to fight fraud. But there are many more reasons.

When people perceive that their government is corrupt, particularly when that perception occurs rather suddenly (as the function, for example, of an abnormally improving economy), popular dissatisfaction with democracy grows, trust in institutions declines, government's legitimacy erodes, and "rule-breaking behavior" expands.[39] At its worst, corruption can be so deeply offensive that it can leave some citizens with a raging thirst for violent vengeance. When captured prisoners were questioned in Afghanistan, the leading reason that they gave for joining the Taliban was not a commitment to Islam or anti-Americanism, but the corruption of the Afghan government.[40]

When countries curb corruption, good things happen: poverty and child mortality rates decline, and per capita income and literacy rates rise, among other benefits.[41]

The United States is not immune to corruption. Long-term state government corruption, in tandem with high state unemployment rates, produces greater income inequality among citizens and reduces real personal incomes, education levels, and unionization rates, all to statistically significant degrees.[42]

Corruption also causes state spending to be artificially elevated. In the ten most corrupt American states, as measured by the number of graft convictions per 10,000 public employees over thirty-two years, total annual spending would have been reduced by 5.2 percent of the mean state expenditure per capita (or $1,308 per capita) over eleven years if their corruption had merely matched the *average* level of corruption in all the states. In addition, corruption distorts spending by favoring "bribe-generating" expenditures, notably for construction, highways, and borrowing, among others, and at the expense of education, welfare, health, and hospitals.[43]

A GLOBALLY FADING PHILOSOPHY

According to the World Bank, corruption was "treated as a taboo subject" by the development community for decades.[44] In fact, one study found that corrupt countries were more likely to attract European foreign aid (with the exception of Scandinavian aid) than relatively honest ones.[45]

This regrettable philosophy may have been a consequence of corrupt countries contending that what the West labeled as corruption was really a "cultural" trait, and to think otherwise amounted to racism. The dubious philosophy probably began to fade as early as 1974, when the Portuguese overthrew their corrupt Fascist rulers. In so doing, Portugal ignited an international wildfire that continues to incinerate many national Gordian knots that intertwine corruption and repression. (The two are inextricably tangled largely because each flourishes where there is no meaningful law.) In the 1980s, mass demonstrations erupted against graft and dictators in China and countries in Central Asia and Eastern Europe. As a result, communist China converted to capitalism; the Soviet Union collapsed; and all its satellite states and many of its provinces were liberated.

The wildfire rages on, and is directed against corruption at least as much as repression. In the 2000s, Xi Jinping, now China's president, introduced masters of public administration curricula in dozens of top universities across the country in the hope of curbing corruption, and, as president, initiated China's toughest anti-graft campaign since the country embraced capitalism. In Russia, "reform [is] not only about human rights. It's about getting people [in power] to stop stealing."[46]

Today, anti-corruption forces have gone global. The World Bank now recognizes that "corruption is one of the most serious obstacles to development."[47] The United Nations Development Programme, the world's largest aid agency, has made "good government" its "top priority in poverty fighting" on the grounds that "without good government, reliance on trickle-down economic development and a host of other strategies will not work."[48]

There is much additional global good news. The United Nations Convention against Corruption of 2003 has some 140 member nations. Relatively honest governments have passed laws that penalize graft beyond their borders, such as the United States' Foreign Corrupt Practices Act (which has proven effective in reducing American investments in corrupt countries[49]) and Magnitsky Act and Britain's Bribery Act. Business interests have formed anti-corruption cooperatives, such as the International Corporate Governance Network and the Financial Action Network, among others. The Open Government Network, with nearly sixty national governments as members, is dedicated to securing "concrete commitments" from its members to battle graft. Transparency International, which annually ranks the globe's nations by how corrupt they are perceived to be, has mushroomed in influence. National anti-corruption movements are popping up throughout Africa and Asia, and there is now an International Anti-Corruption Day.

WHAT IS GOOD GOVERNMENT

A few years ago, captured correspondence revealed that various jihadist groups yearned to be the stewards of good governance in those areas that they occasionally conquered, and inevitably lost because they formed such horrific and incompetent "governments" that the governed rebelled or held out for rescue. The most prominent such group, the Islamic State (IS), learned from its mistakes; after it took a vast stretch of Iraq and Syria, in 2014, its leader called on Muslim public administrators from around the world to help it manage its newly captured provinces. Although IS continues to lop off hands and heads in territories that it conquers, for a period of time it also hired accountants, restored electricity, and paid long-unpaid bureaucrats (initially, some citizens from IS-occupied territories said that IS was "actually less corrupt and provided more efficient services . . . than previous Syrian and Iraqi governments");[50] IS still issues annual reports, and even has an equivalent of the U.S. Food and Drug Administration. Eventually, however, basic services, such as water supplies, essentially vanished and "taxes" rocketed, as IS and similar jihadists faced increasingly effective military opponents.

As this episode reveals, even terrorists like good government. But what is it?

Good government is uncorrupted, democratic, and competent.

Good Government Is Uncorrupted

Aside from a few intellectuals who mud-wrestle on the slippery slopes of "corruption that 'works'" and "efficient grease," everyone knows that honest governance is good government. Globally, the leading "very big problem" in surveys is corrupt political leaders.[51]

Good Government Is Democratic

Democracy is good government. A massive and ongoing study finds that "the basic ideas of democracy are virtually universally accepted around the world," regardless of culture, and that these ideas are "viewed as the only game in town," even by the residents of dictatorships.[52]

Bureaucrats are crucial to popular support of democracy. A study of thirty-five democratic countries concluded that "citizens' evaluation of public administration is related more strongly to their satisfaction with democracy than other explanations—such as political trust, electoral fairness, and political efficacy." Public administrators play "*the* central role . . . in sustaining citizen support for democracy."[53]

Good Government Is Able

The central role that bureaucrats play in sustaining democracy leads to our third component of good government: competence.

As with uncorrupted and democratic government, well-managed government enhances the daily lives of people. An analysis of twenty-nine nations found that "the efficient delivery of public services can *directly* affect welfare, and good governance has been shown to be associated with higher rates of . . . growth in incomes."[54] A study of the American states found that a high level of "state management capacity" to govern efficiently "clearly . . . contributes *directly* to improving the overall quality of life for state citizens."[55]

Governments' often-heroic response to the terrorist attacks of 2001 brought a doubling in popular trust in government.[56] Conversely, the price of weak, brittle, and clumsy government can be steep. Governments' bungled response to Hurricane Katrina, in 2005, resulted in a ten-point plummet in Americans' faith in their governments' ability to protect them.[57]

President Barack Obama, in his first inaugural address, phrased the matter well: "The question we ask today is not whether government is too big or too small, but whether it works."[58]

That is precisely what this book is about.

The Place of Public Administration

Good government, then, rests on three pillars: honesty, democracy, and competency. Public administrators, as we shall see throughout this book, are essential to each.

Public administration is a broad-ranging and amorphous combination of theory and practice that is meant to promote a superior understanding of government and its relationship with the society it governs, as well as to encourage public policies more responsive to social needs and to institute managerial practices attuned to effectiveness, efficiency, and the deeper human requisites of the citizenry. Admittedly, the preceding sentence is itself rather broad ranging and amorphous (although one reviewer of this book described our definition as "a classic"[59]), but for our purposes it will suffice.

In Chapter 1, we review the longstanding and everlasting tension between bureaucracy and democracy in the United States. In Chapter 2, we review the intellectual evolution of public administration. How public administrators see themselves and their proper field of action in a democracy deeply affects the health of democracy itself.

So welcome to *Public Administration and Public Affairs,* and welcome to one of the most exciting and rewarding career possibilities on earth.

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CHAPTER 1

Big Democracy, Big Bureaucracy

"The true test of a good government is its aptitude and tendency to produce a good administration." So wrote a famous founder of the United States, Alexander Hamilton, in "No. 68" of *The Federalist Papers*, the superb essays about governance that preceded the Constitution. (So convinced was Hamilton of this that he repeated the sentence, verbatim, in "No. 76.")

Were he alive today, Hamilton might be disappointed in a public bureaucracy that appears, at least, to be atrophied when compared with its counterparts in most other developed democracies. This seeming bureaucratic flaccidity is a consequence of an entrenched national culture and careful political design.

AN UNPROMISING PRECIS

The roots of Americans' profound suspicion of executive authority are deeply sunk, and are apparent in the nation's earliest influences and origins.

The Indians and the English

One such influence was the Native Americans, who surrounded the early European settlers. Hence, the "framers of the Constitution . . . were pervaded by Indian images of liberty."[1] The vast Iroquois Confederation was emblematic of executive constraint: "Their whole civil policy was averse to the concentration of power in any single individual."[2]

Another influence was the English, who governed their colonists with a firm hand but resisted royal rule on their own sceptered isle. No less an authority than Woodrow Wilson, the acknowledged academic founder of American public administration, observed that, "The English race long and successfully studied the art of curbing executive power to the constant neglect of the art of perfecting executive methods."[3]

The Indians and the English set a governing tone that, in the eighteenth century, expressed itself in three formats that outlined Americans' enduring *social contract*, or that unwritten agreement between the governed and their governments, often more understood than expressed, that defines and limits the responsibilities of each.

Administration by Ambassadors: The Articles of Confederation

One such format was the woefully misnamed Articles of Confederation and Perpetual Union, which, from 1781 to 1789, provided the first framework for the new nation and exemplified Americans' contempt for princely prerogatives.

There was no chief executive. In fact, the first draft of the Articles, written in 1776, was rejected by the Second Continental Congress on the specific grounds that it had proposed an executive, and this bias against executive authority extended to *every* national officeholder; under the Articles, every continental official had a one-year term, and each one was subject to term limits.[4]

The states reigned supreme under the Articles. Congress was less a legislature and more a convention of powerless state ambassadors, chosen by state assemblies, which could recall them at will. National administrators reported directly to congressional committees.

When Daniel Shays launched, in 1786, his rebellion against the government of Massachusetts—a rebellion that had to be put down solely by the commonwealth's militia—it became clear that the Articles were a failed vehicle for national governance.

Administration by Legislators: The First State Constitutions

At about the same time that the Articles of Confederation were being written, eleven states were busily drafting their own constitutions and they reflected the Articles' anti-executive paranoia. In ten states, governors were appointed by legislatures or the courts and were granted terms of a single year. Nine states aggressively limited, or even denied, their chief executives the veto and appointment power. All executive power, and most judicial power, resided in the state legislatures or in "privy councils" composed mostly of elected officials who usually were appointed by legislators.

At least one petulant English observer foresaw the impossibility of his former colonies to ever found a government worthy of the name, and he attributed this failure to Americans' fixation on a weak executive: "As to the future grandeur of America, and its being a rising empire under one head, whether Republican or Monarchial, it is one of the idlest and most visionary notions that was ever conceived even by writers of romance."[5]

Administration by Enfeebled Executives: Jefferson Prevails

Layering and striating all of this early American activity in drafting confederations and constitutions was our third expression of the emerging social contract: the massive brilliance of America's founders, but particularly that of Hamilton and Thomas Jefferson. "So baked into our civic DNA is this that today, more than two centuries after our founding, our language and behavior still are shaped and influenced by the alternatives represented by the two men."[6]

Hamiltonian Energy Hamilton was not only, like Jefferson, one of America's first public administrators (he was its first treasury secretary), but likely its first scholar of public administration, too. Hamilton was contemplating a "full investigation of the history and science of civil government and . . . practical results of various modifications of it upon the freedom and happiness of mankind."[7] In other words, Hamilton was about to write the world's first textbook in public administration, a project terminated by his death in a duel.

Hamilton extolled a strong chief executive, equating a strong executive with the "energy" needed to make a government function: "A feeble executive [by contrast] implies a feeble execution of government. A feeble execution is but another phrase for a bad execution; and a government ill executed . . . must be, in practice, a bad government."[8] Things, in sum, had to get done.

Even more than a strong chief executive, Hamilton advocated a *very* strong bureaucracy. He urged that department heads be paid exceptionally well, that they possess substantial powers, and that their tenure in office should extend beyond that of the chief executive who appointed them.

Jeffersonian Constraint In stark contrast to Hamilton, Jefferson held a "profound distrust of bureaucracy," and "was no friend . . . to professionalism in public administration."[9]

As we explain in the introduction to Part III and Chapter 7, the founders were concerned about governmental efficiency and honesty, two values that gave birth to American public administration. But it was Jefferson's argument against an active public administration that prevailed.

Jefferson's victory is indicated by the fact that the word, "administration" (or its cognates), appears in *The Federalist Papers* a remarkable 124 times—more frequently than "Congress," "President," and "Supreme Court."[10] Yet, the word is nowhere to be found in the Constitution that James Madison, Jefferson's disciple, largely framed.

Ironically, the more experience that Jefferson gained as a public official, the more that he forsook this position, ultimately reversing his views, and advocating far greater powers for public executives. In his retirement, Jefferson even argued that the "laws of necessity . . . are of higher obligation [than] a scrupulous adherence to written law,"[11] an opinion as disquieting as Richard Nixon's, uttered

167 years later: "If the president does it, that means it's not illegal."[12]

A CULTURE OF CONSTRAINT

These eighteenth-century expressions of government's role reflected an already-formed American political culture that continues unabated today.

Americans and Their Governments

Americans' perspective on the proper place of government differs radically from that of Europeans. Fifty-eight percent of Americans think that the "freedom to pursue life's goals without state interference" is more important than that the "state guarantees nobody is in need," which just 35 percent believe to be more important. Among Britons, Germans, French, and Spaniards, these percentages range from 30 to 38 percent and from 55 to 67 percent, respectively. Similarly, 36 percent of Americans agree that "success in life is determined by forces outside our control," but 62 percent disagree with the statement. From 41 to 72 percent of the respondents in the four European countries agree, and from 27 to 55 percent disagree.[13] Large majorities of Americans of all races believe that "poor people have become too dependent on government assistance programs."[14] Not for nothing has Europe been called America's biggest blue state.

More broadly, the greatest governmental gap between Americans and the rest of the world is their relationship with the state. The American social contract, forged in revolution, leashes government with a taut tether. Those who govern are, in every sense, the citizenry's "servants," and, consequently, the American social contract may be reduced to a word. That word is: constraint.

Such phrases as "the hollow government," "government by gridlock," and "demosclerosis" all suggest a governance jammed by malfunctioning political mechanisms. In reality, however, turbid governance is a consequence of an American culture that places a high premium on constraining what governments do. So ingrained is this culture of constraint that serious scholars of American public administration have been known to argue against activist administrative reforms precisely because they could displace constrained, "prudential judgment" by "discreet 'mandarins.'"[15]

An American culture of administrative constraint is unique to the public sector, and is quite the opposite from that of the private sector, with its rapacious, robber-baron roots. Consider the assessment by Ted Turner, the spectacularly innovative and candid entrepreneur who founded CNN and other cable networks: "You play to win. And you know you've won when the government stops you."[16]

Governing in a Distrusting Culture

Constrained governance is inextricably enmeshed in Americans' distrust of government. As Figure 1-1 shows, only 22 percent of Americans trust government.

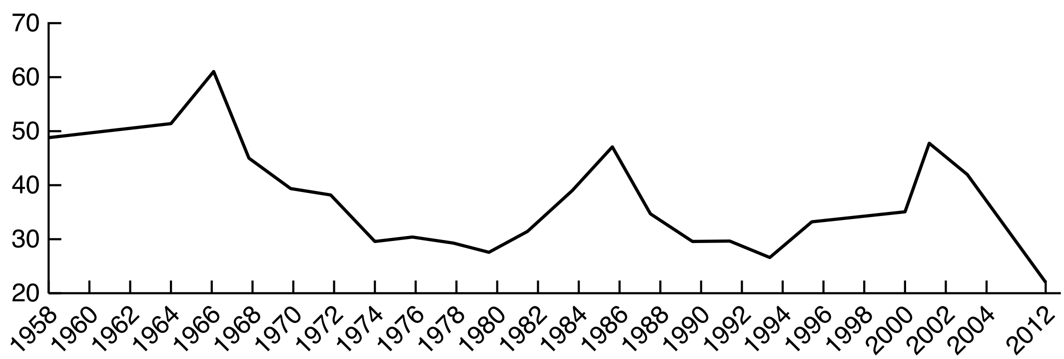

FIGURE 1-1

Trust in Government Index 1958–2012

Source: The National Election Studies, University of Michigan. *The NES Guide to public Opinion and Behavior* (Ann Arbor, MI: Author, 2005).

Distrust of Government Americans' distrust focuses on government's size, direction, performance, and power.[17] They reserve their deepest distrust for those parts of government that house elected officials, and display their highest trust for agencies with public safety or military missions, findings that "are consistent to a large extent with findings in other Western countries."[18]

Over thirteen years, the number of Americans who thought that the federal, state, and local governments have a "negative impact" on their day-to-day lives grew, on average, by more than three-fifths, a startling increase, and those who felt that governments' impact was positive plummeted by a fourth.[19] Not even half, a declining proportion of Americans, think that government is "really run for the benefit of all the people."[20] The decline in trust of government is not limited to the United States, and appears to be global.[21]

Public administrators' opinions track those of the general public. Top federal, state, and local executives believe that "there is a deeply systemic problem with our governance system," which "is not performing the way it should."[22]

Ominously, the public's distrust of government may be morphing from a political distrust (e.g., a gridlocked, unacceptably partisan Congress) to an institutional distrust, a leeriness caused by strings of institutional failures, such as the pathetic roll-out of HealthCare.gov, the General Services Administration's high-rolling "conferences" in Las Vegas and other resorts, and the deadly corruption that afflicts the Veterans Health Administration, to name a few. In this light, it is worrisome that a survey of likely voters found that an astonishing 64 percent thought that "things in the U.S. feel like they are out of control right now."[23]

Why Trust Matters Public trust in government is critically important to good governance.

Some Diverse and Unexpected Correlations High levels of trust in government correlate, positively and internationally, with: less political corruption[24] (public esteem, a corollary of trust, for government also associates with lower corruption[25]); better "government performance on the economy";[26] greater economic growth and opportunity;[27] superior "perceived outcomes" by networks of governments;[28] less "negative" popular evaluations of the performance of the entire political system;[29] and even with lower rates of street crime.[30]

In the United States, high levels of trust in government not only associate with lower levels of corruption[31] and street crime,[32] but also with energetic and widespread public policy innovation.[33] In the view of local officials, there is a very robust connection between high trust and deeper engagement by citizens in local policymaking.[34]

High Trust Equals High Performance Of greatest importance, public trust and esteem are "positively related" with high performance by public agencies and greater citizen satisfaction with public services, a "strong correlation" that is "not unusual and is acknowledged in the literature."[35] This strong correlation appears to be universal in democracies,[36] and it exists because trust "helps determine how much power citizens grant" to their governments, which, in turn, "is what allows citizens to grant the flexibility required for bureaucrats to effectively govern."[37] Indeed, trust trumps public participation in agency decision making, accessibility of services, and even equality of treatment as a correlate with higher public performance.[38]

Certainly, these patterns are found in the United States. There is a clear correlation, for example, between plentiful *social capital* (an index composed of "generalized trust and strong civic norms") and high-performing state governments.[39] Similarly, as state budgets improve, popular trust in state governments rises.[40] A study of the thirty-five largest American cities found that a 5 percent increase in popular trust in their government resulted in a 1 percent hike in that government's performance.[41]

THE CONSEQUENCES OF CONSTRAINT

Constraint. What are its consequences in the context of American governments?

Hobbled Elected Chief Executives

A notable consequence is the hobbling of elected chief executives at every level of government.

The Domesticated Presidency Largely as a consequence of a largesse of Lilliputian leashes that Congress has imposed on executive action, there is a historic "presidential tendency" to be "reactive" in domestic politics, where power must be shared with Congress and often is reined in by the courts, but to be "proactive . . . powerful, costly . . . energetic," and interventionist in foreign affairs.[42] This reality has endured for the life of the nation.

Consider, first, Thomas Jefferson. In domestic matters, Jefferson is one of only seven presidents, and the sole two-term president, who never vetoed an act of Congress. Yet, in foreign affairs, he acted with stunning boldness. A case-in-point is the Louisiana Purchase. With no consultation whatsoever with Congress, Jefferson assigned two of his public administrators to "merely inquire" about buying from France "The Floridas"—which were Spain's, but who knew?—and New Orleans. When France unexpectedly offered the entire Louisiana Territory, Jefferson's administrators snapped it up—without, in turn, consulting Jefferson. This unilateral act doubled the size of the nation – hardly a dilettantish dabbling in diplomacy. So controversial was "this extraordinary example of administrative discretion" that a band of respected political leaders tried to organize a secession of *Northern* states![43]

Consider, second, Bill Clinton. In 1998, a surreal spectacle of this schizoid duality unfolded when the House of Representatives voted to impeach him (for only the second time in history) on charges pertaining entirely to domestic affairs, while President Clinton simultaneously launched a major and sustained air war against Iraq because it refused to cooperate with weapons inspectors from the United Nations.

In the administration of the nation, Jeffersonian constraint prevails—but only in domestic affairs. In foreign ones, Katy bar the door; Hamiltonian energy is rampant.

Constraining Governors Governors gradually have gained executive power over the last three centuries—since 1960, state constitutional revisions have lengthened their terms of office and strengthened their powers of appointment, budgeting, and the veto[44]—but they still remain tightly constrained. For example, state agency heads accord their governors and legislators essentially identical levels of influence in agency "rulemaking," which is a pseudonym for agency policymaking, and this has been consistently the case for more than a quarter century; "legislators exert major influence on agency rules."[45]

An Insipid Appointment Power Out of six "institutional powers" available to the governors, the power to appoint ranks as the weakest.[46] More than half of key state administrators are not appointed by the governor. Of the almost 2,000 major administrative officers in the fifty states, 750 are appointed by someone or some body other than the governor, and nearly 300 are elected directly by the people.[47] When we add in those state administrators who are less than major, the total number who are elected separately surpasses 500, or more than ten per state, on average, a number that has "changed little" since 1955.[48]

When agency heads are "outside the orbit of control by the governor via appointment," not-so-good things happen. Compared with those appointed by the governor, these state executives not only are somewhat more attuned to legislators than to their governors, they also attribute a significantly "higher level of influence" to special interests when making policy, and lobbyists' access to their agencies is "definitely greater."[49]

Lieutenant Governors, Term Limits, and Recalls There are additional constraints on executive power in the states.

One is the fact that, in twenty-four of the forty-three states with lieutenant governors (we are not counting Tennessee and West Virginia, which accord that title to the senate president), the governor and lieutenant governor are elected independently,[50] and, presumably, have political agendas that differ. (In 1804, Americans relieved the federal government of this potentially destabilizing conflict, as it applied to the president and vice president, by ratifying the Twelfth Amendment.)

Another is term limits—or the lack of them. Most elected state administrators —from more than half to all, depending on the office[51]—and legislators in thirty-five states,[52] may be re-elected without limit, a potentially huge political advantage. By contrast, governors in only fourteen states have unlimited terms.[53]

In 1908, Oregon introduced the state *recall*, or a specially called election, initiated by voters signing petitions, that determines whether or not an elected officeholder may complete his or her term. Most often, the recall petition must be signed by 25 percent of all registered voters or by 25 percent of voters who voted in the last election, "the highest signature threshold for any type of petition."[54] Thirty-six states have laws allowing for the recall of some elected state or local officials.[55] Three states permit the recall of any official, elected or not, and seven specifically include federal officials as subject to recalls.[56]

Nineteen states and the District of Columbia permit the recall of elected state (or district) officials and, although it has been used only three times against sitting governors (twice successfully),[57] it is a growing constraint. Of the thirty-two successful recalls of state legislators conducted over 102 years, a third have taken place since 2011.[58]

Constraining Local Elected Chief Executives Local elected chief executives typically have powers barely worthy of the noun.

Puny Political Powers Almost three-quarters of county commission chairs,[59] roughly half of the mayors of towns and townships,[60] and nearly a fourth of city mayors,[61] are not elected to office by popular vote. Instead, they are selected by their fellow council members or even by mindless rotation, thereby denying them their own electoral power bases.

By contrast, legions of more specialized local executives, such as sheriffs, treasurers, tax collectors, coroners, and clerks, are, as required by state constitutions, voted into office. On average, county voters elect an astounding fourteen "row officers" (so named for the rows and rows of these positions that appear on the ballot), and township voters elect five. City voters elect an average of only two, but, in 14 percent of cities, residents elect some or all department heads, and, in 25 percent, these administrators are appointed not by the mayor, but by the city council.[62]

Fifty-four percent of mayors and other local chief elected officers have terms of fewer than four years, and 33 percent (the next highest) have terms of just two years;[63] 95 percent have no veto power.[64]

Thirty-one percent of cities and towns split their powers between two elected chief executives (86 percent of whom are part-timers), a mayor and a council president, and in just 11 percent (a declining number) of these jurisdictions does the mayor or president have the exclusive authority to make and recommend a budget.[65] In those cities where department heads are appointed, only 17 percent (and shrinking) of mayors or council presidents have the sole power of appointment.[66]

Puny powers indeed.

The Rising Recall The local recall was invented in 1903 by Los Angeles, and today twenty-nine states permit voters in at least some of their local jurisdictions to recall their elected chief executives, as well as city council members and other city officials, county commissioners and other county officials, sheriffs, school and special district board members, or state legislators.[67] Even though many mayors, council presidents, county commission chairs, and board members of special districts are not elected by voters, they still may be recalled by them.

Voters in 56 percent of cities and towns (recall petitions are filed in about 5 percent of them annually),[68] and in 55 percent of counties[69] may recall local officials. An estimated three-fourths of all local recall elections are at the city council or school board level.[70] From 14 to 19 percent of the officials facing these elections are recalled, with the board members of special districts being the leading losers, at 80 percent.[71]

Only about two-fifths of the total "recall efforts" aimed at all local officials ultimately make it to the ballot. From a fourth to a third of these efforts are targeted at mayors and council presidents,[72] and typically are initiated because of service cuts or tax hikes. There are, of course, some idiosyncratic reasons as well, such as the Ogden, Kansas, mayor who was recalled because he had fired two lifeguards. About a fourth of recall elections result in mayors resigning or being voted out of office.[73] City council members comprise about half of all local recall efforts.[74]

Historically, local recall efforts were rare. From 1911 through 2001, recall efforts were attempted in just ten of those years; beginning in 2002, however, recall efforts have occurred in every year without exception. Moreover, from 1911 through 2007, local recall efforts never exceeded three per year. In

2007, in keeping with tradition, there were three, but, in 2008, there were a record eight. Then, in 2009, out of nowhere, 100 local recall efforts were made, challenging not only a single elected official, but often entire councils, commissions, and boards. Recall efforts continued to climb steadily, and, by 2014, there were 189, targeting 387 local officials.[75]

The surge in recall efforts likely will continue, and is attributable, in part, to the rise of information technology, which has produced more reliable voter registration lists; relatedly, social media have made petition signing much easier (if you want to recall a public official, there is an app for that). The nationalization of recall elections also is an important factor. An example: of the nearly $64 million spent (unsuccessfully) in 2012 to recall Wisconsin's governor because of his anti-union policies, more than half was contributed by unions and conservative groups external to the state.[76]

Hobbled Governments

The constraints that Americans have imposed on their elected chief executives extend to the institution of government itself.

Constraining the Federal Government The American founders created a Constitution that divides power between the national and state governments, and checks and balances federal power among its executive, legislative, and adjudicative branches. More contemporaneously, as we elaborate in Chapter 11, the federal government has ceded significant power to private and nonprofit organizations. In the 2010s, a sharply divided Congress has proven to be the least productive in history (details follow).

Constraining the Grass Roots The people have imposed on their state and local governments the devices of *direct democracy*, or the use of specially called elections to approve or disapprove policy proposals or to retain or remove elected officials. "Every state has some form of legislative process which allows the government to place issues on the ballot."[77]

Though direct democracy clearly constrains governments, it also associates with some good things: it likely renders governments more responsive to the electorate, and it correlates positively with lower levels of corruption; an analysis of fifty-seven democratic nations found that the more that direct democracy was present, the smaller the shadow economy.[78]

Constraining State Governments Perhaps the least direct device of direct democracy is the *referendum*, or a legislatively authorized popular vote to approve or disapprove proposed policy. Invented by South Dakota, in 1898, it has since spread to twenty-three states, and voters typically approve from three-quarters to four-fifths of them.[79]

South Dakota, also in 1898, gave us the *initiative*, or *initiative petition*, which places an issue on the ballot by gathering a stipulated percentage of registered voters' signatures on a petition. Two dozen states now have it.[80] The states' use of the initiative has nearly quadrupled since the 1960s, when fewer than a hundred were on state ballots, to a record 377 in the 1990s and 374 in the 2000s, a number second only to the nineties.[81] Slightly more than two-fifths of all 2,421 state initiatives, beginning with the first one, in 1904, have been approved by voters.[82]

State initiatives can be costly and often are promoted by special interests. In the eleven states with long histories of initiatives, corporations and billionaires spent more than $1 billion over eighteen months either for or against initiatives that involved taxes, casinos, and political fundraising by unions, among other policies.[83]

Constraining Local Governments Local governments use most of the devices of direct democracy even more liberally than do states. Seventy percent of cities have the referendum, and 92 percent have the initiative.[84] More than seven out of ten counties allow the referendum and the initiative.[85]

Hobbled Governmental Growth

A culture of constraint restrains governmental growth.

American governments do grow. By the close of the 1800s, federal, state, and local government workers accounted for not even 2 percent of the population, and government revenues at all levels amounted to about 8 percent of the economy.[86] The proportion of all government workers since has more than tripled, accounting for more than 7 percent of the population,[87] and revenues collected by all governments, at more than 19 percent of the gross domestic product (GDP), have more than doubled their share of the economy.[88]

The heart of our matter, however, is this: Do American governments grow as fast and as big as governments elsewhere?

No, they do not. Constrained governmental growth has been particularly evident since 1978, when California's notorious initiative, Proposition 13, was voted in by a two-to-one popular margin. Proposition 13 slashed, and effectively capped, all local property taxes, and made California the only state that requires a two-thirds vote in the legislature both to adopt a budget and to raise any tax.

Proposition 13 not only had a devastating impact on California's education, infrastructure, and finances, but, despite its status as the enduring and iconic symbol of the revolt against governmental growth, flatly failed to stanch that growth. The lost property tax revenue was replaced by sales and income tax revenue. California has the highest sales tax and personal income tax in the country for top earners, and one of the highest corporate income tax rates (which may, in part, explain why it has the third worst business climate of the states). In 1978, the state had the highest overall tax burden, and thirty-five years later, it still had the highest overall tax burden.[89]

Between 1946 (the year following the end of World War II) and 1978 (the year of Proposition 13, which most observers peg as the year of the tax revolt's first shot heard around the nation), the revenue collected by the federal government as a percentage of personal income grew by about one-half of 1 percent per year (17 percent over thirty-two years), and the revenues of state and local governments as a percentage of personal income grew by 4 percent per year, nearly doubling over the same period. But *after* 1978, federal revenue as a percentage of personal income essentially held flat, and after 2001, as a consequence of unprecedented federal tax cuts, it actually declined.[90] Similarly, after 1978, the growth of state and local revenues as a percentage of personal income was slashed by three-fourths to a growth rate of about 1 percent per year.[91] Today, all taxes imposed by all governments are at their lowest levels as a percentage of personal income since the 1950s, "before the advent of the most expensive transfer programs," such as Medicare.[92] One result: today, only 1 percent of Americans rank the tax system as the country's top problem.[93]

American governments are substantially smaller than are governments in other developed democracies. Whereas the revenue collected by all American governments amounts to 26 percent of GDP, those collected by the governments of thirty-four developed democracies, including the United States, amount to an unweighted average of over 34 percent of their respective GDPs— a fourth higher take than in the United States, which ranks thirty-first lowest (only Chile, Mexico, and South Korea are lower).[94] Not only does the United States have a lower *overall* tax rate than almost all comparable countries, but, remarkably, *each type* of American tax—income, sales, property, and payroll tax—is lower than its counterpart tax in these nations.[95]

Perhaps more than any other measures, the relatively slow rate of America's long-term governmental growth and the comparatively small size of American governments, stand as testaments to America's culture of governmental constraint.

THE BUREAUCRAT: BRAINED, BLAMED, AND BOUNCING BACK

America's culture of constrained governance has unique effects on its public administrators.

Bashing Bureaucrats

A major effect is bureaucrat bashing. Wide swaths of American institutions single out the bureaucrat as the craven cause of governmental failure.

Politicians' Pandering Politicians routinely run against the bureaucracy in their ceaseless grubbing for votes. The campaign mantra of bureaucratic "waste, fraud, and abuse" has been a self-serving rhetorical standard of office seekers for more than a generation.[96]

Once elected to office, politicians are radically more contemptuous of public administrators than are the voters whose support they sought. The proportions of elected officials who characterize public administrators as "dull" or who "make red tape" are twice those of the general public, and the percentage of politicians who describe them as "bureaucratic" is three times that of the citizenry.[97] When speaking on the floor of the U.S. House, Representatives call public administrators "bureaucrats" 70 percent of the time, and 84 percent of these references are clearly pejorative.[98]

Academia's Undercutting Intellectuals foster an image of bureaucracy that ranges from its being merely unresponsive to dangerously undemocratic. This anti-public-administration propaganda begins at an early age. American children's literature portrays public servants as measurably less benevolent and competent than does British children's literature.[99]

Over three-fourths of introductory college textbooks on American government portray public administrators as "government employees who stay on forever," and two-thirds demonize governmental bureaucracy as "all powerful and out of control."[100] "The most deeply rooted and persistent misconception" of these texts is that public administrators "are not accountable."[101]

Media's Mordancy Judging by what evidence we have, the news media's coverage of the public bureaucracy is not good. Over the course of two decades, 80 percent of the televised news stories about the federal government, and 70 percent of the printed ones, focused on the executive branch, and only a third—or, more commonly, depending on the medium, less—of those that focused on the executive branch's "job performance" were positive in tone.[102]

Media's mordancy is not confined to the news. Thirty percent of television's prime-time entertainment episodes present civil servants in a positive light and 22 percent in a negative one—"as robotic paper shufflers or abrasive malcontents who were too lazy, apathetic or self-absorbed to serve the public" (the remaining 48 percent portray them in neutral, "unmemorable roles"); these figures that have remained fairly constant since the mid-twentieth century.[103] Perhaps we should not be surprised that young adults' "favorite TV public servant" is the casually corrupt, and definitively dumb, animated Mayor Joe Quimby of *The Simpsons*.[104]

Are Bureaucrats to Blame?

Do Americans really believe that their public administrators are against them?

The Public Likes Public Administrators Evidently not. Overall, "the American public does not appear as disdainful of bureaucrats as the projected media image would indicate."[105] More than seven out of every ten Americans have stated that they have a favorable opinion of government workers.[106] Only 6 percent of Americans blame government employees for "what is wrong with government," compared with four times that number, 24 percent, who say elected officeholders are responsible for government's failures.[107] Seventy-three percent of Americans have "a lot of" (22 percent) or "some" (51 percent) confidence in federal civilian workers; "Americans like federal workers a lot more than their bosses."[108]

Why do Americans like public administrators *in spite of* their deepening distrust of elected leaders and government, and the unremitting bombardment fired by politicians, professors, reporters, and entertainers blasting bureaucrats?

Encountering Bureaucrats Because bureaucrats deliver. Polls prove it.

About two-thirds of Americans who have asked federal, state, or local bureaucrats to do something unusual for them—that is, their request was not a routine matter—found their civil servants to be helpful,[109] a striking proportion that belies the stereotype of inflexible, impersonal bureaucrats. Nearly three-quarters of Americans report that "the people at the [government] office" are very efficient (43 percent) or fairly efficient (31 percent) in handling their problems, and more than three-fourths feel that they are treated fairly; indeed, only 12 percent think that they are treated unfairly.[110]

American bureaucrats give generally good service, too. At least one survey found "no systematic difference in attitudes" among citizens about the quality of selected private services and comparable federal, state, and local ones.[111]

In annual surveys that have been conducted for well over a decade, selected federal agencies have received "customer experience" scores from the public that range from sixty-four to seventy-two out of 100 possible points. These are lower scores than what businesses typically receive, which generally are accorded scores in the mid-seventies,[112] and they have been declining since 2012,[113] perhaps because of "cutbacks in agency budgets and staffs, which have made it difficult to provide quality service."[114] The federal government, probably like most governments, usually receives the lowest scores for accessibility, timeliness, and efficiency of services,[115] not a surprising finding in light of the fact that citizens, as opposed to customers, have little choice in selecting public service providers.

Even though 59 percent of registered voters are "frustrated" with the federal government, and 22 percent are "angry" with it,[116] a surprising 58 percent of the citizenry view federal agencies favorably. When asked whether they had positive or negative opinions about eight agencies, seven received positive responses, ranging from 51 to 70 percent. Only the Internal Revenue Service was ranked unfavorably by most respondents (no surprise, that), but, at 48 percent, not by much.[117]

From three-fifths to over four-fifths of the public report that they are satisfied or highly satisfied with state governmental services,[118] and local services garner "generally favorable assessments" from more than 200,000 citizens in forty states.[119]

The Bureaucrat: Government's Savior?

Ironically, those battered and bruised bureaucrats may be leading the way in restoring Americans' trust in government.

Seventy percent of Americans have low expectations about obtaining good governmental services, but more Americans, 77 percent, who actually experience public services feel that they receive services of high quality.[120]

The consequences of these positive experiences with governments are varied. Overall, Americans who have had good experiences with an agency (32 percent, *versus* 18 percent who have not) are "three times more likely to give a positive performance rating" to "government in general" (41 percent *versus* 14 percent).[121] Those citizens who have had positive personal dealings with an agency, but who hold a deeply negative view about government in general, express highly positive opinions about that particular agency but their negative view of the *institution* of government persists.[122] This phenomenon has been labeled "bureauphobia," and it may affect as much as a fifth of those who deal with agencies.[123]

The high regard that Americans have for agencies with which they have dealt is significant because "the impact of a negative experience with a public agency is much more pronounced than the effect of a positive one .... Decreasing the number of disappointed clients will have a stronger effect on increasing trust in ... government than increasing the number of already well-pleased clients."[124]

A PARADOXICAL POWER: THE GRAY EMINENCE OF THE PUBLIC ADMINISTRATOR

So what does all this mean for the American public administrator? It means that the United States has produced a paradoxical public administration characterized by cultural, institutional, and legal limits on executive action, and by a nonetheless powerful public administrative class. "The fragmented managerial climate of government" actually grants public administrators more opportunities for acquiring power than are available to their corporate counterparts.[125]

Staying Power

Of considerable, but often underappreciated, importance is the staying power of bureaucracies and the bureaucrats in them, a power that permits them to wait out elected officeholders and the policies that they push.

Of 175 federal agencies, only 15 percent disappeared over a half century, a "death rate" that was far below that of business failures during the same period, leading to the conclusion that, by and large, government organizations are "immortal."[126] Examples include the Commission for the Standardization of Screw Threads, formed in 1918 with a sixty-day life span, and the Federal Helium Reserve, created by Congress in 1925 to assure the Army Air Corps a continuing supply of fuel for its cutting-edge (at the time) aeronautical technology—blimps. These and others, if differently titled, remain with us today.

Just as bureaucracies stay on, so do bureaucrats. As we detail in Chapter 9, the median job tenure for workers in all governments is more than twice as long as that for employees in the private sector, and, depending on the level of government, top public careerists average from seventeen to twenty-six years on public payrolls. Forty-three percent of federal civilian workers, 38 percent of state government employees, and 37 percent of the local workforce are fifty years old or older; for the private sector, this figure is just 29 percent of all employees.[127]

Bureaucracies and bureaucrats endure.

Discretionary Power

Discretionary power refers to a public administrator's authority to make and administer regulatory and bureaucratic policies, and to interpret and implement legislative policies.

Discretion counts. In the American states, for example, "greater managerial discretion," in tandem with deregulation, "drove reforms" in the critical areas of budgeting, procurement, and personnel, and, in all three areas, these reforms left "a deep and long legacy."[128]

Legislatures frequently enable bureaucratic discretion. For instance, Congress, in 1988, effectively granted the Federal Emergency Management Agency total authority to determine not only how much assistance is *needed* in a disaster, but even how much aid is *desirable*.[129]

Often, however, administrators exercise discretion sans specific legislative instructions. Federal administrators "fill out" 71 percent of new laws by appending proscriptions and procedures that have the force of law.[130] The Army Corps of Engineers, for instance, has elected to interpret "navigable waters" to mean "wetlands" in a law that does not mention "wetlands," which, of course, are neither navigable nor waters.[131]

For fifty years, Congress battled bureaucratic discretion by imposing on agencies the *legislative veto*, or the repeal by the legislature of an executive action, such as new rules; from 1932 to 1980, Congress inserted legislative vetoes into 555 provisions in 355 acts, expanding its use over time (by the 1970s, the final full decade of its use, legislative vetoes had exploded by 507 percent).[132] In 1983, the Supreme Court declared the practice to be unconstitutional.[133]

In 2017, Congress remembered its Congressional Review Act of 1996, which allows Congress to review how agencies fill in the blanks in a law (which, as just noted, happens more often than not), but only when Congress specifically grants such an authority to the agencies in that law. The objective is to assure that agencies hew closely to the spirit of the law. Congress has at least sixty days to conduct this review, and, if majorities in both chambers pass a "joint resolution of disapproval" and the president signs it, then the agencies' fill-in (in reality a rule) is terminated.

The act has been successfully implemented only once, when the president signed a resolution in 2001, but the president vetoed five resolutions since. With the election, in 2016, of a president and majorities in the House and Senate, all of the same party, the Congressional Review Act is receiving renewed attention. But the difference between a legislative veto and a congressional veto of how agencies have filled in legislative blanks strikes us as dim; given the judiciary's negative position on the legislative veto, it would not be surprising if it took a similar position on the Congressional Review Act.

Policymaking Power

Aside from the actual decision to select a public policy (a decision that, as we detail in Chapter 10, is uniquely idiosyncratic for each policy process), policymaking is composed of three main steps: *setting the policy agenda*, or discovering and expressing social problems that need addressing; *developing options* about how to resolve those problems; and *implementing the policy*.[134] Bureaucrats play significant roles—sometimes decisive roles—in all three policymaking steps.

Rulemaking as Policymaking Rulemaking embodies the grayest of gray bureaucratic eminences. All bureaucracies make rules, and rulemaking has been described as "the single most important function performed by agencies of government."[135] Why? Because rules can be a euphemism for policies, sometimes very big policies. The various estimates of the annual impact of federal regulations on society range from more than \$260 billion to over \$2 trillion.[136] Since 2003, federal agencies have churned out an average of eighty-one "major regulations" (as defined by the Congressional Budget Office) per year, and each one may "have an annual effect on the economy of $100 million or more."[137]

Policymaking via rules, rather than legislation, accelerates when legislatures stymie. In recent years, Congress has exemplified this dilemma. The 112th Congress of 2011–2013 enacted into law 152 *public bills* (or bills that apply to everyone, in contrast to *private bills*, which apply to groups or individuals, such as naming a post office), and the 113th of 2013–2014 passed 142, the fewest in history—by contrast, Harry Truman's "do-nothing" 80th Congress of 1947–1948 enacted 906 public bills.

Americans were well aware of Congress's stalemate. From 56 to 58 percent of Democrats, Republicans, and independents believe that the "political system can work fine, members of Congress are the problem."[138] Just 26 percent of Americans think that "more progress" is being made at "the national level" in dealing with "major challenges facing the country," compared with 64 percent who believe that the "state and local level" is making more progress.[139]

Confronted with these realities, President Barack Obama, beginning in the fall of 2011, became "one of the most prolific authors of major regulations in presidential history," issuing hundreds of "rules" that affected, just as profoundly as any laws, the minimum wage, civil rights, the environment, and dozens of other vital areas.[140]

Policymaking by Federal Administrators Although "no one set of actors dominates the process" of federal agenda setting, "elected politicians *and their appointees* come closer than any other." Top presidential appointees rank higher than the president and members of Congress in setting the agenda, and are followed closely by staffers in the White House and Congress.[141]

Career civil servants in the executive branch are less involved in agenda setting, but they are extremely significant—more so than political appointees—in structuring alternative policies. Careerists have "yet more" impact on the final policy process, that of implementing policy.[142]

There are about 29,000 unelected employees in the institutional center of national policymaking, Congress,[143] a number that includes some 21,000 personal and committee staffers (up from fewer than 2,500 in 1948),[144] and the employees of the Government Accountability Office, Library of Congress, and Congressional Budget Office. These professionals, but particularly staffers, wield significant power in the policymaking process.[145]

Policymaking by State Administrators Public administrators play comparable policymaking roles in the states. A five-decades-long study of state agency heads finds that these executives consistently allocate half their time to "policy development" and "building political support"; the other half is spent on "internal management."[146] In state executive offices, administrative professionalism itself ranks "as an important influence" in state policy formation, equaling "other more commonly studied state characteristics," including the most powerful political forces, such as special interests and ideologies.[147]

The nation's more than 7,300 state legislators employ 28,000 full-time legislative staffers and another 5,000 when the legislatures are in session.[148] Just three legislatures fail to provide their standing committees with professional staffs;[149] none did so in 1960.[150]

As with Congress, the role of these staffs is a powerful one. As a former state legislative staffer put it, "The most remarkable discovery that I made during my tenure as a staff member was the amount of power I had over bills on which I worked."[151]

Policymaking by Local Administrators Most of the research on policymaking power in local governments focuses on *city* and *town managers*, or nonpartisan chief appointed executives who manage 85 percent of all municipalities, a growing number, and 100 percent of the biggest cities—those with 1 million people or more.[152] Their "policy role consumes approximately one-third" of their time,[153] a share that has held steady since the mid-1980s.[154] In 1973, when the first national survey of city managers on the topic was conducted, 64 percent reported that they initiated, set, or shaped policy in their cities; four decades later, 90 percent said this,[155] with a stunning 100 percent of city and county managers playing "a significant role" in *initiating* policy proposals (48 percent do so frequently, and 40 percent always).[156]

The rise of the local manager as a policymaker is not without its tensions: As the managers' "external" policymaking leadership deepens, their "internal" administrative authority lessens.[157]

Lethargic Local Legislators The expanding policymaking power of local administrators has occurred in part because local elected officials have ceded their responsibilities to them.

Most city council members "are ambivalent about making policy decisions," are uninvolved in policymaking and mission development, and *approve* of their managers' taking over these responsibilities that, legally, are theirs.[158] The longer that a city council member has served on the council, the greater the deference that he or she has for city administrators.[159]

Other local councils demonstrate a comparable lack of interest in policymaking. Virtually all researchers who have addressed this issue in county governments find that county commissioners also "are relatively uninvolved in policy formation," a vacuum that is typically filled by county administrators,[160] who are the equivalents of city managers. These appointed officials administer 56 percent, an expanding number, of all counties.[161]

In school districts, the school superintendent is the major formulator of educational policy, and school boards adopt the policies recommended by their superintendents an astonishing 99 percent of the time. "The superintendent—far more than the board—is identified publicly as the 'governor' of education."[162]

The executive directors of special districts typically report to boards of directors who often have scant interest in district business, and almost always are accorded a wide policymaking berth.[163]

Is this accretion by bureaucrats of local policymaking power a good thing? It likely is. An extensive investigation found that local "democratic accountability" is greatly enhanced by city managers who actively involve themselves in local policymaking, and this is particularly true in light of "the diminishing role of elected officials in providing political guidance."[164]

The Demise of Democracy? Local managers are not merely making public policy. They are replacing local legislators as the effective political representatives of the people. "This finding represents a significant departure" from previous research, and marks a new nadir for local democracy.[165]

A remarkable 70 percent of city managers spend "more than half their time . . . on self-selected tasks [rather] than on tasks imposed by others," such as council members, leaving them free "to work on tasks that they find most appealing." What these managers find most appealing is: taking "a more active political role" in their communities; exhibiting "a strong preference" to communicate directly with citizens (another analysis found that city managers "have not taken advantage of the Internet to bring citizens closer to their governments because these officials strongly prefer traditional citizen participation"[166]); and to "more directly and visibly influence the development of public policy by working more closely with citizens and assuming the mantle of community leadership."[167]

Ninety-four percent of city and county managers "go out into the community and engage directly with the public on policy issues" (54 percent do so frequently or always). Once these issues become policy, 95 percent of them "exercise significant latitude and discretion in the interpretation and administration of governing board policy" (three-quarters do so frequently or always).[168]

Is there any remaining rationale to elect local legislators to office?

Stopping Power

Bureaucrats, in brief, have the power to do things. They also possess the power to not do things.

Consider the case of John R. Bolton as arms-control chief in the State Department. During President George W. Bush's first term, Bolton allegedly stymied for two years the disposal of sixty-eight tons of Russian plutonium capable of fueling 8,000 nuclear bombs (a task that he was charged with facilitating, not undermining); withheld American support from Europe for a joint approach regarding Iran's nuclear plans; and blocked a new initiative concerning the sharing of civilian nuclear technology with India.

In 2005, the president appointed a new secretary of state and Bolton as ambassador to the United Nations, moves that effectively cut Bolton out from these policymaking loops. Almost immediately, the logjams on these and other issues broke. As a former official at Foggy Bottom put it, "throughout his career . . . he was always playing the stopper role . . .. Even when there was an obvious interest by the president to move things forward, Bolton often found ways of stopping things by tying the interagency process in knots."[169] Or, as a federal administrator phrased it when addressing another incident of bureaucratic stopping power, "policy is not what the president says in speeches. Policy is what emerges from interagency meetings."[170]

THE CONTEST FOR CONTROL

In light of the impressive quantum of power that bureaucrats have accrued in both the executive and legislative branches of governments, how do elected chief executives control "their" bureaucracies?

Presidents *versus* Bureaucrats: Mobilizing the Bureaucracy

Nowhere is this challenge more daunting than in that biggest bureaucracy of all, the federal service.

Presidential Frustration Consider the following comments made by presidents about "their" bureaucracy.

- Harry Truman: "I thought I was the president, but when it comes to these bureaucrats, I can't do a damn thing."[171]
- John F. Kennedy told a caller, "I agree with you, but I don't know if the government will."[172]
- Richard Nixon: "We have no discipline in this bureaucracy! We never fire anybody! We never reprimand anybody! We never demote anybody!"[173]
- Jimmy Carter, in the final year of his presidency: "Before I became president, I realized and was warned that dealing with the federal bureaucracy would be one of worst problems I would have to face. It has been worse than I had anticipated."[174]

Why do presidents feel this way? We offer a couple of small but revealing examples.

Some years ago, President Kennedy was pestered by his brother, Attorney General Robert Kennedy, over the fact that, during his daily commute, he could see a large sign directing drivers to the Central Intelligence Agency's headquarters, which, in his view, should not be advertised. President Kennedy ordered an aide to have the sign removed; the aide, in turn, directed the Interior Department to remove it. Nothing happened. A few days later, the president repeated his order. Again, nothing happened. Aggravated by both the bureaucracy and his brother's badgering, the president personally called the official in charge of signs: "This is Jack Kennedy. It's eleven o'clock in the morning. I want that sign down by the time the attorney general goes home tonight, and I'm holding you personally responsible." The sign was removed and the president had learned a lesson: "I now understand that for a president to get something done in this country, he's got to say it three times."[175]

Such an understanding of supposed bureaucratic inertia is held by most presidents. But quite the opposite can occur. President Carter's daughter, Amy, was having difficulty one Friday afternoon on a homework problem about the industrial revolution. Amy asked her mother for help, who asked an aide if she knew the answer. The aide called the Labor Department for assistance. Labor was pleased to oblige. On Sunday, a truck pulled up to the White House with Amy's answer: a massive computer printout, costing an estimated $300,000 and requiring a special team of analysts to work overtime. The Department thought it was responding to an order from the president. Amy received a "C" for her homework assignment.[176]

Bringing Bureaucracy to Heel? As these incidents reveal, gaining presidential control over a colossal bureaucracy involves clarity and communication, skill and will. Some presidents have no clear vision of what they want to do (George H. W. Bush,[177] Bill Clinton[178]). Others do not comprehend the criticality of the bureaucracy in securing their place in history (Nixon, at least in his first term,[179] and Clinton,[180] who imprudently kept his naïve and rash campaign promise to cut the White House staff by a fourth, filled the resultant vacuum with unpaid interns, one of whom he had an affair with, leading to his disbarment and impeachment). Hence, not much gets done. Still others do have strategic goals, and appreciate the civil service's importance in attaining them, but lack the skills needed to master the bureaucracy. Lyndon Johnson,[181] Nixon in his second term,[182] and Carter[183] are exemplary.

We offer two opposing and extreme examples of presidents' attitudes and actions in bringing their bureaucracies to heel.

Executive Expertise The president who was most skilled in mobilizing his bureaucracy behind his vision was Ronald Reagan. So devoted were Reagan's appointees that they served, on average, about 50 percent longer than those appointed by Clinton and the two Presidents Bush.[184]

Of greater importance, "few if any presidential administrations come to Washington with as clear a game plan as the Reagan administration had," and this clarity was critical to its relative bureaucratic success. Reagan centralized personnel selection in the White House; appointed loyal fellow ideologues not only as Cabinet secretaries, but even to operational positions deep in the bureaucracy (often, long before he appointed the secretaries to whom they ultimately reported), and then decentralized power to them.[185]

Crucially, Reagan did not eschew competence in his appointments. "Ronald Reagan pursued managers," and he "shrewdly coupled loyalty to the Reagan agenda with federal management experience."[186]

Presidential Indifference President George W. Bush seems to have had neither a program, other than cutting taxes and invading Afghanistan and Iraq, nor an ability to manage the bureaucracy—or even an interest in doing so. Former insiders portray him not as the self-declared "decider," but rather as a dissociated ditherer on most important issues, allowing them to fester among his executives. When a policy eventually was chosen, he typically failed to marshal his bureaucracy behind it.

Here is how Bush's National Security Adviser, in an "extraordinary remark," put it: Bush "will talk with great authority and assertiveness . . .. 'This is what we are going to do.' And he won't mean it. Because he will not have gone through the considered process where he finally is prepared to say, 'I've decided.'" Historians will conclude from the written record that, "'Well, he decided on this day to do such and such.' It's not true. It's not history. It's a fact, but it's a misleading fact."[187]

Control and Autonomy There can be little doubt that the immensity, complexity, and publicness of the federal service are unique presidential challenges, but an irony in presidents' exertions to bring their bureaucracy to heel is that the problem often resides not with the bureaucrats, but with them. As we have noted, some presidents do not have a concrete mission in mind, and, without one, coherent policy directives, other than a demand for loyalty, are often absent.

When the president's program is clear, top federal careerists are extraordinarily responsive, even by White House standards. For more than forty years, from almost four-fifths to more than nine-tenths, depending on the administration, of all presidential appointees have fulsomely praised the competence and responsiveness of career public administrators.[188] The "evidence is overwhelming that experienced political appointees, regardless of administration, party, or ideology, believe that career executives are both competent and responsive."[189]

The central question is less one of presidential dominance of their bureaucracies *versus* the bureaucrats' drive for autonomy, and more of a recognition that "democratic control and bureaucratic autonomy are not incompatible." When elected executives and public administrators respect each other and work together, the governed benefit.[190]

A Bureaucracy Newly Girded Bureaucratic sabotage of presidential policies, while not utterly absent,[191] is so rare as to be almost nonexistent. Federal administrators, however, do resist the politicization of their agencies, and they are getting better at it. Over time, "the capacity of the bureaucracy to fight back" presidential attempts to undermine its professionalism "has improved substantially—because of shifting cultural attitudes about the legitimacy of bureaucratic dissent, better legal protections for whistle-blowers . . . technological changes that have made it easier to broadcast leaks . . . [and] a lucrative market for insider accounts of the administration's decision making." These add up "to a significant new check on presidential authority."[192]

Governors *versus* Legislators: The Battle for the Bureaucracy

"The struggle to control state bureaucracy is one of the long-standing conflicts of state politics,"[193] and it pits governors against legislators.

In 1964, only 32 percent of state agency heads reported that their governors had greater control over their agencies than the legislature, and 44 percent said that the legislature had more control. Today, these figures have reversed to 45 percent and 32 percent, respectively.[194]

On the other hand, empirical research finds that governors and legislatures are essentially dead even in their control of executive agencies. The governors' influence over their agencies in four vital areas dealing with policy development is statistically the same as that of the legislatures' influence over the agencies.[195] Similarly, the proportion of state budget chiefs who report that their governors' power to shape budgets has slipped by almost two-fifths over twelve years, and only about a third of them think that their governors are their states' principal budget maker.[196]

Over time, governors have gained some power over their bureaucracies, but it is indisputable that their authority remains severely constrained. A half-century-long study of some 1,000 state agencies concludes that "the degree of executive control in the American states is modest at best."[197]

Managers and the Control of Local Government

Until the 1950s, approximately, local elected officials often served as their jurisdictions' main managers. No more.

In 65 percent of all municipalities, the city or town manager has the exclusive responsibility for developing the budget, and in another 8 percent the manager and the mayor develop the budget together; in 10 percent, the budget is developed solely by another bureaucrat, the chief financial officer.[198]

In 37 percent, the manager has sole authority to appoint department heads, and in 11 percent the manager shares this power with the mayor.[199] In council-manager cities, which account for 59 percent of all cities and half of all cities with populations of 1 million or more, the city manager has the exclusive authority to appoint department heads in 59 percent, and, in an additional 17 percent, jointly with the mayor or council.[200]

In 56 percent of all counties, county administrators have the exclusive authority to develop the budget, and, in 22 percent, they may both form the budget and hire and fire department heads.[201]

As the "governors" of education, school superintendents are their districts' chief administrators,[202] and the executive directors of special districts enjoy managerial and policymaking "opportunities enviable to their counterparts in government and industry."[203]

KNOWLEDGE: THE BASE OF BUREAUCRATIC POWER

Question: How has the bureaucracy grown so in political importance and independence?

Knowledge Is Power

Answer: Because the old saw, "knowledge is power," has never been more salient than it is today.

Public administrators work in bureaucracies, and bureaucracies are more likely to be found in big, complicated systems and societies, where knowledge is critical to success and often to survival. The more economically and socially complex states, for instance, also have the more advanced, informed, and well-developed legislative bureaucracies.[204] The larger the city, the likelier the city manager will be intensely involved in municipal policymaking.[205] School superintendents have far more power relative to their school boards in big cities, substantially less power in the suburbs, and even less power in small towns.[206]

Max Weber, the famous theorist on bureaucracy, noted a century ago: "In facing a parliament, a bureaucracy, out of a sure power instinct, fights every attempt of the parliament to gain knowledge by means of its own experts or from interest groups."[207] Consider, for example, city managers, most of whom strongly oppose a staff for the mayor and 60 percent of whom resist a full-time, paid city council: "this item evoked the strongest expression of opinion in the entire series of questions."[208]

When forces external to the executive branch do gain knowledge, they also gain power at its expense. When governors, legislators, or lobbyists "have informational advantages over estimated program costs" relative to state agency heads, they "significantly affect agency budget requests."[209] The more highly professionalized the state legislature, and the larger its staff, the lower the influence of the executive agencies in their own policy areas.[210]

As a matter of course, bureaucracy and knowledge reside most frequently in the executive branch. Potentially, however, any branch of government, and any special interest, can create its own bureaucratic knowledge base, and when it does, power follows.

Knowledge, Power, and the Public Interest

As we all know, power can be misused, and, because knowledge is power, knowledge sometimes is deliberately distorted to serve the powerful. Consider some examples:

- President Nixon ordered his Bureau of Labor Statistics to stop holding news conferences in which politically-embarrassing monthly unemployment figure were released and interpreted.[211]
- Vice President Al Gore "drove some environmental researchers out of government positions because their views on global warming and ozone depletion clashed with his own."[212]
- Toward the close of President George W. Bush's second term, the Associated Press noted "a pattern by the Bush administration not to seek input from its scientists" concerning science-based policy, relying instead on lawyers and ideologues.[213] Sixty percent of nearly 1,600 scientists in the Environmental Protection Agency[214] and 58 percent of more than 1,600 climate scientists in seven federal agencies,[215] reported that they had experienced "political interference" with their work over the past five years.
- A parallel pattern of ignoring or misrepresenting informed sources was evident regarding 9/11 and the subsequent decision to invade Iraq. The White House scotched the 9/11 Commission's conclusion that officials of the Federal Aviation Administration had ignored numerous advanced warnings concerning possible airline hijackings and suicide missions by Al Qaeda terrorists.[216] In an apparent effort to drum up support for the invasion of Iraq, the under secretary of defense for policy, according to the Defense Department's own inspector general, manufactured a case for an Iraq–Al Qaeda relationship that was never vetted by the intelligence community and not supported by intelligence. A "Senior Intelligence Analyst . . . countered, point-by-point, each instance of an alleged tie between Iraq and al-Qaida" pushed by the under secretary.[217]
- And, in a sad reprise of an earlier presidency, the Bureau of Labor Statistics, in 2005, was ordered to stop reporting mass layoffs.[218]

Fortunately, these incidents are the exception, not the rule. "Politics as usual? Not really. Hard as it may be to believe . . . the executive branch has traditionally succeeded at hewing to the ideals of objectivity and nonpartisanship." Government agencies "have produced reliable numbers, even when those numbers have made sitting Presidents look worse. . .. The people who have made this possible are among the most heavily scorned figures in American life—George Wallace's 'pointy-headed bureaucrats.'" Yet, these bureaucrats are "the only professionals in government—the only ones to say what they think instead of what they believe their bosses and voters want them to. Would we trust the unemployment numbers if, every time a new President came along, he replaced the entire Bureau of Labor Statistics with a new crop of cronies and campaign aides?"[219]

Therein lies the power—and the honor—of the public administrator.

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