

THE FEDERAL BUREAUCRACY

The Constitution made little mention of a bureaucracy other than to make the president responsible for appointing (with the advice and consent of the Senate) public officials, including ambassadors, judges, and "all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law" (Article II, Section 3). No provisions mentioned departments or bureaus, but Congress created the first bureaucracy during George Washington's presidency.

The bureaucracy began in 1789 when Congress created a Department of State to assist the new Secretary of State, Thomas Jefferson. From 1789 to about 1829, the bureaucracy was drawn from an upper-class, white male elite. In 1829, the new President Andrew Jackson employed a spoils system to reward party loyalists with key federal posts. Jackson believed that such rewards would not only provide greater participation by the middle and lower classes, but would insure effectiveness and responsiveness from those who owed their jobs to the president. The spoils system ensured that with each new president came a full turnover in the federal service.

FROM SPOILS TO MERIT

- *"To the victor belong the spoils" (1828)*
 - The spoils system or patronage, started by Andrew Jackson, was used for filling federal jobs
 - President rewarding supporters with jobs based on service, not on merit

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- *Garfield's assassination by a disappointed office-seeker (1881)*

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- *Creation of the Pendleton Act (1883)*
 - Eliminated the spoils system (patronage); created merit system
 - An exam-based merit system would be used to fill government jobs
 - Civil Service Commission was created to administer these exams

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- *Hatch Act (1939)*
 - Political activities of bureaucrats are limited

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- *Civil Service Reform Act (1978)*
 - Abolished the U.S. Civil Service Commission
 - Created the OPM (Office of Personnel Management) to provide guidance to agencies of the executive branch

THE MODERN BUREAUCRACY

- A bureaucracy is a large, complex organization of appointed, not elected, officials.
 - LARGE: Three million civilian federal employees
 - Department of Defense is the largest department = about 50% (even without active military which is about 1.4 million)
 - Post Office has about 28%
 - <10% of top-level jobs are appointed (political appointees) by the president >> **PATRONAGE**
 - >90% of federal employees are civil service workers >> **MERIT SYSTEM**
 - Tenure protection, difficult to fire (unless appointed by president)
 - Specialized units with expertise in a field

POWER OF THE BUREAUCRACY

- *Implementation and Discretionary authority*
 - Carry out laws of Congress, executive orders of the president
 - Agencies have power to set specific guidelines when receiving a general mandate from Congress
 - Congress gives them the bones, bureaucracy adds the meat
- *Regulation (or regulatory policy)*
 - Issue rules and regulations that impact the public and that the private sector must follow
 - Sets clean air standards, requires labels on food, sets emission standards for cars, etc.
- *Administrative Law*
 - Rules and regulations created by an agency that have the effect of law
- *Helping Congress draft legislation*
- *Providing advice to the White House*
- *Settling disputes*

FEDERAL AND STATE EMPLOYEES

- Federal government employees currently account for 3 percent of all civilian jobs
- The number of federal government employees has remained constant since 1950
- The number of state and local government employees has steadily increased since 1950
- Block grants have contributed to the widening gap between the number of federal and state employees by shifting resources from the federal government to states and local governments
- Federal mandates have also shifted more responsibility to states, causing an increase in the number of their public employees