

in the Promise and the Fear

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THE EVOLUTION OF NATIONAL

BUREAUCRACY IN THE UNITED STATES



Daniel Carpenter

THE SIMPLE DETAILS OF AMERICAN DAILY LIFE REVEAL the pervasive presence of the bureaucratic state—the dollars in our wallets, printed by the Treasury Department; the peanut butter we eat, subsidized and regulated by the U.S. Department of Agriculture (USDA); the pain medications we take, approved and governed by the Food and Drug Administration (FDA); the cars we drive, produced in factories regulated by the Occupational Safety and Health Administration (OSHA) and themselves regulated by the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration; the national parks and forests, in which we ski, fish, hike, hunt, climb, and camp, governed by the Forest Service and the Department of Interior; and the \$425.3 billion in checks that our elderly and disabled receive annually from the Social Security Administration.

These everyday facts have an enduring history. Despite revisionist accounts and casual impressions, national bureaucracies have figured prominently in American history. Take the case of war. From the early 1800s, through the world wars to the present, American military affairs have been guided through large bureaucracies: the Navy and the Department of War (1789–1947) and the Department of Defense (1947–present).¹ U.S. military and intelligence agencies have spread millions of persons and trillions of dollars in expenditure across the continent and around the globe. These bureaucracies have created new weapons, and even launched the Internet, which was once a network of electronic communications conceived and funded by the Pentagon's Defense Advance Research Projects Agency (DARPA). The presence of bureaucratic government in American history is vast, even when we step outside the military. In the early

CH2: The Evolution of National Bureaucracy in the United States

1800s, the U.S. national government contained what was perhaps the world's largest and most complex administrative organization of any kind in the U.S. Post Office Department, which employed more than 8,000 people in the early nineteenth century, at a time when the largest private companies employed perhaps 10,000 workers.² Later, in the 1940s and 1950s, the Post Office Department swelled to half a million workers.

In the modern United States, virtually complete control over finance and the aggregate money supply rests in the hands of two federal government agencies: the U.S. Treasury and the Federal Reserve Bank. Some of the largest federal agencies spread tens of thousands of employees, thousands of structures and offices, billions of dollars in discretionary money, and formidable political sway across the entire continent: the Departments of Agriculture, Housing and Urban Development, Interior, and now, Homeland Security, The Department of Agriculture's annual budget in 2004 was \$78 billion, which is three times the endowment of America's wealthiest university, Harvard. In some cases, the seemingly smallest of agencies exercises an immense regulatory impact upon our economy and society. The Department of Treasury issues all U.S. bonds and hence establishes and regulates the largest bond markets in the world, it prints all money in the United States, and it collects (through the Internal Revenue Service) almost all of the over \$1.5 trillion in federal revenues collected each year by our national government. The Department of Interior directly manages one-fifth of the nation's land, over 500 million acres. The Food and Drug Administration explicitly regulates one-quarter of total U.S. gross domestic product (GDP), with the power to recall and inspect commodities amounting to over \$1 trillion in economic activity. One of the two largest social welfare programs in the contemporary United States—Medicare—is administered with considerable discretion by the Center for Medicare and Medicaid Services (CMS). Regulations with costs and benefits in the hundreds of billions of dollars are administered and enforced by the Environmental Protection Agency and the U.S. Fish and Wildlife Service.

Two and a quarter centuries after the creation of the American Republic, the history of national bureaucracy in the United States still warrants study and reflection. Why is it that the government of the United States—a nation born in revolt from regal power, a nation dedicated in theory to the rule of law, a nation so antibureaucratic in its talk and tenor—is now shot through with bureaucratic organization? Was our nation's executive branch always this way? How have new bureaucratic agencies been created, and when have they been terminated? What accounts for the powerful policy-making roles played by national bureaucratic officials—from the Departments of Education and Homeland Security to the Food and Drug Administration and the Federal Reserve? Has the present era of government downsizing and of privatization truly changed the federal bureaucracy, and if so, how?

CH2: The Evolution

No brief essay can do justice to offer something far more informative. What follows, the narrative map of concepts and important transitions and bureaucracy. To preview, these

- Copying the Crown. A revolt against executive norms), Americans quickly institutions in the early unknowingly embrace attacked just decades earlier, then, was a standard copied from the reform.
- Compromise and Control. Often born of president built from existing agencies seem endlessly created serving the continuity bureaucratic death as of—anywhere from one-century—have been television media accounts.
- Personnel Transformation. That we staff our nation early Republic, we transform, then to the “merit past century to a mixed service protections.
- War Begets Bureaucracy. In international conflict mothered bureaucratic new bureaucratic organization. Second, war and security “domestic” agencies rapidly and their policy influence.
- Executive Agencies as Hamilton might barely become powerful innovators bureaucratic innovation nas as it is in “domestic”

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No brief essay can do justice to any of these questions. Still, it may be possible to offer something far short of a full narrative that is nevertheless valuable and informative. What follows, then, is aimed at providing a more or less portable narrative map of concepts and characterizations; a map that highlights the most important transitions and continuities in the history of American national bureaucracy. To preview, these are:

- Copying the Crown. Much as the American Revolution was energized by a revolt against executive power (King George III and his colonial governors), Americans quickly came to reimbrace executive and bureaucratic institutions in the early Republic. In doing so, they both knowingly and unknowingly embraced and inherited organizational forms that they had attacked just decades earlier. An important feature of early American government, then, was a striking continuity of executive institutions inherited and copied from the reign of George III (1760–1820).
- Compromise and Continuity through Birth and Death. New agencies are often born of presidential and congressional compromise, but they are also built from existing agencies and institutions. The institutions of the future seem endlessly created from the organizations of the past, implicitly preserving the continuity of personnel and programs. This is as true of bureaucratic death as of bureaucratic birth. As concerns death, many more—anywhere from one-third to one-half of all agencies created in the last century—have been terminated than one might guess from popular and media accounts.
- Personnel Transformation. Important changes have occurred in the way that we staff our national bureaucracies. From the elite networks of the early Republic, we transited wrenchingly to the Jacksonian patronage system, then to the “merit system” of the Progressive Era, and slowly in the past century to a mixed system that contains broad but not universal civil service protections.
- War Begets Bureaucracies and Bureaucratic Power. Whether in civil war, in international conflict, or in the struggle against terrorism, war has often mothered bureaucratic expansion in two ways. First, wars often issue in new bureaucratic organizations that live on after peace has been achieved. Second, war and security issues give all sorts of agencies (including “domestic” agencies) rationales to expand their missions, their resources, and their policy influence.
- Executive Agencies as Policy-making Agents. In a way that Alexander Hamilton might barely have presaged or hoped, executive agencies have become powerful innovating forces in national policy making. The fact of bureaucratic innovation is as true in defense, security, and diplomacy areas as it is in “domestic” policy. In some cases by rule making and regula-

tion, in other cases by sponsoring legislative proposals that are enacted into statute, in other ways by launching experimental programs, federal bureaucrats do not merely administer policy but play an immense role in making it.

- The Politics of Executive Agencies. National government in the United States has been dominated by executive agencies that lie officially under the purview of the President but are just as strongly influenced by Congress. (These include the Departments of State, Army, Navy, Defense, Agriculture, Interior, Commerce, Education, and others).

- The Rise and Plateau of the Contracting State. While privatization of public services has gathered momentum in the past twenty years, an equally important feature of government is the creation of a "contracting state" in which governmental services are provided less by career bureaucrats and more by companies who seek and operate through competitive grants and contracts. Along with this practice has come the increasingly visible metaphor of "government as business" with citizens as "customers" or "stakeholders," which is actually a rehearsal of Progressive Era discussions. But this is less accurate than meets the eye. Those aspects of bureaucracy that have been contracted out remain every bit as monopolistic and bureaucratic as the federal agencies they have replaced. And if recent international events (particularly the creation of the Homeland Security Department) tell us anything, seeing the clients of the state as "customers" is problematic. While subcontracting and privatization will remain, the idea of "government as business" has been around before, and was never very informative.

Copying the Crown: The Continuity of Regal Organizations and Institutions

Much more than Americans (then and now) would care to admit, early U.S. administrative institutions copied the agencies of the very empire against which the colonists rebelled. Many features of the executive departments of the early American Republic were modeled explicitly upon bureaucracies under the regime of King George III, and the structure of new national agencies created in the 1780s and 1790s bore an appreciable resemblance to those of the English Crown. This is especially true of the most active departments during the early period (Post Office, State, Treasury, and War).

Before 1763, the colonial bureaucracies governing British North America were known for their administrative inefficiency. Revenues went uncollected, colonial governors and their officers depended heavily upon colonial legislatures for the slightest of provisions, and bribery and corruption continued largely unchecked. There was little for the American colonists to copy here, and the

colonists largely enjoyed this sciences, it left them alone. Worcester'ship of the Exchequer following the Seven Years War from the mother continent bureaucratic system govern the inefficient system of color

This process, particularly new acts specifying excises a direct and acrimonious conflict known. By 1776 the colonists by 1783 they had formed their

So direct and unflinching first, the revolutionaries wanted in the spirit of small led Congress were composed of was a Board of War and Ordnance there was not a "Treasury" but members of Congress. Naval Affairs Diplomatic affairs were correspondence. There were first, they were strict departments wherein administrative positions they were populated not by a Congress. In both form and procedures were legislative bodies.³

The year 1781 would be government. Led by the you administration-by-committee erned by a single head or Secretary vociferously for the principal lead administrative organizations new Americans were borrowed in some cases the resemblance a title directly from George War" to head a Department favor of a Treasury headed by we can tell, was borrowed from Committee was replaced by Adams's Committee of the Department of Foreign Affairs had gently reembraced bure

proposals that are enacted into experimental programs, federal but play an immense role in government in the United States that lie officially under the control of the State, Army, Navy, Defense, and others).

State. While privatization of the past twenty years, and the creation of a "contracting" industry, provided less by career bureaucrats than by competitive operators through competitive bidding, the process has come to the increasingly "with citizens as "customers" of the Progressive Era discipline: Those aspects of bureaucracy that were every bit as monopolistic and replaced. And if recent interest in the Homeland Security of the state as "customers" of the state will remain, the privatization will remain, the ground before, and was never

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colonists largely enjoyed this system of government because, despite its inefficiencies, it left them alone. With the arrival of Sir George Grenville to the chancellorship of the Exchequer in 1763, the forceful extension of colonial rule following the Seven Years' War caught colonists unawares and left them alienated from the mother continent. Under Grenville's plan, the relatively efficient bureaucratic system governing England itself would begin to replace, in pieces, the inefficient system of colonial government.

This process, particularly the more efficient extraction of revenues and the new acts specifying excises and taxes, brought Parliament and George III into direct and acrimonious conflict with the colonists. The rest of the story is well known. By 1776 the colonists had declared independence from the Crown, and by 1783 they had formed their own government under a peace with the British.

So direct and unflinching was the American hatred for monarchy that, at first, the revolutionaries wanted to create their own, indigenous bureaus modeled in the spirit of small legislatures. Bureaucracies during the Continental Congress were composed of "boards" or "committees." In military affairs there was a Board of War and Ordnance chaired by John Adams. In financial affairs there was not a "Treasury" but a Committee of Claims composed of five members of Congress. Naval affairs were, after 1779, led by a Marine Committee. Diplomatic affairs were governed by Samuel Adams's Committee of Correspondence. There were two distinctive features of these executive boards. First, they were strict departures from English and French administrative practice wherein administrative positions vested authority in a single individual. Second, they were populated not by administrative experts but by appointed members of Congress. In both form and personage, then, revolutionary American bureaucracies were legislative bodies.³

The year 1781 would prove to be decisive in the history of American government. Led by the young Alexander Hamilton, Americans rejected the administration-by-committee model in favor of appointive departments governed by a single head or Secretary. Hamilton and George Washington argued vociferously for the principle that individual men were to be appointed to lead administrative organizations, whether military or civil. Hamilton and the new Americans were borrowing from the French as well as the English, but in some cases the resemblances with the British Crown were uncanny. Copying a title directly from George III's realm, Congress appointed a "secretary at War" to head a Department of War. The Treasury boards were abolished in favor of a Treasury headed by a superintendent of Finance. This title, as far as we can tell, was borrowed from French arrangements, not British. The Marine Committee was replaced by a secretary of Marine in the War Department. Adams's Committee of Correspondence was eventually replaced by a Department of Foreign Affairs. In form and in philosophical vision, Americans had gently embraced bureaucracy.⁴

Hamilton's Vision: The Constitution and the Making of U.S. Bureaucracy

By the time the Constitution of 1787 was adopted and the first executive agencies of the new national government were built in 1789, the executive branch of the United States began to look even more like the administration of George III. The offices of the Crown that colonists most hated—the Exchequer and Treasury Board, and the Secretaries of State—reappeared as “Departments” in the U.S. executive, with functions substantially similar to those to which George III put his civil servants (customs, revenue collection, trade promotion, diplomacy). The Americans created an “attorney-general” much like the one that served the English crown. The form of the Post Office Department was borrowed almost entirely from the colonial post that had operated under Benjamin Franklin’s purview, when it functioned as an appendage of the British royal post. Military affairs under George III were conducted under a secretary at War; in the new United States, they would be the realm of the secretary of War, who oversaw a Department of War. In Britain naval administration was centralized under the Board of Admiralty under His Majesty’s Navy, superintended by the Lord High Admiral. The Americans soon constructed an arrangement like this one, with a secretary of Navy and (after 1798) a Department of Navy.⁵

Other forms of British administration were copied less in title and more in form. The early United States governed the expenditures of administrative agencies through appropriations acts of the Congress. This was copied almost exactly from British administration, where appropriations of the House of Commons governed the public expenditure of the Crown. And just as the Crown had appointed governors to rule weakly over colonial lands, so too the Americans began to appoint territorial governors and secretaries whose rule over territorial lands was weak and required constant protection from the U.S. Army. In the face of alternative arrangements—copying from state governments, from the government of the Articles of Confederation, or even from French or Habsburg arrangements—early Americans most often borrowed administrative arrangements from the Crown against which they had just rebelled.⁶

There were several reasons for this borrowing. For one, British administration of homeland affairs was well regarded, even if its colonial agencies were seen as inefficient. Second, and more important, the drafting of the U.S. Constitution was to some degree a rejection of the pro-legislative ideals of the Revolution and an embrace of strong executive power. Throughout the 1780s, a broad “repudiation of 1776” at the federal and state levels was underway, in which the absolute supremacy of purely legislative government was rejected in favor of mixed regimes with strong executive actors and executive bureaucracies.⁷ The Federal Constitution and the early Federalist period were products of a “revolution in favor of government,” as early Americans themselves saw it. While the moderate James Madison was perhaps “father of the Constitution,” the devotee of execu-

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For one, British administra- s colonial agencies were seen ting of the U.S. Constitution ideals of the Revolution and the 1780s, a broad “repudia- erway, in which the absolute rejected in favor of mixed bureaucracies.⁷ The Federal products of a “revolution in s saw it. While the moderate tion,” the devotee of execu-

tive and administrative power Alexander Hamilton was perhaps just as influential, and it was Hamilton who sponsored and penned most of *The Federalist Papers*. It was Hamilton, too, who expressed early American hopes for what their executive government would become. As Hamilton wrote in *Federalist* 72, the scope of affairs left to administrators in American government would be broad, and their influence would be far-reaching, touching upon “all the operations of the body politic.”

The administration of government, in its largest sense, comprehends all the operations of the body politic, whether legislative, executive, or judiciary; but in its most usual and perhaps in its most precise signification, it is limited to executive details, and falls peculiarly within the province of the executive department [emphasis added]. The actual conduct of foreign negotiations, the preparatory plans of finance, the application and disbursement of the public moneys in conformity to the general appropriations of the legislature, the arrangement of the army and navy, the direction of the operations of war—these, and other matters of a like nature, constitute what seems to be most properly understood by the administration of government.⁸

Of course, Hamilton expressed his vision at a time when the federal government did much less than it does now, and this statement may have seemed less sweeping at the time than it is now.

It is also true that not every American founder agreed with Hamilton’s prescriptions. Elbridge Gerry and (especially) Thomas Jefferson saw a much more limited role for bureaucratic government. Yet as the early American Republic began to form its administrative institutions, Hamilton’s vision generally won out over that of Jeffersonian democracy. Even as the Jeffersonians took over after the election of 1800, they implicitly accepted a Hamiltonian vision of government by keeping the bureaucratic apparatus of the Federalist period (1789–1801) in place. The central government would involve itself heavily in national finance and in the promotion of trade and commerce. Appointees would hail from the higher social classes and from backgrounds of pedigree. Positions, titles, tasks, and procedures would be copied wholesale from British administration. The construction of bureaucratic institutions in the early United States was completed not in a vacuum, but evinced immense historical borrowing (some of it intentional, some of it not) from the English Crown.

This borrowing from the Crown is not merely of historical interest, but had identifiable impacts upon the development of U.S. government. For one, administrative development in the early Republic took place within the confines of agencies created at its birth in 1789. Not until 1849 was a new executive department (Interior) created in the United States; until that time, politicians had seen fit to place new program authorities within the static structure inherited from

the British. Second, patterns of recruitment for civil office were alike in Georgian England and in the early American Republic. In both nations, bureaucratic recruitment was conducted through social networks of elites, networks that were anchored by the leader of state (the king and prime minister in Britain, the president in the United States). As it turns out, these networks would also become the basis of the early parties in the American Republic: the Federalists (led by Washington and John Adams) and the Jeffersonian Republicans.

The commonality of English and early American bureaucracy goes deeper still. Administrators in the early American Republic knowingly and unknowingly participated in the creation of a vast body of administrative law by issuing regulations and ordinances. The postmaster general and secretary of the Treasury, for instance, both issued book-length summaries and compilations of the regulations governing national bond markets and the postal system, respectively. Most of these regulations were conceived by Treasury and Post Office administrators and were issued by top-level officials. Many of them “bubbled up” from administrative patterns that had been established at various levels of these departments, and were codifications of prevailing practice. All of them had the force of law. As far as we can tell, this practice was inherited from English administration, wherein regal officials frequently issued general rulings and edicts that accumulated in common-law fashion into a more or less coherent body of administrative precedent and practice. As Sir Norman Chester has described the English administrative system in 1780, this pattern of regulation meant a system of “diffused authority” in which much less power was exercised by politicians than was thought to be the case. Such a pattern of “regulation by administrators” was common in both French and British North America. In the early United States, grants of power to the secretary of the Treasury or the postmaster general “tended to flow down . . . to the second or third levels of administration,” that is, well below the Cabinet. Included in these powers was the power to superintend basic administrative functions (collection of the revenue, delivery of the mails), and included within these supervisory powers was the authority to issue circulars, rulings, and instructions for the governance of the department. From the very earliest days of the Republic, then, “rulemaking” activity by executive agencies—the issuance of rules, instructions, circulars, and regulations that gave life to everyday government—was an acknowledged and accepted mode of administration.⁹

Bargains, History, and Bureaucratic Structure

The growth of American bureaucratic government has been slow and punctuated by fits and spurts. A list of selected U.S. bureaucratic agencies appears in Table 1, which also supplies the agency’s date of creation and its approximate spending authority for 2003 or 2004. Not until sixty years after the birth of the American Republic in 1789 was a major new agency (the Department of

TABLE 1
Selected U.S. Government Agencies
[where available, approximate budget]

Executive Agencies

Federalist Period to Reconstruction (1789–1865)

- Department of State (1789) {\$111E}
- Department of War (1789)
- Department of Treasury (1789) {\$}
- Office of Attorney General (1789)
- Post Office Department (1792)
 - Built from colonial postal system
- Department of Navy (1798)
- Department of Interior (1849) {\$1}
 - Collection of existing agencies
- Department of Agriculture (1862)
 - Some components from Interior Department

- Department of Justice (1872) {\$22}
 - from Office of Attorney General

Gilded Age to Second World War (1877–1945)

- Department of Commerce and Labor (1911)
- Food and Drug Administration (1939)
 - in USDA, from USDA Bureau of Chemistry
- Agricultural Adjustment Administration (1933)
 - in USDA, built in part from Bureau of Plant Industry and Bureau of Agricultural Economics
- Social Security Administration (1935)
 - from Department of Labor
- Department of Defense (1947) {\$3}
 - created from Departments of Army and Army Air Force

Cold War to Present (1948–present)

- Department of Health, Education, and Welfare (1953) [HEW]
- Department of Housing and Urban Development (1969) {\$381}

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CH 2: The Evolution of National Bureaucracy in the United States

TABLE 1
Selected U.S. Government Agencies and Their Dates of Creation
[where available, approximate budget figures for FY 2004 are given in {brackets}]

Executive Agencies	Independent Commissions, Boards, Corporations
<i>Federalist Period to Reconstruction (1789–1876)</i>	
Department of State (1789) {\$11B}	Smithsonian Institution (1846) {\$596M}
Department of War (1789)	
Department of Treasury (1789) {\$11B}	
Office of Attorney General (1789)	
Post Office Department (1792)	
• Built from colonial postal system	
Department of Navy (1798)	
Department of Interior (1849) {\$10B}	
• Collection of existing agencies	
Department of Agriculture (1862) {\$78B}	
• Some components from Interior Department	
Department of Justice (1872) {\$22B}	
• From Office of Attorney General	
<i>Gilded Age to Second World War (1877–1947)</i>	
Department of Commerce and Labor (1911)	Interstate Commerce Commission (1887)
Food and Drug Administration (1927)	Federal Trade Commission (1913) {\$191M}
• in USDA, from USDA Bureau of Chemistry	Federal Reserve Administration (1914)
Agricultural Adjustment Administration (1933)	Securities and Exchange Commission (1934) {\$842M}
• in USDA, built in part from Bureau of Plant Industry and Bureau of Agricultural Economics	Federal Communications Commission (1933) {\$281M}
Social Security Administration (1935, 1946) {\$510B}	• from Federal Radio Commission (1927), and originally, from bureau of maritime radio regulation in Navy Department
Department of Defense (1947) {\$358B}	National Labor Relations Board (1938) {\$243M}
• created from Departments of Navy, Army and Army Air Force	
<i>Cold War to Present (1948–present)</i>	
Department of Health, Education, and Welfare (1953) [HEW]	Consumer Product Safety Commission (1973) [CPSC] {\$60M}
Department of Housing and Urban Development (1969) {\$38B}	United States Post Office (1970) [termination of existence as

CH 2: The Evolution of National Bureaucracy in the United States

TABLE 1 (continued)

<i>Cold War to Present</i> (1948–present)	(continued)
Environmental Protection Agency (1970) {\$8B}	executive department; established as government corporation]
Occupational Safety and Health Administration (1971) [OSHA]	
<ul style="list-style-type: none"> • within Department of Labor 	
Department of Education (1979) {\$60B}	
<ul style="list-style-type: none"> • from HEW; Department of Health and Human Services [HHS] created in 1980 {\$502B} 	
Department of Veterans Affairs (1989) {\$57B}	
Department of Homeland Security (2002) {\$28B}	

Interior) created. As the table suggests, the largest agencies of government are executive departments, and the history of some of these (State, Treasury, Interior, Agriculture) has been one of relative constancy. For others—the Departments of Commerce and Labor, the Department of Health and Human Services, and the recently created Department of Homeland Security—endless mergers and separations have defined and redefined turf.

How were these agencies created? And what role did politics play? In the governmental history of the United States, new agencies have often been hammered out as bargains in cross-partisan debates or congressional-presidential compromises. So, for instance, the creation of the Interior Department in 1849 was deeply intertwined with battles between the two major parties of nineteenth-century American politics—the Whigs and the Democrats—and the Compromise of 1850. The creation of the Agriculture Department and other new agencies during the Civil War was facilitated by the rise of the radical Republicans of the 1860s, and the retrenchment of agencies during Reconstruction in part reflected interbranch tensions within the Republican Party of the 1870s. Later, the statutes creating the nation's first two independent commissions—the Interstate Commerce Commission (ICC) in 1887 and the Federal Trade Commission (FTC) in 1914—both relied upon partisan compromises for their passage. In both of these cases, Progressive Democrats from New York supplied crucial and pivotal votes for the bills that established new forms of regulation for railroads and corporate commerce. The administrative launching of New Deal welfare programs required President Franklin Delano Roosevelt to compromise with Southern Democrats, who saw to it that federal welfare programs would be administered in such a way as to exclude African Americans.¹⁰

CH 2: The Evolution

Political interbranch culture of the executive branchments and agencies are frequent congressional-presidential bargains an effective compromise, the agency or set of agencies the legislature and president.

There are also important istrative agencies. As it turns past century have been created order is a form of “unilateral seek the advice or consent concretely is that presidents to their wishes, so as to maximize congressional influence, to the Congress’s power in shaping agencies is formidable.

Creation through Recombination

If the pattern of agency creation, it is this: agencies are bled together from bits and pieces. The early Post Office was formed by creating the Department of a number of agencies previously the Patent Office, the Pension Office, much so that political scientists call it “Whistle technicians.”¹¹ While technical Commission took much of the Commission, which itself grew Navy Department. The mode 1938, but it grew out of the Agriculture. The recent Department created by cobbling together pieces of American government the Central Intelligence Agency lecting pieces from existing agencies.

What is true of agency creation? Congress and the president create an absolutely new agency about 80 percent of the time; agency that already exists. Hist

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Political interbranch compromises, then, have decisively shaped the structure of the executive branch. One reasonable conjecture is that new departments and agencies are frequently created as a necessary condition of congressional-presidential bargains. It may often be the case that, in order to strike an effective compromise, the president and Congress must agree to a new agency or set of agencies that stands effectively between or apart from the legislature and president.

There are also important presidential advantages in the creation of administrative agencies. As it turns out, a high number of federal agencies in the past century have been created by presidential executive order. The executive order is a form of "unilateral action," in the sense that the president need not seek the advice or consent of Congress before issuing one.¹⁰ What this means concretely is that presidents have structured these agencies largely according to their wishes, so as to maximize presidential control and to minimize congressional influence, to the extent possible. As will become clear, however, Congress's power in shaping the form and behavior of executive bureaucracies is formidable.

Creation through Recombination

If the pattern of agency creation in the United States admits of one generalization, it is this: agencies are almost never created *ex nihilo*, but are instead cobbled together from bits and parts of existing agencies, programs, and personnel. The early Post Office was founded on the structure of the colonial postal system. In creating the Department of the Interior in 1849, Congress collected together a number of agencies previously scattered around the executive branch—the Patent Office, the Pension Office, the General Land Office, and others—so much so that political scientist Leonard White has called Interior "The Great Miscellany."¹² While technically created in 1933, the Federal Communications Commission took much of its personnel from the earlier Federal Radio Commission, which itself grew out of a bureau of marine radio regulation in the Navy Department. The modern Food and Drug Administration was enabled in 1938, but it grew out of the Bureau of Chemistry in the U.S. Department of Agriculture. The recent Department of Homeland Security was essentially created by cobbling together parts of other departments. Other well-known agencies of American government—the Environmental Protection Agency (EPA), the Central Intelligence Agency (CIA)—were also created by carving and collecting pieces from existing agencies.

What is true of agency creation is also true of program creation. When Congress and the president create a new government program, they only rarely create an absolutely new agency to carry it out. Much more commonly, in fact about 80 percent of the time, politicians give new program authority to an agency that already exists. Historical examples abound. In the New Deal, numer-

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ous new agricultural programs, such as commodity price support programs, were delegated to the Department of Agriculture. New programs for labor and worker safety regulation in the 1960s and 1970s were given to the existing Department of Labor. The welfare program Supplemental Security Income (SSI), begun and expanded in the 1970s, was placed within the Social Security Administration created in the late 1930s, in a way that political scientist Martha Derthick found was generally inefficient in that it strained SSA resources. Massive welfare reforms under the administration of Presidents Lyndon Johnson and Richard Nixon were placed in the Department of Health, Education and Welfare (HEW), which had been created during the Eisenhower administration in the 1950s (perhaps not ironically, Nixon had served as vice president during that time). The education policies of President George W. Bush (in particular, the "No Child Left Behind" Act and the Education Accountability Act) were given to the Department of Education (just ten years earlier, congressional Republicans had called for its abolition).³³

In order to explain the genesis of new bureaucratic structures at any given time, then, the first place to start is not with the political coalitions acting during the period—though we would certainly wish to pay attention to these—but with existing administrative institutions. Existing agencies are most often the place where new government programs are placed. Very often the ideas (general or specific) for such programs originate within the very federal agencies that eventually administer the programs. Moreover, existing agencies do not stand idly by as politicians decide where in the government to place new program authority. While some agencies are content with the discretion and authority they have, others actively seek new programs and powers. Numerous agencies—ranging from the early Treasury Department, to the Progressive Era Agriculture Department and Post Office, to the Departments of Education and Energy today—actively lobby for a policy-making and discretionary role in the administration of government programs.

Myths of Termination

What, finally, of agency death? Are agencies ever terminated under our system of government, and if so, with what frequency? Agencies are in fact terminated. The Civil Aeronautics Board (which regulated commercial aviation) was abolished in 1984; the Interstate Commerce Commission (which governed interstate trucking and railroads) and the Resolution Trust Corporation (which responded to the insolvencies of about 750 savings and loan institutions) were abolished in 1995. Recent research by Professor David Lewis of Princeton University shows that, of all federal bureaucratic agencies created from 1947 to 1998, 57 percent were terminated.³⁴ There are some other counterintuitive features to agency termination. In most cases, government programs continue even after agencies die. In all three cases just mentioned, the functions and personnel

of these agencies were given to the Department of Transportation Insurance Fund for the RTC) timeline. In the postwar period when they are five to twelve to make agencies safer, not mention is costly to politicians because, that viable programs be undertaken legislative activity be undertaken

Personnel Politics

Another area of immense change which federal officials come to process was elite-driven, expert social networks. With the inamatters changed irreversibly, a man could perform the duties not allow the president's party the officials of government? Why by allowing the rank-and-file Jackson's vision of a "patronage system" by his

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of these agencies were generally transferred to other departments (the Department of Transportation for the CAB and the ICC, the Savings Loan Insurance Fund for the RTC). Another interesting feature of agency death is its timeline. In the postwar period, federal agencies appear most at risk of termination when they are five to twelve years old. And large government deficits appear to make agencies safer, not more at risk of death. The reason is simple: termination is costly to politicians because it requires that employees' careers be bought out, that viable programs be transferred to other agencies, and that considerable legislative activity be undertaken.

Personnel Politics: From Patronage to Protection

Another area of immense change in the American executive branch is the way in which federal officials come to their positions. In the early Republic, again, this process was elite-driven, expertise-seeking, and was managed informally through social networks. With the inauguration of President Andrew Jackson in 1829, matters changed irreversibly; Jackson's theory of "rotation in office" held that any man could perform the duties of administrative office as well as any other. Why not allow the president's party to claim the "spoils" of the election and appoint the officials of government? Why not return government to "the common man" by allowing the rank-and-file party faithful to claim government jobs?

Jackson's vision of a rotation-based government was perfected into a "patronage system" by his successor, Martin Van Buren. Under this "spoils" system, the party of the president appointed most federal officials, and American national bureaucracy literally flushed itself of employees every time that a new president came to power. The spoils system grew to encompass virtually the entire national government, and helped to sustain the large and cohesive mass parties of the 1800s. Federal workers contributed a portion of their salaries to the party coffers (they were fired if they did not), and the payment of such dues was a source of much political and administrative corruption in the late nineteenth century.

The emergence of a reform-based movement concerned with "corruption" in the patronage system, combined with the assassination of President James Garfield by a disappointed office seeker in 1881, paved the way for fundamental change. "Merit reform," which gave permanence to civil officials in the United States, was adopted in the United States in the Pendleton Act of 1883. The Pendleton Act and related legislation outlawed party dues-paying as a condition of officeholding in the federal bureaucracy, instituted competitive examinations and evaluations as a necessary step for federal hiring, and prohibited the firing of federal civil servants except for cause. The passage of the Pendleton Act also placed U.S. national bureaucracies in a position comparable to that of other nations. Other nations—Great Britain, Prussia, France, Japan, and Russia among

them—also passed merit-based civil service reforms in the late 1800s. Still, it took several decades for the Pendleton Act to become widely implemented in the U.S. government, with the critical moves not occurring until the presidential administrations of Theodore Roosevelt (1901–1909) and Woodrow Wilson (1913–1921). Even so, the patronage system died a slow, incremental death. As late as the New Deal presidency of Franklin Delano Roosevelt, some 40 percent of federal positions were subject to patronage appointment, and the system persists in many local governments even today.

In theory, merit reform was supposed to insulate federal bureaucracies from partisan politics, and to some extent this was its effect. The patronage-based parties waned from national politics, and it is generally conceded that many national agencies became more efficient and less corrupt as a result. In two ways, however, merit reform replaced one form of politics with another. First, merit reform created an insulated class of federal employees who claimed new administrative power and who (in some cases) quickly organized to defend their interests. As interest groups and labor unions go, federal employee unions such as the American Federation of Government Employees are among the weakest organizations in American politics. Yet the emergence of protected federal officials shifted conflict from a pure Republicans-versus-Democrats axis to a more multidimensional conflict in which partisan conflict was accompanied by conflict along a bureaucrats-versus-politicians axis. Second, within specific departments, merit reform placed control over hiring in the hands of careerist bureau chiefs. In a number of agencies—the Post Office Department, the U.S. Department of Agriculture, the Social Security Administration, the Food and Drug Administration of the 1950s, and the Environmental Protection Agency of the 1970s—entrepreneurial bureau chiefs created administrative “communities” of experts and officials who slowly refashioned policy to their liking. The programs shaped by these officials—Social Security, national forest regulation, environmental regulation of industry, the anti-lottery laws of the 1890s, food and drug regulation, and the Agricultural Adjustment Act—are among the most significant and transformative policies of the twentieth century.¹⁵

The merit principle in today’s federal agencies is now governed by Title 5 of the U.S. Code. Civil servants protected by Title 5 include laborers covered under the Federal Wage System as well as administrative, technical, and professional jobs covered by the General Schedule (GS). Since the administration of Dwight D. Eisenhower, the federal civil service system has retreated to a degree. The process has been piecemeal, as individual departments—the Post Office, the Defense Department, the Federal Aviation Administration, and the new Department of Homeland Security, for instance—have received authority to create their own personnel systems outside standard civil service laws. In short, more than half of all federal jobs are exempt from the provisions of Title 5, including individuals in the Senior Executive Service (SES) and agency-specific positions denoted vari-

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The Rise and Persist

What sort of impact do bureaucratic and economic outc agencies is immense today, yet influence upon policy has of branch agencies today engaged in which independent committee, and which executive agencies respects, this represents a degree that students learn in civics classes have been the fount of many plans. Not all of these have public policies have resulted. in policy innovation is today certainly diminished the degree remains true that in policy transportation, energy, security to play a crucial planning

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Executive agencies are so administering them, as power and early 1900s, the Agricultural were home to considerable federal officials (protected by bureau-based system of hiring ranging from the anti-porn Anthony Comstock to the Department of Agriculture’s launching the rural free delivery Agriculture Department office programs in agricultural economic programs (soil surveys, insect In one of the best-known Security administrators such to transform the Old-Age and into the dominant income pr

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expanded to increase the number of federal officials whose jobs are dependent
upon presidential administrations.¹⁶

The Rise and Persistence of the Executive Policy-making State

What sort of impact do bureaucratic agencies exercise upon policy, and upon
social and economic outcomes? No one doubts that the influence of federal
agencies is immense today, yet an important historical point is that bureaucratic
influence upon policy has changed immensely in the past 150 years. Executive
branch agencies today engage in two activities—planning and policy making—in
which independent commissions and other sorts of agencies now play a lesser
role, and which executive agencies themselves used to do a lot less of. In some
respects, this represents a departure from traditional models of policy making
that students learn in civics classes. For much of the past century, executive agen-
cies have been the fount of numerous bills, influential policy ideas, and executive
plans. Not all of these have been politically successful, and in some cases, poor
public policies have resulted. Yet the fact of extensive bureaucratic involvement
in policy innovation is today undeniable. Think tanks and interest groups have
certainly diminished the dominant role of the agencies in some areas, but it
remains true that in policy domains such as food and pharmaceutical safety,
transportation, energy, security, and intelligence, the federal bureaucracy contin-
ues to play a crucial planning role.

The Historical Form of Bureaucratic Policy Innovation

Executive agencies are sometimes as powerful in creating new programs as in
administering them, as powerful in innovation as in execution. In the late 1800s
and early 1900s, the Agriculture Department and the Post Office Department
were home to considerable policy innovation of this sort. Long-tenured career
federal officials (protected by the Pendleton Act, and reinforced through the
bureau-based system of hiring and retention) launched new programs and offices,
ranging from the anti-pornography and anti-lottery laws of postal inspector
Anthony Comstock to the pure food and drug regulation championed by the
Department of Agriculture's Harvey Wiley. Postal bureaucrats took the lead in
launching the rural free delivery service, postal savings banks, and parcel post.
Agriculture Department officials inaugurated the farm extension system, pro-
grams in agricultural economics and planning, and numerous applied scientific
programs (soil surveys, insect and pest studies, forestry regulation, and others).

In one of the best-known examples of bureaucratic policy innovation, Social
Security administrators such as Arthur Altmeyer, Robert Ball, and others helped
to transform the Old-Age and Survivors Disability Insurance (OASDI) program
into the dominant income protection program of the federal government of the

United States. Some of these moves were made during the formative years of the Social Security program in the 1930s, when Altmeyer and his lieutenants at the Social Security Board (SSB) carefully chose the personnel who would guide the program's development in the ensuing decades and orchestrated an agency-wide plan for program stability followed by growth. Other administrative moves occurred after the World War II—in 1946, the SSB was transformed into the Social Security Administration (SSA) that exists today—including the SSA's active role in promoting union- and corporate-based income protection programs that were jointly negotiated by labor and management (beginning with the United Mine Workers in 1947) and the deployment of the Social Security Administration's expertise in statistics and actuarial science in managing field offices and state income-protection programs.¹⁷

Such bureaucratic innovation is not confined to the domestic agencies. In the middle of World War II, Navy Department administrators fundamentally changed the way that American militaries procured their supplies. Under the leadership of Undersecretary of the Navy James V. Forrestal (later appointed the first secretary of Defense in 1947), Navy bureaus such as the Bureau of Ships and the Bureau of Aeronautics sidestepped the earlier regime of competitive bidding and began to take active and discretionary control over naval procurement. Naval attorneys developed the first incentive-based contracts for construction and supply. Naval offices used direct and indirect price controls to capture "excess profits" from naval contractors. The bureaus induced their contractors to further subcontract their work as a way of reducing costs. And, as World War II ended, the Navy Department launched its own "deprocurement program" that terminated tens of thousands of contracts with suppliers. After the 1947 National Security Act, which unified the armed forces in a new Department of Defense, the Navy retained many of its procurement capacities even as the Army surrendered its capacities to the new department. The result, as Bartholomew Sparrow describes it, is that naval procurement was a strong exception to the general characterization of a "military-industrial complex" during and after World War II.¹⁸

Some federal agencies have continued this pattern of policy innovation and entrepreneurship in contemporary American politics. Under the leadership of James Witt (1993–2001), the Federal Emergency Management Agency (FEMA) has redefined its core mission around an "all hazards" approach—protecting the United States from numerous forms of natural disasters, as opposed to military or terrorist threats—and has resisted congressional attempts to mold its functions and operations in line with those of the Department of Homeland Security.¹⁹ Witt and his lieutenants at FEMA reorganized the agency so as to conform with the "all hazards" approach and reinterpreted existing statutes so as to permit a FEMA response to be set in motion before a natural disaster even occurred. Witt's "Flood Safe" program encouraged private landowners to purchase flood insurance before floods materialized, thereby

reducing the "moral hazard" Witt also focused his agency on disasters, namely floods, hurricanes or cyclical component of a network of affiliation made the services of his agency members of Congress. When the politicians in the wake of the the Department of Homeland Security this move, as they were Bush Administration that its of and response to natural Homeland Security but retained

To observers of recent presidential administrations, and Reagan administrations, factors may seem problematic. In considerable centralization of administration of President Clinton routinely note that Bush and new rules from career civil top (political) echelons of the also encouraged and strengthened Budget in reviewing new private agencies.

Yet in two respects, the agency of earlier trends.²¹ For one, it executive departments in promote policy-making authority. Bush's centralization, their tion to a received status quo role. Second, even as the Bush the higher echelons of the federal heavily upon executive agency activity. Examples here include Medicaid Services (CMS) in benefit from the Medicare reform Transportation; the role of its nating airline schedules (part airports, such as Chicago's Chicago Protection Agency in proposing other deregulatory programs,

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reducing the "moral hazard" problem inherent to federal disaster insurance. Witt also focused his agency's operations on the most predictable of natural disasters, namely floods, hurricanes, and tornadoes, all of which have a seasonal or cyclical component. Finally, to secure these innovations, Witt developed a network of affiliations to members of Congress from both parties and made the services of his agency of electoral use to reelection-minded members of Congress. When the time came for national administrative reorganizations in the wake of the September 11, 2001, terrorist attacks, numerous politicians proposed eliminating FEMA and submerging its functions within the Department of Homeland Security, but Witt and FEMA successfully resisted this move, as they were able to convince Congress and the George W. Bush Administration that its inherent and unique expertise lay in management of and response to natural disasters. Today FEMA lies under the umbrella of Homeland Security but retains considerable autonomy.²⁰

To observers of recent presidencies, and especially of the George W. Bush and Reagan administrations, this characterization of agencies as policy innovators may seem problematic. It is apparent, for instance, that there has been considerable centralization of policy making in the White House under the administration of President George W. Bush. Observers of the federal government routinely note that Bush has distanced the making of administration policy and new rules from career civil servants, instead concentrating authority in the top (political) echelons of the federal bureaucracy. The Bush Administration has also encouraged and strengthened the hand of the Office of Management and Budget in reviewing new proposed rules proffered by lower-level bureaus and agencies.

Yet in two respects, the administration of George W. Bush is a continuation of earlier trends.²¹ For one, it was a considered reaction to the prominence of executive departments in policy making that led the Bush Administration to move policy-making authority ever higher in the federal administrative hierarchy. Bush's centralization, then, followed upon the Reagan Administration's reaction to a received status quo in which executive agencies played a prominent role. Second, even as the Bush Administration has centralized policy making in the higher echelons of the federal bureaucracy, it has also begun to rely more heavily upon executive agencies for planning and executing federal government activity. Examples here include: the role of the new Center for Medicare and Medicaid Services (CMS) in administering the complex prescription-drug benefit from the Medicare reforms of 2002; the enhanced role of the Department of Transportation; the role of its Federal Aviation Administration (FAA) in coordinating airline schedules (particularly at the nation's most crowded and delayed airports, such as Chicago's O'Hare Field); and the role of the Environmental Protection Agency in proposing and administering new emissions-trading and other deregulatory programs, such as the Administration's Clear Skies Initiative.

The Constitutional Status of Bureaucratic Policy Innovation

At this point, readers might be interested in knowing something about the constitutional status of bureaucratic policy innovation. Is such activity unconstitutional? What bearing do the Constitution and the received body of administrative law in the United States have on this activity?

There is nothing constitutionally problematic with bureaucratic policy innovation in the American system of government. The idea of bureaucracies coming up with new ideas has a long tradition in American politics, most prominently in Article II of the Constitution, where executive officers may offer their opinion and judgment on legislation to the president. If we take the additional step of taking Alexander Hamilton's *Federalist* 72 literally, the notion that the federal bureaucracy would have an active planning role in national policy making goes back to the earliest days and ideas of the American Republic. In addition, there is no necessary or inherent constitutional threat embedded within the practice of bureaucratic policy innovation. The American system of separated powers with numerous veto points essentially protects citizens against arbitrary policy making by bureaucrats. For one, no amount of information, advocacy, persuasion, and documentation ever truly compels Congress or the president to follow the wishes of a federal agency. Bureaucratic plans and programs, when proposed, will have to exhibit a sufficient degree of popularity or political organization in order to become law. In other words, bureaucratic policy-making influence, when exercised, is earned. Moreover, the American system of government is replete with ex post facto checks upon bureaucracies, ranging from judicial review (the ability of federal courts to reverse or remand administrative decisions) to legislative veto (the ability of Congress to pass a law reversing administrative action) to Congress's control over agency funding (often called the "power of the purse").²²

The Role and Distribution of Expertise

An increasingly prominent feature of national bureaucracies in the United States, as Patricia Ingraham points out in her chapter in this volume, is the professional and scientific composition of their workforce. Government positions are ever more characterized by personnel with highly specialized educations and extensive training and specific experience. This transformation is not unlike many sectors of the U.S. and global economies, but unlike the U.S. economy, the federal bureaucracy has seen little expansion of the "service sector" in the government labor system. This profession- and science-based transformation of American national bureaucracy has had several identifiable implications. First, it has led to increasing average pay scales. The average salary of federal government workers (though not the salaries of high-level federal executives) exceeds that of private sector workers by a fair margin. Observers of American bureaucracy

often note facts such as these private sectors, but unless a conclusion will be reached, more specifically trained than when "human capital" is becoming increasingly more slowly sector.²³ Second, this specific a massive personnel problem employees receive is very high skills be those of nuclear Department of Energy), previously employed at the U.S. Food and the Department of Justice, Pension Benefit Guaranty (Reserve Bank or the Treasury federal government are often rupt the continuity of administrative organizational memory. The public agencies target skills positions.

There is a political element hiring within the social sciences slow but steady shift in hirers with economists. Indeed greater in the public sector than in economic analysis (partic and existing policies) has occurred. With the 1960s and 1970s, professional statisticians, who not ticians) as well as in welfare important policy-making roles the 1970s, their power has increased and number of lawyer security specialists, for example. Beyond these "social-scientists of the scientific world flow of natural and physical agricultural chemists (USD Reclamation) to nuclear Commission and NASA) to macologists and molecular c

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often note facts such as these and decry the pay disparity between the public and private sectors, but unless education and training are accounted for, the wrong conclusion will be reached: the typical federal employee is more educated and more specifically trained than is the typical private sector employee. Indeed, when "human capital" is accounted for, federal government pay is less (and has been increasing more slowly) than pay for comparable positions in the private sector.²¹ Second, this specificity and expert nature of federal employment creates a massive personnel problem in the federal government. The training that federal employees receive is very highly valued in private sector positions, whether the skills be those of nuclear engineering (personnel in the Navy and the Department of Energy), pharmacology and chemistry (chemists and physicians employed at the U.S. Food and Drug Administration), law (antitrust specialists in the Department of Justice, or pension lawyers in the Department of Labor's Pension Benefit Guaranty Corporation) or finance (employees of the Federal Reserve Bank or the Treasury Department). Specialized positions in the U.S. federal government are often characterized by high levels of turnover that disrupt the continuity of administrative operations and exacerbate the liabilities of organizational memory. The problem is not easy to solve: the positions created in public agencies target skills that are well remunerated in private and nonprofit positions.

There is a political element to these linkages as well, noticeable especially in hiring within the social sciences. Within the federal government bureaucracy a slow but steady shift in hiring practices has replaced sociologists and demographers with economists. Indeed, the demand for skills in economics is much greater in the public sector of government (and in the nonprofit world of academe) and think tanks) than it is in the for-profit private sector. Along with the rise in economic analysis (particularly the cost-benefit analysis of new federal rules and existing policies) has come a sharp rise in the demand for statistical training. With the 1960s and 1970s, American government was newly infused with professional statisticians, who now command a presence in health sciences (biostatisticians) as well as in welfare and budget agencies. Where sociologists played important policy-making roles in the federal bureaucracy in the 1950s through the 1970s, their power has waned considerably since the early 1980s. The influence and number of lawyers and political scientists (international relations and security specialists, for example) in the federal government has plateaued. Beyond these "social-scientific" professionals, there have also been broad expansions of the scientific workforce in U.S. government, marked by an increasing flow of natural and physical scientists to government positions ranging from agricultural chemists (USDA) to geologists and engineers (Interior, Mines, Reclamation) to nuclear and high-energy physicists (Atomic Energy Commission and NASA) to chemists and toxicologists (EPA, USDA) to pharmacologists and molecular chemists (FDA).

Today the bureaucratic policy-making state is more constrained than it used to be, for three reasons. First, the fiscal constraints operating at all levels of government have combined to reduce discretionary spending and programs. The primary constraint upon discretionary bureaucracies comes not from deficits but from entitlement programs that take up an increasing share of federal spending. Put differently, the growth of entitlement government has limited the growth of administrative government. Second, bureaucracies are under increasing "competition" from think tanks and interest groups for the roles of specialization and information provision that they have enjoyed in the past century. Even expert bureaucracies rarely enjoy information monopolies in the contemporary political system. Finally, the waning of the traditional merit system in civil service has made federal bureaucracies much more top-heavy and answerable to the White House.

WHAT DO BUREAUCRATS VALUE? The emergence of greater administrative discretion, and of policy-making roles, among federal officials suggests something striking about what bureaucrats really value. Since a greater and greater fraction of federal employees work in professional positions, intangibles such as autonomy, reputation, esteem, and policy influence loom much larger in the bureaucratic calculus than do budgets and power. Most federal bureaucrats do not maximize budgets, and they do not uniformly attempt to expand their turf. Federal officials are instead "maximizers" of their reputation, their esteem, and their autonomy.²⁴ This reputation-maintenance dynamic prevails among military and intelligence officials, among Department of Justice attorneys, among National Institutes of Health (NIH) and FDA scientists, and among social workers.

War, Bureaucracy Building, and the Security-Domestic Spillover

Numerous agencies—military, diplomatic, and domestic—have been created and remade in the face of civil and international wars. War often makes new demands upon national governments, commonly met through the creation of new administrative organizations or the refinement of existing agencies. The War of 1812 compelled lasting alterations to the U.S. Navy, and Andrew Jackson's Indian Wars of the 1830s forced numerous and far-reaching changes upon the U.S. Army. The creation of Indian policy also led to the creation of numerous "Indian affairs" bureaucracies in the 1800s—ranging from the Office of Indian Education to the Bureau of Indian Affairs. The Civil War and the Reconstruction period (1861–1877) resulted in substantial changes to the Department of Justice and empowered federal officials in the Treasury Department and the Post Office. World War I roiled domestic markets for agricultural labor and threw farm commodity prices into a period of extreme variation, events that eventually enabled the U.S. Department of Agriculture to expand its regulatory powers over farm

labor and enhance its forecast. Deal World War II pressed a government that transformed the Labor Relations Board, and to fight against terrorism have reengineered agencies into the Department of discretionary agencies.

If the past of American history point may be that national agencies repeatedly in the political arena have responded opportunistically to refine their activities and later in the twentieth century

- the USDA and agricultural
- II:
- the development and reorganization of the Energy in the Cold War
- the coordination of civil Federal Security Agency
- Transportation during attacks of September 11
- the role of the Food and Drug Protection Agency in the

In summary, wars and national bureaucratic agencies to expand. They also provide opportunities for agencies and give them new depends upon the agency in agencies have interests in international foreign policy, and astute but for this blurring.

The point here is not that formerly associated with bureaucracies (as in the Civil War or World War I and the Korean War) for bureaucrats to refine,

The Life and

Observers of U.S. bureaucratic agencies," whose top appoint

is more constrained than it used to be operating at all levels of government spending and programs. They are not coming from deficits but from a shrinking share of federal spending. The growth of the federal government has limited the growth of state and local governments. The roles of specialization and the past century. Even expertises in the contemporary political system in civil service has been largely unanswerable to the White

of greater administrative discretion suggests something strikingly greater and greater fraction of intangibles such as autonomy, much larger in the bureaucratic than in the entrepreneurial. Bureaucrats do not maximize their own turf. Federal officials are not as concerned with their own esteem, and their autonomy, as are those in the private sector. Among military and intelligence agencies, among National Institutes of Health, and among labor union leaders, are some of the most important workers.

War and Domestic Spillover

War often makes new demands and creates new agencies. The War of 1812 led to the creation of the War Department. The War of 1861 led to the creation of the War Relocation Authority. The War of 1917 led to the creation of the War Relocation Authority. The War of 1941 led to the creation of the War Relocation Authority. The War of 1945 led to the creation of the War Relocation Authority. The War of 1950 led to the creation of the War Relocation Authority. The War of 1960 led to the creation of the War Relocation Authority. The War of 1970 led to the creation of the War Relocation Authority. The War of 1980 led to the creation of the War Relocation Authority. The War of 1990 led to the creation of the War Relocation Authority. The War of 2000 led to the creation of the War Relocation Authority. The War of 2010 led to the creation of the War Relocation Authority. The War of 2020 led to the creation of the War Relocation Authority.

labor and enhance its forecasting and planning powers in preparation for the New Deal. World War II pressed new social and economic demands upon the federal government that transformed the Social Security Administration, the National Labor Relations Board, and the Navy. Most recently, the exigencies of the global fight against terrorism have resulted in the wholesale merger of previous intelligence agencies into the Department of Homeland Security and the creation of new discretionary agencies devoted to transportation security.²⁴

If the past of American bureaucracy is any guide to its future, one relevant point may be that national security politics "spill over" into domestic politics. Repeatedly in the political history of the United States, seemingly "domestic" agencies have responded opportunistically to war and security threats to expand or refine their activities and their influence. Examples of such abound, particularly in the twentieth century.

- the USDA and agricultural production coordination in World War I and II;
- the development and regulation of nuclear weapons by the Department of Energy in the Cold War;
- the coordination of civilian defense and transportation security by the Federal Security Administration and later the Department of Transportation during the Cold War and in response to the terrorist attacks of September 11, 2001;
- the role of the Food and Drug Administration, USDA, and Environmental Protection Agency in planning and preparing for acts of bioterrorism.

In summary, wars and national security crises often provide an opening for bureaucratic agencies to expand and redefine their missions in creative ways. They also provide opportunities for politicians and interest groups to refashion agencies and give them new mandates. Exactly who controls these processes depends upon the agency in question, and upon history. The key point is that agencies have interests in intentionally blurring the line between domestic and foreign policy, and astute bureaucratic entrepreneurs are sometimes responsible for this blurring.

The point here is not that all major wars in American history have been uniformly associated with bureaucracy creation. Wars sometimes issue in new agencies (as in the Civil War or World War II) but at other times issue in few or none (World War I and the Korean War). Just as often, however, war creates opportunities for bureaucrats to refine, expand, and hone their missions and capacities.

The Life and Politics of Executive Agencies

Observers of U.S. bureaucracy often refer to two types of agencies—"executive agencies," whose top appointees can be dismissed without cause by the presi-

dent, and independent commissions, whose appointees cannot be dismissed except "for cause" (dereliction of duty, criminal or civil negligence, and the like).²⁶ The history of American national government is, in the main, a story of executive agencies. While technically defined by the ability of the president to dismiss their top officials, these organizations depend upon the presidency for much more than appointee tenure. Executive agencies are often proposed and created by, almost always staffed by, and generally governed by executive and bureaucratic officials. Yet the title belies a deeper reality. For executive agencies are just as answerable to Congress and its committees as they are to the White House (see Barry Weingast in this volume).²⁷

Historical and International Comparisons

One implication of the predominance of executive agencies in the United States is that our government resembles that of other nations more than we might think. In other nations (Japan since the Meiji period, Britain since 1780, France since the Third Republic), bureaucratic affairs are divided into large government "ministries" (Great Britain, Japan), or "departments" (France). Small, independent commissions are exceedingly rare in these nations, and when created they rarely live for long. In this respect, the organization of U.S. national government is on a par with other states.

In another respect, U.S. bureaucracies are quite different from those of other similar nations. In the United States, the dominance of executive agencies implies that the president rests at the official center of the national administrative system.²⁸ Top-level administrative officials are appointed by the president and, at least in theory, answer directly to him. In parliamentary systems such as Britain, India, Ireland, Israel, and Japan, the national departments and ministries are headed by "ministers" who are members of the prime minister's majority party. If such a system prevailed in the United States, the Speaker of the House of Representatives would occupy the role of president and would serve as the appointer of top-level Cabinet officials.

The Importance of Congress

Because of the separation of powers between the two elective branches of government, executive agencies are often as responsive to Congress as to the president. Congress controls the funding of agencies by means of appropriations, controls the formal authority of agencies by means of statutory enabling, and the Senate passes upon many high-level agency appointees. Officials in every agency of the federal government are deeply concerned about the potential congressional response to their decisions (or indecisions). In numerous annals of agency life, nothing provokes more anxiety among federal agency officials than the prospect of being grilled in oversight hearings by congressional committees (often in both chambers). And, of course, there is the power of statute. At least

officially, agencies cannot implied in the statutory en-

Extended presidential historical fact. The twentieth of the presidency with the Executive Office of the President Management and Budget (OMM) sight capacity within OMM the president's top appoint grown. Much of the presidential executive departments then ling other bureaucracies arising of the Brookings Institution such multiplication of bure by creating more layers of daily actions of federal bureaucracy. In other critical to control bureaucrats, political

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pointees cannot be dismissed or civil negligence, and the element is, in the main, a story of the ability of the president to depend upon the presidency for agencies are often proposed and controlled by executive and legislative reality. For executive agencies are controlled as they are to the White

executive agencies in the United States. In other nations more than we have seen, Britain since 1780, France since 1789, and the United States since 1789, are divided into large government departments" (France). Small, in these nations, and when created, the organization of U.S. national

is different from those of other nations. The organization of executive agencies in the United States is different from that of the national administrative systems such as Britain, Germany, and ministries are controlled by the prime minister's majority party. In the United States, the Speaker of the House of Representatives and would serve as the

in the two elective branches of government responsive to Congress as to the executive branch by means of appropriations, and the powers of statutory enabling, and the interests. Officials in every agency are concerned about the potential congressional actions. In numerous annuals of agency officials than the federal agency officials than the congressional committees is the power of statute. At least

officially, agencies cannot take actions unless their authorities are stated or implied in the statutory enactments of the national legislature.

Extended presidential involvement in executive agencies is itself a recent historical fact. The twentieth century witnessed an increasing bureaucratization of the presidency, with the creation of the Bureau of the Budget in 1920, the Executive Office of the President (EOP) in 1939, the synthesis of the Office of Management and Budget (OMB) in 1970, and the creation of regulatory oversight capacity within OMB in 1981 and 1982.²⁹ Moreover, the staff attached to the president's top appointees (Cabinet officials and undersecretaries) has also grown. Much of the presidential bureaucracy, and many of the top layers of the executive departments themselves, have been created for the purpose of controlling other bureaucracies and bureaucrats. Some commentators (Professor Paul Light of the Brookings Institution and New York University) have argued that such multiplication of bureaucratic controls is actually counterproductive, since by creating more layers of bureaucracy Congress and the president remove the daily actions of federal bureaucrats ever further from the people and from political accountability. In other criticisms, observers argue that by multiplying positions to control bureaucrats, politicians waste fiscal resources.

The Emergence of the Contracting State, and the Plateau of "Government as Business" Models

In the last decades of the twentieth century, a turn against government, and against "big, bureaucratic government" in particular, suffused the American political landscape. Among the products of this political turn were the elimination and privatization of numerous government services and capacities (regulation of commercial airline entry and pricing, government provision of legal services for the poor, government provision of public housing for low-income families). Along with this reduction in government capacity has come a general reduction in government offices and personnel. Many agencies have been downsized, including the Agriculture Department, the Department of Housing and Urban Development, and much of the nation's military. The nation's civilian federal workforce is now about 2 million persons, or less than 2 percent of the total working age population in the United States. But Professor Paul Light has shown that nine times as many people work for the federal government through the "shadow government" of contractors implementing federal programs.³⁰

Perhaps the biggest structural change in American national government is the increasing reliance upon contractors for the provision of government services. Accompanying and reinforcing this "contracting out" revolution is the growing reliance of the national government upon state and local government to perform functions that were once centralized at the federal level. Contractor firms now conduct most government construction, much billing and auditing,

and even provide security in domestic and overseas government activities. The administration of President George W. Bush has accelerated this trend, although recent figures suggest that it may be reaching a plateau of sorts.

Along with changes in government procedure have come changes in the metaphors we use to understand government bureaucracy. The past two decades have witnessed a resurgence of "government as business" metaphors that were in parlance in the Progressive Era and again in the 1950s. Beginning in 1993, Vice President Albert Gore Jr. launched a "Reinventing Government" campaign that emphasized government offices as entrepreneurial businesses and cast American citizens as "customers" of government bureaucracies. The Price Waterhouse Coopers firm (now owned by IBM) launched a "Foundation for the Business of Government," awarding grants to researchers and agencies for the furtherance of business-like reforms in government agencies, and bestowing awards and publicity upon particularly entrepreneurial government administrators.³¹

It seems likely that these "business" and "reinvention" models of administration have run their course and will be ever less helpful to the U.S. government. (I am not persuaded that they were of much help over the last twenty years, for that matter.) It seems incredibly problematic to apply these metaphors to crucial policy arenas such as homeland security, counterterrorism, environmental protection, or food and drug regulation. While there has been significant privatization and outsourcing of government work, these activities still do not appropriately define the U.S. citizen as a "customer" of government services. The "Contracting State" is real and will endure. "Government as business" will endure in rhetoric only.

Conclusion: Recombination and Reputation

It is impossible to divorce the evolution of American national bureaucracy from the evolution of politics and government authority more generally. Partisan politics, sectional politics, and racial politics have all figured centrally in the evolution of U.S. administration, often in predictable ways.³²

There are at least three general historical lessons to be derived from a survey of American national bureaucracy. First, agencies are rarely created anew but are usually "recombined" from parts or wholes of existing administrative institutions. We see this in the launching of new bureaucracies under the American Republic and under the presidencies of George Washington and John Adams. We observe this in the continual creation of new agencies (large and small) through recombination. We see it even in the creation of the Department of Homeland Security in 2002.

The meaning of this continuity is that much of our current executive bureaucracy has been around for quite some time. Agencies draw upon laws, norms, and traditions that reach back into the nineteenth and twentieth centuries

and, in some cases, to the very "creation" of new agencies.

Second, the historical significance of such institutions is the importance of such institutions and historical legacy as primary attention to the history of agencies to large departments to administrative behavior that studying bureaucracy have their budgets, their power, and their budgets, their power, and often resist new powers that Emergency Management Agency (for example). Agencies often resist new powers that often resist new powers that their leaders are just as likely to resist new powers that their reputations as they are to see budgets, and move up the ladder.

If nothing else, a historic combatting the hubris that thinking that a simple set of across diverse agencies or organizations will try to generalize about them were equivalent to the Agricultural same principles and norms Commission also explain be Development, the Department Agency.

If we pay attention to bureaucratic organizations, various cratic behavior while combining of reputation—the reputation of their entire agency—is something. Yet because the reputation that one agency (a military institution) is different from the way that other

Finally, U.S. national bureaucracies do not belie the force of executive agencies every bit does. But various attempts to councils and committees, in reorganizations—have been dwarfed

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"reinvention" models of administration to the U.S. government. Over the last twenty years, for example, these metaphors to crucial terrorism, environmental privatization has been significant privatization these activities still do not "redefine" of government services. The government as business" will

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rich of our current executive agencies draw upon laws, regulations and twentieth centuries

and, in some cases, to the very beginnings of the Republic. We also see that the "creation" of new agencies does not always add to the overall size of government.

Second, the historical study of government bureaucracy consistently reveals the importance of such intangibles as reputation, prestige, professional esteem, and historical legacy as motivating factors driving bureaucratic behavior. Attention to the history of administrative agencies—ranging from military agencies to large departments to small government bureaus—alerts us to dynamics of administrative behavior that differ materially from the standard views. Scholars studying bureaucracy have posited variously that bureaucrats try to enhance their budgets, their power, and their turf. Yet the history of American bureaucracy provides case after case in which these generalizations fail utterly. Agencies often resist new powers that seductively come with bigger budgets (the Federal Emergency Management Agency and the Social Security Administration are examples). Agencies often seek a *reduction* of responsibilities to their core missions in which they have demonstrated and observed competence. Agencies and their leaders are just as likely to take steps to build, protect, and enhance their reputations as they are to seek new authority, try to expand their pay and their budgets, and move up the ladder of hierarchy and power.

If nothing else, a historical perspective on American bureaucracy is useful for combating the hubris that observers of American government often have in thinking that a simple set of generalizations can explain behavior and operations across diverse agencies or over centuries of time. Too often, pundits and scholars will try to generalize about bureaucratic organizations, as if the USDA of today were equivalent to the Agriculture Department of the Progressive Era, as if the same principles and norms governing the behavior of the Federal Trade Commission also explain behavior at the Department of Housing and Urban Development, the Department of Defense, or the Environmental Protection Agency.

If we pay attention to the specific reputations and cultures of different bureaucratic organizations, we can engage in more accurate analysis of bureaucratic behavior while combining the general and specific. The pursuit and crafting of reputation—the reputation of individual officers, of their bureaus, or of their entire agency—is something that federal administrators engage in all the time. Yet because the reputation and culture of each agency are different, the way that one agency (a military intelligence bureau, say) shapes its identity is invariably different from the way that others do so (a social welfare agency, for example).

Finally, U.S. national bureaucracy is firmly rooted in the executive branch. This does not belie the forceful harnessing power of Congress, which controls executive agencies every bit as much as (sometimes more than) the presidency does. But various attempts to create more "legislative" forms of bureaucracy—in councils and committees, in independent commissions, and in government corporations—have been dwarfed by the continued growth of hierarchical and

CH 2: The Evolution of National Bureaucracy in the United States

Table 2
Executive Agencies Active in Policy Making and Innovation since the Civil War

Agency	Policy Innovations
Post Office Department	Railway mail transport (1862); parcel post; rural free delivery (1892); postal savings banks (1914)
Department of Agriculture	Food and drug regulation; national forest regulation; farm extension (county agent) system; price stabilization and production control (1920s–1930s); conservation easements (1960s–present)
Military (Departments of War, Navy, Army, and Defense)	Transformation of Navy procurement, including incentive-based contracts, “deprocurement policy” (1941–1945); discretionary scientific programs for communications and munitions development (DARPA)
U.S. Food and Drug Administration	Clinical trial regulations of 1963; advertising regulations of 1960s and 1970s; regulation of tobacco (attempted but unsuccessful); bar-coding of prescription drugs
Federal Emergency Management Agency (FEMA)	“All hazards” policy; “Flood Fighting” insurance program
Atomic Energy Commission, later Nuclear Regulatory Commission	Regulation of commercial nuclear energy production, plant construction and operation

largely centralized executive departments. The executive nature of the U.S. administrative state remains its most enduring and telling feature.

Notes

* I thank Steve Balla, Matthew Holden, Scott James, Richard Rose, Michael Ting, and Barry Weingast for insightful comments. Joel Aberbach, David Lewis, Sid Milkis, Mark Peterson, and James Pfiffner, and especially Martha Dertnick, offered particularly detailed comments on earlier versions of this essay. I have also benefited from numerous conversations with Colin Moore. This essay was first drafted at the Center for the Advanced Study in the Behavioral Sciences. I thank CASBS, the Hewlett Foundation, the Annenberg Foundation, and the Faculty of Arts and Sciences at Harvard University for support. All interpretations and remaining errors are mine alone.

CH 2: The Evolution of

1. This does not mean that all such independence was fought through until the early 20th century.
2. Until the consolidation of the largest administrative organizations in the United States and American history to date.

3. I am indebted to Professor Stephen Skowronek for pointing up the significance and historical importance of the Continental Congress, and for providing sources.

4. See Jay C. Guggenheimer, “The Evolution of the Executive Branch, 1775–1789,” in J. Franklin Jameson, ed., *United States in the Formative Years* (New York: Oxford University Press, 1964), pp. 11–12.
5. On England, see Sir Norman Maclean, *The Englishman in the East* (Oxford: Clarendon Press, 1968), pp. 11–12.

6. I thank Colin Moore for suggesting that the early development of the judgments expressed in the dependencies upon English American arrangements in the fertile and under-tilled field of American history.
7. For more on the struggles of the American Republic, 1776–1789, see:
 8. See Hamilton, Madison and Jay: *The Federalist Papers*, New York: Mentor Press, 1963.
 9. This paragraph sketches briefly the evolution of the American Republic, 1776–1789, and the early development of administrative rules as a forerunner of the American Republic.

10. For the Interior Department, see: Michael Holt, *The Rise and Fall of the American West* (New York: Oxford University Press, 1999). For it and nicely conveyed arguments on the evolution of the American Republic, see: *Perspective on Democratic Regime* (Cambridge University Press, 1999).
11. See William Howell, *Power without Politics* (Princeton, NJ: Princeton University Press, 1995).

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oil transport (1862); parcel post; delivery (1892); postal savings

drug regulation; national forest farm extension (county agent); stabilization and production (20s-1930s);

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"s" policy; "Flood Fighting" program

of commercial nuclear energy; plant construction and opera-

executive nature of the U.S. telling feature.

Richard Rose, Michael Ting, and David Lewis, Sid Milkis, Mark Hick, offered particularly detailed benefited from numerous conversions at the Center for the Advanced the Hewlett Foundation, the sciences at Harvard University for the alone.

1. This does not mean that all such campaigns have been centralized. The Civil War, for instance, was fought through organized state militia that retained a good deal of independence until the early twentieth century.

2. Until the consolidation of the Pennsylvania railroad in the 1870s, as Richard John points out in *Spreading the News* (p. 6), the U.S. Post Office Department was the largest administrative organization of any kind (economic, religious, social, political) in the United States and among the largest unified state bureaucracies in modern history to date.

3. I am indebted to Professor Stephen Wayne of Georgetown University for pointing up the significance and history of executive boards and committees during the Continental Congress, and for referring me to especially relevant and accessible sources.

4. See Jay C. Guggenheimer, "The Development of the Executive Departments, 1775-1789," in J. Franklin Jameson, ed., *Essays in the Constitutional History of the United States in the Formative Periods 1775-1789* (Boston and New York: Houghton Mifflin, 1889); Jennings B. Sanders, *Evolution of the Executive Departments of the Continental Congress, 1774-1789* (Gloucester, Mass.: Peter Smith, 1971).

5. On England, see Sir Norman Chester, *The English Administrative System, 1780-1870* (Oxford: Clarendon Press, 1981), particularly Part I, which describes the administrative system as it existed in 1780.

6. I thank Colin Moore for suggesting several of these ideas to me. Too little is known, I think, on the early development of executive institutions in America, and some of the judgments expressed in this section must be couched in due humility. The set of dependencies upon English, continental European, colonial, and even native American arrangements in the construction of early U.S. institutions is an incredibly fertile and under-tilled field for future research.

7. For more on the struggles of this period, consult Gordon Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1998).

8. See Hamilton, Madison and Jay, *The Federalist Papers*, ed. Clinton Rossiter (New York: Mentor Press, New American Library, Penguin Putnam, 1999), pp. 403-404.

9. This paragraph sketches briefly (and terribly inadequately) a pattern of activity that probably deserves several book-length studies of its own: the origins and evolution of administrative rules as a form and extension of the English common law. I thank Colin Moore for several extended discussions of this pattern.

10. For the Interior Department and the Whig-Democrat battles over its creation, see Michael Holt, *The Rise and Fall of the American Whig Party* (New York: Oxford University Press, 1999). For independent commissions, see Scott C. James's striking and nicely conveyed argument in *Presidents, Parties and the State: A Party System Perspective on Democratic Regulatory Choice, 1884-1936* (Cambridge and New York: Cambridge University Press, 2000). For an illuminating study of partisan and racial influences upon the administrative development of New Deal welfare programs, see Robert Lieberman, *Shifting the Color Line*.

11. See William Howell, *Power without Persuasion: A Theory of Unilateral Presidential Action* (Princeton, N.J.: Princeton University Press, 2003).

CH 2: The Evolution of National Bureaucracy in the United States

12. See White, *The Jacksonians*.
13. Delegation rarely goes to a new "agent," but often becomes a redelegation of authority to an "agent" whose properties and past behavior are more or less well known (see David Epstein and Sharyn O'Halloran, *Delegating Powers: A Transaction-Cost Approach to Policymaking under Separate Powers* (Cambridge and New York: Cambridge University Press, 1999); Carpenter, *The Forging of Bureaucratic Autonomy*.
14. See Lewis, "The Politics of Agency Termination" (2002).
15. See Martha Derthick, *Policymaking for Social Security* (Washington, D.C.: The Brookings Institution, 1979); and Daniel Carpenter, *The Forging of Bureaucratic Autonomy*.
16. I am indebted to Professor David Lewis of Princeton University for urging upon me the importance of these 1950s developments. His paper (book chapter) "Understanding the Federal Personnel System" was particularly valuable in helping me to grasp these developments. I am responsible for any and all errors and interpretations regarding this evidence and argument. See also U.S. General Accounting Office (GAO), *The Excepted Service: A Research Profile* (1997), quoted in Lewis, *Politicized Administration*, unpublished book chapter manuscript, Princeton University.
17. See Martha Derthick, *Policymaking for Social Security* (Washington, D.C.: The Brookings Institution, 1979); Jerry R. Cates, *Insuring Inequality: Administrative Leadership in Social Security, 1935-1954* (Ann Arbor: University of Michigan Press, 1984); and Sparrow, "Social Security's Missing Years," Chap. 2 of his *From the Outside In*.
18. See Bartholomew Sparrow's excellent chapter "The Transformation of Navy Procurement," pages 161-257 in his book *From the Outside In*.
19. See Alasdair Roberts, "Reputation and Federal Emergency Preparedness Agencies, 1948-2003," unpublished manuscript (May 2004), forthcoming, *Studies in American Political Development*.
20. See Roberts, "Reputation and Federal Emergency Preparedness Agencies, 1948-2003," passim. The Federal Aviation Administration also successfully resisted Bush Administration attempts in 2001-2002 to house its operations under the Department of Homeland Security and make it take on a greater anti-terrorism role. I acknowledge David Lewis for this point.
21. See Richard Nathan, *The Plot That Failed: Nixon and the Administrative Presidency* (New York: John Wiley & Sons, 1975); and Joel A. Berbach and Bert R. Ockman, *In the Web of Politics: Three Decades of the U.S. Federal Executive* (Washington, D.C.: The Brookings Institution, 2000).
22. Even these tools of political control have their slippage and imperfections. The force and reach of the legislative veto has been curtailed in an important Supreme Court decision, *INS v. Chadha* [462 U.S. 919 (1983)]. Research also suggests that budget shifts take some time to achieve their desired outcomes; see Daniel P. Carpenter, "Adaptive Signal Processing, Hierarchy, and Budgetary Control in Federal Regulation," *American Political Science Review* 90, no. 2 (June 1996), 283-302.
23. See the memorandum of the Congressional Budget Office, "Comparing Federal Salaries with Those in the Private Sector," CBO Memorandum, June 1999

CH 2: The Evolution

- (Washington, D.C.: Congress /fhpdocs/5xx/doc599/feds
24. See Carpenter, *Forging of B*
25. See Robert V. Remini, *A Penguin, 2001*); Richard F *State Authority, 1857-1877*
26. This seemingly minute dist
27. The practice of senatorial c with administrative jurisdic Senator from that state, mar
28. See White, *The Federalists*, p
29. On the EOP see the chaptr beginning of the first admini issued a now famous Execi proposed rules drafted t Administration also establi (OIRA) within OMB, whi
30. Paul C. Light, *The True Size Press, 1999*).
31. See the chapter by Donald as business metaphors in *Pr Forging of Bureaucratic Autom*
32. For racial influences on U: King, Daniel Kryder, and R
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- examination of the role of: Barrow, Thomas C. *Trade and -1660-1775-* (Cambridge, v analysis of what was perhap in British North America.
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(Washington, D.C.: Congressional Budget Office. Available at <http://www.cbo.gov/fpdocs/5xx/doc599/fedsl.pdf> (accessed March 13, 2005).

24. See Carpenter, *Forging of Bureaucratic Autonomy*, and Wilson, *Bureaucracy*.
25. See Robert V. Remini, *Andrew Jackson and His Indian Wars* (New York: Viking Penguin, 2001); Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority, 1857–1877* (New York: Cambridge University Press, 1990).
26. This seemingly minute distinction in fact underlies modern administrative law.
27. The practice of senatorial courtesy, by which appointments of some federal officials with administrative jurisdiction in a given state are referred to the junior or senior Senator from that state, marks a very small exception to this rule.
28. See White, *The Federalists*, p. 18 and chap. 3.
29. On the EOP, see the chapter in this volume by Matthew Dickinson. Soon after the beginning of the first administration of President Ronald Reagan in 1981, Reagan issued a now famous Executive Order 12291, which required OMB review of all proposed rules drafted by agencies in the executive branch. The Reagan Administration also established an Office of Information and Regulatory Affairs (OIRA) within OMB, which exists at the writing of this essay.
30. Paul C. Light, *The True Size of Government* (Washington, D.C.: Brookings Institution Press, 1999).
31. See the chapter by Donald Kerrl in this volume. On the prevalence of government as business metaphors in Progressive Era administrative discourse, see Carpenter, *The Forging of Bureaucratic Autonomy*.
32. For racial influences on U.S. bureaucracy, see the references to works by Desmond King, Daniel Kryder, and Robert Lieberman in the bibliography.

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CH 2: The Evolution of National Bureaucracy in the United States

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