

Preface

Why This Book?

Public administration is a field of study as much as it is a field of practice. It is a blend of different perspectives and approaches for understanding how the business of government gets done.

In the modern era of government in the United States, the perceptions of the bureaucracy are largely mixed, with some positive and some negative rhetoric around its proper role and purpose as well as its performance. However, no matter the opinion of government, the bureaucracy is essential to our society. It can be the difference between a well-run government versus one that fails to deliver. The COVID-19 pandemic, one of the most recent and impactful global events in the past decade, highlights the perceived negative and positive views of government agencies and bureaucrats. Federal, state, and local bureaucracies had both successes and failures in their efforts to carry out their delegated responsibilities for the public good.

It was during the pandemic that we started working on this text, and the book reflects the challenge to discuss the past, speak about the present, and touch on the uncertainties of how government agencies will look and function in the future. The past ten years have witnessed seismic shifts in governmental policies and how government functions. Because of these changes, it's more important than ever for students to have a fundamental knowledge of the foundations of the field and how public administration affects them practically. This book aims to help students build that knowledge and discover how they can apply it through careers in public service or as informed citizens.

Approach

Our approach in this textbook is a blend of the public management and public policy perspectives on the study of public administration with the clear understanding that the field is continuously changing. It also balances attention to teaching important theoretical ideals and illustrating how public administration commonly works in practice. The content is intended to be accessible and delivered in plain language.

We want this book to take students, no matter their backgrounds or academic aptitudes, to the same level of excitement as we experienced during our first public administration classes. It is a field of endless possibilities (and compelling arguments and curious unknowns), with at least the same level of appeal and sexiness as politics and foreign affairs. It's also one that affects their day-to-day lives in numerous ways they may not even understand. We know that students may be taking a public administration course as a one-off class as part of a degree program in fields

such as political science and public policy. We also are aware that some students are taking this course as part of a larger sequence of public administration coursework. As such, the content provides an overview of the most critical and foundational components of the topics of each chapter. We assume that should instructors or students seek to dive further into one topic that we have provided a basis for further exploration.

Chapter Organization

Our public administration adventure starts with coverage of the fundamentals of the field across the first four chapters. This includes a brief historical overview of the study of public administration, the mechanism and purpose of accountability, and the activities of public organizations. These chapters also cover the different but complementary perspectives of public policy and public management that intertwine in the field of public administration. As discussed further in chapters 3 and 4, budgeting and decision making are core functions of public organizations, including the policymaking dynamics of public organizations and the primary feature, the budget, that drives behavior and outcomes.

The public management perspective of public administration is highlighted in chapters 5, 6, and 7, where organizational design and personnel management are discussed. The focus is on people of the bureaucracy and how to manage organizations to optimally perform.

Chapters 8 and 9 provide additional context to more fully understand decision making, budgeting, and core concepts. Specifically, these chapters cover accountability, ethics, and the role of leadership for civil servants and public organizations.

Chapters 10 and 11 bring together the all the content covered in previous chapters and focus on evaluating and explaining how well public organizations (and the people in them) function. The study of implementation and evaluation methods are detailed in each.

We end our public administration adventure in Chapter 12 by discussing next steps and pathways for getting started in a civil service career. Our hope is that this chapter, much like the rest of the book, inspires the next generation of students to appreciate the study of public administration and to pursue a civil service career, whatever this might look like in the future.

Pedagogy

The chapters and content are structured in such a way as to permit more deeply engaged reading and to promote greater confidence in learning. In each chapter, **Check Your Progress assessment questions** follow each main content section. These questions can assist students by (1) breaking up the text in each chapter, helping readers mentally organize the concepts and see how content fits together; and (2) by providing a moment for students to pause and critically assess their comprehension and understanding of the material along the way. Answers for the **Check Your Progress** questions are provided as an appendix. Progress assessments can foster more careful or attentive consumption of material and an improved grasp of how the different domains of

public administration speak to one another. At the end of each chapter, **review and discussion questions** are available to reaffirm and expand the discussion of the chapter's main takeaways.

Each chapter also features at least one **case study** to complement the theoretical content and to provide clear examples of how public administration works in practical terms. The cases are representative of specific events and experiences at federal, state, and local levels of government, with many cases written by current and former practitioners. These illustrative cases can serve as stand-alone examples or instructors (and students) can identify other complementary examples to further explore how administrative theory works in the practice of government work.

Finally, wherever appropriate, chapters include **references to content in earlier or later chapters when there are overlapping concepts**, theories, and examples, clearly identifying how the different subdomains of the field overlap. These circular references are intended to provide clear pathways for understanding how public administration as a field developed and how different avenues of research and practice are interconnected.

Additional Teaching Resources

Visit collegepublishing.sagepub.com and navigate to the Resources tab on your book's page to find the teaching materials designed to accompany this textbook. On this site you will find an array of materials that will save you time and to help you keep students engaged, including the following:

- **Test banks**, aligned to Bloom's taxonomy, that provide a diverse range test items, including multiple choice, true/false, and essay questions.
- **PowerPoint® slides** that offer a flexible, accessible, and customizable solution for creating multimedia lectures.
- **Tables and Figures** from the book are available to support lecture preparation and class discussions.

Chapter 1

Introduction



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Learning Objectives

- 1.1 Understand the various approaches to defining public administration.
- 1.2 Describe the difference between the public policy and public management approaches to public administration.
- 1.3 Identify the key differences between public and private administration.
- 1.4 Describe the values of public administration.

1.5 Explain the evolution of public administration as a field of study.

Public administration is a subject and field of study that elicits some very distinctive reactions from students and scholars alike. To some students and scholars, the field provokes strong negative emotions of boredom and aversion. These individuals consider the subject matter dry and not as intriguing as other issues surrounding government. The drama surrounding American election cycles, the rush of political polling, dictators, coups, and even G20 summits are more appealing events and topics to study. To those that find more intrigue in these topics, perhaps it is the idea of a bunch of suit-wearing, pencil pushers that leads to such negative perceptions about the study of public administration.

Yet to others, the field of public administration is a rich and delicious subject ripe for some of the most engaging discussions surrounding human behavior. The study of public administration may not be fascinating or a sexy subject to some, but it is the backbone of modern governance, shaping how policies move from abstract ideas to the everyday realities that affect citizens' lives. Indeed, while elected officials capture headlines for their speeches and campaigns, it is public administrators who design, implement, and manage the systems that make government work. From ensuring safe drinking water and maintaining public parks to coordinating disaster response and administering social services, their work is woven into nearly every aspect of community life. Indeed, not all bureaucrats, or civil servants are suit wearers or pencil pushers, and it is unfortunate that perceptions about the field and practice are often wrong or misleading. In fact, we also know that issues surrounding public services can elicit strong opinions about how well those services are performing for communities. Overall, those who work in and for government are often just like those in the private sector but are fulfilling a public service and purpose. Questions of public administration by default outline how we are able to govern ourselves, according to democratic and professional principles, and to carry out the rule of law through the public organizations and agencies charged to do so.

This chapter introduces the truly amazing subject of public administration by providing an overview of the concept, discipline, and practice. It highlights various approaches to defining public administration from both a traditional and operational perspective. The chapter also identifies key differences between public and private administration and outlines key accountability mechanisms in the public sector. Finally, public administration as a field of study is covered including a historical overview and contemporary fields of research.

What Is Public Administration?

What exactly *is* public administration? Unfortunately, there is no singular definition in the field. As a student you may find this frustrating. You may have already searched the internet to figure out what a course and textbook on public administration is all about. Among the many results, you may have come across Wikipedia's: "Public administration is the implementation of

government policy and also an academic discipline that studies this implementation and prepares civil servants for working in the public service.”¹

While many professors will cringe at the idea of you referencing Wikipedia, this definition highlights some of the key dynamics to understanding the subject. Public administration does deal with policy implementation, and there are graduate-level programs that are intended to prepare individuals for civil service careers. However, this definition, like most of those found online, is basic and fails to capture the richness of the subject itself.

To be fair, it's not like scholars haven't tried to define public administration and clear up some of the confusion surrounding the subject. However, we may have ended up with more definitions and approaches than are useful for teaching the subject. Some scholarly definitions include the following:

“Public administration is detailed and systematic execution of public law. Every particular application of general law is an act of administration.”

– Woodrow Wilson²

“Public administration is meant, in common usage, the activity of the executive branches of the national, state and local government; independent boards and commissions set up by Congress and the state legislatures; government corporations; and certain other agencies of a specialized character”

– Herbert Simon, Victor A. Thompson and Donald W. Smithburg³

“Public Administration is that part of the science of administration which has to do with government, and thus concerns itself primarily with the executive branch, where the work of government is done, though there are obviously administrative problems also in connection with the legitimate and judicial branches.”

– Luther Gulick⁴

“Defined in broadest terms, public administration consists of all those operations having for their purpose the fulfilment or enforcement of public policy.”

– L. D. White⁵

Multiple and competing definitions are the result of the field debating the theoretical underpinnings of its existence. Public administration can trace its philosophical roots as far back as Plato, who declared a government ruled by philosopher kings to be ideal, and we can find even more evidence of it as an occupation and practice throughout ancient history. The modern study of public administration, our focus here in this textbook, didn't truly emerge until the nineteenth century and the struggle to define a discipline that often merged together and borrowed from other various disciplines, such as political science, psychology, philosophy, sociology, and economics. Should any of us really be surprised that numerous definitions have been proposed for “public administration”? We don't think so, but it does present a challenge for teaching and learning a subject so crucial to government performance.

It is pretty obvious that defining public administration is difficult. This is no excuse to not provide you with a comprehensive definition, and so we opt to describe one well-known approach

to defining public administration, developed by David Rosenbloom, before providing our own operational definition, which we will use throughout this textbook.

A Three-Pronged Approach to Defining Public Administration

David Rosenbloom outlined his three-pronged approach to defining public administration in a 1983 article that appeared in *The American Review of Public Administration*.⁶ This approach has since become a standard for explaining the discipline and why it is difficult to agree upon a singular definition. Rosenbloom tapped into the deep-seated traditions of public administration and defined the subject from the perspective of each branch of government. Public administration, in this view, is a reflection of the executive, legislative, and judicial branches.

According to Rosenbloom, there is a managerial perspective, a political perspective, and a legal perspective of public administration. Each approach represents a function of government that has its own set of assumptions regarding governing values, structure, and views of the individual (see Table 1.1 for summary). As a result, there are inherent tensions and incompatibility across the approaches. The design of modern democratic systems usually means power is divided, with some form of checks and balances in place to ensure a proper distribution of power is maintained. In the United States, the democratic system assigns each branch of government a distinctive method for impacting key governing decisions and policy outcomes. The roles and responsibilities of each federal branch are defined in the U.S. Constitution. However, the role of public administration in American society is not adequately defined in the nation's founding documents. As such, the legislature, executive office, and the courts each have the ability to shape how the law is implemented.

Table 1.1 ■ The Three Prongs' Purpose

Prong	Branch of Government	Purpose
Managerial	Executive	Management: efficiency and effectiveness
Political	Legislative	Representation: responsiveness and accountability
Legal	Judicial	Legal: equity and due process

The Managerial Approach

The managerial approach of public administration is based on the executive branch functions. As you may have noticed, the public administration definitions featured earlier center on the role of the executive branch. This isn't a result of dismissing the significance of the other branches. It is an intentional design of the U.S. democratic system. The executive arm of government is more than just the singular office of the U.S. president, a state governor, or a mayor (or city manager).

It is a complex system that encompasses executive departments and other government agencies responsible for administering or enforcing key policies, rules, and regulations adopted by the government. Administration, and by default management, of governmental affairs is grounded within the executive branch.

Efficiency, effectiveness, and specialization are valued in the managerial approach. This leads to a more business-like approach to public administration where the differences between the public and private sector are minimized or become blurred. Government organizations are expected to increase performance while minimizing costs. Workers of the **bureaucracy**, which are the many government departments and agencies responsible for actually implementing policies, are organized according to specialization and there is a clear organizational hierarchy of who does what and when. Moreover, political neutrality is valued, and it is expected that **civil servants**, the unelected and career-based government employees who staff the bureaucracy, are politically impartial in carrying out their duties. Civil servants should not be influenced by their own or others' political views in how they conduct their own work. This means that they would still have to do their jobs even if they disagreed with the purpose of a new policy or program, which is the exact same thing that would happen to employees in the private sector. Overall, the managerial approach places an emphasis on figuring out how the government can operate optimally rather than examining the questions of why the government does what it does.

The Political Approach

The political approach of public administration is based on the role and purpose of the legislative branch in a democratic system. The legislature is often thought of as the primary public policy maker. The U.S. Constitution establishes (with limited exceptions) that Congress must initiate the development and oversight of public policies, which are then implemented by the executive branch.

The legislature is able to fulfill key values of society linked to representation, responsiveness, and accountability by passing laws that address ongoing and emerging societal problems. One key role of government is to reflect the will of the people and respond swiftly to changes that arise in society. The legislature is the governmental branch that is supposed to be the quickest to respond and the most involved in addressing problems and collaboratively working to resolve any differences. In theory, the legislature is able to collectively embody diversity within a society and balance the perspectives of various factions through elections. As a result, scholars of public administration see the legislative function of public administration centering on the ability of public organizations to reflect and represent the public at large. Take for example the probability that the United States will face yet another pandemic at some point in the next decade. It is the responsibility of Congress and state legislatures to pass laws, as needed, to address any potential pandemic and also to ensure ongoing and continual support (meaning funding) of public health organizations and agencies to appropriately track infectious diseases. Why is all of this necessary? Well at some point a decision was made that there was a public interest and value in ensuring a healthy society. If Americans value not being sick, legislatures are responsible for providing the necessary legal framework and financial support to prevent illness as much as possible.

According to Rosenbloom, the political approach to public administration is based on **empiricism**. Empiricism is one of several philosophical approaches to understanding the world around us, and it assumes that, as individuals, we come to understand and know things through our experiences and observations. For public administration, the empirical reality dictates that public organizations and bureaucrats responsible for implementing our laws are just extensions of politics and the political process. Many average Americans may not fully understand that many public organizations are not the same entity as elected bodies, which creates challenges in distinguishing where problems with government originate. It is also true that public organizations do not operate in vacuum and are not cut off from the rest of society. As such, public administration must also deal with the challenges of **pluralism**, the existence of multiple groups, perspectives, interests, beliefs, and priorities within a society. How can a democratic government balance diverse perspectives and prevent one from dominating? Factions—smaller groups within American society working to advance their own priorities—have been a concern since the country was founded and remain an issue today. James Madison famously believed these factions were a normal and natural part of a democracy. The key to thwarting their potential evil would be to protect each group and provide mechanisms preventing any one group from harming others. However, James Madison might not have been able to predict some of the modern flaws of our pluralist system.

Hyperpluralism is what happens to a democratic society when interest groups run amok. As the numbers of interest groups increase in society, so do the number of demands on the government. Some believe that hyperpluralism results in gridlock. When almost every demand made by various factions is indulged, policies often become contradictory. Everything gets done on paper while leaving essentially nothing getting accomplished in practice. The wheels of democracy spin but lack the ability to move forward in any particular direction. The consequences for public administration under pluralism are less concerning than that of hyperpluralism. Pluralism requires public organizations and civil servants to implement the policies set forth by governing bodies, which should be representative of the will of the people. Hyperpluralism is more concerning. Civil servants trying to simultaneously contend with multiple viewpoints and contradictory policies are often unable to be fully responsive to or held accountable by any one directive.

The Legal Approach

The legal approach is representative of the judicial branch in a democratic system. The judicial branch is responsible for interpreting and clarifying legal issues including whether existing laws, orders, and processes align with the intent of the U.S. Constitution. Historically, politicians, scholars, and other legal experts have shown less concern with the court system's impact on public administration compared to the other two branches. This is not surprising given the longstanding notion, originating with Alexander Hamilton, that the courts were the least dangerous branch of government.⁷ However, the courts have become as powerful as legislatures and executives and play an integral role in how laws are developed and implemented. The judicial branch provides a platform for adversaries to resolve differences, and it ensures equal treatment under the law. In the

case of public administration, this mostly comes in the form of administrative law, Constitutional law, and clearly defined **administrative procedures**, the rules that guide acceptable activities and behavior.

Bureaucratic activities are not protected from judicial oversight and intervention. Public organizations must follow procedural due process, respect individual rights as outlined in the U.S. Constitution, and engage in equitable treatment of all individuals regardless of status. To some extent this approach shares similarities to the managerial approach of public administration. Both perspectives value neutrality in the application of the law. However, the legal approach does not prioritize efficiency or more business-like operations. Instead, the emphasis is placed on ensuring that each individual is treated as an individual person, not as a case or case number, with their individual rights protected from infringement. Both civil servants and the individuals served by public organizations are protected from the consequences of poor management or arbitrary decisions during the course of implementing laws. This means that, at least in theory, everyone pays their fair share of taxes, we all are subject to the same consequences if we commit a crime, and there is no difference in how you are treated based on your race, income, or other identifiable status.

Check Your Progress 1.1

1. According to Rosenbloom's three-pronged public administration definition, which approach to public administration is reflective of the judicial branch of government?
 - a. Political
 - b. Managerial
 - c. Legal
2. True or False. The managerial approach values efficiency, effectiveness, and specialization.
 - a. True
 - b. False
3. _____ is a problem for public administration because it makes it impossible for public agencies to be fully responsive to public needs because of multiple and often contradictory policies.
 - a. Administrative procedures
 - b. Pluralism
 - c. Empiricism
 - d. Hyperpluralism

You can find answers for all Check Your Progress sections in this book's appendix.

Our Dual Approach to the Study of Public Administration

Rosenbloom's approach to defining and explaining the purpose of public administration is three-pronged and linked to the three political branches of government. Yet, the drawback to this approach is that it misses a key understanding of the field as being something more than just politics. Civil servants and public organizations are valuable contributors to how well our society functions.

Our approach to teaching and defining the subject is to look at the duality of public administration as both an exercise in studying public policy *and* public management. Public administration scholars tend to view implementation of laws from either a public policy perspective, which examines the effects of politics and society on the function of government activities at a systemic level, or a public management perspective, focused on the day-to-day operations and challenges of making government run. Public policy considers what work *should* be performed by public organizations and often incorporates more consideration for the political, or three-branches, influence on public organizations. Public management, on the other hand, focuses on the managerial aspects and operations of public organizations. Here the focus is solely on understanding the behavior and needs of public organizations and civil servants while they carry out their work. Think of these components as two sides of the same coin.

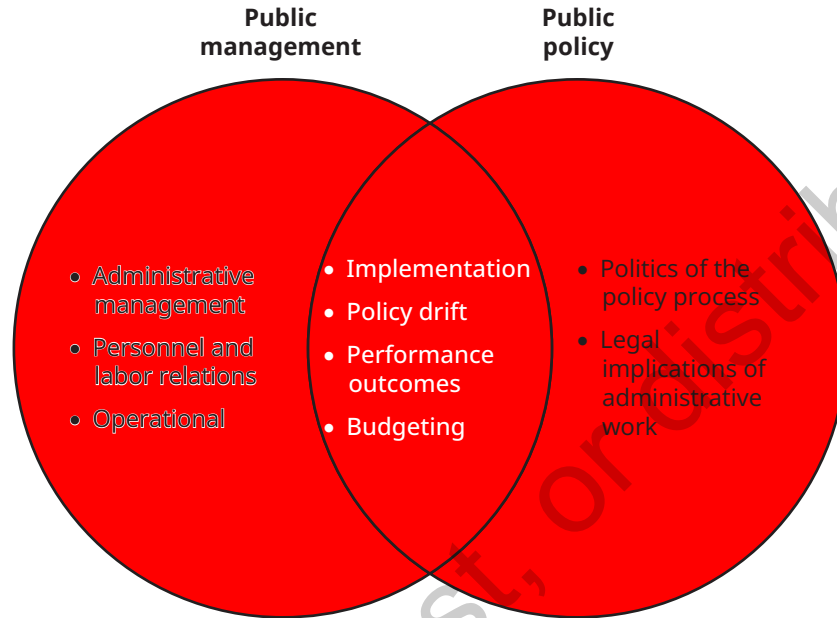
This duality results from the historical development of the academic field and the diversity of scholars attached to the discipline. To be clear, the dual nature is not to suggest that public management and public policy perspectives are incompatible (Figure 1.1). The two perspectives are more like classic duos like peanut butter and jelly or Bert and Ernie. Each part of the whole is its own unique entity that should be revered and appreciated all on its own. However, when combined with the other element it creates a rich understanding of government that's unachievable on its own.

The Public Policy Perspective

The public policy perspective of public administration focuses on the role of public organizations in the policy process. The perspective emphasizes the political and legal dynamics of public administration. The goal of the perspective is to illuminate how politics impacts policy implementation and the consequences for society as a result of political activities influencing the bureaucracy. Public policy is a discipline in its own right, though it has historical links to public administration. As a modern field of study, it is a sibling discipline to public administration that emerged out of political science. The key difference between public administration and public policy, as fields of study, largely stems from their different subjects of interest for research and scholarship. The study of public policy is not limited to an evaluation of bureaucratic entities. It also addresses questions related to leadership and decision making for what drives the activities of public organizations.

Sometimes the metaphor of a black box is used to describe how opaque (or misunderstood) processes work. You know what you put into a black box and you know what you get out, but

Figure 1.1 ■ Overlap and Distinctions Between Public Management and Public Policy



how the inputs are transformed into outputs inside the box is a bit of a mystery. If you think of public administration as a black box, there are inputs related to public policy and outputs related to administrative activities. The inputs of public policy are dictated by the three constitutionally designated branches of government, which get to tell administrative organizations what to do. As Harry W. Reynolds points out, “Policy defines the purpose of agencies, stipulates much of the detail about their organization, provides authority and legitimacy, and makes them important—probably the most important—instruments of policy effectuation and evaluation.”⁸ The creation and operations of a public organization is determined by legislative, executive, and judicial activities. The National Park Service, for instance, wouldn’t exist if Congress hadn’t passed a law in 1916 officially creating the agency. Of course, it helped that President Teddy Roosevelt, known as the Conservation President, also managed to preserve 230 million acres prior to the agency’s official establishment and there have been ongoing efforts by Congress and numerous presidents to designate public lands and parks since 1916.⁹

The administrative outputs of the black box suggest that the bureaucracy is active in implementing policy. Civil servants make decisions that can have significant impacts on society. This means they have **agency**, or the independent thought and free will to carry out the law based on their own expertise and experience. This doesn’t mean that we have a bunch of bureaucrats gone wild on our hands, but it does mean that we are dealing with people and human nature. And in knowing that civil servants have agency and the ability to shape implemented policies, this speaks to the public policy perspective in understanding the environment and mechanisms

in which policies are implemented. Policy scholars are very interested in explaining what is occurring inside of the black box, where inputs are transformed into outputs by the bureaucracy, and the broader consequences for society.

The Government Shutdown: A Public Policy Perspective

An example of how the public policy perspective informs our understanding of public administration can be found in the partial U.S. federal government shutdown that began on December 22, 2018, and lasted until January 25, 2019. President Donald Trump and members of the U.S. Congress were in a heated debate over the 2019 fiscal year budget. Congress had passed a series of continuing budget resolutions to keep funding the government past the budget deadline (more on this in chapter 4), but disagreement over funding Trump's border wall along the US–Mexico border led to the resolution's expiration without another adopted in its place. As a result, a number of government departments and agencies were forced to shut down. During the thirty-five-day shutdown, the longest government shutdown in U.S. history, approximately 380,000 federal employees were furloughed, and an additional 420,000 employees were expected to work without being paid until the shutdown ended. Nine executive level departments and several smaller agencies were impacted. Programs and services deemed essential were forced to continue operations, including the Transportation Security Administration (TSA), the Supplemental Nutrition Assistance Program (SNAP or commonly referred to as food stamps), and the U.S. Coast Guard. Personnel within these agencies and programs were forced to work or were called back to work without pay during the shutdown. Nonessential functions, ranging from the National Park Service (NPS) to the National Aeronautics and Space Administration (NASA), were completely suspended.

From a public policy perspective, the 2018–2019 partial government shutdown had severe economic and social consequences. Economically, approximately \$18 billion in discretionary spending was delayed during the shutdown period resulting in an \$11 billion loss in real GDP, which is one indicator of a country's economic health.¹⁰ Government spending in the United States is a significant portion of the country's overall GDP. In 2018, roughly 17.5 percent of the total U.S. real GDP (approximately \$20.5 trillion) was a result of government spending. The absence of federal government activity is estimated to have led to an \$11 billion loss in real GDP.¹¹ Those total amounts may not seem huge, but they aren't small either. The impacts of the shutdown were felt across society as federal workers (including government contractors) were unable to pay their bills, the stock market fumbled, and the strains of economic stability left financial planning difficult. A number of headlines highlighted the economic ripple effects for individual citizens and companies alike:

“Coast Guard Families Told They Can Have Garage Sales to Cope with Government Shutdown” —*The Washington Post*, January 1, 2019

As Government Shutdown Goes On, Workers’ Finances Fray: ‘Nobody Signed Up for This’ —*New York Times*, January 8, 2019

“US Government Shutdown: ‘I can’t get my meds because of Trump’” —BBC News, January 16, 2019

In addition to the immediate and long-term financial implications, the shutdown also left the country vulnerable to threats as key services and programs were suspended. For example, the Food and Drug Administration (FDA) halted food inspections. Eventually, as the shutdown continued and media coverage of the issue grew, inspections considered high-risk did resume. Similarly, the shutdown delayed the FDA’s approval of medical products such as new drugs. The inability of the FDA to conduct oversight functions can create short-term and long-term health risks for the general public.

Another example of vulnerability comes from the TSA. During the shutdown a number of TSA employees, which include security gate agents, quit their jobs or called out “sick” because they weren’t being paid. This highly publicized event led to headaches for air travel passengers. There were reported delays getting through airport security checkpoints and a potential increased security risk for passengers traveling during this time. Toward the end of the government shutdown the TSA reported that roughly 7.5 percent to 10 percent of its employees were calling in absent each day, with financial hardship as a primary reason for not showing up for work.¹² The political ramifications did not necessarily create negative perceptions about government workers, but it did decrease public confidence in elected officials’ capability to govern.

From the public policy perspective, public administration involves politics and identifies the role public organizations play in the policy process. As demonstrated by the government shutdown, the function of public organizations, or the bureaucracy, is highly dependent on what politicians decide to do or not to do. Inaction and disagreement by elected officials can lead to consequences for bureaucratic agencies to simply do the work assigned to them. Remember, the bureaucracy is charged with implementing the laws and other policies handed down to them by elected officials, but implementation is rarely conducted in a vacuum absent of politics. To talk about public administration means to also consider the political environment that impacts the organizations we rely on to carry out government’s business.

Public Management Perspective

The public management perspective focuses on the managerial activities and operations of public organizations. The focus is often on the role of civil servants and with strong emphasis placed on how public managers are able to ensure service delivery. From a research standpoint, there are some key areas of study that are incorporated into this perspective including organizational theory and design, human resource management, labor relations, leadership, and ethics.



Crowds of travelers slowly make their way through the security checkpoint at Denver International Airport, navigating long lines and TSA screenings. Government shutdowns and other disruptions can lead to greater delays and frustrations.

Mira/Alamy Stock Photo

Historically, management concerns were driven to focus on the most efficient processes and efficient resource allocation with specific tasks and responsibilities divided. This means there was a lot of observation, counting and analysis of numbers, and determinations made for how to optimize workflows. A prime example of scientific management, for instance, is Henry Ford's moving assembly line. In the production of automobiles, Ford decided to dissect the manufacturing process into individual steps and motorize how parts (and thus a vehicle) were pieced together. Today, we've seen a shift away from scientific management methods (more in chapter 5). Advancements in government service delivery and behavioral expectations have evolved over time with changes in the perspectives of workers and the public.

The public management perspective is sometimes considered a subfield of public administration while at other times it is seen as the only true component in the study of public administration. To give some perspective, Thomas Birkland, a public policy scholar, defines public administration from a public management perspective. According to Birkland, public administration is "[t]he study of the management of government and nonprofit organizations, including the management of information, money, and personnel in order to achieve goals developed through the democratic process."¹³ The study of public management focuses on the planning and delivery of public services and can be considered everything that happens in public

organizations once a budget is adopted. The focus is often on the role of civil servants and with strong emphasis placed on how public managers are able to ensure service delivery.

The Government Shutdown: A Public Management Perspective

In practice, the public management perspective provides guidance for how actors could and should behave in any given scenario. For example, what would your response be as a TSA supervisor or manager during the thirty-five-day government shutdown from December 2018 to January 2019? How would you manage the workers that *did* show up? Would you enforce consequences for those workers who called out? What would you do to ensure that security measures were still being implemented to the highest standard? TSA managers and supervisors across the nation faced the challenge of how to ensure security operations would continue as expected while contending with the low morale and financial hardships faced by their agents.

By law, essential personnel were required to show up for work during the government shutdown. Not even the union representing TSA employees, the American Federation of Government Employees, could legally encourage a strike or recommend that employees stay home from work if they were not paid. All of this would mean that, in theory, managers should have expected that all workers deemed essential would show up to work. Yet, in practice we know that this did not happen. Most of the 51,739 employees whose work involved security screening processes did show up to work, but there were others that opted to quit their jobs or simply not show up. The most often cited reason for absenteeism was associated with pay concerns. TSA agents are some of the lowest paid federal employees. Salaries for TSA screeners range from as low as \$25,000 as an entry-level position to a high of around \$47,000. The median salary is around \$40,000 a year. This may seem like quite a lot of money for some people, but it is important to remember that the cost of living has increased while salaries and wages have remained stagnant. The TSA was established in 2001, and \$1 in 2001 is the equivalent of \$1.73 in 2024, meaning a cumulative price increase of about 73 percent.¹⁴ The effects are particularly amplified in major metropolitan areas. As a result, some employees could not afford the missed paychecks, as they were unable to pay their bills, cover the costs of childcare, or even afford to commute to work.

There are several potential explanations as to why many TSA agents continued to show up to work during the shutdown even if they weren't immediately getting paid. To some, it may have been a sense of duty that kept them at their jobs or the network of support that emerged among colleagues and the public. These are more informal tools or managerial levers available to reduce absenteeism or prevent workforce loss through which the creation of a community and sense of purpose overrides any self-interests. There are also formal tools that were employed to keep TSA agents at their posts. Three weeks into the shutdown, the TSA offered a bonus of \$500 and a day's pay to encourage workers to remain on the job. To some these metaphorical "carrots" for good behavior may have been enough, but the TSA also reportedly used the "stick." According to some media reports during the shutdown, TSA agents were reminded that unsubstantiated call outs would result in disciplinary action, but it has not been publicly confirmed if managers followed through on these disciplinary actions.

The government shutdown has had long-term consequences for recruiting and retaining federal employees. According to a September 2019 report from the Partnership for Public Service, the partial government shutdown “. . . contributed to the perception that the civil service is not valued, and that government may not be a reliable employer.” Recruitment of younger working adults has remained incredibly difficult while older federal service workers may seek to retire earlier or seek private sector employment.¹⁵

Politics certainly has an influence on administrative activities, but it is up to civil servants to make policy mandates a reality. Much of this occurs via the strategic directions set and day-to-day decisions made by public managers throughout government organizations. The public management perspective of public administration demonstrates the importance of knowing how organizations can and should operate in theory, but also acknowledging that public administration does not operate in a silo isolated from politics. Instead, civil servants much be trained to manage organizations and the people in those organizations through the ebbs and flows of changing political conditions.

Check Your Progress 1.2

1. The public policy perspective of public administration primarily focuses on the role of _____ in the _____.
 - a. public managers; executive branch
 - b. public organizations; policy process
 - c. public managers; public organizations
 - d. Congress; management activities
2. The public management perspective of public administration primarily focuses on the role of _____ in _____.
 - a. public policy; the executive branch
 - b. public organizations; the policy process
 - c. public managers; public organizations
 - d. Congress; management activities
3. True or False. Public policy and public management are incompatible perspectives of public administration.
 - a. True
 - b. False

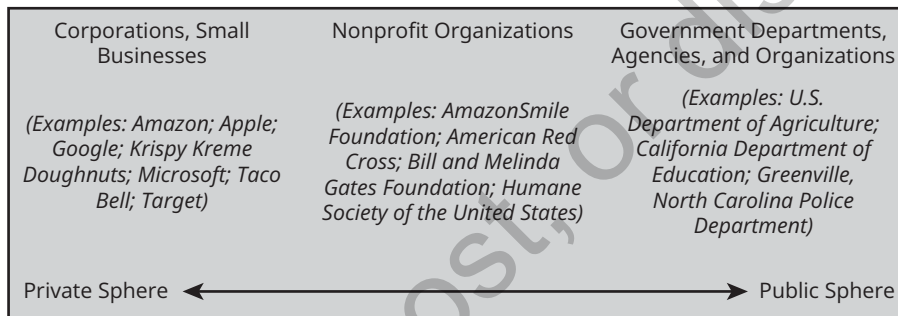
You can find answers for all Check Your Progress sections in this book's appendix.

Public Is Not the Same as Private

Public administration is frequently compared to administration in the private sector. Some management scholars, politicians, and even business owners and executives have argued that organizational design and management are comparable no matter if one is working in the

public sector or private sector. According to this view, management is management, and all organizations face similar tasks and challenges. Others argue that context matters, such that administration in government is categorically different than in the private sector, despite some similarities, due to unique political and legal constraints and a focus on public service values. Researchers and others have also made significant efforts to distinguish between what is public versus private. To begin with, what exactly does it mean if something is “public” as opposed to “private”? *Public* and *private* can be defined according to various dimensions. A starting point for understanding the differences between public and private is to distinguish the different types of organizations and institutions present in our society. Generally speaking, organizations can be defined as public, private, or nonprofit (see figure 1.2).

Figure 1.2 ■ Public-Private Organizational Continuum



Public organizations are those institutions, departments, and agencies that are a part of government and governing structures. These organizations are at the federal, state, and local levels and are responsible for the development and execution of public policies that govern our society. There are several different types of public organizations, including executive level departments (e.g., United States Department of Agriculture, California Department of Education), independent agencies and commissions (e.g., the National Aeronautics and Space Administration), and government corporations (e.g., United States Postal Service, Tennessee Valley Authority, New York City Health and Hospitals Corporation). As discussed further in chapter 2, each type of government organization serves a particular purpose and is designed according to political norms and expectations.

Private organizations are for-profit nongovernmental companies and businesses. Often referred to as the private sector, private organizations range from major multinational conglomerates (e.g., Amazon, Google) to corporate franchise businesses (e.g., Krispy Kreme, Taco Bell) to small businesses (e.g., local auto repair shops, boutiques, or restaurants). Private sector actors and organizations are not responsible for executing government policies. Private companies and businesses must abide by laws and regulations, but the primary motive is to make a profit (i.e., make money) by providing some product or service. When you are hungry at one a.m. on a Saturday morning, Taco Bell, as a private business, is focused squarely on turning a

profit when selling you that Beefy 5-Layer Burrito. Even companies like Google and other tech giants financially profit from their interactions with you and others, even if you don't pay a dime for their services. Google generates massive revenues from advertisers that target you when you use their search engine and YouTube.

There is also a category of organizations, **nonprofit organizations** (or NPOs), that fall somewhere in between public and private. Some NPOs are federal tax-exempt organizations, such as public charities, that are not intended to distribute profits to owners and shareholders like private businesses but do provide goods and services to the public. There are several different types of NPOs including public charities (e.g., American Red Cross or Humane Society of the United States) and private foundations (e.g., AmazonSmile Foundation or the Bill and Melinda Gates Foundation). NPOs often operate in domains that improve society and work for the public good. Often these organizations coordinate and work closely with government organizations in the pursuit of serving the public.

The distinctions made between public, private, and nonprofit organizations are derived from the differing perspectives regarding purpose, which is evident by examining the physical, legal, and technical capability to participate or access an activity, event, place, or resource.¹⁶ Publicness and privateness can also be distinguished by purpose and agency, which are factors we explore through an assessment of service activities, accountability mechanisms, professional norms, and values in the public sector.

Service Activities—The Nature of Goods Provided

As much as some folks may love to hate on government, government organizations serve a crucial role in society. There are some goods and services that private and nonprofit sector organizations are simply unable or unwilling to provide. For instance, in most cases, there must be a profit motive for a private firm to deliver a good or service. Economists have identified four basic types of goods that help to explain the beneficial role of government (figure 1.3). Each type of good is defined according to its excludability and rivalry status. The principle of exclusion permits a producer of a good or service to restrict access to only those who are capable of paying. Rivalry refers to competition for that particular good or service. Sometimes there are just finite limits to resources. There is only so much physical space in a park or there are just so many tacos that can be sold by a restaurant. This means that some people will have access and others won't. In combination, the two-factor rivalry-excludability matrix outlines four types of goods that exist within the market: public goods, private goods, toll goods, and common-pool resources.

The government is important for the delivery and provision of **public goods**. Public goods are nonrivalrous and nonexcludable, meaning they are available to everyone. National defense, weather forecasting, and public television are common examples. For each type of public good there is no competition for the consumption of the good and no ability to exclude individuals from receiving the good. For example, street lighting, another common example, is a good that many municipalities provide for those in their communities at night. If you and a friend are both walking down a street at night, there is no method to prevent either of you from consuming (or rather benefitting from) the street lighting, and there is no competition between you and your

Figure 1.3 ■ Types of Goods

Can someone be excluded?	Yes	Toll Good Internet, toll roads, cell phone service	Private Good Car, house, cell phone, beefy five-layer burrito
	No	Public Good National defence, public radio and television, street lighting	Common-Pool Resource Water, natural resources, fish stocks
		No	Yes
		Is there rivalry?	

friend to use the lighting. The street lighting is there for anyone to use. It does not matter if there are two, ten, or fifty people on the street. Street lighting will still be available and in the same quantity.

To be clear, public goods and services are often provided by governments because the private and nonprofit sectors are unwilling or unable to serve as suppliers. The consumption of public goods does not generate a profit, which is a motivating factor for private sector organizations. Governments will also intervene in the provision of other types of goods to ensure fair transactions and proper management. In some cases, the government may even provide a nonpublic good to serve the public's best interests. Public hospitals and public transportation, for example, are services that *could* be provided by the private sector, but there is a public interest in providing these services. Collectively, the public sector differs from the private sector because its primary concerns are to serve the public interest rather than generating a profit.

Because there is no profit to be gained from public goods, private organizations are more likely to provide **private goods**, which are both excludable and rivalrous. Unlike public goods, organizations *can* prevent an individual from consuming a private good because of an inability to pay. In addition, there is an inherent competition among consumers in the market—there is a limited quantity of burritos in a given Taco Bell. Remember that Beefy 5-Layer Burrito you wanted at one a.m. on Saturday morning? Taco Bell can make a profit on burritos by excluding nonpaying customers and offering a product with finite availability. The profit creates a motive for a business to begin and continue its operations. This same profit motive does not exist for public goods. Instead, there must be some other sort of altruistic or societal reason for providing

national defense, street lighting, clear air and water, or public television and radio. Government fills this void because of the inherent principles that underlie the point of a government—serving the broader public good.

Government does not only play a role in public goods, however. It can also step up to address problems that can arise in the market because of other issues of supply or demand. Regulations and rules are frequently adopted to mitigate problems that arise in private good transactions, again to promote the public welfare. Moreover, the government often intervenes to regulate and oversee toll goods and common-pool resources. Natural resources are one primary example of a **common-pool resource** because natural resources are finite (meaning there is rivalry) but widely accessible, unlike private goods. For example, regulation of wildlife stocks, such as fishing populations, is important for proper natural resource management. We know that there is increasing demand for fish, and overfishing, which is driven by unchecked demand for fish, can deplete fish stocks and lead to both ecological and economic crises. This is why fishing permits, quotas, and other rules are created by government entities. Such government interventions create an exclusionary principle that ensures that overfishing, or rather over extraction of a natural resource, does not occur.

Rules and permits have also been developed for goods such as internet access or cell phone service, which are **toll goods**. Toll goods, which are also referred to as club goods, are products and services that are nonrivalrous but excludable based on the consumer's willingness and ability to pay. In the case of cell phone service and internet access, anyone can use cell service and access the internet as long as they have the ability to purchase the technology and services required. The role of government in facilitating and supporting such services is via infrastructure provision or permitting. Infrastructure is required to make the services available to paying customers, but infrastructure requires a certain amount of physical space. Government can step in with authority to determine which companies will be allowed to erect cell towers or install fiber optic cable lines. Regulating the market allows for the public to continue to communicate efficiently while preventing too many operators from building infrastructure that clutters landscapes and potentially infringes upon personal property rights.

As a Profession

The profession of public administration also differs from private administration (with more detailed discussed in chapter 6). Many comparisons of the two sectors center on employment differences. Seeking employment in the private sector offers a different type of work and set of benefits compared to employment opportunities in the public sector. To start, the work performed by public sector employees, often referred to as bureaucrats, civil servants, or public servants, is intended to serve the public interest. Public service careers are often, though not always, pursued by individuals that want to make a difference and positively contribute to society. It is not uncommon to hear civil servants talk about the call to contribute to something greater than themselves without having to compromise their personal values. There are numerous professional associations, such as the American Society for Public Administration and the

International City/County Management Association, that provide support and guidance to career civil servants.

Civil service employment also provides a number of benefits that are comparable or simply not found in the private sector. Public employment has historically been considered to offer significant stability and a well-rounded package of salary and benefits. Public servants may not have the ability to negotiate salary or get paid as much as their private sector counterparts, but public employment usually comes with competitive benefits including health insurance, personal health programs, retirement benefits, paid holidays and sick leave, and professional and personal development assistance programs. Moreover, there are a range of civil service protections that prevent unfair disciplinary actions including termination based on changes in political leadership.

Accountability—Acting in the Public Interest

Accountability is a broad concept that is deeply embedded into democratic principles. Democratic governments, including public organizations, are supposed to represent the will of the people. Accountability is a process that balances power based on how well a government agency or official reflects the preferences and priorities of the public. For example, elected officials are responsible for representing the policy preferences of voters from their districts. Officials that choose to represent special interest groups instead of their constituents may not be reelected and are therefore held accountable at the ballot box for their actions as a representative. During the process of accountability there is one actor, in this case an elected member of Congress, that is being monitored or overseen by another actor, in this case by the voters. Voters will review the actions (e.g., development of a policy that benefits special interests) of their representative to ensure their behavior and actions are acceptable. If the member of Congress has engaged in undesirable behavior, the voters can use both formal and informal mechanisms—withholding campaign donations, calling the representative's office, voting for another candidate—to push for a correction in behavior.

Accountability in public administration refers to the process through which a set of actors hold the bureaucracy responsible for the activities it carries out in the name of serving the public interest. It is similar yet different from how members of Congress or actors in the private sector are held accountable. Public administration is overseen by a broader range of actors, which leads to heightened scrutiny, especially compared to work performed in the private sector. It is often described as working in a fishbowl. The legislative, executive, and judicial branches of government, the public at large, and professional civil servant organizations all engage in oversight of bureaucratic activities (table 1.2). As such, public organizations must clarify which entity seeks accountability and the issue of concern for each. In Case 1.1, accountability demands for public organizations are brought into focus by reviewing the 287(g) program implemented by U.S. Immigration and Customs Enforcement. Implementation and enforcement of immigration laws is the responsibility of the federal government and, to a lesser extent, state and local governments, but accountability for how the program is implemented extends beyond elected

branches of government. Public and professional organizations, specifically law enforcement, can also demand the program be held accountable for inappropriate actions.

Table 1.2 ■ Accountability Actors of Public Administration

Actor	Mechanisms of Accountability
Legislative Branch	Budgetary authorization and appropriation; adoption of legislation; review of existing policies and procedures; agency investigations and committee hearings; reorganization of bureaucratic structure
Executive Branch	Budgetary authorization and appropriation; approval of legislation with the intent to oversee execution; political appointments of agency leaderships; executive orders
Judicial Branch	Judicial review to assess constitutionality/legality and require changes to comply with law
The Public	Freedom of Information Act; direct feedback; actively participating in democratic linkages (e.g., voting)
Professional Associations	Codes of ethics; condemnation; loss of licensure/accreditation

Case 1.1

Accountability in Focus: The 287(g) Program

Samantha Mosier

Carin Mayo, Master of Public Administration Program Manager, University of Alabama at Birmingham

U.S. Immigration and Customs Enforcement (ICE) is the federal law enforcement agency responsible for overseeing national security and public safety concerns that stem from immigration, trade, customs, and border control issues.ⁱ Many criticisms have been leveled at ICE since its creation in 2003. One major controversy surrounds the 287(g) program, which establishes cooperative agreements between ICE and state and local law enforcement agencies “to protect the homeland through the arrest and removal of aliens who undermine the safety of our nation’s communities and the integrity of U.S. immigration laws.”ⁱⁱ Under the program, local law enforcement share information about individuals’ immigration status and detain individuals on behalf of ICE. Supporters of the program cite rising illegal immigration as a concern, along with higher crime rates including violent crime. However, critics of the program point to several deeply embedded problems with how the program is implemented. Specifically, the program has been highly criticized

for diverting local resources away from other community problems and violating U.S. Constitutional rights related to privacy and unreasonable searches and seizures.

Accountability is a major concern surrounding the 287(g) program's implementation. The design of the 287(g) program relies on a combination of federal, state, and local agencies. This is the type of scenario that can be problematic because decision making and accountability is diffused across different levels of government. To whom should law enforcement officials be accountable when it comes to enforcing immigration law? Federal lawmakers? State and local lawmakers? What about the communities that are impacted? Does the opinion of the public matter? Accountability becomes difficult when the federal government sets policies but expects state and local government agencies to enforce the policy.

Critics and those seeking to prevent implementation of the 287(g) agreements have found the agreements do not reduce crime rates or increase the removal of violent criminals from communities. Instead, the program perpetuates racial profiling and diverts scarce resources away from other community needs. Local governments whose law enforcement agencies participate in 287(g) agreements have seen their costs rise since they must find unauthorized immigrants, process them, and house them until ICE can pick them up for transfer. Local authorities' work with ICE as immigration agents also takes time away from their local duties as public safety officers. This distraction can lead to larger issues within communities that aren't receiving their public safety officers' full attention and increase legal liability for local partners. Furthermore, there is evidence that half of all the requests to detain unauthorized immigrants were directed at people who had committed misdemeanors and traffic offenses, not the dangerous criminals that proponents of 287(g) agreements hope to catch on the street.ⁱⁱⁱ

This contributes to serious concerns that Americans' Constitutional rights are being violated through 287(g) agreements. A two-year investigation by researchers at the Georgetown Law Center on Privacy and Technology discovered that ICE essentially "operates a domestic surveillance agency" by collecting large volumes of data about a huge swath of the American public, including natural-born and naturalized citizens, from an array of sources including driver's license data, utility information, call records, and utility payments.^{iv} To be clear, some states have adopted laws to prevent ICE from accessing these public records without a court order, but researchers discovered that ICE has been circumventing the process of obtaining subpoenas for this information.

Seeing the damage to their communities caused by 287(g) agreements, some local law enforcement officials across the U.S. are ending formal partnerships with ICE or affirming their commitments to upholding the U.S. Constitution, respecting their local communities, and seeking to be good stewards of resources. For example, Clark County, Nevada, Sheriff Joe Lombardo backed out of his agency's 287(g) partnership in 2019, stating that the political anti-immigrant rhetoric associated with the program was doing harm to community relations in Las Vegas and surrounding areas.^v In 2025, sheriffs in two coastal Georgia counties indicated that they would uphold the law but are opposed to voluntarily working with ICE due to constitutional concerns and the pressures on local resources. As one sheriff said, "Whether its federal enforcement or local enforcement you know there's a tax dollar that applies to any situation that, you know, any police or law enforcement operation, and so you have to consider the taxpaying citizens of your county when you make these decisions with any of these law enforcement operations."^{vi} A similar situation occurred in Pender County, North Carolina, where the county sheriff declined to

sign a 287(g) agreement given the potential diversion of resources away from community needs.^{vii}

These local law enforcement agencies as well as ICE itself must be accountable to many different actors. From a constitutional standpoint, ICE must be responsive to mandates from Congress while also balancing the preferences of each presidential administration and adhering to federal court rulings. Local law enforcement agencies are caught in the crossfire of federal, state, and local officials who may or may not support 287(g) agreements, not to mention their community members and constituents who have different preferences and demands regarding public safety and spending needs. For ICE, the failure to comply with federal policy can result in oversight investigations and disciplinary actions. However, there is also the possibility of lawsuits against the agency, including those from citizens challenging existing practices. For state and local officials, failure to comply with the law can also result in oversight investigations and disciplinary actions against officers (or sheriffs losing an election), while participating in the 287(g) program may open them up to lawsuits over unlawful racial profiling and detainment. Moreover, it is important to note that local officials are often in a position to hear directly from their constituents, who they come in contact with on a daily basis. This level of feedback provides a clear and sometimes immediate picture of the impact of an implemented policy. Failure to be accountable, and thus responsive, to local preferences can ultimately erode public confidence in public institutions, decreasing public cooperation, support, and trust.

The 287(g) program is deeply controversial, and accountability is an important dynamic to how the program is implemented. Multiple actors demand accountability from ICE and local law enforcement partners. Identifying which actors' accountability demands are most important is not clear given diverse American beliefs about how democracies should operate. Should elected officials be the most important actors for holding these agencies accountable? How much should public concerns be considered?

ⁱU.S. Department of Homeland Security, U.S. Customs and Immigration Enforcement, "History of Ice," <https://www.ice.gov/history>.

ⁱⁱU.S. Department of Homeland Security, U.S. Customs and Immigration Enforcement, "ICE's 287(g) Program," <https://www.ice.gov/identify-and-arrest/287g>.

ⁱⁱⁱNicole Narea, "How 'Abolish ICE' Helped Bring Abolitionist Ideas Into the Mainstream," VOX, 2020, <https://www.vox.com/policy-and-politics/2020/7/9/21307137/abolish-ice-police-immigrant-black-lives-matter>; Nina Wang, Allison McDonald, Daniel Bateyko, and Emily Tucker, *American Dragnet: Data-Driven Deportation in the 21st Century* (Center on Privacy & Technology at Georgetown Law, 2022), https://americandragnet.org/sites/default/files/American_Dragnet_report_English_final.pdf; Lena Graber, Nikki Marquez, and Krsna Avila, "Ending 287(g): A Toolkit for Local Organizers," Immigrant Legal Resource Center, 2019, https://www.ilrc.org/sites/default/files/resources/ilrc_287g_report_3p-ar_final-v2.pdf; Kendra Sena, "When Local Law-Enforcement Officers Become ICE Deputies: 287(g) Agreements," Albany Law, Government Law Center, <https://www.albanylaw.edu/government-law-center/when-local-law-enforcement-officers-become-ice-deputies-287g-agreements>.

^{iv}Wang, McDonald, Bateyko, and Tucker, *American Dragnet*.

^vMichelle Rindels, "Sheriff Ends Formal ICE Partnership, But Questions Linger About Informal Collaborations, Policies Outside of Vegas," *The Nevada Independent*, October 25, 2019, <https://the>

nevadaindependent.com/article/sheriff-ends-formal-ice-partnership-but-questions-linger-about-informal-collaborations-policies-outside-of-vegas.

^{vi}Tyler Nicole, “Local Sheriffs React to Federal Program 287(g),” WSAV3, <https://www.wsav.com/news/local-news/local-sheriffs-react-to-federal-program-287g/>.

^{vii}Delaney Tarpley, “Pender County Sheriff Shares Why He Spoke Out Publicly Against Resolution That Would Strengthen Local Immigration Enforcement,” WECT6 News, February 20, 2025, <https://www.wect.com/2025/02/21/pender-county-sheriff-shares-why-he-spoke-out-publicly-against-resolution-that-would-strengthen-immigration-enforcement/>.

The Three Ring Circus of Accountability—Constitutional Actors

The three branches of government have direct and immediate oversight of the bureaucracy through established checks and balances. You have likely learned about the role of checks and balances in democracies in diffusing power among all three branches. The tools are intended to maintain the division and separation of power by allowing—and even requiring—each branch to interfere with the activities of another. If you examine the different types of checks and balances, you will notice that many of the tools available to each branch involve oversight of public organizations. Indeed, public administration is the venue in which the legislative, executive, and judiciary branches often resolve disputes over whether public organizations are following legislative policy intent and performing according to laws as well as expected norms and values. Unlike private businesses, public departments and agencies must directly report to each branch of government and follow their commands.

The Accountability Tools of Legislative and Executive Branches Both the executive branch and legislative branch can hold the bureaucracy accountable both proactively and reactively. Proactive accountability mechanisms seek to maintain the integrity of public administrative activities by preventing unethical or illegal actions and avoiding the need for an intervening correction. For example, both the legislative and executive branches can use budgetary authorization and appropriation bills to ensure public organizations are performing work that adheres to legislative intent. Take, for instance, The Patient Protection and Affordable Care Act (or Affordable Care Act or ACA), which was intended to expand Medicaid coverage to adults whose income was at or below 138 percent of the federal poverty level. A provision was included in the Act that withheld federal funding from states that did not comply.

Reactive mechanisms, on the other hand, are meant to correct or highlight undesirable behavior and include investigations, orders, and reorganization responses. It is only after a poor or questionable decision is made that intervention occurs in this scenario. The process of embedding political appointees within public agencies, for example, provides the executive a political check on career civil servants, who may diverge from legislative intent or make decisions less than adequately aligned with a president’s or governor’s preferences and priorities. There are also administrative watchdogs that critically monitor government activities and provide reactive-based oversight.

The U.S. Government Accountability Office (GAO), which is sometimes referred to as a “congressional watchdog,” also engages in a number of oversight activities that include

conducting investigations at the request of members of Congress. In some cases, investigations are well publicized, as was the case with the 2020 investigations into President Trump's farm bailout program that began in 2018. On February 14, 2020, *The New York Times* broke news of the investigation initiated by request of Senator Debbie Stabenow (D-MI).¹⁷ The farm bailouts were criticized not only for political reasons but because the formulas developed for financial allocation were problematic. As Senator Stabenow noted, the financial payments benefited larger farm operations and those located in the Southeastern United States, which are more likely to support President Trump, compared to smaller farmers or farm operations in other regions. In 2021 and 2022, the GAO released reports confirming problems with the bailout program including lack of transparency, poor modeling (meaning bad formulas), and inaccurate payments to recipients.¹⁸ To date, the federal agency at the center of the investigation, the USDA, has disagreed with the GAO's findings and have not implemented recommended changes.

The Accountability Tools of The Judicial Branch The court system also plays an oversight role in public administration. The U.S. judicial system is largely reactionary, meaning it requires other parties to bring forward cases before it can act. Similar to the GAO investigation process, the court system is only allowed to review the behavior of public organizations once a grievance has been brought to the courts' attention.

The judiciary's capacity to check public organizations' activities is illustrated by the 2012 U.S. Supreme Court case *United States v. Jones* (565 U.S. 400). The landmark court case ruled that installing a Global Positioning System (GPS) device on a suspected criminal's vehicle to monitor their movement constitutes a search protected under the Fourth Amendment, and that warrantless tracking is unconstitutional. The court case stemmed from the 2005 arrest of Antoine Jones, a suspected drug trafficker in the District of Columbia. The Federal Bureau of Investigation and the Metropolitan Police Department of the District of Columbia installed a GPS device on Jones's vehicle during their investigation of his alleged criminal activities. Investigators received a signed warrant from a judge before installing the device and tracking his movements. However, the investigators' monitoring extended beyond the warrant's geographic and time limits. Jones was found guilty and sentenced to life in prison in federal court, and he appealed the conviction, arguing that the installation of the GPS device violated his Fourth Amendment protections from unreasonable searches and seizures. Following the Supreme Court's ruling, Jones, after a hung jury in his retrial, accepted a plea deal to avoid a new trial and was sentenced to fifteen years in prison. Still, the Supreme Court's decision served as a check on the activities of two public organizations, the FBI and a local police department.

The role of the courts in holding public administration accountable can be a slow and cumbersome process. The courts will only be involved if requested (via litigation) and it may take years to receive a final ruling. In the case of *United States v. Jones*, the court system reviewed the behavior of career civil servants at both the federal and district level to determine if their actions were within the scope of the Constitution and other applicable laws. It is possible that if members of the investigation had sought a new warrant to continue monitoring Jones' activities via the GPS device, Jones' initial conviction would not have been overturned.

Constituents, Clients, Customers, and Citizens – The Public

Aside from the three-ring circus, members of the public—constituents, clients, customers, and citizens—also have the ability to keep the bureaucracy checked. Some methods of calling for or ensuring accountability include voting for elected officials, contacting elected officials to express grievances, and filing lawsuits. They can also notify the media of controversial issues with public agencies. Take, for example, the case of police shootings and brutality. The widely publicized killings of Breonna Taylor in 2020, Daunte Wright in 2021, and George Floyd in 2020, which sparked national public unrest and pressured many cities to reform police practices, demonstrate the power of speaking out publicly about improper procedures and oversight of law enforcement agencies. This backlash contributed to changes in use-of-force policies, bans on chokeholds, investments in deescalation training programs, and an increased use of body cameras by many police departments. Use of body cameras by officers was primarily driven by the desire to “improve officer safety, increase evidence quality, reduce civilian complaints, and reduce agency liability.”¹⁹

Another tool for accountability is public feedback. A number of public agencies frequently seek feedback from the public through surveys or direct contact forms. For example, the United States Postal Service has a survey at the end of transaction receipts asking for customer feedback on their experiences. Some office locations go even further, including a kiosk with four emoji faces to indicate satisfaction or dissatisfaction immediately after a transaction takes place. This sort of direct feedback complements other forms such as online and telephone-based contact forms to address any other issues regarding postal service operations. Similarly, the federal rulemaking process (further discussed in chapter 2) may include open comment periods for public feedback on proposed government decisions. The rulemaking procedure, like the Postal Service’s satisfaction surveys, is one way government agencies can receive direct feedback about how they are performing.

Finally, one major direct and formalized mechanism of accountability was established by the Freedom of Information Act (FOIA) and other **sunshine laws** enacted by governments. Sunshine laws permit the public to access government meeting, records, and proceedings. The intention of such laws is to prevent corruption and create greater transparency and public trust in what the government does and how it goes about doing it. However, it should be noted that not all government records and proceedings will be released for public viewing. While generally anyone can submit a FOIA request to an agency, records that include classified information, trade secrets, internal rules and practices, personal or medical information, or similar information that constitutes a violation of privacy of individuals or businesses will not be released.

Professional Accountability

A final watchdog of public administration is the profession of public administration itself. Carl Friedrich was among the earliest in the field to argue that public administrators themselves possess the necessary degree of professionalization to act responsibly.²⁰ He believed that civil servants were experts in their field and would be more capable than outsiders of identifying irresponsible behaviors. He believed accountability was best accomplished through the combination of

professional competence and norms, ethics, and internalized feelings of responsibility among bureaucrats. Expectations of civil servants are often outlined in ethical codes developed by professional associations (e.g. American Society for Public Administration or the International City/County Management Association) and public organizations (e.g., GAO). Ethical codes often serve as the basis for outlining expected qualities and behaviors while also specifying individual actions that are considered inappropriate.

In general, civil servants are expected to act in the public interest, uphold the law, and act with integrity. These qualities have been repeatedly identified as gold standard guidelines for how individuals should conduct themselves as public employees. There are some ethical codes that only outline preferred behaviors while others outline activities that are strictly prohibited. Prohibited activities are often illegal and can result in criminal investigations. Bribery, theft, improper use of government property, mismanagement of public funds, and continuing to engage in public work despite conflicts of interest are all examples of prohibited behaviors. Professional organizations can choose to censure or expel members that violate codes of behavior. There is also the very real risk of legal troubles and loss of licensure, where applicable. In chapter 9, we will cover ethical codes and behavior in further detail. For now, just note the role of professional watchdogs as one of several actors with responsibility of ensuring public organizations are held accountable.

Check Your Progress 1.3

1. What type of organization is Taco Bell?
 - a. Public organization
 - b. Private organization
 - c. Nonprofit organization
2. A public good is _____ and _____.
 - a. rivalrous; excludable
 - b. nonrivalrous; excludable
 - c. rivalrous; nonexcludable
 - d. nonrivalrous; nonexcludable
3. Which of the following is an example of how professional associations keep the bureaucracy accountable?
 - a. Development of a code of ethics
 - b. Budgetary authorization
 - c. Approval of legislation
 - d. Use of judicial review

You can find answers for all Check Your Progress sections in this book's appendix.

The Four Es: Values of Public Administration

Values play an integral role in shaping the behavior of individuals and organizations. Values can identify appropriate ethical behaviors while also influencing which activities are pursued and how those activities are performed. In modern public administration, four pillars, or core values of the field, have been identified for public administration: efficiency, effectiveness, economy, and equity.²¹ These four *Es* serve as a foundational basis for analyzing how public organizations and civil servants must balance competing and conflicting performance demands. Unlike the private sector, the public sector must abide by the wishes of multiple actors (e.g., elected officials, general public) in multiple roles (e.g., overseer, authorizer, client), and there is little room to rebuke the commands of their political masters even in scenarios where mixed messages are sent.

Efficiency

We can traditionally think of private organizations as profit-maximizing enterprises. The goal of a business is to produce a good or service that generates a financial profit. The production process requires a certain amount of resources, including raw materials, manufacturing and distribution, and personnel. These resources are referred to by economists as inputs. The produced good or service is the output. Profits are generated when the costs of inputs are lower than the purchase price of an output. **Efficiency** is the sweet spot where the most outputs are produced from the smallest amount of inputs. You may have heard efficiency discussed either directly or through such consumer-oriented frameworks as utility maximization or, to put it more plainly, getting the biggest bang for your buck. The principle of efficiency alters the performance of organizations by mandating scrutiny of operations. Processes that are too resource intensive and wasteful should be minimized in order to maximize the total quantity of outputs. Outputs are determined by the specific goal of production but can be thought of as the total volume of a product produced (e.g., cars, loaves of bread, cell phones) or the service level (e.g., number of customers served, total number of visitors).

Public organizations are not driven by the same profit motive as private sector firms, as has been stated repeatedly through this chapter. Nevertheless, efficiency is an important value in the public sector. Like most (or all) organizations, public agencies work to identify and optimize inefficient processes. However, unlike most of their private counterparts, public agencies cannot simply strip away all cumbersome procedures and requirements, as many of those are, such as particular safeguards and accountability checks, are mandated. There are so many requirements to follow procedures and document key details and so many limitations on what can and cannot be done by public agencies and civil servants. The rules, even the red tape, of bureaucracy stems from the rule of law and requirements of a democracy. Democratic governments also emphasize effectiveness and equity, which can often come at the cost of efficiency.

Further, the historical ties that bind efficiency to public administration also center on a desire to remove political bias from government operations. Politics can impede public organizations from optimally functioning by interfering with day-to-day operations. It would be awesome if we never had to think about the mundane processes of administration that keep the government

running. However, the reality is that politics is getting increasingly divided and this can cause major disruptions to operations of government agencies. The partial government shutdown that impacted the TSA from December 2018 to January 2019 demonstrates just how much a political disagreement can derail administrative activities. The budget showdown was a result of a policy disagreement and not over concerns about how well the government was performing.

Effectiveness

Effectiveness is often discussed in the same conversations as efficiency. Effectiveness is a quality-oriented value as opposed to quantity-driven efficiency measures. **Effectiveness** focuses on whether the process of production leads to desired outcomes rather than just an examination of how to do the least or use the fewest inputs to achieve the most outputs. One of the difficulties in achieving effectiveness largely stems from challenges in adequately measuring outcomes as well as the frequent political disagreements about those particular measures. Politics deeply shapes what policies are adopted, the objectives of those policies, and the definitions of success. Politicians are typically not the most patient individuals and often want to see immediate results. They often want to know right away if a policy or program is working or not, and the definition of working can vary greatly between stakeholder groups. Effectiveness is also a difficult value to promote politically because of how much time some policies need to be proven effective. Often policies must prove to be effective within two to six years of being enacted, which coincides with election cycles for legislative bodies, to avoid political skepticism.

Effectiveness can also be challenging to measure, largely because definitions of success can look quite different depending on who you ask. For any given policy issue, there are a number of different methods for measuring and assessing performance. Think about the TSA's operations during the government shutdown. How effective do you think operations were during the thirty-five-day shutdown? What does it mean for TSA to be effective in their operations? Effectiveness for security checkpoints essentially boils down to ensuring that every passenger (or airport and airline employee) is screened according to rules and regulations and all prohibited items are confiscated. If the TSA or its stakeholders value effectiveness, the agency should require personnel to conduct thorough screenings, which could include multiple screenings, more randomized deep checks, and stricter luggage inspections, and not rush the process to reduce the checkpoint wait times. However, if convenience and speed are primarily valued, TSA's policies and procedures for security screenings may take different approaches, such as simplified checkpoints, fewer manual luggage inspections, relaxed rules for permissible items.

There is an inherent tension between efficiency and effectiveness. Efficiency aims to reduce costs whereas effectiveness is more concerned with achieving an intended outcome or result. Effectiveness can lead to additional costs associated with performance because of the need to be more methodical in execution. However, when in conflict, effectiveness is always the most important value. If the goal is not accomplished, concerns for efficiency are moot.

Economy

A third value of public administration is economy. **Economy** is the conception that taxpayers' dollars should be spent as wisely as possible given a predetermined outcome or goal. It's a weird idea to some people since economy seems to incorporate elements of both efficiency and effectiveness. It emphasizes efficiency by identifying how to minimize inputs including the total cost. Economy is similar to effectiveness in that it assumes wise use of resources to achieve a designated goal. Yet unlike efficiency or effectiveness, economy is the grand art of using what you have on hand to make some goal a reality. Economy assumes that some activity will occur but with no expectation on the level of outcomes. You can think of this concept in action in your personal life pretty easily. Hungry at one a.m.? Well, if your bank account balance and desire for Taco Bell is right, you could get yourself that Beefy 5-layer Burrito. Or perhaps you have more money, foresight, and a kitchen to make a French omelet with two slices of black pepper bacon. And there is also the chance you have neither money nor a kitchen and thus no ability to feed your growling stomach until the campus dining hall opens up and you can use a meal plan credit to eat. The value of economy suggests that you *will* eat but the outcome of eating is dependent on your access to funds in addition to your own access to a kitchen or ability to plan ahead of time.

For public agencies, the application of economy is slightly different. The goal is still to utilize resources in the most economically responsible way to achieve a predetermined set of activities. This is usually assessed through expenditures and measured by cost savings associated with goal achievement. Before the 2018–2019 government shutdown, the TSA was criticized for alleged inappropriate financial stewardship given the goal to reduce potential threats and maintain security. In a 2011 *Vanity Fair* article, top security experts warned that the agency was spending quite a bit of money, like in the billions, but failing to actually improve security.²² The TSA spends a lot on the checkpoint procedures, which are easy to circumvent and may just encourage terrorists to get more creative in their attacks. Critical experts claim a more economical way to prevent terror in the sky (or anywhere for that matter) would be focusing “on the terrorists when they are planning their plots.” In this scenario, the TSA, or really the nation's security administrators, are not placing economy as a central or driving value in how transportation security is achieved relative to the goal of minimizing terrorism. Economy provides a balanced element for assessing how the government achieves a target goal by wisely using allocated resources. A key question for public administrators to ask regarding the value of economy is “Are we being good stewards of public dollars such that we are avoiding overpayments, waste, and frivolous expenditures?” However, economy as a public service value also prompts us to ask “Should we, as a government, even be paying for or otherwise financially supporting this good, service, or activity?” This second question suggests that economy relates not just to wise financial transactions but also to debates around whether governments ought to spend public dollars on particular items in the first place.

Equity

Equity is, perhaps, the most engrained value associated with democracy. Democracies are founded on the premise of balanced egalitarianism. All people under democratic governance have the same rights, representation, and opportunities. Achieving equity in the public sector requires a significant amount of effort. It is not always the most efficient or even effective means of administration. There are not even agreed upon standards of what is “fair” in society. People’s perceptions of fairness vary depending on their perspectives. Enforcing such a complex concept is difficult. While equity involves concerns with fairness, such as transparency and neutrality in access, decision making processes, and other government-citizen interactions, it is also a guiding principle in ensuring all groups, particularly those most vulnerable and with histories of disadvantage, have a seat at the table and are not otherwise left behind.

Unfortunately, it can often be a really tough to sell equity in a policy sense, much less to adopt *and* implement equitable laws and regulations. However, public administration must operate equitably. Government must serve everyone and cannot arbitrarily discriminate against any individual or portion of society. In theory, the principles of equity should be engrained in our policies and easy to achieve. In practice, equity has proven to be difficult. Politics has created a number of barriers that have historically violated the tenets of true egalitarianism. Overcoming centuries of deeply embedded norms regarding which members of society are considered more and less deserving or important is a complex undertaking. When TSA agents are screening passengers, do you think they treat all passengers the same during the screening process? To an extent we know that all passengers are treated the same, such as the 3-1-1 rule for amounts of liquids and gels in carry-on baggage, but there are also established protocols and personal biases that may cause some passengers to be screened with extra scrutiny.

The TSA actually prohibits screening agents from picking passengers for extra screening based on race or ethnicity, but agents can profile and select passengers for extra screening based on random selection protocols or behavioral observation protocols. In the case of behavioral profiling, passengers that exhibit behavior associated with elevated stress or fear levels can be selected for additional screening.²³ The goal is to ensure that air travel remains safe. In practice, the behavioral screening protocol has faced considerable criticism for still targeting members of racial and ethnic minority groups for additional screening. Developing and administering public policies fairly, such as screening protocols at airports, is not always easy, and particularly in cases when arguably good intentions still lead to undesirable behaviors. A just public administration requires a continual assessment of what is fair and how individuals within a diverse society are served fairly by the government. While TSA screenings are but one clear illustration, equity in public administration has profound implications for countless issues, such as access to public services (e.g., education, health care, housing), resource allocations (e.g., wealthier communities receiving disproportionate funding), and representation (e.g., participation in policymaking processes).

Check Your Progress 1.4

1. The value of _____ in public administration seeks to spend public dollars as wisely as possible given a predetermined outcome.
 - a. effectiveness
 - b. economy
 - c. equity
 - d. efficiency
2. True or False. The value of efficiency is difficult to achieve in the public sector because of the rule of law, democratic processes, and a lack of profit motive.
 - a. True
 - b. False
3. Which value of public administration seeks to instill fairness in the implementation of the law?
 - a. Effectiveness
 - b. Economy
 - c. Equity
 - d. Efficiency

You can find answers for all Check Your Progress sections in this book's appendix.

Public Administration—The Discipline in Review

Public administration as a discipline emerged during the latter half of the nineteenth century and truly found its stride over the course of the twentieth century. The field grew out of a multidisciplinary interest in the study of management and organizations. It was most closely intertwined with the field of political science and later the field of public policy, which has disciplinary roots in both public administration and political science. As the field has grown, so too has the range of scholarly and professional interests and disciplines that are now involved, such as economics, sociology, psychology, philosophy, and even the natural sciences and engineering. This broad scope is why defining public administration is difficult and highlights how the discipline has managed to come into its own.

Historical Roots of the Nineteenth Century

The modern field of public administration is often traced back to the 1880s as a starting point in the United States. This is long after Plato outlined his ideal government as that of philosopher kings, almost four hundred years after Niccolò Machiavelli called for a professionalized civil service to support government activities, and almost an entire century after America declared independence from Britain. Political and economic conditions of the 1880s sparked a need to look closer at the role of public organizations in a democratic system.

The Founding Fathers did not give much consideration to the role of the bureaucracy beyond the fact that administrative agencies were needed to implement public policy and would be under the direction of the executive branch. Prior to the 1880s, the United States' administrative state was small, limited in scope, and not professionalized in the same context we know today. At the federal level, a few departments existed including the Department of the Treasury, the Department of State, the Department of War, the Navy Department, and the Post Office Department. The number of departments and agencies would grow at the state and federal levels as the country began to mature and confront new challenges. For example, at the federal level, the Department of Agriculture, the Department of the Interior, and the Department of Justice were established in the 1800s to meet the changing needs of a young country that was growing larger and dealing with internal strife. The Civil War, the westward expansion, and the Industrial Revolution were key events that changed perspectives on the proper and potential roles of government in society.

The expansion of the country and the administrative state was one reason that sparked interest in the study of public administration. The **spoils system**, also referred to as the patronage system, was another. A large number of the men that worked in public departments and agencies were not hired or appointed based on merit, or their relevant knowledge, skills, training, or experience. Instead, civil servants were appointed based on their political connections. After an election, a new executive administration would give government jobs to their political supporters, including friends, campaign workers, party loyalists, and active donors. The spoils system was first used by Thomas Jefferson, who wished to minimize the number of Federalists in government departments and replaced some officeholders for such political reasons. But in the nineteenth century, the spoils system was greatly expanded. The practice became embedded during Andrew Jackson's presidential administration, whose election brought in the "era of the common man" and a winner-takes-all political culture.

Jackson won the U.S. presidential election of 1828 and claimed he would reform a corrupt government. Prior to Jackson, the country was largely run by wealthy landowners. Jackson grew up incredibly poor, practically orphaned, and climbed the ranks in the military and eventually entered politics. His background was similar to many Americans of the era and thus more relatable. Yet, despite Jackson's humbler upbringing and promises to end corruption, he somehow managed to make government operations even worse. He crafted a spoils system to disadvantage his opponents while strengthening his own position. By the end of his administration, the spoils system became a deeply embedded and common practice at the federal, state, and local levels that would continue for the next few decades. The practice ballooned at the onset of President William Henry Harrison's administration. According to a Department of State newsletter, somewhere between 30,000 and 40,000 Harrison supporters "swarmed" Washington D.C. in the hopes of getting one of the 23,700 federal jobs that were available.²⁴

The spoils system had significant consequences for the quality of government administration beyond just corruption. The placement of unqualified and unprepared civil servants led to mismanagement in the forms of inefficiency and ineffectiveness. At its best, the spoils system still allowed administrative agencies to fulfill basic purposes, albeit slowly or poorly. At its worst, the spoils system led to theft, embezzlement, and graft. Calls for civil service reform, demanding

a merit-based hiring system, grew during the Civil War and continued even after a Civil Service Commission was formed by President Ulysses S. Grant in 1871 under the direction of Congress. Financial inaction by members of Congress, who largely depended on patronage, led to the collapse of the system proposed by the Commission in just a couple years. Only after President James A. Garfield's assassination in 1881 would lawmakers truly seek to reform the civil service system.

President Garfield is probably not one of the U.S. presidents you have spent a lot of time studying or even thinking about in your lifetime. His presidential term was only 200 days (or about six and a half months) with him actively serving for only the first four months. Garfield became a casualty of the spoils system. On July 2, 1881, Charles J. Guiteau shot President Garfield at the Baltimore and Potomac Railroad Station in Washington D.C. Why did Guiteau want to assassinate the president? Well, he was a government job seeker that felt he had been burned by the president. Guiteau was a lawyer, although not a good one, and eventually found his way into politics. He is now considered by many to have been mentally ill, which could explain why his contemporaries called him eccentric or claimed he was possessed.²⁵ Guiteau considered himself to be a die-hard supporter of the president and was convinced that a singular speech he gave to a group of fellow supporters was the key to Garfield's victory in the election in 1880. He felt as his reward for that speech he would be given a diplomatic position in Paris, France. However, Guiteau's speech was not, in fact, a grand event. The speech was given to a small group and is reported to have been highly incoherent.

Guiteau's mental state truly broke down after his persistent efforts to obtain the Paris job were thwarted. The straw that broke the camel's back came after he was told by the secretary of state that he would never get the job as long as he lived. Guiteau then reasoned that in order to get rid of the secretary of state, who was clearly in the way of his professional aspirations, he would have to kill President Garfield. Guiteau proceeded to stalk Garfield before that fateful day in July 1881. The fallout of Garfield's assassination led to reforms of the civil service. In 1883, Congress adopted [the Pendleton Civil Service Reform Act](#), which formally established the merit-based system of hiring. The spoils system, for the most part, was officially over.

If you are wondering why you are getting a history lesson and would like us to get to the point already, well here it is: The events of the nineteenth century led scholars, public leaders, and others to question the purposes and roles of government organizations in society. Out of this, the field of public administration was born. Woodrow Wilson, a political science scholar who would later become the twenty-eighth president of the United States, penned an essay in 1887 titled the "The Study of Administration." The essay, which appeared in *Political Science Quarterly*, is considered among the first seminal articles of the field.

"The Science of Administration"

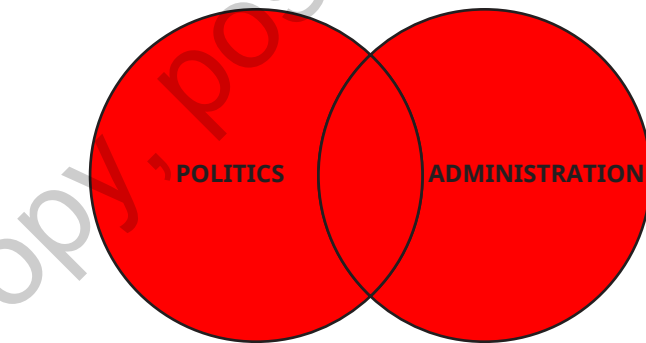
Woodrow Wilson's 1887 essay is often a starting point for many who are studying public administration. It was truly one of the first formal arguments to create a separate field of study and practice that focused on "the science of administration." This new professional field he proposed would rely on science, expertise, and systematic management to improve the efficiency

of public organizations, contend with personnel problems unique to government organizations, and improve bureaucratic management activities. In Wilson's words, this change represented a shift from answering the question of "who shall make law and what shall that law be?" to "how [should] law . . . be administered with enlightenment, with equity, with speed, and without friction?"²⁶ The former question is one of political science. The latter question is one of public administration.

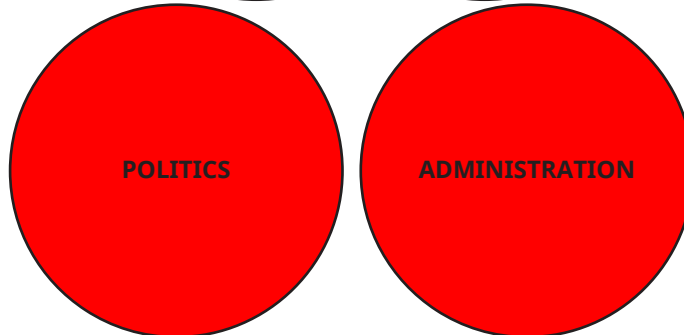
Wilson's article also remains significant within the field because it laid the groundwork for the conceptual development of the **politics–administration dichotomy**. This concept can be easily envisioned by imagining two circles—a Venn diagram of sorts—where each sphere encompasses a particular set of government activities (figure 1.4). The sphere of politics encompasses the activities of policymaking and politics. It is representative of questions asked primarily by political scientists. Politics and policymaking investigate how elected officials within governments determine what laws and rules should govern our society. The sphere of administration focuses on management and implementation of the laws. This sphere is seen as politically neutral. It does not answer questions related to what type of laws should be adopted or executed. Instead, it seeks to examine how civil servants can most efficiently and effectively execute the laws developed in the political sphere. It is within this sphere that questions of public administration are most important.

Figure 1.4 ■ The Politics–Administration Dichotomy

Scenario 1: Politics overlapping and influencing administration.



Scenario 2: Political activities are separate activities. There is no interaction.



The concept of these two spheres is based on Wilson's argument that "[public] administration lies outside the proper sphere of *politics*. Administrative questions are not political questions. Although politics sets the tasks for administration, it should not be suffered to manipulate its offices."²⁷ Wilson saw clear distinctions and a necessary separation between activities that should occur in the sphere of politics versus which activities should occur in the sphere of administration. In figure 1.4, Wilson's vision aligns with scenario 2 more than scenario 1. As such, the activities of politics should not unnecessarily influence the activities of administration. In theory, the spheres were representative of the different functions of government and should remain wholly separate in operation.

It's important to remember that when Wilson wrote his seminal article, politics had detrimentally influenced administration for much of the previous century. Let's use the metaphor of a rowboat to explain.²⁸ We can think of politics as the steering dynamic of the boat. Elected officials get to decide where we are going and make choices about the rudder position or how the paddles are used to get us to some destination. Administration (or neutral bureaucrats), then, would be the people rowing the boat and providing the power (and talent and skill) to get to our destination. The rowboat Wilson encountered was going through quite a bit of drifting, maybe some sinking, and generally moving only slowly toward intended policy objectives. Wilson argued that improving the administrative performance of government, including increased professionalization and greater efficiency and effectiveness, would require the removal of political influence. Now, this notion of a neutral bureaucracy staffed with trained professionals fully insulated from the sway of politicians and politics sounds ideal. However, in reality, administration often bleeds into politics (e.g., when bureaucrats offer policy or program solutions to elected officials) just as politics frequently creeps into administration (e.g., when elected officials work with administrators to tweak or otherwise help shape implementation that takes into account citizen feedback). We will discuss this more later.

Wilson's foundational article paved the road for public administration to become its own discipline. In the years and decades following its publication, scholars centered their efforts on making public administration more efficient and businesslike. The professionalization of the civil service created a need to consider how best to organize work and manage workers. Merit and technical-scientific knowledge would be key to good administration. This line of scholarship would eventually produce different perspectives on public administration as the country faced new challenges and changing attitudes.

The Eras of Public Administration

The discipline of public administration has been pulled in multiple directions since its early foundations. Tracing the history of public administration thus becomes difficult, as the path to explain the evolution of the discipline isn't linear. Scholars largely agree, however, that there are four general eras that mark key shifts in both scholarship and societal changes. This history is important to develop an understanding and appreciation for the diversity of the field, difficulties in defining public administration, and the structure of how this textbook presents information. So buckle up, buckaroos, it's time to learn some history.

Era One (1887–1930s): Early Scholarship and the Orthodoxy

The first era of public administration kicked off with the publication of Woodrow Wilson's 1887 article "The Study of Administration." In the decades that followed, the field centered itself around the politics–administration dichotomy and sought to improve the efficiency of the bureaucracy through the study of organizational design and management. The scientific management movement, grounded by the work of Frederick Taylor, among others, helped scholars define and set expectations for government organizations to be more efficient. Scientific management had four basic underlying assumptions. First, it is necessary to establish a clear division of work or labor. This means you would deconstruct a work process and then assign specific roles and tasks to different employees to complete. Second, organizations must standardize work activities by measuring and assessing the best method for each activity. This means there is a one-size-fits-all approach for completing a task, which is grounded in systematic and scientific research. Third, the sequential development of work duties can ensure optimal placement of workers and resources based on their skills and abilities. Tasks are not adapted to the worker assigned, but rather the worker is assigned to the task based on their ability to fulfill that responsibility. Finally, obtaining the cooperation of workers through the use of incentives is key to ensuring the application of scientific principles. Scientific management is discussed in more detail in chapter 5.

As this initial era progressed, efficiency-based administrative principles were solidified in the 1920s. The tremendous social, economic, and political changes of the early twentieth century contributed to a rapidly expanding scope of government. In just the first four decades of the century, the United States experienced rapid economic growth, increased consumer protection laws, World War I, the Dust Bowl, a stock market crash and the Great Depression, and the early events leading up to World War II.

The "high noon of orthodoxy" can be seen through the work of such scholars as Leonard White, Max Weber, and Luther Gulick.²⁹ Each was continuing Taylor's scientific management work by arguing for a management-based approach to studying and organizing the bureaucracy. For example, Leonard White laid forth the argument that public administration was not just an art but also a science. Administration, according to his view, was the heart of modern government and required the development of managerial expertise. Max Weber outlined key features of the ideal bureaucracy, which included such elements as written documents and rules and expert training for career civil servants. Luther Gulick identified similar elements of organization, but he particularly focused on executive duties and management. He is responsible for the acronym of POSDCORB, which you will be properly introduced to in chapter 5's discussion of early management concepts and theories. POSDCORB outlines seven executive managerial functions (planning, organizing, staffing, directing, coordinating, reporting, and budgeting) to achieve the appropriate balance of specialization and coordination in organizations.

The early field and orthodox period were dominated by an emphasis on management and organizational concerns of efficiency. The tenets of the politics–administration dichotomy were considered self-evident truths (despite their now known weaknesses), and the pursuit of scientific principles of public management became necessary for the young field to establish itself.³⁰

The discipline was seeking to become more of a field of science rather than one of art or the humanities. Creating a canon of tried-and-true principles of management and organizational design was key to improving the services and goods provided to constituents and clients. It should be noted that many of the early scholars of public administration, both in the first and second era, were considered practitioner–academics, or **pracademics**. The theories and concepts they proposed were not created in the silos of higher education. Instead, scholars drew from their own personal experiences working in public administration to inform their research. As such, the first era of public administration is reflective of not just normative beliefs (of what *ought* to be) but also practical experience. This trend would continue into the second era of public administration, beginning in the 1940s.

Era Two (1940–1970s): New Public Administration and the Heterodoxy

The 1930s was a rough decade to say the least. The New Deal (stemming from the devastation of the Great Depression and Dust Bowl), the start of World War II, and efforts to reform the American administrative state altered perceptions about the orthodox assumptions of public administration. While public administration was once a pillar of political science studies, the discipline was formally separating itself from political science and grappling with a kind of identity crisis. In 1939, the American Society for Public Administration was established. The following year the first issue of the *Public Administration Review* was published. This separation was accompanied by conflict over the proper direction of the discipline and the debunking of many of the tenets of public administration developed during the orthodox era. Most scholars emerging in the 1940s and 1950s agreed that politics was inherent in administration and found problems with the one-size-fits-all approach to organizational design and management.

Paul H. Appleby, Dwight Waldo, and Herbert A. Simon were key figures in establishing the new era of public administration heterodoxy. Collectively, they sought to expose the idea that politics and administration were separate as false and led an assault on the orthodox principles of administration. In line with our earlier discussion, Appleby insisted politics and administration were inextricably linked and that the assumption that politics was entirely a negative influence on administration was incorrect. Instead, political involvement could be viewed as a check on bureaucratic power. Waldo questioned how the authoritative nature of the bureaucracy could be reconciled with the egalitarian nature of the democracy. Simon provided perhaps the most scathing critique of the first era.³¹ He all but dismissed the orthodox principles, arguing that for each tenet there were additional contradictory factors to consider and yet no clear indication for who or what would provide the necessary guidance in reconciling decisions. He argued for the field to focus on decision-making processes and to reset the foundation of the field to studying “administrative situations” (or decisions, more simply) as the new unit of analysis. Efficiency would remain a fundamental principle but one bounded by the confines of reality and not some fantasy world where politics doesn’t exist. In essence, New Public Administration scholars believed more in Wilson’s scenario 1 (figure 1.4). They recognized that a true separation of politics from administration was not realistic.

Despite the agreement that politics existed in administration (and vice versa), there was considerable debate about the direction the discipline should take and what research it should pursue. The most notable disagreement arose between Simon and Waldo and their adherents. Essentially, the two scholars disagreed on the use of science in studying administration, the distinction between values and facts, the nature of responsible administration, and the relevance of democratic theory for public administration theory. Simon pushed for a value-free scientific public administration, which alarmed many scholars within the field. This approach effectively eliminated the field's "normative theory, concept of public interest, and focus on human values" and instead focused on the applied facts and scientifically evaluated processes of administration.³² The idea that the field might focus on what could be or on the general humanity of the profession and practice would be gone. Additionally, Simon emphasized the study of decision theory and operations research, which gave rise to the concepts of bounded rationality and satisficing (more on this in chapters 3 and 5). His overall view of the future emphasized administrative science and logic through scientifically studying decision making. This would eventually pave the way for public policy research to become defined in the 1970s as a separate field of inquiry from political science and public administration.

Waldo's perspective deeply contrasted with Simon's decision-making approach to public administration. Waldo was committed to developing and building **normative theory**, which is a form of theory building focused on moral and ideal ways to behave. In his view, Simon's approach would prevent such theory building to occur. Waldo is generally considered the father of bureaucratic politics. He saw a need to connect political and philosophical issues to the newly emerging bureaucratic state since there were still many questions about what the ideal administrative state should be. Accountability is a significant concern in Waldo's view of public administration. As Norton Long is often quoted, "power is the lifeblood of administration" and power, not administrative efficiency, is essential for an effective administrative practice.³³ Accountability is the mechanism by which public administrators' power is balanced and checked by others including elected officials. Waldo's approach answers the key question of "what is the role of power in bureaucracy?" and contributes to our understanding of how politics interacts and balances administrative activities and behavior.

Many argue that the Simon–Waldo debate created two separate visions for the future of public administration. At a minimum, it left a definitive mark on the field and foreshadowed the diversity of viewpoints among modern scholars. As much as Waldo and Simon may have disagreed about the direction of the field, both had an underlying interest in decision making and the role of the bureaucracy in public policy development. During the 1960s, as a result of this shift in interest, schools specializing in public policy (aligned with Simon's vision) began to emerge and compete with schools specializing in public administration or management (aligned with Waldo's vision). The separation of policy research is evident in the establishment of the Policy Studies Organization in 1972.

Another defining moment and perhaps shift in the foundation of public administration appeared in 1968 at the Minnowbrook Conference. The conference was geared toward younger public administration scholars who were critical of the direction of the field. The Minnowbrookers, or Young Turks, called for a different focus for the field, dubbed New

Public Administration, that would center on the democratic principles of popular participation, consensus building, trust, and social equity while rejecting strict adherence to the doctrines of science and behavioralism of the first era. The Young Turks believed that older scholars were out of touch with reality. Indeed, as Waldo framed the issue at hand, the younger scholars saw persistent issues of “old men talking to old men about irrelevancies, old men out of touch with the real problems of a chaotic and dangerous world and the youth who would have to deal with them.”³⁴ New Public Administration shifted the discussions in the field and lingered through the 1980s before succumbing to different trends.

Era Three (1980s–1990s): Privatization, Reinventing Government, and New Public Management

It is during the third era of public administration that scholars of public management formally began to distinguish their own perspective from others in the field. The term *public management* emerged in the 1970s, and by the 1980s it was “refugees from policy schools” that formed the new scholarly domain.³⁵ Public management was considered a field concerned with prescription (i.e., forward-looking, actionable plans), contextual knowledge, strategy, and examining the effects of politics on the problems facing public management and organizations.³⁶ Its departure from the broader field of public administration coincides with how the third era is marked by the overwhelming influence of conservatism among westernized countries in the 1980s. Governments were performing poorly, or at least were perceived to be, and needed to be reformed. The turmoil of the mid-twentieth century had left the practice of public administration hungover and exhausted. The civil rights movement, the Vietnam War, Watergate, and general economic decline during the 1970s began to shape new visions of government. The election of Ronald Reagan in 1980 ushered in a new conservative philosophy in the United States that favored government privatization, deregulation, and devolution. Reagan’s supply-side approach to economics, which aims to increase the supply of goods by reducing taxes and regulation, was in contrast to the Keynesian economic perspective of prior decades, which had sought growth through expanding government and a focus on demand-side spending.

The shift to conservatism was not unique to the United States. Many other westernized democratic countries also embraced government downsizing and reinvention. Australia, Finland, New Zealand, the United Kingdom, and Sweden downsized their governments as part of what would be referred to as the New Public Management (NPM) movement. The movement harkens back to orthodox era of the discipline with an emphasis on running the government more like a business and less like an organization charged with addressing the welfare of a democratic society. Yet unlike the orthodox era, the civil servants of NPM could be political agents with the capability of not only rowing but steering the rowboat (or maybe it’s a motorboat at this point) thus cementing the overlap of politics and administration. Many countries faced increasingly deficient, overwhelmed government services and a declining interest among individuals to work in the civil service.

According to Michael Barzelay, a contemporary public management scholar, NPM can be separated into three developmental categories or streams of activities.³⁷ Each stream emphasizes making government work more efficiently but encompasses a different set of

actors and endeavors. The first stream of activities under New Public Management focuses on the discussions taking place within governments. Government leaders, including both elected officials and career civil servants, were the first set of actors to embrace and define NPM activities. During this era, governments were more likely to privatize certain government operations, sell off publicly owned capital, engage in deregulation of certain industries, and increase the overall number of government contracts with private companies. During this period, some countries privatized services or sectors such as utilities (e.g., telecommunications) and transportation (e.g., airlines and railways). This trend was seen less in the United States, as many of those sectors were already in private hands. Downsizing government would lead to a smaller government scope. The number of government programs, departments, and agencies would need to shrink while the private and, to some extent, nonprofit sector took on larger roles in providing public services. For those government organizations that remained intact, management tactics also became more businesslike. For example, strategic planning and incentive-based employee reward systems were adopted by government organizations.

The second stream of NPM includes nonacademic, practitioner-based commentary such as David Osborne and Ted Gaebler's highly influential 1993 book *Reinventing Government*.³⁸ Osborne and Gaebler saw the shift in government activities and performance as "an American *Perestroika*," referencing the westernizing economic reforms made in the final days of the Soviet Union. They argued for an entrepreneurial government that would promote competition, empower citizens, and decentralize authority. It may not be possible that governments are truly run like businesses or adhere to private sector values and behavior, but governments could learn key lessons from the private sector that may improve overall performance and outcomes. NPM's first and second streams of activities were shaped each other. For instance, both President Bill Clinton and Vice President Al Gore were highly influenced by Osborne and Gaebler's work and used it to find common ground with a majority Republican Congress, which supported the privatization and downsizing of government, after the 1994 election.

The third category or stream of New Public Management centered on academic scholarship. Academics were a bit slow to grasp what was going on in government and properly analyze it. Some of the earliest discussions of the New Public Management concept began in the late 1980s and early 1990s. There was division among scholars concerning the proper role and expected benefits of government privatization and downsizing. Some scholars believed the government changes and blurring of the public-private sectors provided some benefits. For example, Donald Kettl concluded that some new forms of governing, such as contracting, can work if the government is a "smart buyer."³⁹ Government programs and activities are not conducted in a competitive market context—no other entity is supplying a military, collecting taxes, or paving roads and building bridges. This means the standard economic forces of supply and demand do not affect the government the way they do private business. Therefore, it is imperative for government officials to consider their own strengths and weaknesses when doling out responsibilities—and funding—to private and nonprofit actors.

While many scholars saw some benefits to privatization in the 1980s and 1990s, there were also scholars that did not support government privatization and deregulation, arguing that government and public organizations do not share the same intellectual roots and motivations

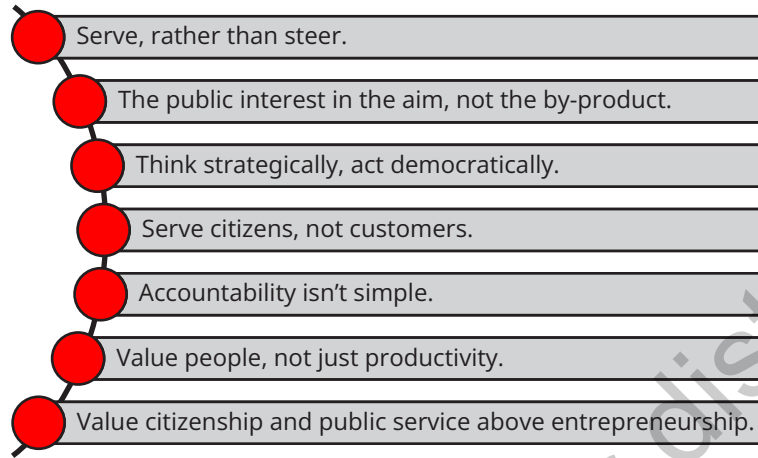
of a free-market based private sector. For example, Ronald C. Moe was an early opponent of the new visions of the bureaucracy and reaffirmed a clear boundary and set of differences between the private and public spheres of management.⁴⁰ Only the public sphere has sovereignty; it possesses rights and immunities and has the power to establish the rules of behavior and property rights. No private entity can claim that. Furthermore, any reliance on the private sector to provide public services and goods generates concerns about accountability. Public safety, national security, corruption prevention, and the ability to retain knowledgeable and qualified employees cannot be adequately achieved through the private sector, and attempting to do so strains public organizations that provide oversight.

Era Four (2000ish–Present): New Public Service and the Current Environment

A new perspective on public administration was offered at the turn of the millennium: New Public Service. Although New Public Management lingered on, New Public Service pushed back against the entrepreneurial and business-like spirit embedded in NPM. Robert B. Denhardt and Janet V. Denhardt developed a conceptual model with seven “practical lessons” for how New Public Service operates in contrast to earlier paradigms (figure 1.5).⁴¹ Democratic theory is central to the guiding principles of New Public Service, with civil servants acting as essential guides for the public navigating the policy process. Members of the public are no longer seen as clients or customers of civil servants. Instead, civil servants work *with* citizens in a collaborative environment where societal values can be established to develop a sense of community. Civil servants should not be responsible for steering and rowing, but rather working directly with the public to determine what the government should be doing and how it should be doing it. Serving, rather than rowing or steering, is the main objective for government and civil service under the New Public Service paradigm.

New Public Service has not completely replaced New Public Management as the predominant set of practices used in public administration. The two paradigms have continued to coexist in the new era. The duality of business-like practices coexisting with democratically based governance strategies highlights the complexities of modern society. Indeed, modern society and the social problems that governments seek to resolve have become increasingly complex, which comes with a particular set of challenges. Complex problems have produced complex policy responses. More complex policies typically require a complex administrative state to enforce the law. Therefore, by design, the policies we have adopted to solve complex problems can lead to both ineffective and inefficient implementation efforts.

There is little hope that our complicated society and problems will become less so any time soon. Societal changes are fast paced, particularly since the widespread adoption and use of the internet during the rise of the digital age. If you are an older student, you surely understand how much the world has changed since the 1970s, 1980s, or even 1990s. However, if you are a newly minted adult, you may not have the perspective to truly appreciate how much and how quickly the world has changed since you were born. Since 2000, the United States has experienced the worst economic downturn since the Great Depression (i.e., the Great Recessions), experienced a global pandemic (i.e., COVID-19), engaged in several international armed conflicts including

Figure 1.5 ■ New Public Service “Practical Lessons” for Public Administration

Adapted from Robert B. Denhardt and Janet V. Denhardt, "The New Public Service: Serving Rather Than Steering," *Public Administration Review* 60, no. 6 (2000): 549–59.

the Iraq War and counterterrorism efforts against the Islamic State, and has become witness to increasing political polarization, rapidly rising national debt, and a gridlocked Congress. These issues are just the tip of the iceberg when it comes to the rapidly changing world around us. To put it into context, at the beginning of the millennium, Nokia and Motorola were producing the most popular cellphones in the market. None of the available phones had apps. Some of the biggest perks were playing Snake and making “free” phone calls after nine p.m. Today, your cellphone is more powerful than a 1990s desktop computer with access to whatever information, games, or social media platforms you desire. Most recently, we’ve seen the emergence of artificial intelligence. The internet and other technological advances have provided a platform for more far-reaching and accessible communication networks and, for better or worse, added complexity of societal interactions.

For public administrators, the high-wire act of addressing challenging problems finds its balance somewhere between the lingering techniques of New Public Management and the more democratic practices of New Public Service. Creating a business-like environment can help the bureaucracy minimize some inefficiencies and help organizations overcome unnecessary spending, particularly in low-funding environments. Yet the purpose of public organizations is to address public concerns and should not necessarily sacrifice the quality of activities just to save money. Including the public in the process of developing the rules and identifying policy successes is important. Improving performance and safeguarding democratic processes and outcomes costs money and requires an investment in the bureaucracy.

Check Your Progress 1.5

1. What Congressional act was adopted after the assassination of President Garfield and established a merit-based civil service?
 - a. The Pendleton Act
 - b. The Hatch Act
 - c. The Classification Act
 - d. The Riot Act
2. In which era of public administration did government begin to privatize operations?
 - a. Era One (1887–1930s)
 - b. Era Two (1940s–1970s)
 - c. Era Three (1980s–1990s)
 - d. Era Four (2000-ish–Present)
3. Which scholarly figure in public administration argued for the field to develop normative theory?
 - a. Herbert Simon
 - b. Dwight Waldo
 - c. David Osbourne
 - d. Woodrow Wilson
4. True or False. Many early scholars of public administration were both practitioners and academics, or otherwise known as pracademics.
 - a. True
 - b. False

You can find answers for all Check Your Progress sections in this book's appendix.

Conclusion

Public administration focuses on the roles of government, including its institutions, elected officials, and civil servants, in society, and its primary concerns are therefore quite different from private administration. The public sector is held to many different standards of behavior, and it is guided by different values than businesses of the private sector. The public sector must serve the public interest, and it is held accountable to adhering to the values of a democratic society. As a discipline, public administration has a rich history that documents how the public sphere is distinctive from that of the private sphere. Since the days of Woodrow Wilson's 1887 article "The Science of Administration" and the emerging interest in the study of government organizations and management, the field has continued to mature and diversify in scope as society has changed, scholarship has advanced, and new strategies and technology have developed. The four eras of public administration highlight how the field has evolved, both in practice and scholarship. Modern conceptions of *good* administration are much different today than those initially proposed by scholars and practitioners. Today's public administrators must balance the needs to serve the public as efficiently, effectively, economically, and equitably as possible. In

the modern era, it is generally recognized that governments cannot be operated just like private businesses, but there are certainly some lessons to be derived from the private sector for how to improve the performance of public organizations.

As a concept, public administration has proven difficult to define. The history of the discipline highlights why providing a singular definition is difficult. The field is diverse and has competing perspectives for what types of scholarship and practice fall under the domain of public administration. From a public policy perspective, public administration focuses on the roles public organizations play in the policy process. From a public management perspective, public administration focuses on the management and operational activities of public organizations. However, it is important to remember that public administration is both public policy and public management. A broad understanding of the organizations and actors that implement public policies and rules requires a balanced consideration of both politics and administration.

Key Terms

accountability	normative theory
administrative procedures	pluralism
agency	politics–administration dichotomy
bureaucracy	pracademics
civil servants	private goods
common-pool resource	private organizations
economy	public goods
effectiveness	public organizations
efficiency	spoils system
empiricism	sunshine laws
equity	the Pendleton Civil Service Reform Act
hyperpluralism	toll goods
nonprofit organizations	

Review Questions

1. How does the three-prong approach to defining public administration clarify its connection to democratic structures and principles?
2. How does public management differ from public policy? Give an example that highlights the difference between the two approaches to public administration.
3. What distinctions make public organizations different from private and nonprofit organizations?

4. What are the Four Es of Public Administration?
5. Review the four major historical eras of public administration. Can you identify key developments of each era?

Discussion Questions

1. What is public administration? Consider and describe how you would define the concept and field of study.
2. Why does public administration involve both the study of public management and public policy?
3. Public and private sector organizations share similarities and differences. How do you think nonprofit organizations are a blend of public and private?
4. There are Four *Es* of Public Administration. How does the value of efficiency differ from the other 3 *Es*?
5. Why is reviewing the historical of the discipline important? What lessons can be derived from understanding how the field of public administration developed?

Further Recommended Resources

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Chapter 2

The Bureaucracy and Its Government Role



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Learning Objectives

- 2.1 Define the parameters of the U.S. administrative state.
- 2.2 Explain the structure of the federal, state, and local governments and public agencies.
- 2.3 Describe the stages of the policy process.

2.4 Specify the various policy activities of the bureaucracy.

2.5 Assess the different approaches to implementation and oversight.

The bureaucracy is a powerful governmental actor. Modern public agencies play a vital role in not only executing public policies but also developing the policies that govern society. The policymaking power of the bureaucracy is reinforced by its size. As noted in chapter 1, the American administrative state was initially far smaller in scope than it is today. In 2020, approximately 21.9 million individuals were directly employed by federal, state, and local governments. Most individuals (roughly 87%) work for state or local governments.¹

The size of the public bureaucracy grew as additional roles and responsibilities were assigned to administrative agencies. This is what makes it nearly impossible for any individual to escape the influence of government. Just think about the day you are having right now and try to think of a singular activity that you engage in that doesn't somehow involve government either directly or indirectly. Have you driven on a road without paying a toll? That's the bureaucracy paving and maintaining roadways. Have you eaten anything today and haven't gotten sick? That's the bureaucracy ensuring a safe food supply. Did you recently purchase some new clothes? Then don't be surprised to find out that there was a whole series of bureaucrats collecting taxes on all the transactions related to those garments including your own point of sale. In essence, it's really hard to escape the public bureaucracy. It's so large and has so many responsibilities that sometimes even when you think you are doing something that doesn't require or involve the bureaucracy . . . well it does, even if invisibly.

This chapter dives into specific mechanisms for how public organizations govern society. This includes coverage of the structure and roles of the public bureaucracy (or administrative state) as an unofficial fourth branch of government. The chapter begins by defining the American administrative state and explaining its emergence in modern society as a key policymaking institution. Several different types of public organizations are described within the general context of how the American administrative state is organized at the federal, state, and local levels. The chapter also details the public policy process and outlines the specific roles of public organizations in policymaking. The various policymaking and implementation activities of public organizations are described with particular attention paid to how each activity is performed in theory and practice.

Bureaucracy as the Fourth Branch

The bureaucracy is sometimes considered the unofficial fourth branch of government. It possesses just as much governmental power and influence as the executive, legislative, or judicial branches, and it is staffed by both appointed officials (who represent elected perspectives) and career staffers (who serve based on merit and not political affiliation, which is discussed in detail in chapter 6). There is little doubt that America's Founding Fathers would be shocked to know how large and

powerful administrative agencies have become today. Little attention was specifically given to the design or role of the bureaucracy in the development of the defunct Articles of Confederation or later the U.S. Constitution. More emphasis was placed on the general structure of the new government and the division of power to avoid tyranny. One notable exception, however, to the majority's focus on power structure was Alexander Hamilton.

The “ten dollar Founding Father without a father” provided the most detailed analysis of the role and structure of the administrative state in the early republic.^{2,3} It was Hamilton who embedded public administration within the purview of the executive branch. In *Federalist No. 72*, Hamilton states that “[administration of government] is limited to the executive details, and falls peculiarly within the province of the executive department.” However, it is important to understand that the executive branch was not the only branch intended to be responsible for execution of policy. Hamilton intended for all three branches to be concerned about the implementation of public policies and even saw public agencies possessing characteristics of elected branches of government. Indeed *Federalist No. 72* starts out by stating “the administration of government, in its largest sense, comprehends all the operations of the body politic, whether legislative, executive, or judiciary.”⁴ Hamilton's detailed attention to administration underscores that examining “*how* objectives could be achieved by government” can be just as important as “*what* objectives were to be achieved.” Hamilton might have been one of a few at the time who might have anticipated that a large and complex administrative state would emerge, but he may not have fully anticipated the significant role the “administrative branch” of government would later fulfill.

What Is the Administrative State?

Popularized by Dwight Waldo's 1948 classic *The Administrative State: A Study of the Political Theory of American Public Administration*,⁵ the **administrative state** generally refers to the bureaucracy with a particular emphasis on the policymaking power the bureaucracy possesses. It is generally seen as a pejorative term, particularly by those within ideologically conservative and libertarian camps, as it implies that the bureaucracy has taken on powers not designated to it by the Constitution. Strict democratic principles uphold the belief that only elected officials are legitimately authorized to make public policy decisions. In this view, unelected government officials, therefore, have no place in making policy decisions. As indicated in chapter 1, there is a long-standing belief, otherwise known as the politics–administration dichotomy, that elected bodies are only responsible for steering (i.e., making policy) and administrators are only tasked with rowing (i.e., carrying out and implementing policy). Yet we know now that the practice of public administration simultaneously involves both politics *and* administration—both steering *and* rowing.

Bureaucratic policymaking sits at the heart of concern about the administrative state. This type of policymaking allows public administrators to both steer and row simultaneously by crafting policies through the implementation process. This kind of policymaking has become entrenched as standard practice in today's governing structures. Any formal power held by administrative departments and agencies has been delegated to them by elected officials to

“fill in the details” of law. It’s likely impossible for legislative bodies to craft laws that clearly cover each and every situation that may be encountered when the law is implemented. The delegation of policymaking powers to administrators developed and grew over centuries despite its apparent prohibition by the Constitution. Article One, Section One states that Congress cannot delegate its legislative, or policymaking, power to any other entity. Policies are to be solely developed by the legislative branch, including all necessary details to implement that law. But this **nondelegation doctrine** has not been strictly upheld, particularly as the country and the public bureaucracy have grown.

The slow erosion of the nondelegation doctrine began in the early nineteenth century. In 1825, the U.S. Supreme Court decided in *Wayman v. Southard* that Congress and state legislatures could (and perhaps should) delegate powers to other official entities to fill in crucial policy details, such as court procedures, where necessary and appropriate. As Chief Justice John Marshall stated in the opinion of the Court, “It will not be contended that Congress can delegate to the Courts, or to any other tribunals, powers which are strictly and exclusively legislative. But Congress may certainly delegate to others, powers which the legislature may rightfully exercise itself.” The Court clarified its position by also affirming that “(t)he line has not been exactly drawn which separates those important subjects, which must be entirely regulated by the legislature itself, from those of less interest, in which a general provision may be made, and power given to those who are to act under such general provisions to fill up the details.” The delegation of policymaking power, and the demise of the nondelegation doctrine, solidified in the twentieth century. Congress has allowed administrators to take the wheel and drive many key policy decisions.

There are a few possible reasons elected officials, and specifically the legislature, have allowed public administrators to engage in policymaking.⁶ First, the delegation of policymaking power might have stemmed from legislative members seeking more engagement with their constituents. The details of law can get complex and deep. Why waste time on an issue where the details can be fleshed out by someone else with more time? Similarly, why spend time filling in details on an issue that are perhaps routine? In other words, for legislators it can be easier to let someone else with more time work out the details so that legislators can focus on what keeps them in office—courting voters and making the rounds in their communities. In this way of thinking, the only reason a legislator might get involved in the gritty specifics is to give out benefits to select groups (e.g., businesses or specific constituent groups) or if they are concerned about legislative intent becoming distorted after policy adoption.

A second potential reason for delegation is simple avoidance of uncertainty or disagreement. If policymaking is delegated to the bureaucracy, legislators do not have to decide all the policy details at the moment of adoption, which avoids battles over these particulars among legislators that could sink the chances of a bill’s passage. It is only later that the presumed experts will be held responsible for identifying how to best fulfill the spirit of the law. One example is the passage of the National Bioengineered Food Disclosure Law in 2016. It delegated power to the United States Department of Agriculture (USDA) to create a national standard for labeling food products that are genetically engineered (more casually referred to as genetically modified organisms, or GMOs). The law was intended to correct an emerging patchwork of state

regulations geared toward informing consumers about their food. Unfortunately for the USDA, it was clear that “nobody was super happy about” the passage of the bill, with both proponents (those who were pro-labeling) and opponents (those who were anti-labeling) highlighting how the legislative process resulted in a bill that was a true compromise (for better or worse) between opposing viewpoints on the issue.⁷ The USDA, charged with implementing the law, proposed rules on labeling that exempted most products from being labeled, did not create an enforcement mechanism, and were not in the interest of consumers, leaving many of the law’s proponents outraged. In 2020, consumer and natural food groups began challenging the USDA rules by claiming that the agency’s actions did not meet the act’s main purpose—informing consumers. This highlights a third motivation for delegating, namely the “blame game.”

The potential benefit of the blame game is the final reason legislators may choose to delegate policymaking power to the bureaucracy. In these cases, legislators will delegate power to administrators when the adopted policy is unpopular with their constituents. Yes, it might have been adopted for the good of broader society, but politicians know it’s easier to survive election season if they can blame bureaucrats for unpopular policy decisions. In the case of GMO labeling, allowing the USDA to fill in the details aided in getting a bill passed, even if it was no one’s ideal version of a labeling law, *and* it also allowed Congress to shift any blame for the outcome to the agency.

Rise of the Administrative State

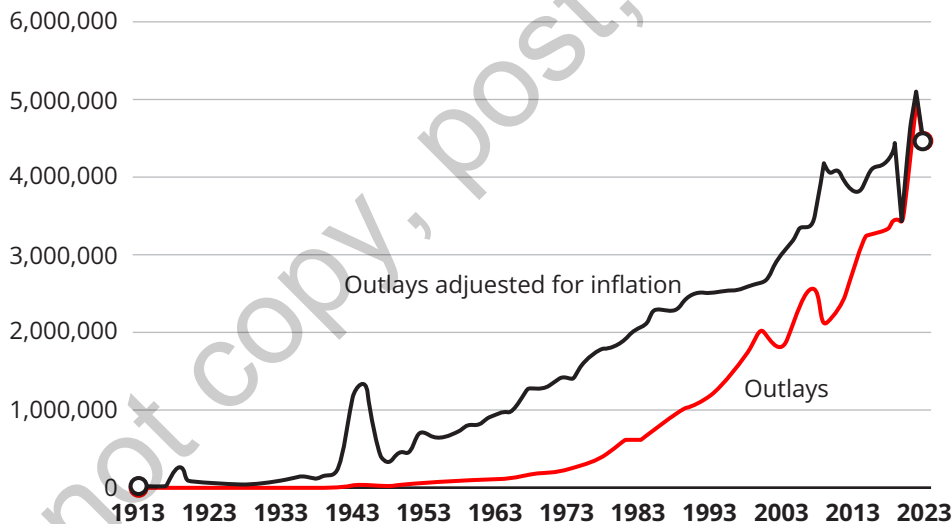
As outlined in chapter 1, the administrative state was particularly small in the infancy of the United States. The small size of government was a reflection of the limited demands placed upon it at that time. The United States was primarily agricultural, with only a relatively small, largely coastal territory to govern. The early days of the country were spent focused on creating a stable political environment while developing a stronger economy. The size and power of government grew slowly over the course of the nineteenth century and then exponentially during the early and mid-twentieth century as new demands materialized and the country grew in both geographic size and population. Expansions occurred alongside major events including the Civil War, the Industrial Revolution, World War I, the Great Depression, World War II, the Cold War, and the civil rights movement. New agencies and departments were created at federal, state, and local levels to address newly emerging issues that resulted from each major event. For example, the Industrial Revolution greatly expanded the geographic span and population of the country while also prompting concerns about oligopolies and monopolies, leading to new consumer protection laws and government interventions. Similarly, WWII contributed to a boom in American military, intelligence, and industrial capacities while simultaneously increasing economic power particularly in the years that followed. The Baby Boomer generation came about as a post-WWII cohort that fundamentally reshaped how American society would meet the demands of a growing population. Programs that provided benefits to WWII veterans (e.g., GI Bill), offered assistance to those with disabilities (e.g., Social Security), and pumped massive public investment into scientific and technological advancements (e.g., the arms and

space race during the Cold War) emerged to meet the needs of the larger population and ensure prosperity and health in an increasingly complex society.

For the administrative state, the rise and growth of the bureaucracy over time can be traced through two different but interdependent measures: government spending levels and the number of civil servants. Federal spending data provides one of the more complete pictures of the rise of the administrative state. The White House has maintained a summary of overall spending and revenues since 1789 with annual figures starting in 1901 (figure 2.1).⁸ In the first 112 years of the United States, the federal government spent approximately \$16.5 million in total, with most of that spending (94%) occurring from 1850 to 1900. Spending increases would continue with spikes in expenditures from 1918 to 1919 at the height of World War I and from 1941 to 1945 during the U.S. involvement in World War II. Spending steadily grew in the second half of the twentieth century but drastically escalated after the terrorist attacks of 9/11 and the Great Recession. Between 1999 and the start of the COVID-19 pandemic in 2020, federal government spending increased by over \$1.8 trillion (constant) dollars. This is an approximate 71 percent increase in total federal spending in twenty years.

Figure 2.1 ■ Federal Outlays 1913–2023 (in Millions of Dollars)

Federal Outlays (1913–2023, Reported in Millions)



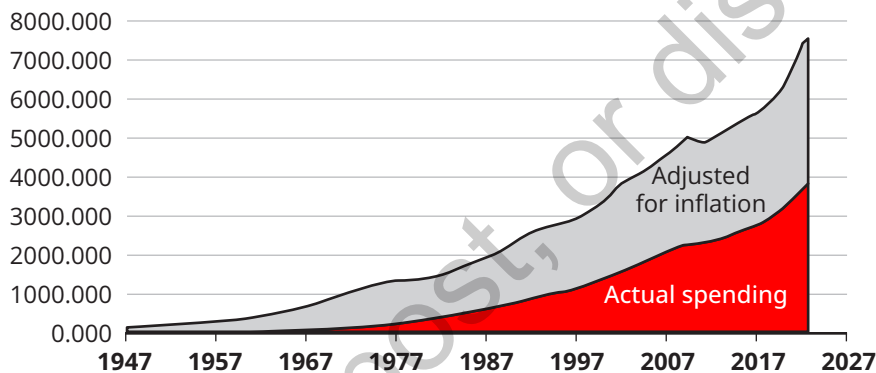
GovInfo. "Budget FY 2025—Historical Tables, Budget of the United States Government, Fiscal Year 2025," accessed March 12, 2025, <https://www.govinfo.gov/app/details/BUDGET-2025-TAB/context>

State and local government spending follows a similar pattern of growth in the past seventy years (figure 2.2). Spending levels steadily increased throughout the second half of the twentieth century and into the twenty-first, with a slight elevation in spending during the Great Recession that began in 2009, likely due to federal grants that spurred spending at the state and local

levels. Total spending at the subnational level topped out at \$3.1 billion in 2019, just before a spending bump initiated by the pandemic in 2020. The 2019 spending level is about double the total state and local spending in 1988 (controlling for inflation, or in constant dollars). Spending increases at the state and local level have accelerated in the past twenty years as governments have continued to expand to meet new demands. Comprehensively, government spending highlights how much government has grown and expanded by simply tracking the funds required for its policies, programs, services, and infrastructure. To be clear, there is no guarantee that the policies are being executed well or distributed evenly or fairly across jurisdictions and populations.

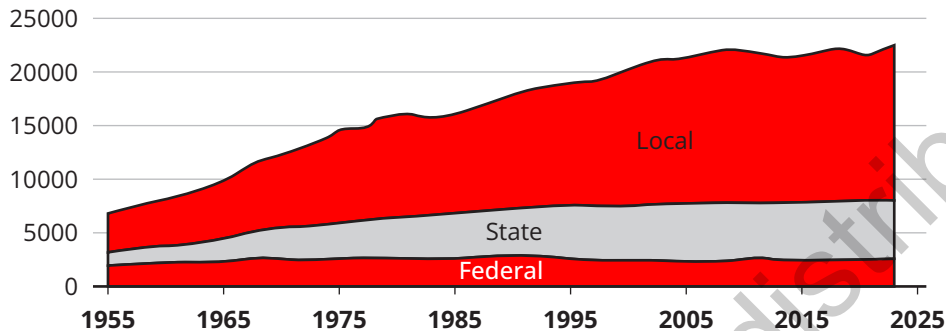
Figure 2.2 • State and Local Spending, 1947–2023 (in Billions of Dollars)

State and Local Spending (1947–2023, Reported in Billions)



Federal Reserve Bank of St. Louis, "Economic Data, State and Local Government Current Expenditures," <https://fred.stlouisfed.org/series/SLEXPND>.

Government employment data collection officially began in 1919 when the Bureau of Labor Statistics started conducting monthly and annual assessments of employment and earning figures by industry.⁹ In 1919, only 2.67 million individuals (or 2.55% of the total adult U.S. population) were reported as working for the government across all levels (figure 2.3). Today, approximately 21.9 million individuals work directly for the government (meaning they are not government contract workers), representing an approximate 720 percent increase in total government employment over the past century. This means approximately 6.6 percent of the adult U.S. population work directly for the government. Most of this growth is attributed to state and local governments, while federal employment has remained relatively stable. Roughly 10.97 million jobs were created in local governments between 1955 and 2019, a 310 percent increase. State government has experienced similar growth, adding 3.91 million jobs during that same period (a 337 percent increase). The COVID-19 pandemic led to declines in state and local government employment, but most analysts expect employment totals to recover by the end of the decade and continue increasing.

Figure 2.3 ■ Employment by Level of Government, 1955–2023 (in Thousands)**Employment by Level of Government (1955–2023, Reported in thousands)**

U.S. Bureau of Labor Statistics, "Employment Projections, Table 2.1 Employment by Major Industry Sector," <https://www.bls.gov/emp/tables/employment-by-major-industry-sector.htm>.

Check Your Progress 2.1

1. Why is the bureaucracy sometimes called the "Fourth Branch" of government?
 - a. It was officially created by the Constitution.
 - b. It has power and influence comparable to the other three branches.
 - c. It is entirely made up of elected officials.
 - d. It only enforces laws without making policy.
2. Since the 1950s, state and local governments have experienced employment growth far greater than the federal government.
 - a. True
 - b. False
3. Which concept refers to the inability of Congress to delegate policymaking power to other entities?
 - a. Nondelegation doctrine
 - b. Bureaucratic policymaking
 - c. Administrative state
 - d. Federalism

You can find answers for all Check Your Progress sections in this book's appendix.

The Structure of the Fourth Branch

The formal structure of the American administrative state is a federal system that's based on, well, **federalism**. In this system of government, constitutional authority and responsibility are

legally divided between national and subnational governments. In the United States, this means the federal government and the states. Yes, there are three distinct levels of government—federal, state, and local. However, local governments are not mentioned anywhere in the Constitution, and, as “creatures of the state,” any power they may have to govern is determined by their states. The U.S. Constitution designates certain responsibilities and powers to the federal government, others to state governments, and some to be shared by both levels. This is why you often observe involvement at both the federal and state and local levels. For example, education is an issue that is covered by federal, state, and local policies. Higher education is often an issue that is predominantly directed by state policies (e.g., structure of public institution systems, state funding support), but the federal government also has the responsibility to aid with financial support (e.g., student loans) and regulatory oversight on practices.

It is not unusual for such governmental overlap to occur. As such, it is almost expected that the implementation of laws will involve coordination among various government actors at different levels. Yet, what happens when federal and state (or local) policies are in conflict? Which policy directives are civil servants supposed to follow? The doctrine of **preemption** dictates that federal laws supersede state and local laws on any subject to avoid conflicting policies and regulations. The legal basis for preemption stems from the Supremacy Clause in the U.S. Constitution, which designates federal policies and laws as “the supreme Law of the Land” (so long as those federal policies and laws are constitutional). Federal preemption of state policies is common in the world of laws and regulations, particularly in areas like banking, medications, safety, and even elections. Cheerleaders for federal preemption often say it’s important to have uniformity across the states. The opposition often argues that states should be allowed to exist as diverse “laboratories of democracy” that experiment with different policies. States preempt their own local jurisdictions, too, and we’ll discuss that later. Overall, federalism shapes the country’s broad, overarching governmental structure. It is important to remember that the term *federal* in this context refers to a system of government based on federalism and “dual sovereignty.” That’s different than when we discuss “the federal government.” Keep that in mind as you read this chapter. Now, let us turn to the various organizations that actually make up the public bureaucracy.

Types of Public Organizations

There are four broad types of public organizations that are responsible for executing policies: (1) branch-based agencies and offices, (2) executive cabinet departments, (3) independent agencies, and (4) government corporations (see table 2.1). Each type of public organization aids in the overall execution of public policies by providing special functions, goods, and services. To be clear, these different types of organizational structures exist at the federal, state, and local level, but the key difference in execution stems from the overall structure, scope, and purpose of each organizational type. In terms of structure, it is important to recognize who (or which sort of position) leads a department or agency, as the nature of top leadership varies within and across levels of government. In some cases, agencies and departments may be led by political appointees

in conjunction with civil servants while in others the organization's lead official is elected. Such differences can make for dramatic diversity in how policies are ultimately implemented.

Table 2.1 ■ Types of Public Organizations

Type of Organization	Responsibilities	Examples
Branch-based Offices	Data collection, analysis, and management related to executive, legislative, or judicial branch functions	Congressional Research Service; Office of Management and Budget; state legislative fiscal offices ¹⁰
Executive Cabinet Departments	Broad sweeping authority and oversight of key issue areas	U.S. Department of Agriculture; some state departments of education and transportation
Independent Regulatory Agencies	Development and implementation of rules and regulations governing a specific economic sector or issue area	Environmental Protection Agency; Federal Trade Commission; some state departments of insurance and environmental management
Independent Executive Agencies	Focused on a specific set of service-based activities related to key governing activities	National Aeronautics and Space Administration; county sheriff's offices
Government Corporations	A fee-based (or payment based) provision of services or products	U.S. Postal Service; Amtrak; NYC Health + Hospitals

Branch-based staff offices are those entities that operate mainly to serve one particular branch of government. For example, the Congressional Research Service serves Congress and the Office of Management and Budget serves the president. This means that instead of serving the broader public, branch-based agencies and offices aim to serve elected officials through such activities as data collection, analysis, and management. These types of organizations are often overlooked in discussions about the bureaucracy, but each branch-based office serves a crucial role in providing necessary information and analysis to elected officials.

Executive cabinet departments are major administrative organizations that are designated by issue area concerns (e.g., agriculture, health and human services, or education). Cabinet-level departments are the largest public organizations and key facilitators of public policies. As the workhorses of public administration, cabinet departments are overseen by and integrated into the executive branch of government. Cabinet departments at the state and federal levels are led by political appointees (and sometimes elected officials) instead of career civil servants.

At the local level, executive cabinet departments don't really exist in the same way, and are often instead called "departments," such as the Departments of City Planning, Finance, and Parks and Recreation. Most heads of departments are hired as career civil servants, whether the day-to-day operations of the local government are the responsibility of either an elected mayor or commissioner or an appointed professional manager. However, it is common for some local government executive offices, such as those of the city clerk, city manager, and city attorney, to be led by political appointees (i.e., they serve at the pleasure of an elected council or board). The preference for political appointees over career civil servants to lead some agencies and offices comes down to a matter of responsiveness and accountability. Political appointees create a direct reporting and accountability mechanism linking these agencies to the chief executive. Career bureaucrats typically report to the appointees, who then report to their political superiors, who are ultimately accountable to the people via elections.

Independent agencies are organizations that address a very specific area of concern and are often established by legislative acts.¹¹ These agencies are technically a part of the executive branch but enjoy much more freedom and independence; they are not a part of any executive cabinet department and often do not have the same direct control mechanisms. Instead, independent agencies are self-governed through commissions, councils, or boards and will only report activities to the executive branch without the stipulation of following executive commands at all times.

There are two types of independent agencies—*independent regulatory agencies* and *independent executive agencies*. **Independent regulatory agencies**, such as the Environmental Protection Agency or a state department of insurance, are responsible for the development and implementation of rules and regulations that govern particular economic sectors, such as communications and trade, that are key to safeguarding the public interest. **Independent executive agencies**, such as NASA or a county sheriff's office, are organizations that focus on a narrowly defined purpose and scope of service-based activities but are not primarily intended to provide regulatory oversight of a specific sector. Both types of independent agencies are *independent* for a number of reasons, but the primary reason is largely political. Independence allows these agencies a greater ability to be politically neutral and to avoid political interference in regulatory and service activities that require a high degree of technical expertise to execute. Instead of relying on political whims and feelings, independent agencies work in areas that are highly complex and can be politically tense. Guarding against political bias and excessive interference permits these agencies to rely on scientific and technical expertise to protect and promote the public interest.

The final type of public organization responsible for administering public policies is the **government corporation**. Yes, we know this might sound very strange. Corporations are often connected to the private sector, but the key difference between private and government corporations is centered on ownership and use of profits. Private corporations are owned entirely by private sector entities including individuals, other businesses, and shareholders. The profits generated by the private corporation are then shared among its owners. Government corporations, on the other hand, are not owned by any private entities. Instead, a government owns the corporation, which provides market-based services and uses any profits to maintain the

organization's capacity to provide those public goods and services. They often operate with high degrees of independence from the executive and legislative branches. All of this is why you may encounter price increases for sending mail through the U.S. Postal Service or pay a bit extra next time you take public transportation, such as services offered through Amtrak. Neither Congress nor the president are involved with those financial decisions. Finally, aside from ownership and profit disbursement, government corporations do not differ that much from private sector corporations. For instance, like their private counterparts, government corporations typically have boards of directors, which serve as a mechanism for ensuring the business is operating as it should.¹²

These four general types of public organizations are found all across the federal government and, to varying degrees, in state and local governments. Let's first discuss how these organizations look in the federal administrative state, including some important examples, before turning to state and local governments.

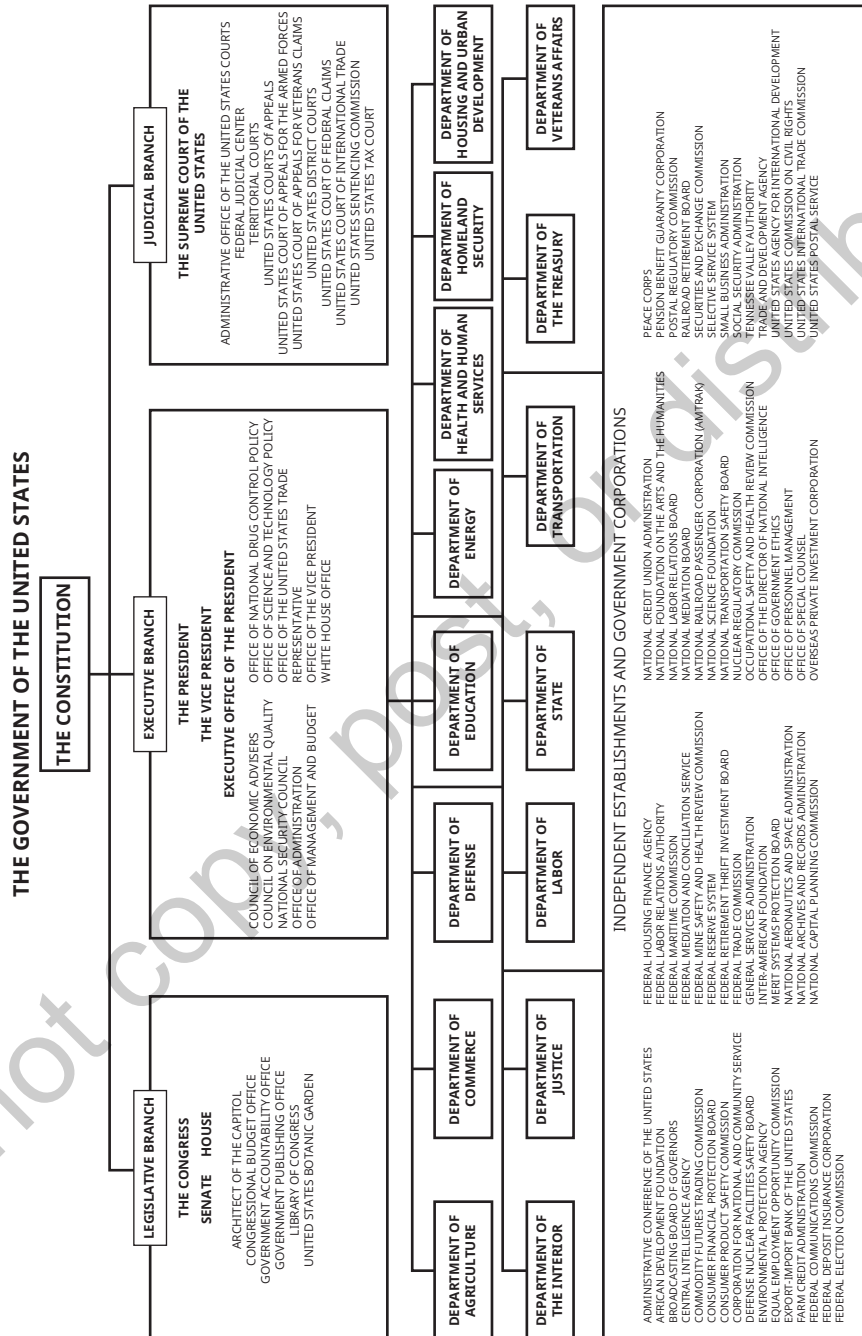
The Federal Administrative State

The modern federal administrative state is an expansive enterprise consisting of twenty-seven branch-based offices, fifteen executive cabinet departments, and fifty-eight independent entities and corporations. Figure 2.4 outlines the official federal government organization chart. The overall structure of the federal administrative state has changed quite a bit in the past century. The three branches of government have continued to expand the number of branch-based agencies while the scope of cabinet departments, independent agencies, and government corporations has likewise been altered and expanded. Yet despite the changes in structure, an overwhelming percentage of the roughly 2.9 million people employed in civilian, non-military positions of the federal government work in executive branch entities, including independent agencies and government corporations.

Federal Branch-Based Staff Offices

Branch-based offices employ approximately 67,000 people across six legislative offices, eleven judicial-based offices, and ten executive agencies encompassed by the Executive Office of the President. While we can say that all branch-based offices are special and important in their own ways, there are four branch-based offices in the legislative and executive branches that deserve your attention at this time. Why is that? Well, because these agencies play really important roles in providing oversight and analysis of administrative activities. Moreover, some of these offices were created as part of an arms race of sorts between the executive and legislative branches of government to exert dominance in policymaking and implementation. All of this is particularly important for budgeting, which is further discussed in chapter 4. For now, let's just look at five offices that are key to understanding broader administrative activities within the federal government.

Figure 2.4 ■ Organizational Chart of the United States Government



U.S. Government Manual, "Organizational Chart of the United States Government,"
<https://www.usgovernmentmanual.gov/ReadLibraryItem.ashx?SFN=Myz95sTyO4rjRM/nhlRwSw==&SF=VHhnrOeEAnGaa/rtk/Og==>

Congressional Branch-Based Offices

The Congressional Research Service, the Government Accountability Office, and the Congressional Budget Office are the trifecta of congressional-based support offices that have significant impact on the activities of the legislative branch.

The Congressional Research Service (CRS) is a department within the Library of Congress (LOC). The LOC was established in 1800 for the purpose of purchasing books to aid members of Congress in their policymaking responsibilities. The CRS was originally established in 1914 as the Legislative Reference Service. In 1970, it was renamed the CRS and its responsibilities to directly support Congress were expanded. Today, the CRS works exclusively for members of Congress and congressional committees by providing nonpartisan research and analysis, which often leads to the agency being called Congress' think tank. Unlike most think tanks, however, the CRS does not advocate for particular policy positions. Instead, according to a report prepared by the CRS examining itself, staff members provide elected officials "the best possible information and analysis on which to base the policy decisions the American people have elected them to make."¹³ CRS activities support Congress through every step of the legislative process, from conducting preliminary evaluation of issues prior to the development of legislation to providing key oversight analysis of executed laws. Not all of the work conducted by the CRS is available to the public, but CRS reports are the main source of publicly available analyses generated by the agency. A number of memos, briefings, and inquiries remain confidential.

The Government Accountability Office (GAO) is another nonpartisan agency that works for Congress. The "watchdog" office was created by the Budget and Accounting Act of 1921 to provide oversight and auditing of how the federal government spends taxpayer dollars. During and following WWI, there was growing concerns about waste and finance management in the federal government. You know how some folks complain about how wasteful the government is? Well, the GAO's job is to figure out whether, and to what extent, this is true. The cost-saving work of the agency is evident through reports, testimonies, legal decisions, auditing, fraud investigations, and advisory activities. In FY 2019, the work of the GAO generated a total of \$214.7 billion in financial benefits (meaning savings) for the country, equating to roughly \$338 for every dollar allocated to the office.¹⁴ The GAO is lead by the Comptroller General of the United States, a Senate-confirmed position appointed for fifteen-year terms by the president.

Finally, the Congressional Budget Office (CBO) was created by the Congressional Budget and Impoundment Control Act of 1974 to give Congress a stronger role in the federal budget process. The CBO is similar to the CRS and GAO in that it provides nonpartisan and objective reports and analyses for Congress. However, the CBO specifically focuses on issues and concerns related to the U.S. economy and federal budget. The range of work conducted by CBO staff includes producing required analytical reports (e.g., annual *Budget and Economic Outlook* reports), legislative bill cost estimates, technical support, and budget and economic sector projections. As will be discussed more in chapter 4, the CBO plays an integral role in the budget process, especially by providing guidance on ensuring the spending decisions made by elected officials do not negatively impact overall economic health.

The Executive Branch-Based Office

There is only one executive branch-based agency we will cover—the Office of Management and Budget (OMB). OMB was officially created by Reorganization Plan No. 2 of 1970 under President Richard Nixon’s administration. Nixon’s reorganization transformed the Bureau of the Budget, which was created in 1921, into OMB and expanded its role. Major functions of OMB include preparation of the president’s annual budget proposals, management of the executive branch, development and oversight of regulations, and coordination of activities between the executive and legislative branches.

According to some observers, OMB actually focuses more on budgetary concerns than management.¹⁵ However, the main takeaway for our purposes is that OMB is an administrative queen bee. The office has often been called the most powerful office on Capitol Hill and has an extensive reach within federal administrative affairs and politics. The activities conducted by OMB touch pretty much every aspect of the federal bureaucracy’s existence and performance. This may be alarming to some as OMB has been described as having a disorganized and inconsistent approach to conducting designated responsibilities stemming from tensions between career staff members and political appointees.¹⁶ Some OMB employees are career staff members who are experts in their fields and capable of ensuring sound government budget and management practices. However, the office is led by political appointees who may derail or prevent sound budgeting and management practices. As a result, OMB provides sound administrative oversight but can get caught up in controversy, such as when several OMB staff members were called to testify in President Trump’s impeachment proceedings over withheld aid to Ukraine in 2019.

Executive Cabinet Departments

There are fifteen executive Cabinet departments at the federal level. As discussed in chapter 1, the earliest departments established include the Departments of State, Treasury, and War (est. 1789), with the Departments of the Interior (est. 1849), Agriculture (est. 1862), and Justice (est. 1870) coming along later in the mid-nineteenth century. Eight additional departments would be added to the executive Cabinet throughout the twentieth century in response to emerging issues and trends. The newest addition was the Department of Homeland Security in 2002, which was created in response to the terrorist attacks on September 11, 2001.

As administrative workhorses, the departments cover a range of major policy areas, such as agriculture, commerce, education, energy, health, and national security. However, not all federal agencies are created equal. Some agencies are larger, both in terms of employment figures and total spending (see table 2.2). The Department of Defense is one of the largest cabinet departments, employing an estimated total of 155,005 individuals (not including military personnel) in 2023 with discretionary spending levels set at \$816 billion. Other larger departments include Veteran Affairs and Homeland Security. Comparatively, the Department of Education only employs 4,200 individuals and the Department of Labor had a 2023 enacted discretionary budget of \$12.5 billion.

Table 2.2 ■ Federal Civilian Employment and Expenditures by Department and Agency

Agency/Department	September 2023 Total Employment (reported in thousands)	2023 Enacted Discretionary Expenditures (reported in billions)
Agriculture	95.4	26.4
Commerce	49.1	11.2
Defense	155*	816
Education	4.2	79.2
Energy	16.3	47.8
Health and Human Services	90.33	130.4
Homeland Security	219.9	61
Housing and Urban Development	8.56	72.1 (program level)
Interior	68.27	17.2
Justice	116.4	37.5
Labor	15.1	13.6
State	13.8	63.4
Transportation	55.3	28.7
Treasury	104.6	14.2
Veterans Affairs	471	134.9
<i>Total</i>	<i>1,483.26</i>	<i>1553.6</i>
Environmental Protection Agency	16.5	10.1
National Aeronautics and Space Administration	18.1	25.4
Small Business Administration	8.1	1.1
Social Security Administration	61.4	9.6

<https://www.govinfo.gov/content/pkg/BUDGET-2024-BUD/pdf/BUDGET-2024-BUD.pdf>;
<https://www.fedscope.opm.gov> (employment trend year-to-year).

*Does not include Army, Navy, or Air Force personnel in calculations

Cabinet departments come under the direct oversight and control of the executive branch through their leaders. These fifteen individuals, alongside other key executive officials, comprise the president's Cabinet, which serves in a key advisory capacity. In 2022, President Joe Biden's Cabinet was a twenty-five-seat body composed of the vice president, the heads of the fifteen Cabinet departments, the White House Chief of Staff, and the heads of eight federal offices and agencies (including the OMB).¹⁷ Interestingly, the fifteen Cabinet heads are part of the presidential line of succession. If the president (and then vice president) is unable to perform the duties of the presidency, the Speaker of the House and then the President Pro Tempore of the Senate, followed by Cabinet heads, starting with the Secretary of State, would assume the office.

You may already be familiar with the top leadership of Cabinet departments as each of their official titles is "Secretary of [department name, such as State or Education]." The only exception to this is the Attorney General, who serves as the top leader for the Department of Justice. Presidents nominate these leaders, and the U.S. Senate confirms them by vote following the constitutionally mandated process of investigation, review, and committee hearings.

Cabinet secretaries are often placed in the precarious position of simultaneously representing both the interests of the president and of the department they lead and manage. In general, while some Cabinet secretaries and other top appointed officials have substantial experience in the organizational and policy areas they lead, not all are especially experienced or able to effectively balance the president's agenda and their organization's mission and goals. Appointed officials are not career civil servants. They only serve at the president's pleasure and may often make policy decisions that are not well received by the seasoned civil servants working in their departments. This tension can result in a game of sorts where career bureaucrats try to simply "wait out" unpopular decisions and even the appointees, whose time with departments is always limited. Waiting out can mean blocking significant policy changes, stalling processes and procedures, or simply disengaging from political rhetoric pushed into agencies. In many cases, this defiance can help agencies avoid unconstitutional activities or positions that are not in the public interest.

Independent Agencies

While there are hundreds of federal agencies and commissions, there are only fifty entities listed on the official federal government organization chart (see figure 2.4). The fifty listed agencies are independent; they are not associated with other departments or organizations within the federal government. The other hundreds of agencies and commissions (those that are not listed on the chart) have some official affiliation with another major federal department or organization. Independent agencies have a certain degree of autonomy and freedom from direct executive oversight not enjoyed by the fifteen Cabinet departments. This isn't to say that these agencies are completely able to avoid presidential influence, but there isn't the same degree of oversight and direct meddling.

Federal agencies that are structured as boards or commissions are more likely to hold independence compared to agencies with more traditional structures that have single political appointees as their leaders. For example, three independent agencies whose leaders were included in Biden's Cabinet were technically independent executive agencies. These leaders were nominated by the president and confirmed by the Senate, the same process as the Cabinet secretaries. This means that the Environmental Protection Agency (EPA), the Office of the

Director of National Intelligence, and the Small Business Administration (SBA) are led by single individuals who are likely to be replaced by any new president.

Other agencies are led by multimember boards whose members do not serve at the pleasure of the president, meaning they cannot be fired and replaced at the president's whim or when a new administration comes into office. Board-led agencies are more common in issue areas requiring technical expertise in major industries and sectors of the U.S. economy. More often than not, board-led agencies are independent regulatory agencies. Two examples are the Federal Communication Commission (FCC), which oversees regulations on communications, and the Federal Reserve System ("the Fed"), which is the central banking system of the United States (these folks matter quite a bit for managing your and everybody else's money). The FCC and the Federal Reserve are five- and seven-member boards respectively (when all seats are filled), with one member serving as chair of each. FCC commissioners serve five-year terms, while terms on the Fed board are fourteen years.

Board agencies are less susceptible to political meddling than single-director agencies, both because the members generally serve fixed terms and can't be easily removed and because of the way members' terms are staggered. To protect these agencies' independence, Congress has restricted the ability of the president to "fire" board members. In fact, board members can serve their entire appointed terms even if the policies enacted by the board go against the wishes of the executive or legislative branches. President Trump made headlines in 2018 and 2019 for wanting to fire the chairman of the Federal Reserve, Jerome Powell, because of political disagreements about interest rates.¹⁸ However, Trump couldn't fire Powell, whom Trump previously nominated to serve as the board's chair in 2017, because there are no legal grounds allowing any president to remove board members (though some have suggested that a president could demote a Fed chair "for cause"). The most influence a president can have on these boards is through nominating new members, but there too their independence is protected by staggered terms. The seven members of the Fed board all serve fourteen-year terms, but their terms do not expire at the same time; every two years one member's term is up, and that seat must be filled. Board members at the Fed and at most other agencies of this type have therefore been appointed under different presidential administrations and likely have differing ideological views.

To some, board-led agencies are questionable bureaucratic entities, as they are administrative agencies that have a high degree of autonomy from elected officials but are capable of and responsible for developing policies that seriously impact major sectors of the U.S. economy.

Government Corporations

In the grand scheme of the federal government, there are no hard and fast rules for defining which public organizations are technically government corporations. Even the Congressional Research Service admits "they are not widely understood in executive management circles."¹⁹ According to a 2011 CRS report, there are seventeen organizations that currently meet the loose definition of a federal government corporation: "an agency of the federal government, established by Congress to perform a public purpose, which provides a market-oriented product or service and is intended to produce revenue that meets or approximates its expenditures."²⁰ However, there are technically many more organizations that can be considered corporations. At least seven corporations appear on the official federal government organizational chart (see figure 2.4).

A central characteristic of government corporations is the ability to generate revenues to offset expenditures. Three well-known corporations, the National Railroad Passenger Corporation (Amtrak), the Tennessee Valley Authority (TVA), and the United States Postal Service (USPS), were formulated because the nature of their services permitted relatively sustainable streams of revenue for operations. Amtrak raises revenue from rail fares when we take the train to and from its more than 500 destinations. The TVA, which receives tax dollars, makes money from selling electricity to industrial and residential customers in seven states. You're probably most familiar with the USPS, which earns revenue by selling postage to deliver mail and packages.

Beyond generating revenues, the way that corporations are situated in the broader bureaucracy is another important shared attribute. Specifically, the structure of corporations often removes direct political interference by federal elected officials and permits more flexibility in developing internal policies and procedures to achieve designated goals. Similar to some independent agencies, the lack of heavy legislative oversight on government corporations' activities is alarming to some, but federal corporations may not be permanent entities. Indeed, some corporations have been temporary or transitional until a special task is completed. For instance, the Reconstruction Finance Corporation was created in 1932 to help state and local governments and the banking industry get through the Great Depression. It was effectively dissolved in 1957. Only certain government corporations have apparently permanent status due to the indefinite demand for services by current and future populations.

The Subnational Administrative State—U.S. States

The structure and political processes of the federal government are mirrored in many aspects of subnational governments, especially the states. Governors correspond to presidents as chief executives while state legislatures and city councils represent legislative branches as much as Congress. Like the federal government, state and local governments are chock full of political appointments. Thus, career bureaucrats working with and for political appointees is not a dynamic reserved for the federal government. Despite the healthy list of similarities, each of the three levels of government in our federal system have their own peculiarities.

In state governments, governors are the chief executive officers and the elected heads of the branch just as presidents are in the federal government. Governors are elected by the citizens of their states, most often to four-year terms. Vermont and New Hampshire don't give their governors quite as long of a leash, instead electing theirs every two years. Most states have term limits for their governors, and limits are most often two consecutive four-year terms. Governors are the faces of their states' governments. Broadly speaking, governors are managers. Governors are responsible for implementing and enforcing state laws and policies, and they are also required to properly oversee the executive departments below them in their state's bureaucracies. The duties and powers of governors are typically set in state constitutions and by statutes passed by the legislatures. Like presidents, they make a lot of political appointments to senior positions such as the heads of commerce, transportation, and public safety departments.

Lieutenant governors sit in the number-two position of state governments. There are many similarities to the role of the vice president, but in some states the lieutenant governor is elected independently of the governor (i.e., not as a running mate) so there is some extra consideration

for how duties are assigned and managed. The same situation also exists for some other top executive officers. Some lead agency and department leadership positions are elected, in which case they are often called “constitutional officers.”

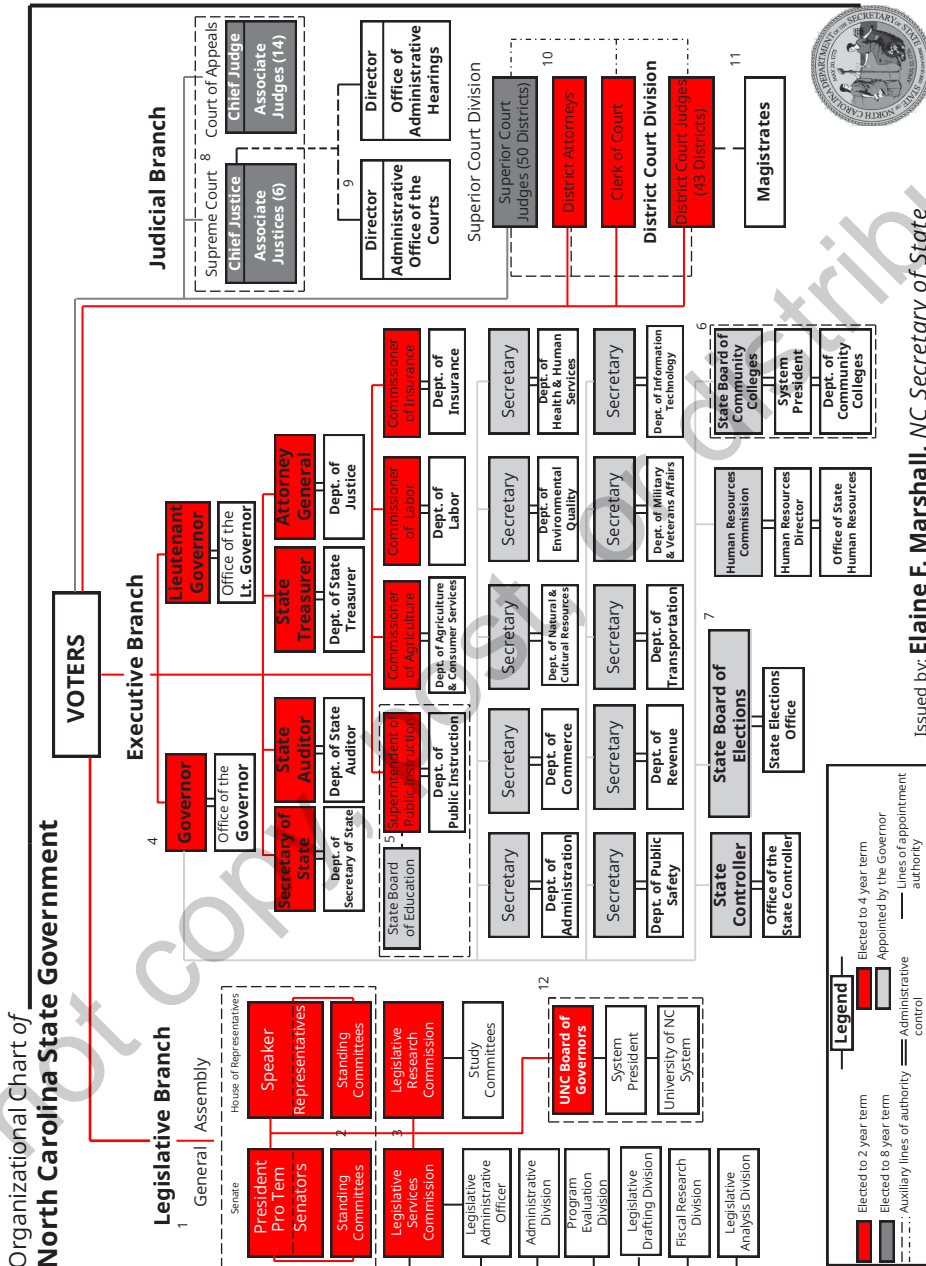
For example, most state attorneys general, the chief legal and law enforcement officials of their states, are elected by the people to four-year terms. Only a handful are appointed like the U.S. attorney general is by the president. Other top executives include the state treasurer, state auditor, state superintendent of schools, and the commissioners of independent departments such as agriculture and labor. The method of selection for these officials varies between states, with some popularly elected and others appointed by governors and state legislatures. States where these top officials, alongside governors and lieutenant governors, are all popularly elected are sometimes said to have a “plural executive” in contrast to the clear unitary executive of the federal government.

Beyond these more highly publicized top executive officers, the executive branches of state governments are comprised of departments and independent agencies. The departments, which are directed by the governor, are dedicated to a variety of public functions such as commerce, natural and cultural resources, environmental quality, health and human services, transportation, elections, and public safety. Department heads, often “secretaries,” serve as members of the governor’s cabinet, mirroring the federal government. The names and numbers of departments differ from state to state. For instance, Michigan’s state constitution limits the executive branch to twenty administrative departments.²¹ Next door in Wisconsin, this number is around thirty.²² State independent agencies, which are typically attached to departments but enjoy less direct control by political superiors, often include state ethics commissions, boards of elections, and labor relations boards. See figure 2.5 for a look at North Carolina’s executive branch organizational chart.

That’s not all! State executive branches can include executive commissions, committees, advisory councils, and task forces. These boards, which are typically created by governors (often via executive order) or the state legislature (via legislation), are frequently asked to conduct research to inform public policy, help coordinate the activities of multiple agencies or programs, and offer feasible solutions to pressing issues. They can be temporary, with task deadlines, or more permanent. For example, in Maryland the Animal Waste Technology Fund Advisory Committee is a permanent committee that assists with awarding grants to companies working to reduce farming pollution. North Carolina has the Governor’s Advisory Committee on Performance Management to support evidence-based policy work.²³ In 2022, Montana’s governor, Greg Gianforte, launched a temporary task force responsible for providing recommendations for making housing more accessible and affordable in the state.²⁴

State governments have traditionally rolled out and administered state programs and policies statewide via local jurisdictions, namely counties (or boroughs in Alaska and parishes in Louisiana). Counties are the administrative arms of the state. This naturally means that the offices and employees of state government executive branches are not solely located in state capitals. For instance, Georgia’s Department of Family and Children Services and Department of Juvenile Justice both have offices in many of the state’s counties. In this case, social workers and court officers employed with these agencies, although working in counties across the state, are state government employees, meaning not county employees. This is a common, but not universal,

Figure 2.5 ■ Organizational Chart of North Carolina State Government



North Carolina Secretary of State, "Organizational Chart of North Carolina State Government," https://sosnc.gov/webfiles/static_forms/publications/NC_State_Org_Chart.pdf.

structure in states. State-level policies and decisions made by top officials and department heads filter down to counties and municipalities, to where the rubber meets the road. This is the street-level, the front door so to speak, of state government where the administrative state and citizen clients converge.

The Subnational Administrative State—U.S. Local Governments

Local governments are likewise part of the administrative state. In this context, local jurisdictions are counties (or boroughs and parishes) and municipalities, which include cities, towns, villages, and other incorporated governments. Most public sector workers are employed in local government. In 2019, the U.S. Census estimated that more than 14 million people worked for local governments, mostly in education, police, and fire service positions.²⁵ Despite its size and importance, local government doesn't even get a mere mention in the U.S. Constitution. States are considered unitary actors, meaning they have the ability to give power to or keep power away from lower levels of government based on the state's interests. This has led to some interesting differences in how local governments are created, structured, managed, and overseen across the country.

Counties and municipalities derive their legal authority and responsibilities entirely from their state governments through state constitutions, statutes, or both. Hence, they're often referred to as "creatures of the state." In practice, this means local governments are restricted in their activities, kind of like children granted permission by their state parents in many ways. Some states grant local governments "home rule," which allows them to take policy actions, such as a new firearms regulation or a change in sales tax, without prior approval so long as the actions are not in conflict with any statute. Other states are so-called "Dillon's Rule" states, which restrict local government action to those matters already authorized by statute.

Counties and municipalities are "general purpose" local governments, meaning they plan and deliver a broad range of public goods and services. Whether we are aware of this, we use local government services every day: brushing our teeth with clean running water, driving on paved city streets, slowing our cars' speed while passing a watchful police officer, and so on. Local government functions include education, economic development, housing, emergency management, parks and recreation, and many more.

Most discussions of local government structure start with talking about "form of government." Nearly all U.S. municipalities take one of two forms. The council-manager form is comprised of an elected council (or board), who appoints a professional manager to effectively "run" the jurisdiction's day-to-day operations. The council is the legislative branch, and the city (or town, village, or borough) manager functions as the executive with powers delegated to them. Alternatively, the mayor-council form consists of an elected council (or board) and a mayor, who serves as CEO and has either strong or weak political power. In county government, the most common form is the commission, where elected boards are the legislative body that make county policy and oversee county operations. However, more and more counties are appointing professional managers to take over CEO roles.

Form of government, particularly whether the jurisdiction has an appointed manager, is important to understanding local government structure. If a manager is present in a municipality,

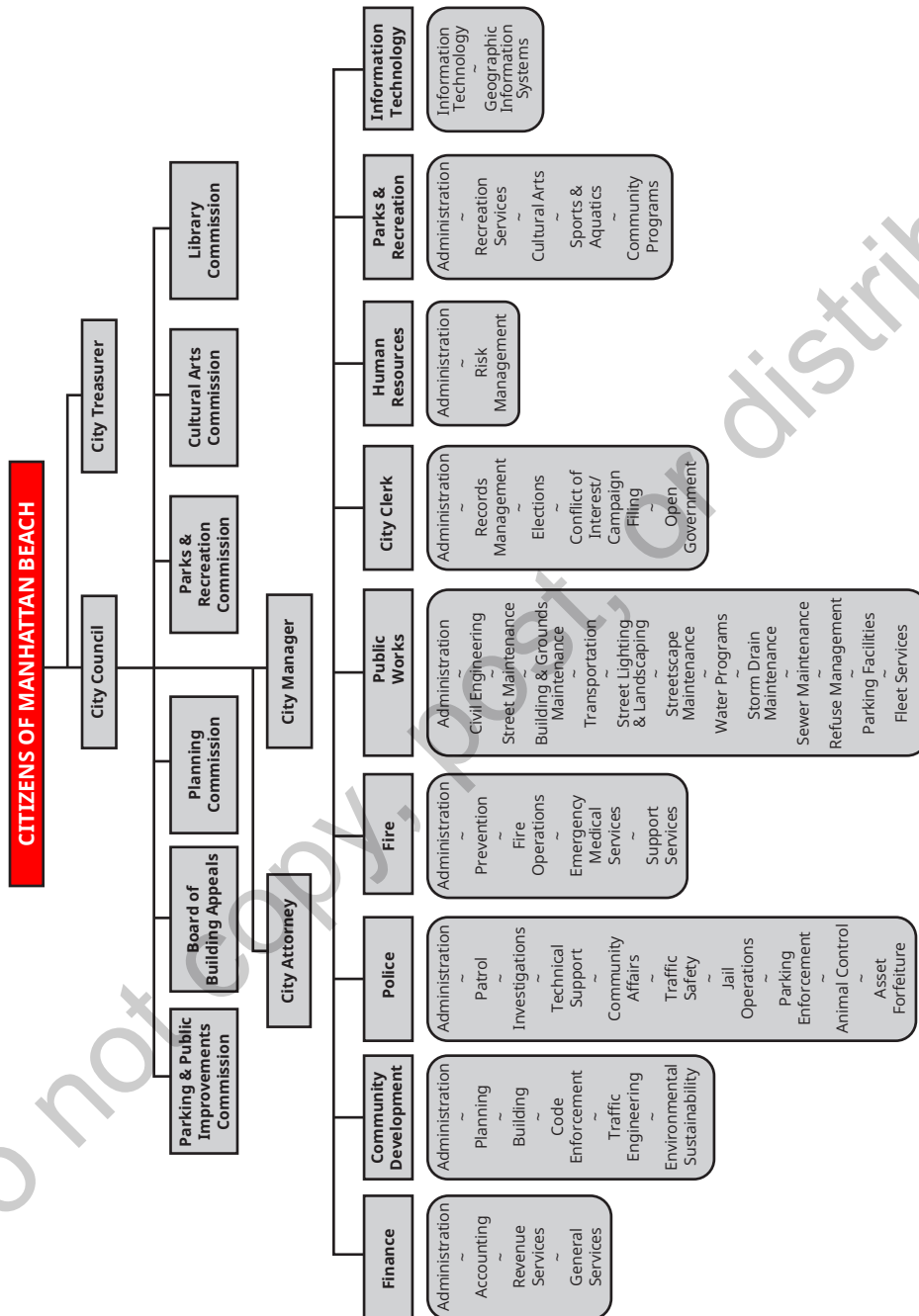
the heads of the government's various departments, such as police, fire, parks and recreation, and public works, report to the manager's office. The manager, then, reports to the jurisdiction's council. If a manager is not present in a municipality, those department heads report to the mayor or council. See figure 2.6 for a look at the organizational chart of the City of Manhattan Beach (CA), which has a council–manager form of government.

The structure of counties is quite different in a significant way. While local agencies all fall under the council (or mayor/manager) in an organizational chart, counties have officials who do not report to the county commission (or appointed manager if present). Sheriffs, for instance, are popularly elected in most states, and the office of sheriff is typically established in state constitutions. The sheriff's office is responsible for performing law enforcement duties, securing courtrooms, managing jails, and other activities in the county. Many states have statutes requiring sheriffs to present reports to county commissions, but nothing more. Sheriffs are directly accountable to the people via the ballot box. This is very different than police chiefs, who report to (and can be fired by) city managers or city councils. Other county officials that are not directly overseen by commissions often include officers and boards of elections, education, and health. See figure 2.7 for an example of a county organizational chart.

The structures of county and municipal governments are significant for understanding power dynamics and how departments operate. For instance, it is important to recognize how differences in structure are reflected in differences in top-down authority in municipalities versus counties. With few exceptions, mayors and municipal managers directly oversee nearly every office and position in their municipal governments. These clear lines of authority can make program and policy implementation—as well as communication, planning, and budgeting—a more streamlined endeavor in many cases. In county governments, commissioners and county managers must contend with a structure that places many key offices outside of their direct control, such as school boards, health boards, and sheriff's offices. In many cases, the county manager or commission chairperson cannot simply tell the sheriff or public health director what to do. This fragmented structure can often fundamentally change the nature of how public administration gets done. Thus, collaboration, delicate give-and-take negotiation, and informal relationships may take on greater significance for public administrators in counties.

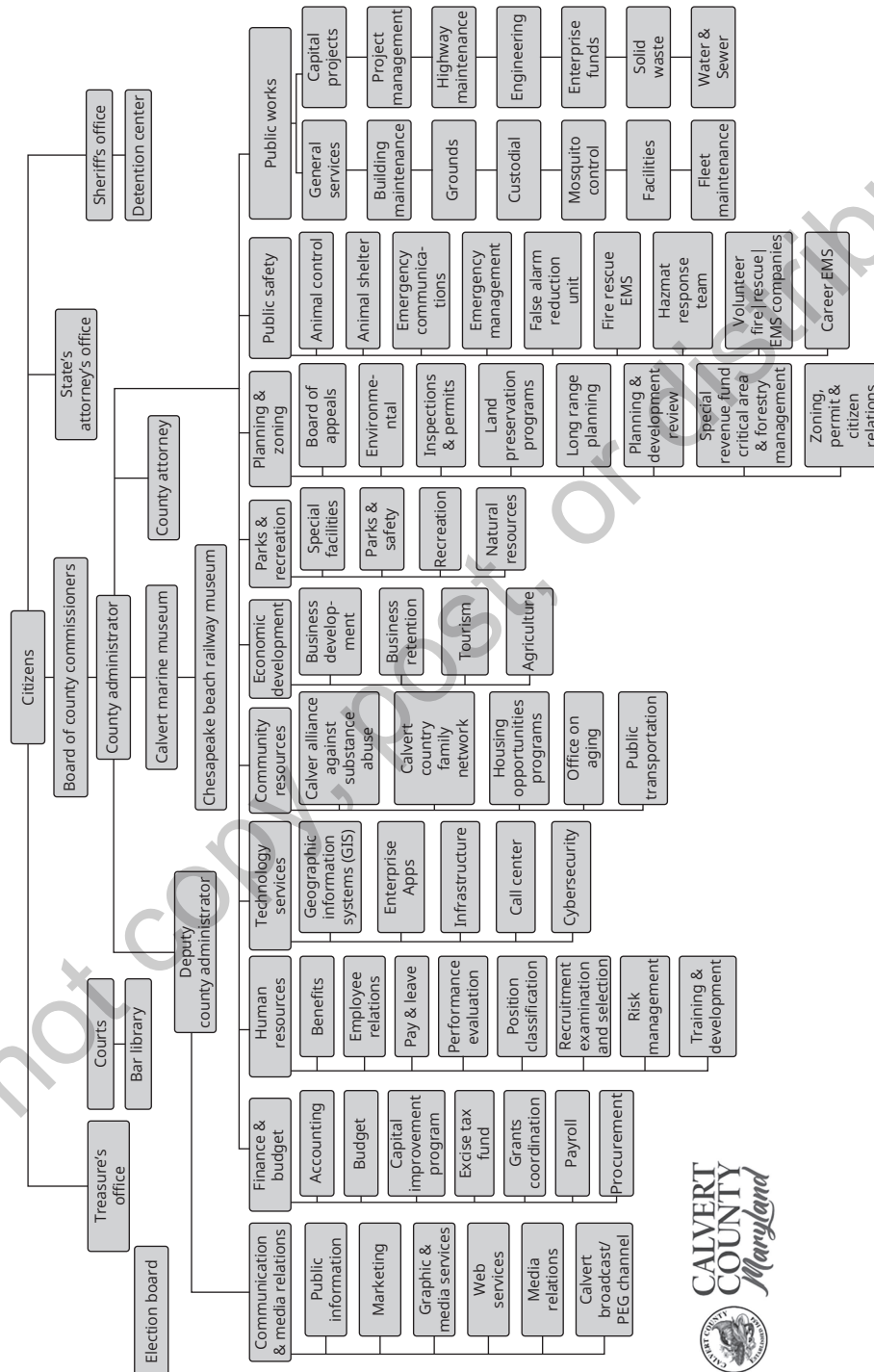
Further, structure—in terms of form of government—also has serious implications. In mayor–council governments, department heads serve at the pleasure of and report directly to elected mayors and council members. In this setting, where politicians are often looking to appease voters and win elections, department heads must strongly consider politics in their administrative decisions. In council–manager governments, department heads are typically hired by a professional manager, who, in turn, serves at the pleasure of and reports directly to elected mayors and council members. In this setting, the layer of separation between the politics of politicians and the work of line managers and staff may result in differing administrative priorities and actions. Accountability, political responsiveness, and the tools of structure are just as important in local government as in state and federal government. Such power dynamics

Figure 2.6 ■ Organizational Chart of the City of Manhattan Beach, California



City of Manhattan Beach, <https://www.manhattanbeach.gov/government/city-organizational-chart>.

Figure 2.7 ■ Example County Government Organizational Chart



Calvert County (MD) Government, <https://calvertcountymd.gov/DocumentCenter/View/38526/2FINAL-2022-CCG-Org-Chart—May-22>.

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can create tensions, just like at the federal or state level, and can result in subpar delivery and implementation of key public policies and responsibilities.

Check Your Progress 2.2

1. Why are counties often referred to as “creatures of the state?”
 - a. They are created and given power by state governments.
 - b. They are formed by the federal government.
 - c. They are independent from state authority.
 - d. They operate without any elected officials.
2. What type of public organization typically provides services that are able to generate revenues to offset their spending?
 - a. Government corporations
 - b. Independent regulatory agencies
 - c. Independent executive agencies
 - d. Cabinet departments
3. The Federal Reserve is an example of what type of public organization?
 - a. Government corporations
 - b. Independent regulatory agencies
 - c. Independent executive agencies
 - d. Cabinet departments
4. True or False. Governors serve a similar executive function in state governments as the president does in the U.S. federal government.
 - a. True
 - b. False

You can find answers for all Check Your Progress sections in this book's appendix.

Public Policy and the Policy Process

Public policy is a related discipline to public administration. Whether you call public policy a cousin or sibling to public administration, one fact is very clear—the two fields are inextricably linked. Public administrators engage in policymaking and are a part of the policy process. While this book isn't a public policy textbook, we believe it is important for students studying public administration, such as yourself, to know at least a little bit about public policy since public administrators execute policy and can even drive policymaking.

What Is Public Policy?

The study of public policy focuses on the development, adoption, and enactment (or implementation) of the legislation, laws, rules, and regulations that govern society. There is no singular definition of public policy much like there is no singular definition of public

administration. The field is also interdisciplinary, with many academic fields engaging in policy studies research, which perhaps further contributes to the inability to cleanly define the field and concept. The diversity and interdisciplinary nature of public policy stems from the history of the discipline, which emerged early on from questions about decision making in the public setting (more on that in chapter 3).

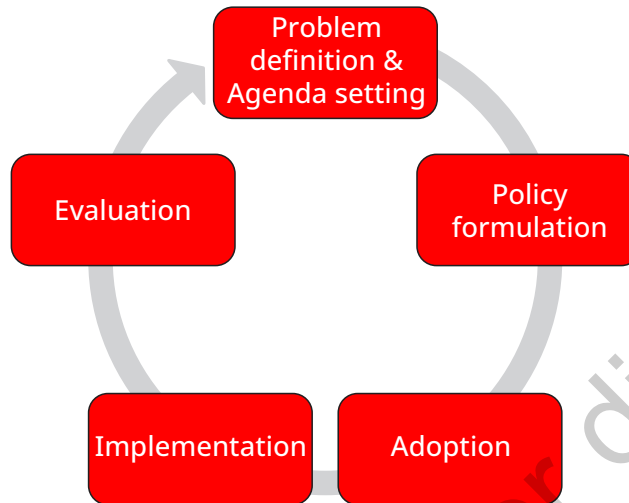
The diversity of the field is representative of both knowledge *in* the policy process and knowledge *of* the policy process.²⁶ Knowledge *in* the policy process refers to the expertise-driven analysis of solving real-world problems. It is the equivalent of having skilled experts with in-depth knowledge of a particular policy issue. For every administrative department, bureau, or agency, there are individual experts possessing extensive experience with and knowledge of the issue area the organization is set to resolve or address. These folks really know what is going on and can be called upon to provide insight on how to tackle newly emerging concerns. For example, as we started writing this book, the COVID-19 pandemic began. There are experts, such as Dr. Anthony Fauci, who served as the Director of the National Institute of Allergy and Infectious Diseases (NIAID) during the pandemic, who are incredibly well versed in infectious diseases and pandemics. It is individuals like Dr. Fauci and other professionals that can provide recommendations for how to address existing and newly emerging infectious diseases in order to keep our populations alive and healthy.

On the flip side of the public policy coin is knowledge *of* the policy process. This is definitely the more academically oriented perspective of public policy. Instead of just focusing on expertise in a singular policy area, experts *of* the policy process understand the theoretical processes of policy emergence, adoption, enactment, change, and implementation. It's the 10,000 feet off-the-ground perspective compared to the on-the-ground experience of knowledge *in* the policy process. Keep in mind that both knowledge *of* and knowledge *in* are equally important dynamics of public policy, but we will be focusing on just a sliver of the knowledge *of* portion—the stages heuristic model of public policy.

The Stages of the Policy Process

The stages heuristic model is many students' introduction to the study of public policy and theories of policymaking. The model is simple to conceptualize and breaks a very complicated process into five manageable steps to be dissected and analyzed. The term *heuristic* means that it is based on a simplistic and pragmatic overview of how policies are made (figure 2.8). The process begins with problem definition and agenda setting before progressing through the stages of policy formulation, adoption, and implementation. The cycle ends at the evaluation stage. The model is linear in the sense that it is a step-by-step process that must progress through each step before reaching the next. It is also cyclical. Once the evaluation phase is complete, the model assumes that the policy cycle starts all over again from the beginning. Sometimes it might feel like the movie *Groundhog Day*; it is a repeated event or iterative process that can be disorienting, and the variation in individual decisions can alter forecasting future events and probabilities.

Figure 2.8 ■ Stages Heuristic Model



Step One: Problem Definition and Agenda Setting

The first stage of the policy process focuses on the identification of problems facing a society that may need government intervention to be resolved. In the big wide world, we all individually deal with our own personal problems. For some of us, our problems can be a matter of life and death such as hunger or disease. However, not all problems that we individually face are this severe. Indeed, for some of us the problems we face on a daily basis are much less dramatic, such as a bad haircut, a barista forgetting the whipped cream on your mocha latte, or even simply being stuck in rush-hour traffic.

At the end of the day, there are a number of so-called problems that are actually just conditions, which are just nuisances of everyday life that we are willing or have to tolerate. We're pretty sure that calling 911 or a local legislator isn't the solution to either resolving your missing whipped cream or helping you grow your bangs back. In fact, neither are actually problems that would concern policymakers. Problems, within our context, are issues the public decides that the government ought to address because they impact enough of society to warrant an intervention. We often figure out that a problem exists using a combination of personal experience and evaluating general data and indicators about the issue itself. For example, the problem of being stuck in rush hour traffic can be an individual nuisance that is also a societal problem. Long rush-hour commutes have been linked to high stress and anxiety levels, and jam-packed roadways increase pollution levels and can decrease local economic activity. This condition becomes a problem as the number of individuals impacted increases and the ripple effects are felt beyond just the individual level.

While a problem is being identified it is also simultaneously being defined. It is important to remember that just because we know a problem exists doesn't mean that everyone will perceive

the problem through the same lens. For example, there are a number of causes of obesity, including dietary choice, activity level, and genetic predisposition. We collectively understand what behaviors contribute to obesity, but we don't necessarily agree on the behavioral motives and decision processes that lead to particular choices. If we examine just the dynamics of a poor diet, we may believe at first glance that a poor diet is just a matter of personal choice to eat foods high in fat and sugar. This problem definition can be titled "poor personal choices." Yet, poor diet can also be the result of a lack of access to or availability of healthier foods in a local market, which is a secondary problem definition we might call "poor access to healthier foods" caused by living in a food desert or food swamp.

Agenda setting is a concurrent activity within step one of the policy process. After a problem is identified and defined, it is subsequently judged: Is solving the problem truly worthy of the attention of key decision makers? The **systemic agenda**, sometimes referred to as an informal agenda, refers to problems that are publicly known and are being discussed by key decision makers. The **institutional agenda**, also referred to as a formal agenda, contains a list of issues decision makers are considering acting upon. The key difference between the two types of agendas is decision makers' desire and propensity to act; the institutional agenda is the list of problems policymakers are currently committing time and energy to resolving, while items on the systemic agenda are merely being considered. Knowing the difference between these two and understanding on which policy agenda a problem is placed helps stakeholders determine if policymakers are likely to act.

Problems on the systemic agenda are often just being discussed with no immediate need or desire to be formally acted upon. Only when decision makers determine it is worthwhile to act on a problem does the issue move from the systemic to institutional agenda. If an issue lands on the institutional agenda, it is likely that policymakers will identify if and how the government can best intervene to address the problem. To be clear, there are a number of factors that can prevent or spur movement from one agenda to the next. Sometimes actors cannot agree upon a problem definition, making it difficult to outline a course of action in the next step. Sometimes the severity of the problem can motivate a swift reaction, but a lack of perceived severity and urgency can lead to inaction. There is also the challenge of having too many problems and only so much time and resources. As you might have guessed, there are many problems out there that could warrant attention.

Step Two: Policy Formulation

Step two of the policy process is the development of solutions to the problem identified in the first step. The goal is to develop a **policy alternative** or set of alternatives that could resolve the issue. The problem largely dictates what types of policy alternatives and sets of policy tools are proposed. Solutions to a problem could be the development of new laws and regulations, provision of services, leveraging a new tax, or simply providing information. Determining the appropriate response is largely dependent on knowing the mechanisms that created the problem. Yet, it is also important to remember that identifying the best alternative is also dependent on finding solutions agreeable to key decision makers. Indeed, it is in this step of the process that decision

makers will debate the merits of various alternatives and negotiate an appropriate, politically acceptable solution.

How would you solve the problem of obesity? Depending on your problem definition, you might advocate for more individual-level policy alternatives, such as policies that encourage Americans to develop better dietary habits, perhaps by limiting the types of foods and beverages that can be purchased using the federal Supplemental Nutrition Assistance Program (SNAP, commonly known as food stamps) to nutritious items. However, you could also approach the obesity problem from a system-level perspective to solve the problem of food deserts or food swamps. You might follow Baltimore's lead by developing incentives to attract grocers to food deserts or require convenience stores that accept food stamps to carry a selection of healthy food and beverage items.²⁷

So which alternative seems best to resolve obesity? Well, any of the resolutions could make a difference. Restricting what food stamp recipients are able to purchase seems too controlling for some who believe that what an individual chooses to consume is nobody else's business. On the flip side, some would argue that if an individual is choosing to use government resources for nourishment, then some control to ensure particular outcomes is not necessarily a bad policy. Similarly, some of the systemic level policies could be criticized. Increased pressure on corner stores to provide healthy foods should not necessarily be a concern to a business owner focused on profits unless the healthy food isn't selling. Yet, it might make sense to require changes if corner stores are where most people in a community purchase food and if these stores are heavily reliant on food stamp dollars for their revenues. In the end, key decision makers must agree on what policy alternatives are the most acceptable and capable of resolving problems. Sometimes the best solution to a problem is not adopted because of political disagreement or a lack of financial and other resources available to make the policy a reality.

Step Three: Adoption

Step three of the policy process is the adoption phase. Also referred to as legitimization, this phase of the policy process is where a policy alternative is formally vetted, debated, and ultimately adopted. This rigorous process contributes to a policy being seen as *legitimate* by policymakers and, to a greater or lesser extent, the public. It is likely you are most familiar with this stage since it involves legislative action—passing a new law—at the federal, state, or local level. The legislative process can be arduous at times, and most bills fail to be passed into law. In fact, only 2 to 3 percent of all bills proposed in the past five congressional sessions have been enacted.²⁸ In state legislatures, estimates suggest about 20 percent of bills become laws, but with wide variability in passage rates between states. There are many opportunities throughout the legislative process for disagreement among lawmakers that can prevent passage.

The same issues that arise during the problem definition phase can inhibit policy adoption. For example, a bill (SB 1658) was introduced in the Florida legislature in 2012 that would have restricted SNAP participants from buying sodas, sweets, and snacks.²⁹ SB 1658 was filed in the Senate on January 1, 2012, and worked its way through several committees before officially dying on March 9. The bill was largely opposed by snack food manufacturers and concerned citizens

about the dietary autonomy of SNAP recipients, but there were also underlying concerns that the proposed policy would be struck down by federal regulations.³⁰ The process of enactment did not legitimize the bill despite a clear problem definition proposed by the sponsoring legislator. In all, however, despite the hard road, a number of proposed policies are in fact adopted by federal, state, and local policymakers.

Step Four: Implementation

After adoption comes the **implementation** phase. It is one of the most important phases when it comes to the study of public administration. This is where the rubber meets the road with an enacted bill turned into reality. Public departments and agencies are responsible for the range of activities that shift enacted policies from words on a page into tangible actions that regulate and guide our everyday existence. There are a range of tools used to make implementation a reality. Rulemaking, which is discussed later in this chapter, is a key process for kick starting policy implementation. Once a bill is signed into law, civil servants within designated agencies start to write out the rules, guidelines, and regulations for who, what, when, and how a policy is enforced. Rulemaking often does not receive the same degree of attention as the earlier phases of the policy process and is often ignored by the general public. As such, the public may only become aware of a law once it's fully administered, especially in circumstances where it directly affects peoples' lives.

Implementation might not seem like a difficult endeavor, but it is a process that can be rife with difficulties, intrigue, and even scandal. Imagine for a moment that Florida's SB 1658 was passed instead by Congress. How exactly would that policy be implemented? What items would be considered soda, snacks, or sweets? Soft drinks are not the only—or even the bestselling—sugar-sweetened beverages on the market. Would the restriction include the many sugary fruit and sports drinks on the market? A similar challenge exists for defining what products constitute a snack or sweet. And how would retailers track and label which items are eligible versus ineligible for purchase? It might be easier to specify what products could be purchased as opposed to listing products that are prohibited. It is highly unlikely that members of Congress would have created and adopted a bill that would specifically outline such details; each choice would invite disagreement and pressure from food manufacturers and interest groups. Instead, the U.S. Department of Agriculture (USDA) would be responsible for filling in the details of the law. Indeed, there are numerous cases that are similar to this example including Case 2.1, which highlights the challenges of implementing canine-breed specific legislation at the local level.



Bulldog breeds are common targets of breed specific legislation. Enforcement of such policies is challenging, especially due to difficulties in appropriately identifying specific breeds and mixes of breeds.

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Case 2.1

Breed-Specific Legislation: The Challenge of Implementation

Samantha Mosier

Americans love pets with approximately two-thirds of U.S. households having at least one furry, feathered, or scaly companion.ⁱ Dogs are the preferred choice of pets with nearly half of all households having at least one. Given the prevalence of pet ownership, it should come as no surprise that there are a myriad of laws and regulations regarding what animals can be considered household pets and owners' responsibilities for welfare and oversight. However, not all policies governing pet ownership are easy to implement. Breed-specific legislation, for instance, has proven difficult to implement and biased in how it manages canine behavioral problems, failing to address the root problem.

Breed-specific legislation (BSL) can best be defined as "a law or ordinance that prohibits or restricts the keeping of dogs of specific breeds, dogs presumed to be specific breeds, mixes of specific breeds, and/or dogs presumed to be mixes of one or more of those breeds."ⁱⁱ BSL typically targets dog breeds that are visually or temperamentally perceived as aggressive and dangerous including Rottweilers and, more commonly, "pit-bull" breeds including American Pit Bull Terrier, Staffordshire Bull Terrier, Bull Terrier, and American Bully. The policies can include outright ownership bans, special licensing and registration requirements, mandatory spay or neuter, sale and transfer notification of breeds, restrictions on location (e.g., public spaces), and training requirements. Approximately 1,200 local government jurisdictions have a form of BSL in place as of 2021.ⁱⁱⁱ

Each year about 4.5 million people in the United States are bitten by a dog, with insurance companies paying out \$1.12 billion in related claims in 2023.^{iv} Children are much more likely to be bitten by a dog than adults, and those in certain occupations, such as mail carriers,^v also have a higher prevalence of dog bite incidents. To be clear, all dogs have the propensity to bite, but time and context can increase the probability of a dog bite. Dogs that are stressed, sick, or simply over stimulated are more likely to bite. Moreover, an irresponsible dog owner (e.g., one who does not recognize signs of stress, hasn't appropriately socialized the dog, or fails to appropriately exercise the dog) or contact with an individual (and specifically a child) who was not taught how to behave around animals or dogs, can lead to biting or nipping incidents.

Pit bulls have a particularly bad reputation when it comes to dog bites and attacks and are targeted by 97 percent of all adopted BSL ordinances.^{vi} Again, *any dog has the potential to bite*, but pit bull breeds are involved in a disproportionate share of reported bites and those bites tend to be more severe bites. Bites or attacks by pit bulls are also more likely to be fatal compared to other dog breeds.^{vii} Indeed, pit bulls are responsible for about two-thirds of all dog bite fatalities annually. Local governments that have adopted BSL policies or ordinances have done so in part to prevent attacks by dangerous animals. Yet opponents to BSL argue that the policies are ultimately not effective. There are two main frameworks to understanding why BSL has been an implementation failure: (1) breed identification and (2) ineffectiveness.

A major implementation challenge to BSL is clearly identifying which dog breeds to ban or regulate. A pit bull is not a specific breed. It is a slang term and is derogatorily used to refer to a dangerous dog. The law could specify individual breeds, but then what about mixed breed dogs? Would a law enforcement or animal control officer be able to identify a dog breed by sight? Research shows that animal professionals are wrong 75 percent of the time in guessing a dog's ancestry and, in cases of mixed breeds, are wrong 90 percent of the time in identifying the one or two specific main breeds of a dog.^{viii} For those responsible for implementing the law, misidentification, especially when it is probability of misidentification high, is problematic and only removes dogs that *look* dangerous instead of those that *actually are* dangerous. A more invasive step would be to require a DNA test, but that would bring new implementation challenges: Who would be responsible for paying the cost? How would officials ensure truthful reporting to relevant agencies?

A second set of implementation failures for BSL centers on the general ineffectiveness of the policies. While there are some select global cases where an outright breed ban has been effective in reducing bites,^{ix} in general data suggests it is ineffective and outright discriminatory toward responsible owners.^x BSL is unable to comprehensively address the core and underlying factors leading to dog bites and fatal attacks—negligent and irresponsible adults.^{xi} Dogs are animals and should be in the care of owners that understand the need to appropriately train, care for, and provide behavioral monitoring of any dog. In this same vein, non-dog owners also have a responsibility to be educated and to educate their children about interacting with dogs and other animals. BSL policies, particularly those that focus on outright breed bans and restrictions, thus become implementation failures as the regulations do not address a key cause—human behavior—of why dog bites and attacks occur.

Since tracking began in 2018, over 130 local jurisdictions have repealed BSL ordinances and policies.^{xii} Alternative policies and regulations have been proposed that are more effective, easier to implement, and less discriminatory to both people and dogs. For

examples, the American Society for the Prevention of Cruelty to Animals (ASPCA) advocates for non-breed-specific regulations, including the following:

- Enhanced enforcement of dog license laws
- Increased availability to low-cost sterilization (spay/neuter) services
- Dangerous dog laws that are breed neutral and focus on the behavior of the individual guardian and dog
- Graduated penalties and options for dogs deemed dangerous
- Laws that hold dog guardians financially accountable for failure to adhere to animal control laws
- Laws that hold dog guardians civilly and criminally liable for unjustified injuries or damage caused by their dogs
- Laws that prohibit chaining, tethering, and unreasonable confinement, coupled with enhanced enforcement of animal cruelty and animal fighting laws
- Community-based approaches to resolving reckless guardian or dangerous dog questions that encompass all stakeholders, available dog bite data and recommended realistic and enforceable policies^{xiii}

There remains a clear divide among those in support of BSL and those opposed to BSL. Both sides want to prevent dog bites and attacks, but there is a clear division about how best to prevent such incidents and what policies are the most effective.

Step Five: Evaluation

Evaluation is the final step in the policy process and is equally important as implementation in the study of public administration. In this reflective phase we learn whether or not an implemented policy actually did what it was supposed to do and if the policy is considered a success or a failure. There are a couple of key questions to consider in evaluating a policy. First, was the policy implemented in the manner and method as intended? Second, what are the policy-related outcomes of the implemented policy? The first question is more of a legal and procedural inquiry while the second question is more concerned with impacts.

In our fictional federal adoption of SB 1658, any evaluation of the policy aimed at ensuring that it “complied” with the original intent of policymakers would at a minimum involve a review of how the policy made sure that soda, snacks, and sweets were no longer eligible products under SNAP purchasing guidelines. The review could also extend to determine if the policy's reach was intentionally or unintentionally expanded, and, if so, how that expansion might violate both the spirit of the law and the delegation of authority given to the implementing agency. The other component of evaluation, an assessment of impacts, determines if the adopted policy actively led to a desired outcome or perhaps created any unintended consequences. In this case, the desired outcome of the policy would be to reduce expenditures while simultaneously improving the quality of nutritional intake by SNAP recipients. Assessing this outcome would require an expenditure audit and an evaluation of recipients' dietary habits before and after changes in the law. A review of expenditures would not prove difficult considering these data are already tracked and assessed. However, monitoring and evaluating SNAP purchases and their impact on health outcomes would prove much more difficult, as it might excessively step on the privacy of recipients. In chapter 11, we cover evaluation in greater depth to explore ways to

appropriately design and structure a review of implemented policies and programs. This includes considerations for how to ensure the process is both ethical and legal.

ⁱAnna Brown, "About Half of U.S. Pet Owners Say Their Pets Are as Much a Part of Their Family as a Human Member," Pew Research Center, July 7, 2023, <https://www.pewresearch.org/short-reads/2023/07/07/about-half-us-of-pet-owners-say-their-pets-are-as-much-a-part-of-their-family-as-a-human-member/>; <https://www.avma.org/resources-tools/reports-statistics/us-pet-ownership-statistics>.

ⁱⁱNational Canine Research Council, "Breed-Specific Legislation," <https://nationalcanineresearchcouncil.com/breedspecificlegislation/>.

ⁱⁱⁱDogsBite.org, "Estimated U.S. Cities, Counties, States and Military Housing With Breed-Specific Laws (2020–2021)," <https://blog.dogsbite.org/2021/02/estimated-us-breed-specific-laws-2021.html>.

^{iv}American Veterinary Medical Foundation, "Dog Bite Prevention," <https://www.avma.org/resources-tools/pet-owners/dog-bite-prevention>.

^vUnited States Postal Service, "U.S. Postal Service Releases Dog Bite National Rankings," Press release, June 1, 2023, <https://about.usps.com/newsroom/national-releases/2023/0601-usps-releases-dog-bite-national-rankings.htm>.

^{vi}DogsBite.org, "Breed-specific Legislation FAQ," <https://www.dogsbite.org/legislating-dangerous-dogs-bsl-faq.php#bslworks>.

^{vii}Garth F. Essig Jr., Cameron Sheehan, Shefali Rikhi, Charles A. Elmaraghy, and J. Jared Christophel, "Dog Bite Injuries to the Face: Is There Risk With Breed Ownership? A Systematic Review With Meta-analysis," *International Journal of Pediatric Otorhinolaryngology* 117: 182–8; AVMA.org, "Dog Bite Prevention"; <https://bulliray.com/wp-content/uploads/2022/03/16-year-dog-bite-fatality-chart-dogsbiteorg.pdf>; DogsBite.org, "Dog Bite Statistics," accessed October 10, 2022, <https://www.dogsbite.org/dog-bite-statistics.php>.

^{viii}<https://www.nationalcanineresearchcouncil.com/visual-breed-id/>.

^{ix}Malathi Raghavan, Patricia J. Martens, Dan Chateau, and Charles Burchill, "Effectiveness of Breed-specific Legislation in Decreasing the Incidence of Dog-bite Injury Hospitalisations in People in the Canadian Province of Manitoba," *Injury Prevention* 19, no. 3 (2013): 177–83.

^xNational Canine Research Council, "Breed-Specific Legislation," <https://nationalcanineresearchcouncil.com/breedspecificlegislation/>; American Society for the Prevention of Cruelty to Animals, "Are Breed-specific Laws Effective?" <https://www.aspcapro.org/resource/are-breed-specific-laws-effective>; Carly Goteiner, "Breed-specific Legislation: An Examination of the Policy's Failures for Both People and Pit Bulls," in *Animals in the City*, ed. Laura A. Reese (Routledge, 2021), 260–74; Gary J. Patronek, Jeffrey J. Sacks, Karen M. Delise, Donald V. Cleary, and Amy R. Marder, A "Co-occurrence of Potentially Preventable Factors in 256 Dog Bite-related Fatalities in the United States (2000–2009)," *Journal of the American Veterinary Medical Association* 243, no. 12 (2013): 1726–36.

^{xi}<https://www.pitbullinfo.org/bsl-fails-to-reduce-bites>.

^{xii}Pitbull Hero, "BSL Continues To Crumble," <https://www.pitbullinfo.org/bsl-continues-to-crumble>.

^{xiii}American Society for the Prevention of Cruelty to Animals (ASPCA), "What Is Breed-specific Legislation?" accessed May 21, 2024, <https://www.aspcapro.org/improving-laws-animals/public-policy/what-is-breed-specific-legislation>.

Check Your Progress 2.3

1. True or False. The stages heuristic creates a linear conception of the policy process.
 - a. True
 - b. False
2. What type of agenda indicates an interest of policymakers to act on an issue?
 - a. Universal
 - b. Conditional
 - c. Institutional
 - d. Systemic
3. Which phases of the policy process are most important to the study of public administration compared to other phases?
 - a. Problem identification and evaluation
 - b. Implementation and evaluation
 - c. Problem identification and adoption
 - d. Adoption and implementation

You can find answers for all Check Your Progress sections in this book's appendix.

The Policy Activities of the Bureaucracy

By now you might have picked up that the American public bureaucracy serves an important role in the policymaking process. Involvement of the bureaucracy often starts with the rulemaking process, which is guided by administrative law. Once the rulemaking process is complete, the policies are finally executed by departments and agencies through direct or indirect service provision with the occasional review of performance as part of the ongoing process of implementation. It is important to keep in mind that administrative actions and activities are often under the scrutiny of elected officials, who may choose to intervene in bureaucratic processes as they see fit. However, the bureaucracy has become powerful in its own right in shaping how government policies are truly executed.

Rulemaking and Administrative Law

Rulemaking is the key policymaking activity of the bureaucracy and kickstarts the implementation process. We'll be frank here in stating that what we are about to cover outlines how rulemaking has worked up until the *Loper Bright Enterprises v. Raimondo* Supreme Court ruling in 2024. This leaves quite a bit of uncertainty about what the process will look like in the years to come. So, on that note, let's first answer the question of *What exactly is rulemaking?*

Rulemaking is defined by law as the "agency process for formulating, amending, or repealing a rule."³¹ A rule is "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the

organization, procedure, or practice requirements of an agency.”³² Basically, this all means that agencies set standards for how a policy is implemented and can dictate the specific rules we all have to follow to comply with laws. While it may sound like the perfect opportunity for arbitrary decisions to be made, the rulemaking process is a systematic multistep endeavor governed by **administrative law**. Administrative law is a body of public law that specifically focuses on the powers, procedures, and legal principles of government administration and regulation. You can think of it as the set of rules that determines how rules are made. Rulemaking officially begins with one of a number of initiating events including laws enacted by a legislature, executive orders, court decisions, and agency initiatives. Enacted laws are the most common reason the process is initiated. The process ends with a public final rule that outlines specific **regulations**, which determine how a policy will be enforced by outlining what is or is not permissible.

Rules and regulations often have negative connotations and may generate strong reactions from some folks. The idea of restricting behavior or activities of individuals or certain sectors is seen by some as an interference with freedom. For instance, survey results from the Pew Research Center in the past twenty years outline a split opinion, with roughly half of Americans believing government regulation of businesses is necessary to protect the public interest while the other half does not.^{33,34} Public opinion is also split regarding the financial industry, with almost half of the population saying government regulations have not gone far enough in regulating the industry and approximately 42 percent believing regulations have gone too far.³⁵ Some industries, however, have enjoyed more consistent regulatory support. In surveys in 1995 and 2012, Pew Research Center found overwhelming support for maintaining or strengthening regulations in food production and packing, environmental protection, car safety and efficiency, workplace health and safety, and prescription drugs.³⁶ While Pew has not provided an update of public regulatory demand in these sectors, instances such as the infant formula contamination and shortage crisis in 2022 highlight the demand to strengthen administrative agencies’ abilities, and specifically the U.S. Food and Drug Administration’s ability, to effectively oversee and regulate food products. Essentially, some types of regulations receive support from the public while others are perceived with a great deal of skepticism about how useful they are for society. Yet, no matter the sector being regulated, most regulations are developed through the same process and under the same set of administrative law requirements.

The Federal Rulemaking Process

The rulemaking process at the federal level is governed by the Administrative Procedures Act (APA) of 1946. The law was adopted as part of an effort to provide oversight of and regulations for the rapidly growing administrative state that emerged from President Franklin Roosevelt’s New Deal programs. Prior to the adoption of the APA, there were no established governmental rules for how departments and agencies made decisions and no clear mechanism for transparency. Civil servants and political appointees were able to use whatever sets of rules or decision-making processes they deemed appropriate to run their agencies. Not only was this confusing for many, but it led to a number of legal and political battles regarding the expanding scope of government and the responsibilities of the bureaucracy to conform to standard rules and procedures when

governing. The APA established procedures for rulemaking and adjudication (the latter of which is discussed later in this chapter), outlined provisions for informing the public and incorporating public feedback into administrative activities, and defined the role of the courts in judicially reviewing administrative actions.

Several amendments have been made to the APA and the rulemaking process since 1946 to accommodate changing perspectives about the role of government in society and the emergence of new technology. For instance, increasing pressures to address the effects of government interventions on small businesses led to the adoption of the Regulatory Flexibility Act of 1980. Under this law, rules developed by agencies must include, where appropriate, an analysis of the related impacts on small businesses. The goal is to reduce unnecessary burdens on small businesses by requiring agencies to consider the small business perspective during rulemaking and, as of 1996, permitting judicial review of agencies' actions.

The APA was modified again in 1990 to expand the different types of rulemaking. The 1946 law outlined both an informal and formal rulemaking process, but a negotiated rulemaking process was instituted through the adoption of the Negotiated Rulemaking Act of 1990. As the name implies, impacted parties of a developed rule, including the implementing agency, can now engage in a negotiation process to reach a compromise on the final rule. This process generally results in less judicial intervention by improving the communication among affected parties.

E-rulemaking is the most recent major change to the rulemaking process. The rise of the internet during the 1990s led to new mechanisms for informing the public and soliciting public commentary during the rulemaking process in addition to other actions made by federal agencies, as demonstrated in Case 2.2, which discusses the National Organic Food Production Act of 1990. Select agencies, including the U.S. Department of Agriculture, engaged in e-rulemaking during the 1990s, but the practice became more widespread after the adoption of the E-Government Act of 2002. E-rulemaking utilizes the internet as a platform for informing the public about pending rules, soliciting feedback from members of the public, and providing broader public access to relevant materials related to the rulemaking process. Today, e-rulemaking is a common practice among federal agencies for informing the public and soliciting public feedback.

Case 2.2

The 1997 National Organic Program Proposed Rule: An Initial Case of E-Rulemaking

Samantha Mosier

Until the 1990s, government rulemaking was slow and cumbersome by today's standards. If you were interested in rulemaking, the best comprehensive source of information would be the *Federal Register*, a resource to which you would have to subscribe and wait to be mailed to you. If you wanted to submit commentary, you would need to mail in your commentary. The advent of the internet promised to change how the public was able to participate by making the government more transparent and accessible to Americans

nationwide. That promise was tested almost immediately, with the passage in 1990 of the Organic Foods Production Act [OFPA], which authorized the U.S. Department of Agriculture to regulate and oversee the organic food market. OFPA established the legal framework in which organic food and agriculture is produced and ultimately marketed to consumers (7 U.S.C. 6501). OFPA authorized the USDA Agricultural Marketing Service to create the National Organic Program [NOP] and the National Organic Standards Board [NOSB]. The NOP is the official administrative division responsible for setting organic production standards while the NOSB is an advisory committee of fifteen members that helps to determine appropriate standards.

Developing the initial set of NOP standards took some time. After three years of advisement and formulation, the NOP published its first proposed rule in the *Federal Register* on December 16, 1997 (62 FR 65850). The rule proved to be remarkable for a number of reasons. First, it is one of the first to be proposed using a process that might be called e-rulemaking. The push for federal-wide e-rulemaking wouldn't come until six years later, but the USDA and NOP staff were early adopters of the virtual feedback process by allowing individuals to submit commentary via fax, mail, or online communication. Second, the proposed rule received a record number of comments. By the end of the extended public comment period in April 1998, the USDA had received over 275,000 comments on the proposed rule with an estimated 8 percent being submitted online. The internet helped to spur the level of activity, but did not necessarily lead to a majority of online submissions. Third, the contents of the proposed rule were highly controversial. Not only did this likely contribute to the high volume of comments submitted, but it also tested the capacity and utility of e-rulemaking as a process that could expand participation and permit diverse viewpoints.

There were several points of controversy in the 1997 proposed rule, but the debate centered on permitting use of the “Big Three” in organic production—irradiation, genetically modified organisms (GMOs), and sewage sludge. The NOP did not explicitly forbid the use of these practices by organic producers, meaning products could be labeled and marketed as organic despite being produced using these conventional farming practices. This was a slap in the face for advocates who had waited decades for government-backed regulations and protections for organic foods that would protect both consumers and producers from fraudulent and misleading claims. The original intent of organic production was to move away from conventional methods of production like the Big Three rather than permitting it.

The good news for critics of the 1997 proposed rule was staffers and board members actually addressed some of the criticisms submitted via the commenting process. The USDA announced on May 8, 1998, that there would be a revised proposed rule. It explicitly specified that the revised rule would not permit irradiation, GMOs, or use of sewage sludge in organic production, among other problems highlighted by commentary. That revised proposed rule (65 FR 13512) was published nearly two years later with the final rule (65 FR 80548) issued another nine months later. The Big Three practices were not permitted in this final rule. While not everyone was pleased with the final rule or even the existence of federal regulations, the rulemaking process proved capable of reflecting the concerns of those who participated in the process, including the 8 percent that did so online. Since the final rule went into effect in 2002, the NOP has published approximately 14,000 notifications, supporting materials, proposed rules, and final rules—all available online—to continuously improve and maintain the integrity of the organic program.

There are several different forms of rulemaking, including informal, formal, hybrid, and negotiated (table 2.3). The informal rulemaking process is by far the most commonly used route for promulgating rules, which is a fancy way of saying to notifying the public about a law before it goes into effect. While officially the informal rulemaking process is broken down into nine steps,³⁷ there are really three basic stages (see figure 2.9). These are the pre-rule phase, the proposed rule period, and issuance of the final rule.

Table 2.3 ■ Forms of Rulemaking

Form	Description
Formal	A formalized court-like procedure for developing rules and regulations. The process requires a formal hearing with an agency and an impacted party to present evidence and conduct cross examination
Hybrid	Generally defined as a more flexible form of formal rulemaking procedures. Congress must direct and authorize this form of rulemaking
Informal	Also known as a notice-and-comment rulemaking, this process procedurally requires public notification and commentary periods in the development of proposed and final rules
Negotiated	A varied form of informal rulemaking that allows for consultation with impacted individuals or interests groups during the development phase of the rulemaking process

Stage One: Pre-Rule The rulemaking process begins with an “initiating event,” which is equivalent to policy adoption and enactment in the policy process described earlier. In many cases, the initiating event is the passage of a bill by the legislature. Once a bill is adopted, it is then transferred into the U.S. Code, which is “a consolidation and codification by subject matter of the general and permanent laws of the United States.”³⁸ The code provides an up-to-date summary of existing laws that are currently in effect across fifty different issue areas. This codification of law provides the basis for authorizing an agency or department to begin the rulemaking process. For example, if we were to look at Title 7 Chapter 11 of the U.S. Code, we would see that the secretary of agriculture, and thus the USDA, is authorized to carry out regulations regarding honeybees, including prohibiting and restricting the importation of honeybees into the country.

Other initiating events include court rulings and agency self-initiation. In both cases, a review of existing laws and rules can lead to a need for revisions. Court rulings can change which laws are considered constitutional or legally binding or assess the validity of previously developed rules. An agency may self-initiate the rulemaking process for a range of reasons, such as new information and technology, recommendations from the president or OMB, or petitions for rulemaking. Other rules are reviewed regularly on a set timeline. Agency and court-based initiated rulemaking can only occur once an agency has been authorized by Congress to promulgate rules in that area. Agencies cannot develop rules for problems or concerns that have not been authorized.

As a second component to the pre-rule phase, designated rulemakers must also determine whether the public should be notified of and allowed to participate in the development of a proposed rule. The APA provides certain exemptions to public notice and participation under the premise of “good cause.” In these cases, public notification would be unnecessary and perhaps counterproductive to the rulemaking process. There probably isn’t much of a reason to include the public on proposed changes when the revisions are technical corrections, if the rule is noncontroversial, or when the changes are being required by Congress or the courts. Time and resources would be arguably wasted to include the public perspective in these circumstances. Similarly, allowing public comment may also waste time and resources if there is a sudden and immediate need to develop rules. Emergency rulemaking is conducted when there is a clear and present need to develop guidelines. It can take years in some cases for a final rule to be issued. If a pressing issue arises, then a swift response may be necessary. If a public commentary exemption is permitted according to the APA, the rule will then be developed or modified. If not, rulemakers move on to develop a proposed rule.

Stage Two: The Proposed Rule A **proposed rule** is exactly what it sounds like—a proposal for what rules can be adopted by an agency. Agencies will notify the public of a proposed rule by publishing a “notice of proposed rulemaking” (NPRM). The NPRM outlines the legal basis for developing a rule, a description of the issues or the actual rules being proposed, and a rationale. The language of the notice is meant for a general, nonexpert audience, but at times some issues can be difficult to understand. NPRMs are published in the *Federal Register* after being reviewed for compliance by the Office of Management and Budget (OMB). The *Federal Register* is a centralized daily publication of executive branch documents available for public review and available online (www.federalregister.gov).

Once an NPRM is published, the public is then able to provide feedback or commentary. Public feedback is often solicited for a 30-to-60-day period with the option to extend if necessary. Depending on the complexity and controversy of an issue, some initial commentary periods may be extended, or the initial open comment period may be set at 180 days or longer. Once the comment period closes, the commentary received during the open period will then be taken into consideration by the agency to develop a final rule. An agency is not expected to respond to every single comment submitted but rather provide a generalized response to significant comments. Significant comments are those that are either brought up repeatedly or provide substantial or relevant feedback or data regarding the issue. If the feedback has prompted significant changes and more information or public review is necessary, the agency may choose to issue an additional proposed rule and again solicit public comment. Once the agency determines they are ready to proceed, the third and final stage of the rulemaking process commences.

Stage Three: The Final Rule The final stage in the rulemaking process centers on the development and publication of the **final rule**. With the information obtained during the public comment period, the designated agency will adjust the proposed rule and come to a final determination about how to fulfill its policymaking responsibilities. In keeping with the spirit of notifying the public, a notice of a final rule is published in the *Federal Register* after being

reviewed by the OMB. A final rule will specify how the final rule differs from the proposed rule, identify how public commentary influenced the final rule, and set an effective date. Final rules will then be incorporated into the Code of Federal Regulations, which can be thought of as the administrative rule version of the U.S. Code. In many cases, final rules go into effect with little to no fanfare, but sometimes rules are challenged in the courts. These legal challenges may arise due to perceived failure by the agency to adhere to legal rulemaking requirements.

Rulemaking at the State and Local Level

Rulemaking is not just for federal agencies. It also exists at the state and local levels in the United States. The fuss over federal agencies potentially running amok that led to the passage of the APA was not limited to the national level; an uproar was also made about getting agencies of state bureaucracies in line with proper and formal procedures for governing. In 1946, a final version of the Model State Administrative Procedure Act (MSAPA) was drafted by the National Conference of Commissioners on Uniform State Laws. The model act, which was subsequently updated in 1961, 1981, and 2010, is a kind of template. MSAPA sets forth guidelines for how state governments should set up administrative law processes for agencies including rulemaking processes, incorporation of public notice and input, and delineation of the scope of judicial review. Keep in mind that no state is compelled to adopt an administrative law identical to what MSAPA recommends. Indeed, the fifty states may choose fifty different ways to go about state rulemaking.

The rulemaking process outlined for the states by MSAPA is remarkably similar to the process outlined by the APA:

1. Draft a proposed rule and complete a regulatory impact analysis.
2. Submit the proposed rule for review to a designated state agency capable of conducting budgetary and regulatory review.
3. Allow public notice and commentary on a proposed rule.
4. Draft a proposed final rule with response to public comments.
5. Submit the proposed final rule to the Joint Committee on Administrative Rules (a state committee composed of legislative members).
6. The final rule goes into effect after the Joint Committee review period and approval.³⁹

Local governments haven't received the same guidance on administrative procedures and rulemaking that the APA and MSAPA have offered the federal and state governments. However, some major U.S. cities have adopted their own rulemaking procedures.⁴⁰ For instance, New York City's City Administrative Procedure Act (CAPA) was approved in 1988 and includes, in part, procedures for soliciting public input and requirements for drafting rules that nonexperts can understand. In 2022, the New York City Mayor's Office of Operations' *NYC Rules* website stated, "We want to hear your opinion on proposed rules before they are enforced!"⁴¹ So, just

like state governments, local level procedures for rulemaking and inclusion of public input can and will vary across the country.

Adjudication

Rulemaking is but one activity governed by administrative law. **Administrative adjudication** is another important process. Whereas rulemaking is akin to legislative policymaking, adjudication is a judicial process where an administrative agency utilizes the process of review to issue an order, which is a form of legal judgment. This means that when an order is handed down it ends some sort of disagreement between two or more parties. In the context of public organizations, an order basically clarifies rules and policies that are in development or being implemented. Administrative-based adjudication operates as a sort of catch-all mechanism for administrative agencies to make governing decisions outside of the rulemaking process.

Adjudication can be formal or informal.⁴² Formal adjudications at the federal level are regulated by the APA. Formal proceedings take place in a court-like setting and are adversarial in nature. An administrative law judge is present to preside over the proceedings. Each side of the dispute presents evidence and states their argument or position. The judge will then reach a decision on the case, issue an order, and each party in the dispute can either accept the outcome or file an appeal. For example, an individual seeking or receiving Social Security benefits (or really any form of social welfare program benefits) may be denied those benefits or have a change in benefit amounts. The person can appeal the change or denial of benefits by presenting evidence, attending a hearing, and perhaps seeking legal counsel.

There is, however, an informal adjudication process. Informal adjudication can take on different forms, some of which mimic the formal adjudication process. The APA does not regulate informal proceedings which allow for various interpretations. However, it does set certain standards, such as the provision of a transcript of proceedings.⁴³ The Social Security Administration, for instance, does have informal processes specifically related to the screening of applications and even some internal mechanisms related to appeals. None of this means that decisions are arbitrary, but rather the agency relies on program-specific requirements for decision making.

Comprehensively, we can think of administrative adjudication as a retroactive form of administrative policymaking in that it addresses and potentially revises decisions made in the past, but it results in the establishment of precedent for agencies. This means that, going forward, agencies must abide by any orders stemming from the adjudication process. Agencies will opt to use adjudication if the scope of the activities in question has a narrow applicability, as opposed to the broader, general applicability concerns of rulemaking procedures. So, let's think about Social Security benefits again. The denial of Social Security benefits only directly impacts those seeking benefits, so adjudication is best. But rules governing who is eligible to receive Social Security benefits impacts *all* working individuals or those that may be disabled, so rulemaking is appropriate. There are several administrative activities that are more likely to be resolved through adjudication, including accreditation, compliance, licensure, and auditing, but there are no hard

and fast rules for why agencies opt to use adjudication as opposed to rulemaking when setting administrative policies and rules.

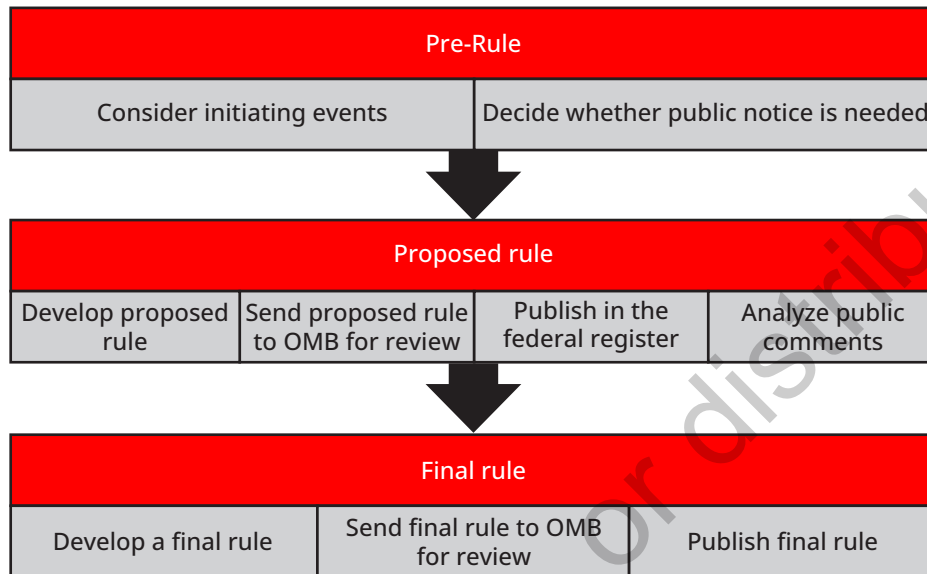
Executive Orders (A Special Bureaucratic Policy Issue)

Executive orders deserve special attention in our coverage of bureaucratic policymaking tools. It is not a tool that is used by administrative agencies but rather a specific policy making tool of the executive branch that can have significant consequences for how the bureaucracy performs. An **executive order** is a written directive that is used by the president or other government executive to manage the bureaucracy. Federal-level executive orders are published in the *Federal Register* and the *Code of Federal Regulations*. The orders are a sort of instantaneous law or policy that is unilaterally decided by the executive branch. All U.S. presidents have used executive orders during their administrations to influence bureaucratic and policy outcomes, though with varying frequency (figure 2.10).

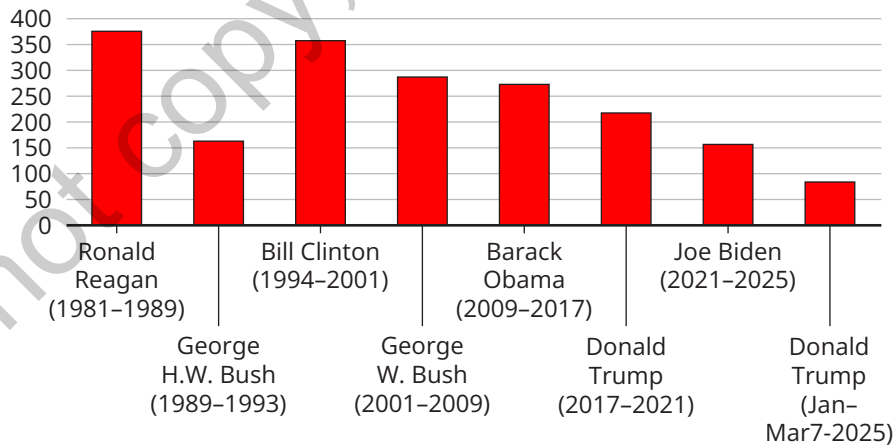
The use of executive orders can be incredibly controversial. While it is a legitimate use of executive power, it can also be used to circumnavigate legislative deadlock in the pursuit of the executive's own policy priorities. Examples range from Ronald Reagan's use of orders to deregulate industry to spur economic growth, George W. Bush's expansion of surveillance post-9/11, Barack Obama's banning of waterboarding and other questionable interrogation techniques, and Donald Trump's order for the construction of the U.S.–Mexico border wall. In each case, critics of the presidents were alarmed at the unilateral use of power and were quick to challenge the legitimacy of the orders. Yet, the political disagreements over policymaking are only one part of why and how executive orders can be controversial. There is also the serious concern that executive orders can truly interfere with and disrupt the activities and performance of the bureaucracy. This has been recently evident in some controversial executive orders under Donald Trump's first administration.

In July 2018, Trump signed Executive Order 13843 and changed the hiring process for administrative law judges. The order directly amended three sections of the Code of Federal Regulations, which in theory can only be amended according to APA procedures. This raised some questions about the legitimacy of the president's action and its interference with proper rulemaking authority of agencies. Ultimately, it was determined the president can use an executive order to change the APA given several court rulings.⁴⁴ In July 2020, Trump signed another executive order impacting the civil servant workforce. This time the order required agencies to start incorporating preferences for skills rather than education credentials when hiring to fill federal positions. The move was promoted as a way to increase flexibility in hiring qualified candidates, but critics were quick to point out that it only led to a longer list of unqualified candidates to sort through during the hiring process.

A few months later, in October 2020, Trump was changing the federal workforce again by signing Executive Order 13957. The order created a new schedule of federal employees (we will learn more about personnel classification in chapter 6) and made it possible for the executive branch to interfere with and retaliate against civil servants who are critical of the president. The gravity of situation led an appointee to the Federal Salary Council, who also served under

Figure 2.9 ■ Federal Informal Rulemaking Process

Adapted in part from ICF International, *The Reg Map: Informal Rulemaking*, https://www.reginfo.gov/public/reginfo/Regmap/REG_MAP_2020.pdf.

Figure 2.10 ■ Executive Orders by Presidential Administration, 1981–2025

Federal Register, "Executive Orders," <https://www.federalregister.gov/presidential-documents/executive-orders>.

the Obama and George W. Bush administrations, to state, “I have concluded that as a matter of conscience, I can no longer serve him or his administration.” He further commented that the order “. . . is nothing more than a smokescreen for what is clearly an attempt to require the political loyalty of those who advise the president, or failing that, to enable their removal with little if any due process.”⁴⁵ In essence, the order was blurring the line between politics and administration and was perceived by many as a direct assault on the merit-based system in place.

Check Your Progress 2.4

1. What type of rulemaking is the most common?
 - a. Formal
 - b. Informal
 - c. Hybrid
 - d. Negotiated
2. What publication is central to the federal rulemaking process?
 - a. The Rulemaking Journal
 - b. Administrative Announcements
 - c. The Federal Register
 - d. Federalist Daily
3. True or False. Both formal and informal administrative adjudication processes are determined by the Administrative Procedures Act.
 - a. True
 - b. False

You can find answers for all Check Your Progress sections in this book's appendix.

The Implementation and Oversight Activities of the Bureaucracy

Beyond the glitz and glamor of shaping what public policies look like, administrative agencies are also responsible for implementing policies and ensuring they are executing laws, programs, and policies according to set standards. Implementation comes in several different forms, including direct administration, grants, loans, and contracts. Each approach serves a particular purpose and ensures that funding goes where it is needed and authorized. After and even during implementation, another core responsibility occurs—oversight. Oversight is just another form of checks and balances within the democratic system. There are specific agencies (e.g., the OMB and GAO in the federal government) that have direct authorization to serve as watchdogs over bureaucratic activities.

Direct Administration

A key component of the implementation of public policies and the extension of bureaucratic policymaking is direct administration. **Direct administration** refers to the government-based approach to providing public goods and services for the public. It is observable when government departments, agencies, and programs supply goods or provide services directly to the people. Examples of direct administrative activities include mail carriers delivering your packages, police officers investigating recent break-ins around the neighborhood, paramedics treating and transporting patients to local hospitals, and public transit agencies extending bus service to new routes. This is the traditional method for delivering public goods and services, in contrast to indirect administration methods, which are discussed in the following section. You are more likely to experience direct administration activities at the state and local level, where governmental responsibilities are often more service-oriented in nature. Local governments are typically responsible for K–12 education, library services, parks and recreation, police and fire protection, public health services and programming, public transit, sanitation and utility services, and many other functions. State government responsibilities often include corrections, inspections and licensure, higher education, highway transportation, and welfare services (e.g., unemployment insurance). Together, the types of services provided by state and local governments are more likely to lend themselves to direct provision by the government.

It is important to remember that direct service provision requires the use of civil servants in public organizations for implementing policies. As discussed in chapter 1, civil servants are those individuals who work in government departments and agencies. A subset of civil servants, called **street-level bureaucrats**, are particularly important to direct administrative activities and can wield incredible policymaking power. Political scientist Michael Lipsky defines these individuals as “public service workers who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work.”⁴⁶ These front-line workers of government include police officers, DMV clerks, first responders, social workers, and public school teachers. For better or for worse, individuals in these roles have a substantial degree of autonomy in how they carry out their work and carry out established policies. Their interpretation of existing rules and laws can greatly impact how a policy is executed and performs.

As an example, let’s say you are pulled over by a police officer while driving. The police officer’s radar showed you were traveling at 39 miles-per-hour in a 35 miles-per-hour zone. The officer also noticed that you were not wearing a seat belt. According to the law, the officer should give you a speeding ticket and a seat belt violation ticket. However, the officer chooses to let you off with just a warning on the speeding but gives you a ticket for the seat belt violation. Why? Well, the officer is allowed some discretion for making such decisions. This might have been the first time you were pulled over for speeding, or the officer felt four miles per hour over the limit didn’t warrant a ticket. A warning might suffice in getting the message across to not do it again. However, not wearing a seat belt can have serious consequences should you be in an accident. The ticket serves as clear notice that this behavior is not acceptable. Such discretion is where the power of street-level bureaucrats comes into play in direct administration. The officer made a decision that fundamentally alters *how* a policy is directly implemented without changing the formal content of the law. We will revisit this issue, including the ethical dynamics of street-level bureaucrats, in chapter 9 and further discuss their role in implementation in chapter 10.

Just make sure for now that you understand that these are front-line civil servants that carry a tremendous responsibility for carrying out direct administrative activities.

Government by Proxy

Sometimes referred to as “government by proxy” or “third-party government,” **indirect administration** is the delegation of implementation responsibilities to nongovernmental entities, both private and nonprofit organizations. In some cases, it might involve other governments, too. There are several tools for delegating responsibilities, including grants, loans, contracts, and third-party agreements. Each tool offers a different structure for how a policy could be implemented. It is also important to note at this point that indirect administrative tools may also include actions that shift implementation responsibilities from a higher to lower levels of government (or to encourage lower levels of government to take actions they may not have otherwise taken). For instance, state and local governments have always had a certain degree of responsibility for executing federally mandated programs and services, such as food stamps and Medicaid. Similarly, indirect administrative tools are also used by state and local governments. For instance, state governments may offer grant programs and loans to local governments and local governments often contract with private and nonprofit providers to deliver government services, such as mental health and other social services.

Utilization of indirect administrative tools rose to prominence during the latter half of the twentieth century after its widespread use during World War II. Contracting services occurred prior to this time, but the Second World War changed the game for federal activities. Government became much more collaborative and intertwined with the private sector.⁴⁷ The trend was further exacerbated through the privatization and devolution movement among governments during the 1980s and 1990s with the rise of New Public Management (see chapter 1 for a refresher). The private sector took on more government responsibilities through **privatization** efforts under the assumption that business could be more efficient and responsive than government. **Devolution** refers to delegating responsibilities from one level of government to a lower level. Yet, for better or for worse, the line between the public and private sectors has become increasingly blurred. The federal government is highly dependent on the capacity and skill of others in the delivery programs and services. In turn, private and nonprofit sectors have become increasingly dependent on government spending to sustain their bottom lines.

The rise of government by proxy has created a **shadow bureaucracy**. Earlier in the chapter, we covered the number of full-time individuals who work directly for the government. Those figures did not include the vast number of individuals who work indirectly for the government through contracts and grants. The actual size of the federal bureaucracy is north of 7 million people, as opposed to just the 2 million workers directly employed by the federal government (see table 2.4). It is hard, however, to be specific about the number of people employed through government contracts and grants. This information is not tracked by the government at any level or available to the public. For instance, a state may sign a contract with an IT company to build and manage its software; the state has no idea how many of the IT company’s employees are hired as a result of that contract. Similarly, an agency may have no or limited knowledge about how many people staff a mental health hotline supported by a government grant program. Yet, no matter the specific number, it is clear there are far more shadow bureaucrats than actual civil

servants working for the government. And the size of the government workforce has continued to grow, despite the official federal figures cited above and despite the desire of certain politicians to restrict the growth of government.

Table 2.4 ■ Estimated Size of Federal Shadow Bureaucracy

Year	Contract Employees	Grant Employees	Total
1984	3,666,000	1,234,000	4,900,000
1990	3,427,000	1,352,000	4,779,000
1993	3,245,000	1,344,000	4,589,000
1996	3,042,000	1,351,000	4,393,000
1999	2,398,000	1,415,000	3,813,000
2002	2,791,000	1,236,000	4,027,000
2005	3,882,000	1,578,000	5,460,000
2010	4,845,000	2,344,000	7,189,000
2015	3,702,000	1,583,000	5,285,000
2020	5,302,000	1,817,000	7,119,000

Paul C. Light, "The True Size of Government: Tracking Washington's Blended Workforce, 1984–2015," The Volcker Alliance Issue Paper, October 2017; Paul C. Light, "The True Size of Government Is Nearing a Record High," Brookings, October 2020, <https://www.brookings.edu/articles/the-true-size-of-government-is-nearing-a-record-high/>.

The vast number of indirect government employees leads to serious concerns about how the government can oversee this workforce and contend with political and ethical dilemmas posed by relying on nongovernmental entities. Controlling this enormous workforce when there are no direct mechanisms for oversight, as there are for public departments and agencies, is a major challenge of modern public administration.

Grants

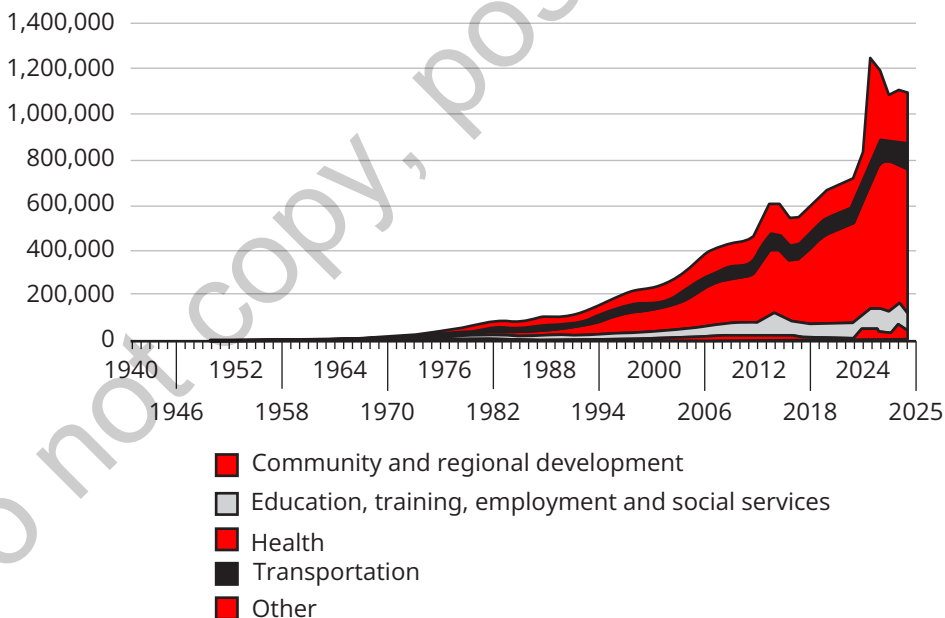
Grants are one type of financial assistance available to fund public services and projects. This tool also happens to be a key administration-by-proxy mechanism and represents a major contributing factor in the rise of the shadow bureaucracy. A grant agreement and award arranges funding from one entity to another in exchange for the provision of a particular service, good, or project outcome that is authorized under law. The federal government heavily relies on the use of grants for implementing of a range of domestic services and programs, such as social welfare and services, community development, education, health care, and transportation. State and local governments are the primary beneficiaries of grants with an estimated total of \$1.08 trillion spent in FY 2023.⁴⁸ Since 1940, federal spending on grants to state and local governments has grown by 4,936 percent between 1940 and 2023 when accounting for inflation (see figure 2.11). Most

growth has occurred since the 1990s, with health spending constituting the largest expenditure increase. Today, about two-thirds of total federal grant spending stems from mandatory grants, or those programs that *must legally* be funded at a certain level, that support social welfare programs. Many of these programs fall in the health spending category, such as Medicaid, SNAP, Children's Health Insurance Program, Temporary Assistance to Needy Families, and child nutrition programs (e.g., school breakfast and lunch programs). The other third of grant spending is discretionary, meaning there is no legal funding level requirement, and funds programs such as Head Start, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), as well as others related to low-income housing, community development, and public safety.

Other organizations can also qualify and apply for federal grants, including universities, research labs and organizations, law enforcement, nonprofit organizations, and some businesses, but these opportunities will vary in scope and are discretionary. Also note that most grants are not available to individual recipients and any claim of receiving "free money" via government grants are often scams. The grants discussed here are not awarded to individuals to cover the cost of education, home repairs and upgrades, or overdue and unpaid bills. If there are ever any questions about the types of grants available or who qualifies, the Catalog of Federal Domestic Assistance

Figure 2.11 ■ Federal Grants-in-Aid to State and Local Governments

Total (In Millions, Actual)



The White House, "Budget of the United States Government, Fiscal Year 2020," <https://www.whitehouse.gov/wp-content/uploads/2019/03/hist-fy2020.pdf>; Office of Management and Budget, "Historical Tables, Tables 12.2 and 12.1,"

<https://www.whitehouse.gov/omb/budget/historical-tables/>; GovInfo, "Budget of the United States Government," <https://www.govinfo.gov/app/details/BUDGET-2025-TAB/context>.

database provides detailed descriptions of grant opportunities. The grant-making agency, scope of activities supported, qualifying entities, and other pertinent details (e.g., award amounts years available) are all outlined for each available opportunity in the catalog.

You should be familiar with two basic forms of grants that serve as the backbone of federal grantmaking: block and categorical. **Block grants** provide funding for a broad purpose or set of activities. There are numerous purposes for block grants, including community development (who doesn't like living in an awesome town?) or local law enforcement (which can be short on resources to address all of the problems in a community). Recipients of these grants have leeway to determine how best to achieve the goal set by the grant. **Categorical grants** are narrow in scope and require funds to be used for a specific program or purpose. Categorical grants can further be divided into two different types, formula and project. Formula grants are noncompetitive mandatory grants that award funding based on set of criteria. State-administered programs, such as Medicaid, are formula grants. Project grants are merit-based grants given for a specific project or service over a fixed time period. Many research grants given by the National Science Foundation or the USDA are project grants that require recipients to complete a proposed set of project activities for a set time period. In general, legislators like those in Congress prefer categorical grants over block grants, as their tighter focus allows for greater control, visibility, and accountability.

Loans

Federal loan programs are available in several categories including agriculture, business, education (including student loans), housing and urban development, disaster relief, loan repayment, and veterans' issues. The terms of government loans are usually better than private loans, explaining why many are very popular. Government loan programs operate very similarly to private loans, but a major difference is that the government offers and guarantees the loan to reduce risk for lenders. In a sense, this means the government effectively serves as a cosigner of sorts, as it promises to repay the loan if the borrower defaults.

Housing and Urban Development loans constitute the largest share of new direct loans and total outstanding debts. In FY 2018, an estimated \$651 billion in new guaranteed loans were disbursed, contributing to a total of \$3.4 trillion in outstanding loan debt held by the agency.⁴⁹ Federal loan programs do require recipients to pay back the loan and, in some cases, such as federal student loans, declaring bankruptcy does not eliminate these outstanding debts for borrowers. Loans are provided as a mechanism to aid growth and development without the government completely covering the costs for advancement or directly provided the services. So just keep in mind there is no such thing as free government money, and if you take out a loan you will more than likely be on the hook for paying it back. One recent exception was the Paycheck Protection Program (PPP) loans issued to small businesses and other qualifying employers during the 2020 pandemic. The low-interest loan program, part of the CARES Act, aimed to allow employers to continue paying their workers during the crisis. Over ten million PPP loans, the vast majority, were forgiven, ultimately converted to grants.⁵⁰

Contracts and Cooperative Agreements

Contracts and cooperative agreements are yet another set of tools for indirect administration. These agreements operate similarly to grants but differ in several respects. The key difference is that grants do not involve the government in carrying out grant activities, but cooperative agreements require “substantial involvement” from federal agencies.⁵¹ In a nutshell, this means that the government partners directly with nongovernmental entities in implementing some set of activities. The government’s role is in fact *cooperative* rather than just oversight. Contracts share fewer similarities with grants than with cooperative agreements. Whereas grants are meant to address a public purpose, contracts are just mechanisms to ensure the government is actually fulfilling its responsibilities to the people.⁵² Contracts are intended to provide some direct service or good that fulfills a specific government obligation. In some states, DMVs are operated by private and nonprofit organizations that are contracted by state governments to renew annual registrations, issue vehicle tags and titles, and conduct driver’s license examinations. In theory, contracts include more direct oversight and frequent reporting requirements for how predetermined goals and objectives are achieved. Payment is made when the contractor meets the expectations of the contract agreement, either during set intervals or at the conclusion of a contracted agreement period.

Federal spending via contracts has increased dramatically in the past decade, with an estimated \$512 billion spent in FY 2017, \$554 billion in FY 2018, and \$597 billion in FY 2019.^{53,54} In FY 2022, total federal contracting reached \$694 billion with \$40 billion still directed toward the COVID-19 pandemic.⁵⁵

The Department of Defense uses contracting more than any other agency, with 60 to 65 percent of all contracts stemming from the Navy, Army, Air Force, or other defense agencies. Defense contracts are about evenly split between paying for services and purchasing products. The contracts are also more likely to be noncompetitive contracts, either because of an urgent need, the need for specialized expertise and experience, or simply due to the nature of meeting security requirements. The same is not true for contracts among civilian agencies. Civilian agency contracts are more likely to be competitive, and contracts are more often awarded for the provision of services as opposed to products. Many estimates predict government contracting is likely to continue to expand in future years as demands for government services rise.

Oversight Activities

A final set of administrative policy responsibilities centers on oversight and review of activities conducted by executive branch actors and agencies. As an extension of the checks and balances system, some administrative agencies play a key role in reviewing administrative performance and activities. Controlling the bureaucracy, or at least keeping tabs on bureaucratic activities, can be a major priority for elected officials, a subject discussed even more in chapter 9. Two federal agencies, the Office of Management and Budget (OMB) and the General Accountability Office (GAO), serve in critical roles for supporting the executive branch and Congress in their oversight of the federal bureaucracy. In state governments, bureaucratic oversight is largely performed by a mix of elected executive officers, such as state auditors, and executive agencies, many of which are independent. Localities are required to produce reports for and submit to audits by their

state governments; however, local governments also have their own executive watchdogs, such as county controllers.

Federal Executive Oversight

The OMB and GAO are the primary federal agencies responsible for reviewing and providing oversight of federal administrative activities. As discussed earlier in this chapter, both are branch-based offices with a range of responsibilities, including monitoring of federal spending and financial management, promoting accountability and performance, and ensuring transparency. The oversight mechanisms of both agencies include guidance and standards, audits, investigations, policy analysis, and program evaluation.

Reports concerning the outcomes of oversight and review activities are often made available to the public. For instance, the GAO created a "Coronavirus Oversight" webpage in 2020 to show how the agency was keeping track of the ways the CARES Act's \$2.6 trillion in emergency assistance funds were being spent.⁵⁶ Hundreds of reports were developed and posted regarding the pandemic and related issues. Some were specifically focused on particular issue areas, such as health care, education, or consumer protection concerns. Others were more focused on federal government operations surrounding the pandemic response. Each report outlines a set of concerns addressed and a set of recommendations for how particular departments and agencies could improve. For example, a September 2020 CARES Act report made sixteen performance recommendations for the Department of Defense, Department of Health and Human Services, Department of Homeland Security, the OMB, and the Department of the Treasury.⁵⁷ Among the recommendations were improving auditing functions, collecting more complete data, determining how many eligible individuals did not receive stimulus payments, and addressing ongoing cybersecurity weaknesses. After the GAO releases a report, identified agencies then provide a response to the GAO findings where they state whether they are capable of addressing the problems identified and, if so, how. This sort of ongoing process of oversight review is intended to improve performance and keep agencies accountable.

Subnational Executive Oversight

The executive branches of state and local governments likewise have systems in place to help ensure accountability, compliance, and transparency within those public bureaucracies. State auditors, who are typically either popularly elected or appointed by the governor, perform financial and performance audits of many of their states' agencies and programs. State auditors can also perform investigations into government misconduct, such as fraud and waste of state resources. State controllers, in a closely related role, watch over their states' accounting systems and financial reporting. Secretaries of state can be included in this conversation, but they are typically limited to overseeing election administration and, perhaps more germane to our current discussion, the incorporation of nonprofit organizations (which frequently work with governments to deliver public goods and services) within their states. There are actors beyond those officials, too. For instance, some executive offices, such as those supporting the budgeting, management, and human resources functions in state agencies, also get into the oversight game a bit, often by doing things like checking on agencies' compliance with laws around worker safety or supporting agencies' efforts to be more efficient.

We know now that municipalities and counties are creatures of their states, only given as much power as state leaders will give them. So it should be of no surprise that local governments are overseen in no small way by state governments. For instance, states require their local governments to annually submit comprehensive financial reports that detail the jurisdiction's financial condition and operational activities during each fiscal year. These reports are reviewed by independent auditors before being filed with state offices, such as those of the state treasurer or state auditor. Poor financial management could lead to the state suspending a municipality's charter, thereby taking its assets and cash under state control. Also, say your town wants to take on more debt by issuing bonds to raise money to pay for a big project. That's going to need the state's stamp of approval for any local level action to occur.

Administrative oversight of local governments is not limited to state agencies and offices. Municipalities and counties also internally police themselves so to speak. In many jurisdictions, for example, city and county auditors are responsible for overseeing, auditing, and reporting the financial activities of their governments' departments. In some governments, they are called controllers. In either case, these officers often report to an independent audit committee, which means they can audit executive departments with fewer concerns about pressure from the mayor or other top city leaders.

Check Your Progress 2.5

1. _____ are particularly important to direct administrative activities.
 - a. Street-level bureaucrats
 - b. Direct loans
 - c. Grants
 - d. Proxy bureaucrats
2. True or False. Devolution is the delegation of responsibilities from the federal to the state and local level.
 - a. True
 - b. False
3. What form of indirect administration gives the most financial benefits to state and local governments?
 - a. Devolution
 - b. Privatization
 - c. Loans
 - d. Grants

You can find answers for all Check Your Progress sections in this book's appendix.

Conclusion

Good job on making it to the end of this chapter, which is as complex as the American administrative state. Our intent was to demonstrate just how important bureaucracy is to the

functioning of government. All of the information you just read lays a crucial foundation of technical information that is pertinent in your exploration of public administration in the remaining chapters of this textbook.

This chapter began by documenting the rise of the administrative state and how the American bureaucratic system has grown since the early days of the American republic. Most of the growth has occurred within the last 100 years and coincides with the expansion of social welfare programs and government responses to major events, such as the Great Depression, the terrorist attacks of 9/11, and the Great Recession. Today, approximately 21.9 million people are directly employed in federal, state, or local governments and serve in a range of occupations and in a variety of different types of organizations. For example, the federal administrative state is comprised of twenty-seven branch-based offices, fifteen executive cabinet departments, and fifty-eight independent entities and corporations. Each office, department, agency, or corporation carries out policies that it was specifically designated to do so. And this is why this chapter also covered the policy process and highlighted specific policy and implementation activities.

The policy process highlights where the public policy view of public administration comes into play. Administrative agencies have significant responsibility in implementing laws, which often leads to delegated policymaking power. Given the size and scope of the administrative state, this means that a lot of the power agencies hold has stemmed from their positions in the policy process and responsibilities for filling in the details of vague legislative action, executive orders, or judicial rulings. The ability to shape policy outcomes is evident through a number of activities of the bureaucracy, including rulemaking, grants, contracting, and cooperative agreements. Involvement of the bureaucracy often starts with the rulemaking process before the utilization of direct or indirect service provisions. Of course, it is important to keep in mind that administrative actions and activities are often under the scrutiny of elected officials and other administrative agencies to ensure that implementation is within legal and ethical confines.

Key Terms

administrative adjudication

administrative law

administrative state

block grants

branch-based staff offices

bureaucratic policymaking

categorical grants

devolution

direct administration

executive cabinet departments

executive order

federalism

final rule

government corporations

implementation

independent executive agencies

independent regulatory agencies

indirect administration

institutional agenda	regulations
nondelegation doctrine	rules
preemption	shadow bureaucracy
policy alternative	street-level bureaucrats
proposed rule	systemic agenda
privatization	

Review Questions

1. Why did the administrative state emerge?
2. How are the different types of federal, state, and local government agencies, departments, and offices structured?
3. What are the stages of the policy process?
4. What is the purpose of each of the public bureaucracy's three policy making activities?
5. What is the difference between administrative implementation and oversight activities?

Discussion Questions

1. Is the expansion of the administrative state justified? Why or why not?
2. Do the current designs of public agencies permit an appropriate level of influence from elected officials?
3. Should government corporations exist? Why or why not?
4. Why is the study of public policy important to public administration?
5. Is the rulemaking process a good method for filling in the details of public policies? Are there other potential processes that fulfill this purpose better?
6. Is government by proxy an appropriate route for implementation?

Further Recommended Resources

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