

# The Structure of Policymaking in American Government

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THE STRUCTURES THROUGH WHICH public policy is formulated, legitimated, and implemented in the United States are extremely complex. It could be argued that American government has a number of structures but no real organization, for the fundamental characteristic of the structures is the absence of effective coordination and control. The absence of central control is largely intentional. The framers of the Constitution were concerned about the potential for tyranny of a powerful central executive; they also feared the control of the central government over the states. The system of government the framers designed divides power among the three branches of the central government and further between the central government and state governments. As the system of government has evolved, it has become divided even further, as individual policy domains have been able to gain substantial autonomy from central coordination. To understand American policymaking, therefore, we must understand the extent of fragmentation existing in this political system and the (relatively few) mechanisms devised to control that fragmentation and enhance coordination.

The fragmentation of American government presents some advantages. First, having a number of decision-makers involved in every decision should reduce errors, as all must agree before a proposal can become law or be implemented. The existence of multiple decision-makers should also permit greater innovation both in the federal government and in state and local governments. And as the framers intended, diffused power reduces the capacity of central government to abuse the rights of citizens or the interests of socioeconomic groups. For citizens, the numerous points of access to policymaking permit losers at one level of government or in one institution to become winners at another point in the process.

Americans also pay a price for this lack of policy coherence and coordination. It is sometimes difficult to accomplish *anything*, and elected politicians with policy ideas find themselves thwarted by the large number of decision points in the policymaking system. The policymaking situation in the United States has been described as *gridlock*, in which the different institutions block one another from developing and enforcing policies.<sup>1</sup> The crisis provoked by the

attacks of September 11, 2001, eliminated that gridlock for a short period, but it soon returned, even in some aspects of national security. For example, the USA PATRIOT Act could not be renewed in late 2005 because of sharp partisan differences over domestic wiretapping. There was also substantial gridlock during many years of the Obama administration, as well as for much of the last years of the Trump administration. But even a government that has all three actors—House of Representatives, Senate, and president—controlled by the same party may still have difficulties in legislating. This is especially true when the president is an outsider and not well integrated with his party.

The division of government into many separate policy fiefdoms also means that programs may cancel one another out. For example, progressive (if decreasingly so) federal taxes and regressive state and local taxes combine to produce a tax system in which most people pay about the same proportion of their income as tax. The surgeon general's antismoking policies and the few remaining Department of Agriculture's tobacco subsidies attempt to please both pro- and anti-tobacco interests. The apparent inability or unwillingness of policymakers to choose among options means that policies will be incoherent, and that because potential conflicts are resolved by offering every interest in society some support from the public sector, taxes and expenditures are higher than they might otherwise be.

I have already mentioned the divisions that exist in American government. I now look at the more important dimensions of that division and the ways in which they act and interact to effect policy decisions and real policy outcomes for citizens. *Divided government* and *gridlock* have become standard descriptions of American government, and their impact as well as that of federalism must be considered in analyzing the way in which policy emerges from the political system. But we should be careful to understand the extent to which gridlock really exists as more than simply a convenient description of institutional conflict—some periods of divided government were able to produce effective governance.

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## FEDERALISM

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The most fundamental division in American government traditionally has been *federalism* or the constitutional allocation of governmental powers between the federal and state governments. This formal, constitutional allocation at once reserves all powers not specifically granted to the federal government to the states (Ninth and Tenth Amendments) and establishes the supremacy of federal law when there are conflicts with state and local law (Article 6). Innumerable court cases have resulted from this somewhat ambiguous division of powers among levels of government.

By the first decades of the twenty-first century, American federalism had changed significantly from the federalism described in the Constitution. The original constitutional division of power assumed that certain functions of

government would be performed entirely by the central government, and other functions would be carried out by state or local governments. In this “layer cake” federalism, or separated powers model, the majority of public activities were to be performed by subnational governments, leaving a limited number of functions, such as national defense and minting money, as the responsibility of the federal government.<sup>2</sup>

As the activities of government at all levels expanded, the watertight separation of functions broke down, and federal, state, and local governments became involved in many of the same activities. The layer cake then was transformed into a “marble cake,” with the several layers of government still distinct but no longer horizontally separated. This form of federalism still involved intergovernmental contacts through central political officials. The principal actors were governors and mayors, and intergovernmental relations remained on the level of high politics, with the representatives of subnational governments acting as supplicants for federal aid. Furthermore, in this form of federalism, the state government retained its role as intermediary between the federal government and local governments.

Federalism evolved further from a horizontal division of activities into a set of vertical divisions. Whereas functions were once neatly compartmentalized by level of government, the major feature of “picket fence” federalism is the development of policy subsystems defined by policy rather than level of government.<sup>3</sup> Thus, many significant decisions about health policy are made by specialized networks involving actors from all levels of government and from the private sector. Those networks, however, may be relatively isolated from other subsystems making decisions about highways, education, or whatever. The principal actors in these subsystems frequently are not political leaders but administrators and substantive policy experts. Local health departments work with state health departments and with the Department of Health and Human Services (HHS) in Washington in making health policy, and these experts are not dependent on the intervention of political leaders to make the process function.

In many ways, it makes little sense to discuss federalism in its original meaning; it has been argued that contemporary federalism is as much facade as picket fence. A term such as *intergovernmental relations* more accurately describes the complex crazy quilt of overlapping authority and interdependence among levels of government than does a more formal, constitutional term such as *federalism*.<sup>4</sup> In addition to being more oriented toward administrative issues than high politics, contemporary intergovernmental relations are more functionally specific and lack the coherence that might result if higher political officials were involved in the principal decisions. Thus, as with much of the rest of American politics, intergovernmental relations often are without the mechanisms that could generate effective policy control and coordination.

Despite the complexity, overlap, and incoherence that exist in intergovernmental relations, one can still argue that centralization has increased in the federal system.<sup>5</sup> The degree of dependence of state and local governments on federal

financial support for their services has varied over the past several decades. The Reagan administration reduced federal support for state and local activities, especially social services, but the level of federal support has been creeping back up (see Table 2.1). The increase of federal support is driven in part by the rapid increase in Medicaid spending.<sup>6</sup> The Affordable Care Act expanded Medicaid spending for those states that accepted the expansion, but it was financed almost entirely by federal funds.

Along with financing comes increased federal control over local government activities. In some cases, that control is absolute, as when the federal government mandates equal access to education for those with disabilities or establishes water quality standards for sewage treatment facilities. In other instances, controls on state and local governments are conditional, based on the acceptance of a grant: If a government accepts the money, it must accept the controls accompanying that money.

In general, the number and importance of mandates on state and local governments and the conditions attached to grants have been increasing. For example, the Department of Health and Human Services threatened to cut off funding for immunization and other public health programs in states that did not implement restrictions on procedures performed by doctors and dentists with AIDS. Even the existence of many federal grant programs may be indicative of subtle control from the center, inasmuch as they direct the attention and

**TABLE 2.1**  
Changing Levels of Federal Grants-in-Aid to State and Local Governments

	1970	1980	1985	1990	1995
Total amount (\$ millions)	24,065	91,385	105,852	135,325	224,991
Percentage of state and local expenditures	29.1	39.9	29.6	25.2	31.5

	2000	2007	2012	2019
Total amount (\$ millions)	284,659	443,797	544,569	749,554
Percentage of state and local expenditures	31.3	31.9	34.1	33.7

Source: Historical Tables, *Budget of the United States Government* (Washington, DC: Office of Management and Budget, 2014).

especially the money of local governments in directions they might not otherwise have chosen.

In addition to controls exercised through grants, the federal government has increased its controls over subnational governments through intergovernmental regulation and mandating. Regulations require the subnational government to perform a function such as wastewater treatment, whether or not there is federal money available to subsidize the activity. These regulations are certainly intrusive and can be expensive for state and local governments. Even when the mandates are not expensive and are probably effective, such as the requirement that states raise the minimum drinking age to twenty-one or lose 5 percent of their federal highway money, they can still be perceived as “federal blackmail” of the states.<sup>7</sup>

The Unfunded Mandates Reform Act of 1995 requires the Congressional Budget Office to estimate the mandated costs of legislation reported out of committee in Congress. This provision by no means outlaws federal mandates, but it does require that members of Congress at least know what they are doing to the states and localities when they pass legislation. That measure did not affect existing mandates, nor will the federal government have to pay the bill for those mandates. Conservatives believed that in practice the legislation has been largely toothless,<sup>8</sup> while liberals believed that environmental and consumer standards were in danger of being undermined. The No Child Left Behind program of President George W. Bush imposed potentially huge costs on the states and localities (for testing and for supporting students in “failing schools”) with little funding attached. The Obama administration loosened controls over the states in this program, but there are still significant educational requirements imposed,<sup>9</sup> and the Trump administration has not altered those educational mandates (see Chapter 13).

One factor complicating intergovernmental relations has been the proliferation of local governments in the United States. As fiscal constraints on local governments have caused problems for mayors and county commissioners, new local governments have been created to circumvent those restrictions. States frequently restrict the level of taxation or bonded indebtedness of local governments, but when a local government reaches its legal limit, it may simply create a special authority to undertake some functions that the general-purpose local authority formerly carried out. For example, as Chicago faced severe fiscal problems in 2005, it sold its Skyway toll road to a private contractor; it leased Midway Airport to combat the financial crisis of 2008.

An average of almost five hundred local governments are created every year, primarily special districts to provide services, such as transportation, water, sewerage, fire protection, and other traditional local government services.<sup>10</sup> The new special-purpose governments, which multiply the problems of coordination, may frustrate citizens who want to control tax levels but find that every time they limit the power of one government, a new one is created with more fiscal powers. These districts also present problems of democratic accountability. The leaders of special-purpose governments often are not elected, and the public can influence

their actions only indirectly through the cities and counties that appoint the boards of the special-purpose authorities.<sup>11</sup>

Centralization versus decentralization has been a consistent theme in intergovernmental relations. The Clinton administration was as decentralizing as most previous Republican administrations and perhaps even more so. For example, the welfare reform passed in 1996 passed major powers to the states. Like President Clinton, President George W. Bush had been a governor and brought a decentralizing agenda to the White House, but the September 11 attacks tended to move power back toward Washington more clearly than at any time since the 1960s. The Bush administration was, in fact, one of the most centralizing in recent American history and involved the federal government in local education, law enforcement, and health issues in ways that previous administrations had not thought appropriate.

The American federal system still centralizes power more than was planned when the federal system was formed. The grant system has been purchasing a more centralized form of government, although the shift in power appears to have come less from power hunger on the part of federal bureaucrats and politicians than from the needs to standardize many public services and to promote greater equality for minorities. Furthermore, even if federal programs are intended to be managed with no strings attached, there is a natural tendency, especially in Congress, to monitor the expenditure of public funds to ensure that the money is used to attain the desired goals. In an era in which the accountability of government is an increasingly important issue, monitoring is likely to increase in intensity, even when Republican members of Congress stress the need to limit federal power.

The Obama administration also tended to centralize, although not without a few comments on the sort of federalism that it would find most congenial; in large part, this centralization has been the result of the fiscal crisis beginning in 2008 and the poor condition of state and local finances. For example, the Stimulus Package of 2009 provided billions of dollars to state and local governments to support infrastructure programs and some service delivery in areas such as education. Likewise, the passage of the Affordable Care Act placed the federal government in a much more central position in health care, including a significant expansion of Medicaid, a program run by the states with federal subsidies.

The Trump administration has expressed a general interest in returning more powers to the state and local governments, but the failure of various attempts at repealing Obamacare and the general absence of legislative action in the first years of the administration did not yield any such shifts. Indeed, if anything, that inaction at the federal level has tended to move more responsibility down to the state level. The states, for example, have been innovating in health care even when the federal government has not been able to act. And inaction in the COVID-19 pandemic forced the states to become the leaders in coping with the crisis.

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## SEPARATION OF POWERS

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The second division of American government exists within the federal government itself—and within most state and local governments as well. The Constitution distributes the powers of the federal government among three branches, each capable of applying checks and balances to the other two. In addition to providing employment for constitutional lawyers, this division of power has a substantial impact on public policies. In particular, the number of “veto points” in the federal government alone makes adopting any policy difficult and preventing change relatively easy.<sup>12</sup> It also means, as I mentioned when discussing the incoherence of American public policy, that the major task in making public policy is forming a coalition across a number of institutions and levels of government. Without “legislating together” in such a coalition, either nothing will happen or the intentions of a policymaker will be modified substantially in the policy process.<sup>13</sup>

The president, Congress, and the courts are constitutionally designated institutions that must agree to a policy before it can be fully legitimated. The bureaucracy, although it is only alluded to in the Constitution, is now also a force in the policy process with which elected politicians must contend. Despite its conservative and obstructionist image, the bureaucracy is frequently the institution most active in promoting policy change, as a result of government workers’ close connections with the individuals and interests to which they provide services as well as their own ideas about public policy.<sup>14</sup> The bureaucracy is also given latitude to elaborate congressional legislation as well as to adjudicate the application of laws within each policy area.<sup>15</sup>

The bureaucracy—or, more properly, the individual agencies of which it is composed—has interests that can be served through legislation.<sup>16</sup> The desired legislation may only expand the budget of an agency, but it usually has a broader public policy purpose as well. Administrative agencies can, if they wish, also impede policy change or perhaps even block it entirely. Almost every elected or appointed politician has experienced delaying tactics by nominal subordinates who disagree with a policy choice and want to wait until the next election or cabinet change to see if someone with more compatible policy priorities will come into office. The permanence of the bureaucrats, along with their command of technical details and of the procedural machinery, provides bureaucratic agencies much more power over public policies than one would assume from reading formal descriptions of government institutions. It has become increasingly evident that agencies may drive the congressional agenda almost as much as Congress shapes the agenda of the agencies.<sup>17</sup>

The institutional separation in American government has led to a number of critiques based on the concept of divided government.<sup>18</sup> Those critiques argue that American government is incapable of being the decisive governance system required in the twenty-first century and that some means must be found of generating coherent decisions. This has been an issue especially when the

presidency and Congress have been controlled by different political parties, as they were during the second half of both President Obama's and President Trump's administrations. In both cases, there were also divisions within their own parties that made policymaking difficult. Despite the impacts of divided government, David Mayhew, Charles O. Jones, and other scholars have argued that the system can govern effectively: make decisions and even rapidly apply or deploy policy innovation.<sup>19</sup>

Whether the policymaking system is efficient or not, one principal result of the necessity to form coalitions across a number of institutions is the tendency to produce small, incremental changes rather than major revamping of policies.<sup>20</sup> This might be described as policymaking by the lowest common denominator. The need to involve and placate all institutions within the federal government—including the many component groups of individuals within each—and perhaps state and local governments as well means that only rarely can there be more than minor changes in the established commitments to clients and producer groups if the policy change is to be successful.<sup>21</sup> The resulting pattern of incremental change has been both praised and damned. It has been praised for providing stability and limiting errors that might result from more significant shifts in policy. If only small policy changes are made and those changes do not stray far from previously established paths, then it is unlikely that major mistakes will be made.

Incremental change is perfectly acceptable if the basic patterns of policy are acceptable, but in some areas such as health care and mass transportation, a majority of Americans have said (at least in polls) that they would like some significant change.<sup>22</sup> The existing system of policymaking appears to produce major desired changes only with great difficulty; the increasing partisanship in Congress has made change—even repeal of existing programs—more difficult. In addition, the reversibility of small policy changes, assumed to be an advantage of incrementalism, is often overstated.<sup>23</sup> Once a program is implemented, a return to the conditions that existed before the policy choice is often difficult. Clients, employees, and organizations are created by any policy choice, and they usually will exert powerful pressures for the continuation of the program.

The division of American government by the constitutional separation of powers doctrine creates a major institutional confrontation at the center of the federal government. Conflicts between the president and Congress over such matters as war powers, executive privilege, and the budget also test and redefine the relative powers of institutions. These conflicts became more apparent in 2014 when President Obama used an executive order to delay deportation of a number of illegal immigrants, and later similar conflicts occurred numerous times in the Trump administration. Is the modern presidency inherently imperial, or is it subject to control by Congress and the courts? Does too much checking by each institution of the others generate gridlock and indecision? Likewise, can the unelected Supreme Court have as legitimate a rulemaking role in the political system as the elected Congress and president? Do the regulations made by the public bureaucracy really have the same standing in law as the legislation passed



by Congress or decrees coming from the court system? These questions posed by the separation of powers influence substantive policy as well as relationships among the institutions.

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## SUBGOVERNMENTS

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A third division within American government cuts across institutional lines within the federal government and links it directly to the picket fence of federalism. The results of this division have been described variously as “iron triangles,” “silos,” “whirlpools,” and “subgovernments.”<sup>24</sup> The underlying phenomenon that these terms describe is that the federal government rarely acts as a unified institution making integrated policy choices but tends instead to endorse the decisions made by portions of the government. Each functional policy area tends to be governed as if it existed in splendid isolation from the remainder of government, and frequently, the powers and legitimacy of government are used to advance individual or group interests rather than a broader public interest.<sup>25</sup>

Three principal actors are involved in the iron triangles still so relevant for explaining policymaking in the United States. The first is the interest group, which wants something from government, usually a favorable policy decision, and must attempt to influence the institutions that can act in its favor. Fortunately for the interest group, it usually need not influence all of Congress or the entire executive branch but only the relatively small portion concerned with its particular policy area. For example, farmers who want continued or increased crop supports need not influence the entire Department of Agriculture but only decision-makers within the Farm Service Agency who are directly concerned with their crop. Likewise, in Congress, they need only influence the General Farm Commodities Subcommittee of the House Agriculture Committee; the Senate Subcommittee on Commodities, Risk Management, and Trade; and the Rural Development, Agriculture, and Related Agencies subcommittees of the appropriations committees in the Senate and House. In addition to the usual tools of information and campaign funds, interest groups have an important weapon at their disposal: votes. They represent organizations of interested individuals and can influence, if not deliver, votes for a representative or senator. Interest groups also have research staffs, technical information, and other support services that, although their outputs must be regarded with some skepticism, may be valuable resources for members of Congress or administrative agencies seeking to influence the policy process.

The second component of these triangular relationships is the congressional committee or subcommittee. These bodies are designated to review suggestions for legislation in a policy area and to make recommendations to the whole Senate or House of Representatives. An appropriations subcommittee’s task is to review expenditure recommendations from the president then to make its own recommendations for appropriations to the entire committee and to the

whole chamber. Several factors combine to give these subcommittees substantial power over legislation. First, subcommittee members develop expertise over time, and they are often regarded as more competent to make decisions concerning a policy than the whole committee or the whole house.<sup>26</sup> Norms have also been developed that support subcommittee decisions for less rational and more political reasons.<sup>27</sup> If the entire committee or the entire house were to scrutinize any one subcommittee's decisions, it would have to scrutinize all such decisions; then each subcommittee would lose its powers. These powers are important to individual Congress members because each wants to develop his or her own power base in a subcommittee or perhaps the entire committee.<sup>28</sup> The time limitations imposed by the huge volume of policy decisions that Congress makes each year also mean that accepting a subcommittee's decision may be a rational means of reducing the workload of each individual legislator.

Congressional subcommittees are not unbiased; they tend to favor the very interests they are intended to oversee and control. The reason is largely that the Congress members serving on a subcommittee tend to represent constituencies whose interests are affected by the policy in question. As one analyst argued, "A concerted effort is made to ensure that the membership of the subcommittee is supportive of the goals of the sub-government."<sup>29</sup> For example, in 2017, the members of the Energy and Mineral Resources Subcommittee of the House Resources Committee included representatives from the energy-producing states of Texas (4); California, Louisiana (2); West Virginia, Alaska, Pennsylvania, Ohio, and Oklahoma (1); and from the mining states of Arizona, Colorado, and Nevada. This pattern is not confined to natural resources. The Housing and Community Development Subcommittee of the House Banking, Finance, and Urban Affairs Committee has representatives from all the major urban areas of the United States.

These patterns of committee and subcommittee membership are hardly random; having the right memberships enhances the ability of members of Congress to deliver benefits to constituents as well as foster their familiarity with the substantive issues of concern to their constituents. Subcommittee members also develop patterns of interaction with the administrative agencies over which they exercise oversight. Individual members of Congress and agency officials may discuss policy with one another and meet informally. As both parties in these interactions tend to remain in Washington for long periods, the same Congressmen and officials may interact for many years. The trust, respect, or simple familiarity this interaction produces further cements the relationships between committee members and agency personnel, and it also tends to insulate each policy area from meddling by outside interests.

Obviously, the third component of the iron triangle is the administrative agency, which, like the pressure group, wants to promote its interests through the policymaking process. The principal interests of an agency are its survival and its budget. The agency need not be, as is often assumed, determined to expand its budget—it may wish merely to retain its fair share of the budget pie as it

expands or contracts.<sup>30</sup> Agencies are not entirely self-interested; they also have policy ideas that they wish to see translated into operating programs, and they need the congressional committee or subcommittee for that to happen. They also need the support of organized interests in the process.

Each actor in an iron triangle needs the other two to reach its goal, and the style that develops is symbiotic. The pressure group needs the agency to deliver services to its members and to provide a friendly point of access to government. The agency needs the pressure group to mobilize political support for its programs among the affected clientele. Letters from constituents to influential representatives and senators must be mobilized to argue that the agency is doing a good job and could do an even better job if given more money or a certain policy change. The pressure group needs the congressional committee again as a point of access and as an internal advocate in Congress. And the committee needs the pressure group to mobilize votes for its members and to explain to group members how and why they are doing a good job in Congress. The pressure group can also be a valuable source of policy ideas and research for busy politicians. Finally, the committee members need the agency as an instrument for producing services to their constituents and for developing new policy initiatives. The agency has the research and policy analytic capacity that Congress members often lack, so committees can profit from their association with the agencies. And the agency obviously needs the committee to legitimize its policy initiatives and provide it with funds.

All the actors involved in a triangle have similar interests. In many ways, they all represent the same individuals, variously playing the roles of voter, client, and organization member. Much of the domestic policy of the United States can be explained by the existence of functionally specific policy subsystems and by the absence of effective central coordination. This system of policymaking has been likened to feudalism, with the policies being determined not by any central authority but by aggressive subordinates—the bureaucratic agencies and their associated groups and committees. Both the norms of policymaking and the time constraints of political leaders tend to make central coordination and policy choice difficult. The president and his staff (especially the Office of Management and Budget) are in the best organizational position to exercise such control, but the president must serve political interests, just as Congress must, and he faces an even more extreme time constraint. Thus, decisions are rarely reversed once they have been made within the iron triangle, except in a crisis. For example, following the 2001 terrorist attacks, there was pronounced movement toward greater presidential control over a range of organizations and less separation among the policy subsystems. That change was most pronounced in the area of homeland defense, but to some degree, all organizations in government have become less particularistic.

One effect of the subdivision of government into a number of functionally specific subgovernments is the incoherence in public policy already mentioned. Virtually all societal interests have their own agencies, and there are few attempts

to make encompassing policy choices. These functional subgovernments at the federal level are linked with functional subsystems in intergovernmental relations—the picket fences described earlier. The result of this segmentation of decision-making is that local governments and citizens alike may frequently receive contradictory directives from government and may become cynical about the apparent inability of their government to make up its mind.

A second effect of the division of American government into subgovernments has been the growing number of official actors involved in any one policy area. The proliferation of actors in part reflects the numerous interactions within the public sector and between the public and private sectors, in the formulation and implementation of any public policy. For an issue area such as health care, the range of organizations involved is not confined to those labeled *health* but includes social welfare, nutritional, housing, educational, and environmental organizations that have important implications for citizens' health.<sup>31</sup> But the involvement of an increasing number of public organizations in each issue area also reflects the lack of central coordination, which allows agencies to gain approval from friendly congressional committees for expansion of their range of programs and activities.

From time to time, a president will attempt to streamline and rationalize the delivery of services in the executive branch, and in the process, he generally encounters resistance from agencies and their associated interest groups. For example, when creating the cabinet-level Department of Education, President Jimmy Carter sought to move the educational programs of the (then) Veterans Administration (VA) into the new department.<sup>32</sup> In this attempt, he locked horns with one of the best organized and most powerful iron triangles in Washington—the Veterans Administration, veterans organizations, and their associated congressional committees. The president lost. Subsequently, the veterans lobby was sufficiently powerful to have the VA elevated to a cabinet-level department. Presidents do not always lose: President Clinton was able to downsize or eliminate several organizations, during implementation of his National Performance Review, including several that had substantial political clienteles.<sup>33</sup> George W. Bush also was successful in a massive reorganization to create the Department of Homeland Security, but that reform has not produced most of the results desired.<sup>34</sup>

As easy as it is to become enamored of the idea of iron triangles in American government—they do help explain many of the apparent inconsistencies in policy when viewed broadly—there is some evidence that the iron in the triangles is becoming rusty.<sup>35</sup> More groups are now involved in making decisions, and it is more difficult to exclude interested parties, leading Charles O. Jones to describe the current pattern as “big sloppy hexagons” rather than “cozy little triangles.”<sup>36</sup> For example, debates over health care reform include not just representatives of the medical professions, the hospitals, and health insurers but also a range of other interests, such as small business, organized religion, and organized labor. A simple Internet search on most any policy issue will reveal a wide

range of groups expressing their views and attempting to influence public—and congressional—opinion.<sup>37</sup>

The concepts of *issue networks* and *policy communities* involving large numbers of interested parties, each with substantial expertise in the policy area, now appear more descriptive of policymaking in the United States as well as other industrialized democracies.<sup>38</sup> These structures of interest groups surrounding an issue are less unified about policy than were the iron triangles, and they may contain competing ideas and types of interests to be served through public policy—the tobacco subsystem has been invaded and virtually conquered by health care advocates. There has been some rusting of the iron in the triangles, but the indeterminacy and lack of coherence of networks make them less valuable in the day-to-day work of governing.<sup>39</sup>

American government, although originally conceptualized as divided vertically into levels, is now also understood as divided horizontally into a number of expert and functional policy subsystems. These virtually feudal subsystems divide the authority of government and attempt to appropriate the mantle of the public interest for their own more private interests. Few of the actors making policy, if any, have any interest in altering these stable and effective means of governing. The system is effective politically because it results in the satisfaction of most interests in society, although those without effective organizations may be excluded. It also links particular politicians and agencies with the satisfaction of those interests, thereby ensuring their continued political success.

The basic patterns of decision-making in American politics have been *log-rolling* and the *pork barrel*, through which, instead of clashing over the allocation of resources, actors minimize conflict by giving one another what they want. For example, instead of contending over which river and harbor improvements will be authorized in any year, Congress has tended to approve most proposals, so most members can claim to have produced something for the folks back home. Or Congress members from farming areas may trade positive votes on urban development legislation for support of farm legislation by inner-city Congress members. This pattern helps incumbents to be reelected, but it costs taxpayers a great deal more than would a more selective system.

Although logrolling tends to spread benefits widely, being directly involved in the decision-making subsystem tends to produce more benefits for Congress members and their constituents. That could be seen easily in the distribution of funds from the 2005 SAFE Transportation Equity Act. This act provided a good deal of highway spending for all the American states but tended to favor the states and congressional districts represented on the transportation committees in both houses of Congress (see Table 2.2). The most famous example of this pork barrel spending was a bridge to a sparsely populated island in Alaska, which became a symbol of federal waste and congressional excess. Also, adding “earmarks,” or special spending provisions for constituencies, to bills has come under increased scrutiny following the 2006 investigations of lobbying.<sup>40</sup>

**TABLE 2.2**

Per Capita Appropriations in Highway Bill of 2005, by Representation on Congressional Transportation Committees

No representatives	One representative	Multiple representatives
\$31.78	\$43.56	\$48.36

Logrolling and pork barrel policymaking are very effective as long as there is sufficient wealth and economic growth to pay for subsidizing large numbers of public programs.<sup>41</sup> Nevertheless, this pattern of policymaking was one (but by no means the sole) reason for the federal government’s massive continuing deficits, and it appears that it can no longer be sustained comfortably. Various attempts at budget reform have endeavored to make pork barrel politics more difficult. In particular, the PAYGO system in Congress, by requiring consideration of alternative uses of money or an alternative source of revenue, made it more difficult, at least for a while, for Congress to spend (see Chapter 7). That system has, however, been one of the victims of COVID-19 as programs’ funds have been authorized without clear ideas of how they will be funded.



Bill Clark/CO-Roll Call, Inc via Getty Images

Democratic members of the Georgia congressional delegation hold a press conference on the pending passage of the \$1.9 trillion COVID-19 stimulus package on March 10, 2021.

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## PUBLIC AND PRIVATE

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The final qualitative dimension of American government that is important in understanding how contemporary policy is made is the increasing confusion of public and private interests and organizations. These two sets of actors and actions have now become so intermingled that it is difficult to ascertain where the boundary between the two sectors lies. The leakage across the boundary between the public and private sectors, as artificial as that boundary may be, has been occurring in both directions. Activities that once were almost entirely private now have greater public sector involvement, although frequently through quasi-public organizations that mask the real involvement of government. Functions that are nominally public have significantly greater private sector involvement. The growth of institutions for formal representation of interest groups and implementation of policy by interest groups has given those groups perhaps an even more powerful position in policymaking than that described when discussing iron triangles. Instead of vying for access, interest groups are accorded access formally and can exert a legitimate claim to their position in government.

The other major component of change in the relationship between public and private has been the privatization of public activities.<sup>42</sup> The United States traditionally has had an antigovernment ethos, especially at the federal level.<sup>43</sup> At the state and local levels, a large number of functions—hospitals, garbage collection, janitorial services, and even prisons—have been contracted out or sold off as a way to reduce the costs of government.<sup>44</sup> In the administration of George W. Bush, the most evident privatization trend was the opening of federal land to private mining and forestry, and that was extended significantly in the Trump administration.

The blending of public and private is reflected to some degree in employment.<sup>45</sup> Table 2.3 shows public employment in twelve policy areas as well as the changes that occurred from 1970 to 2010. By 1980, for example, only education comprised more than 80 percent public employees, and that percentage was dropping. Even two presumed public monopolies—defense and police protection—had significant levels of private employment. The two policy areas differ, however, in the form of private employment. Defense employment in the private sector comes from production of goods and services that the armed forces use, whereas in policing, private police officers actually provide the service.

The development of mechanisms for direct involvement of interest groups in public decision-making is frequently referred to as *corporatism*, *neocorporatism*, or *network governance*.<sup>46</sup> These terms refer to the representation in politics of members of the political community, not as residents of a geographical area but as members of functionally defined interests in the society—labor, management, farmers, students, the elderly, and so forth. Associated with this concept of representation is the extensive use of interest groups both as instruments of input to the policy process and as means of implementing public policies. The United States is a less corporatist political system than most industrialized

**TABLE 2.3**

Percentages of Public Employment in Selected Policy Areas,  
1980–2018

Policy area	1990	2000	2010	2018
Education	83	82	79	78
Postal service <sup>a</sup>	70	62	66	65
Highways <sup>b</sup>	62	61	58	60
Tax administration <sup>c</sup>	55	40	39	36
Police <sup>d</sup>	56	55	55	54
Defense <sup>e</sup>	62	63	68	67
Social services <sup>f</sup>	32	23	24	22
Transportation	34	31	32	35
Health	37	33	37	39
Gas/electricity/water	24	17	13	13
Banking <sup>g</sup>	1	1	1	1
Telecommunications	1	1	1	1

Sources: Bureau of the Census, *Census of Governments*, quinquennial; Department of Defense, *Defense Manpower Statistics*, annual; Employment and Training Administration, *Annual Report*.

- a. Private sector counterparts are employees of private services, couriers, and so forth.
- b. Private sector counterparts are employed by highway construction contracting firms.
- c. Private sector counterparts are tax accountants and staffs, H&R Block employees, and so forth, some only seasonal.
- d. Private sector counterparts are security guards, private police, and so forth.
- e. Private sector counterparts are employed by military suppliers.
- f. Private sector counterparts are employed in social work and philanthropy, many only part-time.
- g. In 2009 proportion will have increased because of bailout of banks.

democracies but still has corporatist elements. Most urban programs mandate the participation of community residents and other interested parties in decision-making. Crop allotment programs of the US Department of Agriculture have used local farmers' organizations for monitoring and implementation, and fishing quotas are negotiated with local fishery management councils.<sup>47</sup> County medical societies have been used as professional service review organizations for Medicare and Medicaid and the Affordable Care Act, checking on the quality



and cost of services; and medical and legal associations license practitioners on behalf of government. In addition, as of the early twenty-first century, there were approximately 6,500 advisory bodies in the federal government, many containing substantial interest group representation.<sup>48</sup>

A number of other organizations also implement public policy. For example, when cabin attendants in an airplane require passengers to fasten their seat belts, they are implementing Federal Aviation Administration policies. Universities are required to help implement federal drug policies (by requiring statements of nonuse by new employees) and federal immigration policies (by requiring certification of citizenship or immigration status). Manufacturers of numerous products must implement federal safety and environmental standards (e.g., installing seat belts and pollution-control devices in automobiles), or they cannot sell their products legally.

The increasing use of quasi-public organizations, changes in the limited corporatist approach to governance in the United States, and privatization (largely through contracting) raises several questions concerning responsibility and accountability in government. These changes involve use of public money and, more important, the name of the public by groups and for groups that may not be entirely public. In an era when citizens are attempting to exercise greater control over their governments, the development of these forms of policymaking “at the margins of the state” may be an understandable response to financial constraints but may exacerbate underlying problems of public loss of trust and confidence in government.

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## THE SIZE AND SHAPE OF THE PUBLIC SECTOR

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We have looked at some qualitative aspects of the contemporary public sector in the United States. What we have yet to do is examine the size of that public sector and the distribution of funds and personnel among the various purposes of government. As was pointed out, drawing clear distinctions between public and private sectors in the mixed-economy welfare state is difficult and growing more difficult, but we will concentrate on the expenditures and personnel that are clearly governmental. As these figures include only those expenditures and employees that are clearly public, they inevitably understate the size and importance of government in the United States. The understatement is perhaps greater for the United States than would be the case for other countries because of government’s attempts to hide the extent of its involvement in the private sector.<sup>49</sup>

Table 2.4 contains information about the changing size of the public sector in the United States, since the post-World War II era, and the changing distribution of expenditures and employment.<sup>50</sup> Most obvious in this table is that the public sector in the United States has indeed grown, with expenditures increasing from less than one-quarter to more than one-third gross national product. Likewise, public employment has increased from 11 percent of total employment to over 15 percent. The relative size of the public sector, however, has

**TABLE 2.4**

Growth of Public Employment and Expenditures, 1950–2009, 2019

Year	Civilian public employment (in thousands)			Public expenditures (in thousands)		
	Federal	State and local	Total	Federal <sup>a</sup>	State and local	Total
1950	2,117	4,285	6,402	\$44,800	\$25,534	\$70,334
1960	2,421	6,387	8,808	97,280	54,008	151,288
1970	2,880	10,147	13,028	208,190	124,795	332,985
1980	2,876	13,315	16,191	576,700	432,328	1,009,028
1990	3,105	14,976	18,081	1,243,125	976,311	2,219,436
2000	2,799	17,506	20,305	1,689,300	1,720,899	3,420,200
2006	2,695	19,327	22,022	2,635,200	1,898,200	4,533,400
2009	2,824	19,809	22,632			
As percentage of total employment				As percentage of GNP		
1950	3.6	7.3	10.9	15.7	8.9	24.6
1960	3.7	9.7	13.4	19.2	10.7	29.9
1970	3.7	12.9	16.6	21.2	12.7	33.9

	As percentage of total employment					As percentage of GNP	
1975	3.4	14.2	17.6	22.5	14.4	36.9	
1980	2.9	13.1	16	20	16.4	36.4	
1990	2.6	12.5	15.1	23.2	18.2	41.4	
2000	2.1	12.8	14.9	16.7	24.1	40.8	
2006	2	13.4	15.4	17	23.7	40.7	
2009	2	13.6	15.6				

Federal Reserve Bank of St. Louis, FRED Database.

a. Does not include federal monies passed through grant programs to states and localities for final expenditure at state and local levels.

2019	2,796	19,582	22,378	\$4,818,000	\$2,978,862	\$7,796,862
2019	1.9	13.4	15.3	20.8	17.7	38.5

Source: U.S. Census Bureau, *Statistical Abstract of the United States* (Washington, DC: GPO, annual).

decreased from the mid-1970s, especially in terms of the percentage of employment. Although the number of public employees increased by over four million from 1994 to 2009, government's share of total employment declined slightly, despite the increasing employment at the state and local levels. There was a slight increase at the end of this period, due in part to declining private employment in the recession. Government in the United States is large, but it does not appear to be the ever-increasing Leviathan that its critics portray it to be.<sup>51</sup>

It is also evident that growth levels of public expenditures are more than twice as large, relative to the rest of the economy, as public employment figures. Public expenditures as a share of gross national product have continued to increase slightly. The differences relative to the private sector and the differences in the patterns of change are largely the results of transfer programs, such as Social Security, which involve the expenditure of large amounts of money but require relatively few administrators. In addition, purchases of goods and services from the private sector (for example, the Department of Defense's purchases of weapons from private firms) involve the expenditure of large amounts of money (over \$274 billion in 2016) but generate little or no employment in the public sector. In 1988, however, those purchases created approximately 2.1 million jobs in the private sector, a figure similar to the number of people then in the armed forces.<sup>52</sup> From these data it appears that some portions of "big government" in the United States are more controllable than others, even during the eight-year term of a popular president determined to reduce the size of the public sector.

The distribution of expenditures and employment among levels of government also has been changing. In 1950, the federal government spent 64 percent of all public money and employed 33 percent of all public employees. By 2006, the federal government spent approximately 60 percent of all public money but employed only 12 percent of all civilian public employees.<sup>53</sup> The remarkable shift in employment relative to a rather stable distribution of expenditures is again in part a function of the large federal transfer programs, such as Social Security. It also reflects the expansion of federal grants to state and local governments and the ability of the federal government to borrow money to meet expenditure needs, in contrast to the requirement that state and local governments balance their budgets.

In addition, the programs that state and local governments provide—education, social services, police and fire protection—are labor intensive. The major labor-intensive federal program, defense, had declining civilian and uniformed employment even before the apparent end of the Cold War in the late 1980s. These data appear to conflict somewhat with the popular characterization of the federal government as increasingly important or intrusive in American economic and social life. Although it is a large institution, employing over four million people when the armed forces are included, its level of employment actually had been declining, absolutely as well as relatively, and the major growth of government employment was occurring at the state and local levels. The increased emphasis on security, at home and abroad, in response to the terrorist

attacks of 2001 is shifting more employment to the federal government, both in the military and in homeland security, but the major action in public employment is at the state and local levels.

Another factor in the federal government's declining share of employment is the shift from defense programs toward social programs. In 1952, national defense accounted for 46 percent of all public expenditures and for 49 percent of all public employment. By 2009, defense had been reduced to 9 percent of all spending and less than 3 percent of public employment. By contrast, a panoply of welfare state services (health, education, and social services) accounted for 20 percent of public expenditures in 1952 and 24 percent of public employment. By 2009, these services accounted for 64 percent of spending and 57 percent of all public employment. Within the welfare state services, education has been the biggest gainer in employment, with more than seven million more employees in 2009 than in 1952. Social Security programs alone increased their spending by well over \$400 billion during that time period. The United States is often described as a "welfare state laggard," but the evidence is that although it is still behind most European nations in the range of social services, a marked increase has been occurring in the social component of American public expenditures and employment.

It was argued that the landslide victories of the Republican Party in the presidential elections from 1980 to 1988 and even the narrow victories in 2000 and 2004 were a repudiation of that pattern of change and that they should have produced little increase—or actual decreases—in public spending for social programs. There was a slight relative decrease in social spending from 1980 to 1992—in part a function of increasing expenditures for other purposes, such as interest on the public debt—but sustained decreases remain difficult to obtain. Most social programs are entitlement programs, and once a citizen has been made a recipient of benefits or has made the insurance contributions to Social Security, future governments find it difficult to remove those benefits. This is especially true of programs for the retired elderly, as they cannot be expected to return to active employment to make up losses in benefits, and unfortunately for budget cutters, public expenditures are increasingly directed toward the elderly. For example, in 2009, approximately 53 percent of the federal budget went to programs (Social Security, Medicare, housing programs, and so forth) for the elderly. As the American population continues to grow older, spending for this social group will increase. What is true in particular for the elderly is true in general for all entitlement programs, and reducing the size of the government's social budget will be difficult indeed. In particular, the increased role of the federal government in health care is likely to expand the level of social spending.

We have been concentrating attention on public employment and public expenditures as measures of the size of government, but we should remember that government influences the economy and society through a number of other mechanisms as well. For example, the federal government sponsors a much larger housing program through the tax system—through the tax deductibility

of mortgage interest and property taxes—than it does through the Department of Housing and Urban Development (see Table 10.3, Chapter 10). Government also provides a major educational program of guaranteed and subsidized student loans that shows up only indirectly in figures on public spending.

In the United States, because of the generally antistatist views of many citizens, regulation has been the major form of government intervention in the economy rather than the more direct mechanisms used in other countries. The regulatory impact of government on the economy can be counted in the billions of dollars—one estimate was more than \$216 billion in 2012.<sup>54</sup> Reliance on such indirect methods of influence was heightened by the conservative Congresses since the 1990s, although the Trump administration eliminated a number of environmental and health regulations. As governments continue to find less intrusive ways of making and implementing policy—using loans rather than expenditures, for example—assessing the size, shape, and impact of government in the United States based solely on public spending figures and public employment becomes less and less accurate.

The first decades of the twenty-first century have been ones of extremely dramatic change in the role of the public sector in the United States. The economic crisis created by the failures of a number of banks has produced the largest expansion of federal power and spending since Franklin Roosevelt's New Deal. The federal government assumed effective ownership of a number of banks and has embarked on massive public spending in an attempt to revive the economy. The COVID pandemic resulted in even greater public spending to attempt to protect the public and business from economic ruin.

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## SUMMARY

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American government in the new century is large, complex, and to some degree unorganized. Each individual section of government, be it a local government or an agency of the federal government, tends to know clearly what it wants, but the system as a whole lacks overall coordination, coherence, and control. Priority setting is not one of the strongest features of American government. An elected official coming to office with a commitment to give direction to government will be disappointed in the extent of his or her ability to produce desired results, by the barriers to policy success, and by few opportunities to improve the probability of success. These difficulties, however, may be compensated for by the flexibility and multiple opportunities for citizen inputs characteristic of American government.

Despite the problems of coordination and control and the tradition of popular distrust of government, contemporary American government is active. It spends huge amounts of money and employs millions of people to perform a bewildering variety of tasks. These activities are not confined to a single level of government; all three levels of government are involved in making policy, taxing, spending, and delivering services. This activity is why the study of public policy is

so important. It is a means of understanding what goes on in the United States and why government does the things it does. The emphasis in the next portion of this book is on the processes through which policy is made. All governments must follow many of the same procedures when they make policy: identify issues, formulate policy responses to problems, evaluate results, and change programs that are not producing the desired results. American governments do all these things, but they do them in a distinctive way and produce distinctive results.

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## NOTES

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