

2.15

Policy and the Branches of Government

Explain the extent to which government branches can hold the bureaucracy accountable given the competing interests of Congress, the president, and the federal courts.

Max Weber, a German sociologist who studied rational organizations in the 19th century, compared modern bureaucracies to well-oiled machines. Each part has its own special unique role to play if the machine is working right. The problem, of course, is that we do not always operate like machines. We make mistakes. Interpersonal issues like political differences get in the way of our expertise. This is why over time bureaucracies have taken on a negative connotation. The size and scale of the Federal Bureaucracy has taken on proportions that are difficult to control and manage.

So how do we control the federal bureaucracy? Formal and informal powers of Congress, the president and the courts help keep the federal bureaucracy accountable.

First and foremost, the executive branch tries to control itself. The President of the United States is the manager-in-chief. The Oath of Office assigns the President to “faithfully execute” the laws. This has meant that every presidency concerns itself with reinventing how the federal bureaucracy works. President Bill Clinton initiated a National Performance Review. This program required each federal agency to carefully reevaluate its mission statements and objectives. President George W. Bush went even further and tried to inject more of a business model to government services. He went so far as to introduce more and more privatization into the Federal Bureaucracy. This is one reason why the numbers of people directly working for the federal bureaucracy appears to be flat. Our government has increasingly out sourced its responsibilities. President Barack Obama, through Executive Orders, encouraged federal agencies to use “behavioral science” methodology in attempts to become more efficient. Reinventing government has always been well intentioned but realizing intended results are much more difficult to come by.

The legislative branch also plays an important role in controlling the federal bureaucracy. The U.S. Congress is given oversight authority of the federal bureaucracy. This involves holding public hearings in which various levels of the bureaucracy are asked to account for themselves. In addition to writing the legislation that creates federal agencies in the first place the Congress also controls the bureaucracy through its budget. The power of the purse is an important tool when disciplining the federal bureaucracy. Invariably, however, *iron triangles* are formed which reduce the impact of congressional oversight. Iron triangles are particular issue networks made up of congressional committees, federal agencies and special interest groups. Since they all share the same goals these respective iron triangles are protected from any serious reform.

The Supreme Court is our final arbitrator when exercising control over the federal Bureaucracy. Court cases arise that help to define the Federal bureaucracies' rights and responsibilities. For instance, in the Supreme Court case of *Wilder v. Virginia Hospital Association* (1990) the justices ruled that those eligible for federally assisted health care must have "reasonable access" to facilities of "adequate quality." Rules such as these help the Federal Bureaucracy shape policy in accordance to the law.

Holding the federal bureaucracy accountable in the twenty-first century is confounded by a number of challenges including the rule of law, political conflicts and improbable crises. When combined with unrealistic expectations one can clearly see that the federal bureaucracy can hardly win. New challenges demand new solutions. Political science suggests,

The best candidate for creating this new accountability layer is information. Government will need to learn and operate more like the Internet. Problems can appear on any node, and solutions need to be wired across multiple agencies. Answers need to appear as quickly as questions, and the questions and answers rarely repeat themselves. Not only does the existing rule of law fail to fit emerging policy problems. Government's emerging and inescapable problems require collaborative solutions that cut across organizational, sectoral and international boundaries. Government will need to connect with and solve these problems with boundary crossing strategies. Just as the Internet allows individuals with shared interests to connect, a problem driven/information based strategy can help government. It can help identify the resources that government needs to solve problems and plug the gaps in the government's regular organizational structure and its standard operating procedures – and in the existing rule of law.

Sounds a whole lot like the *auxiliary precautions* Madison wrote about it Federalist 51:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

Throughout this course will study the ark of power. It is an appraisal of American government and politics. Life is a power struggle. Collectively government reflects how we as a people resolve that struggle. The essence of our government has been codified in the words of the United States Constitution. Our limited government was and is rooted in historical tradition, theory, conflict and compromise. Both the writers of our constitution and the vast majority of voters today have settled upon a representative

democracy. **A balance between governmental power and individual rights has been a hallmark of American political development.** Political disputes invariably collide at the intersection of power and rights, legitimacy and authority. If “we the people” are to overcome life’s struggles together, if our democracy is to succeed at all, it will depend upon putting into practice the knowledge and skills learned here.

The words of the wise seem appropriate here: *Life can only be understood backwards; but it must be lived forwards.* Look forward to exercising your voice in our political process. Act on your political sentiments even today. A two-hundred-year-old document has empowered you. Here we have no kings, just citizens.