Over the past quarter century, federal bureaucracies have been affected by numerous changes—many of which were designed to restrict bureaucratic autonomy. Several scholars have concluded that bureaucracy's role in the process of governance has been substantially diminished. When the changes are closely inspected, however, most—including the proliferation of political appointees—prove not to be as effective at restraining bureaucracy as often supposed. Also, because many restrictions interact with others, they are not really summative; sometimes they cancel each other out.

IS AMERICAN BUREAUCRACY AN IMMOBILIZED GULLIVER OR A REGENERATIVE PHOENIX?
Reconsidering the Alleged Demise of Federal Bureaucratic Power

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> The federal bureaucratic monster who would slay private enterprise is learning a new command. It's called—heel!
>
> —Ronald Reagan, 1983

How much power do federal bureaucrats possess? The passionate arguments of such politicians as Barry Goldwater, George Wallace, Richard Nixon, Jimmy Carter, Ronald Reagan, and Newt Gingrich that governmental bureaucracy became dangerously powerful after World War II struck a responsive chord with the American people. In the 1970s, bureaucracy bashing became a popular sport among political activists both on the Left and on the Right (Gormley, 1989), and Herbert Kaufman (1981)

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reported that fear of bureaucracy became a national preoccupation. During two terms of office in the 1980s, President Reagan—who saw government as the problem and who promised to "get government off our backs"— made the reduction of bureaucratic power an important priority. Although the private tone of the Bush administration and certain of its policies concerning bureaucracy were sometimes "kinder and gentler" than those of the previous administration, most Reagan antibureaucratic policies were kept intact—as the public rhetoric usually was. The Clinton admin- istration favored policies creating new bureaucracies (e.g., for health care), but it was often inhospitable to established bureaucracies; and proposed "reinventing government" to reduce the number of bureaucrats and the power of traditional agencies. At the same time, powerful actors in Congress and elsewhere in the political system also tried to limit the power of public agencies. Rolling back the power of the federal bureau- cracy was a major theme of the new Republican congressional majority elected in November of 1994.[1]

What has been the cumulative result of these antibureaucratic initia- tives? Scholars representing a broad array of perspectives have addressed this question. One scholar who has examined recent attempts to control public agencies, William Gormley (1989), found that the consequence of adopting a wide variety of reform techniques was to create a weaker, less autonomous federal bureaucracy. Another investigator of recent bureau- cratic change, Francis Rourke—whose orientation is generally probureau- cratic—concluded, "The general tendency of the political changes exam- ined here has been toward diminishing the influence that career civil servants exert over the design and execution of national policy" (1991, p. 125). Some other analysts have reached conclusions similar to these (e.g., Goldenberg, 1985, pp. 394-397), whereas others believe the evi- dence concerning the reduction of civil service power is mixed (e.g., Durant, 1991; Lynn, 1985, p. 370) or doubt whether the reduction will be permanent (e.g., Campbell, 1985, p. 413; Mosher, 1985, p. 408). As of this writing, Congress—many of whose new members (and new leaders) have an avowedly antibureaucratic agenda—has been under Republican con- trol for less than a year. Thus discussions of the implications of recent events concerning bureaucracy's status necessarily venture into the realm of prognostication, an area in which I, like most other political "scientists," unfortunately have little expertise.[2]

The result of recent antibureaucratic initiatives has been addressed by a group of scholars who take a particular perspective that inclines them to endorse the initiatives: They identify the problem of bureaucratic control

as an economic one. Most of these theorists are more or less wedded to principal-agent ideas that see politicians in the presidency and the Congress as the principals and bureaucrats in federal agencies as the agents, supposedly under the control of the principals.[3] An important problem under the theory is that "utility maximizing" bureaucrats may seek autonomy to pursue personal interests or corporate missions; these "shirkers" resist legitimate control from the principals. High levels of theoretical abstraction are common to the research tradition, and arcane debates rage over techniques and mathematical models (e.g., Cook, 1989; Wood, 1989). When the models are applied to the outputs of various federal agencies, some results are ambiguous. But the main message coming from this body of research is that, to degrees previously thought unlikely, recent presidential and congressional politicians have succeeded in exercising political control over supposedly autonomous bureaucracies (Wood & Waterman, 1994).

In listening to politicians deplore bureaucracy or reading scholars' accounts (which may be sad or happy) of the consequences of attempting to restrain bureaucracy, both groups often share the conception that bureaucracy is a dangerous beast capable of being subdued. For example, when Gormley titled his book *Taming the Bureaucracy*, he evoked the same metaphor that Ronald Reagan used in the above epigraph. Viewing bureaucracy as a Gulliver—whom the Lilliputians saw as a great beast, one to be restrained and eventually tamed—is a perspective that would be endorsed with enthusiasm by many Americans. I believe that when politicians and scholars contemplate putting restraints on bureaucratic power, they often implicitly view each restraint as being similar to one of the many small ropes that the Lilliputians used to peg Gulliver to the ground.

As appealing as this metaphor is to the American political psyche, I believe it is misleading. The overall impact of the changes that have occurred in the political role of bureaucracies over the past quarter century is highly varied and complex. Although some of the reductions in bureaucratic power seem important, many have been mitigated by power resources flowing either from bureaucracy's nature or from the peculiar position of bureaucracy in the American political system. Bureaucracies are best seen not simply as great beasts to be tied down and then tamed by multiple restraints, but as purposive, adaptive organisms that regularly regenerate political power as they go about their work. I suggest a new metaphor: Rather than viewing bureaucracy as an immobilized Gulliver, let us view bureaucracy as a regenerative phoenix.

THE CASE FOR VIEWING THE BUREAUCRACY
AS AN IMMOBILIZED GULLIVER

Before presenting a rationale for the new metaphor, I shall set out the case for the old one. Powerful arguments may be adduced in favor of the Gulliver metaphor, and I shall not pretend that I am demolishing it. Nonetheless, after sketching each of the strongest arguments in its favor, I shall present counterarguments and shall conclude the section with an assessment of the metaphor's shortcomings. The metaphor to which I allude is an ideal type drawn broadly from the spirit of various political and scholarly accounts and does not refer explicitly to the schema of any particular thinker. Yet the chief arguments of those who subscribe to the diminishing bureaucratic influence thesis are treated.[4] The perspective taken here is an actor-oriented, bureaucratic-centered perspective on governance (Hill, 1991). No assumption is made that bureaucrats are the central actors; the governance process is simply observed from their viewpoint.

NEW RESTRAINTS ON THE BUREAUCRACY FROM THE PRESIDENT

During the post–World War II period, presidents have gradually accumulated greater power against Congress and against bureaucracy, which has often seemed from the presidential perspective to be the handmaid of Congress (Milkis, 1989). Richard Nixon, who was accused of attempting to create the "imperial" presidency, was clearly committed to creating the administrative presidency (Nathan, 1983). Here is how the Reagan administration tried to increase control over bureaucracy:

- In attempting to penetrate bureaucracy, the administration made as many political appointments as possible, taking great care to appoint people to sensitive positions who were in tune with the administration's antibureaucratic ideology.
- Because political appointees were encouraged to view the bureaucracy as a probable enemy in pursuing the administration's political agenda, such unusual control strategies as sabotaging agency programs—vide the Environmental Protection Agency (EPA) under Anne Gorsuch Burford—were considered acceptable.
- Such standard strategies of bureaucratic control as cutting agency budgets, contracting out, reorganizing, centralizing decision making, and imposing hiring freezes and reductions in force were consciously employed as a part of a program to bring bureaucracy to heel (Goldenberg, 1985).

- The White House staff was expanded in order to supervise the bureaucracy more closely; in many cases, elements of the staff reached a large enough critical mass that they could bypass an agency in formulating policy for it.
- The authority of the Office of Management and Budget (OMB) over agencies was increased substantially. Strategies such as top-down budgeting were emphasized (Seidman & Gilmour, 1986, p. 127). This authority went far beyond budgetary matters. Beginning in the first Reagan term, for example, Executive Order 12291 required OMB clearance before many proposed regulations could be published in the *Federal Register*, and OMB also vetted proposed bureaucratic testimony before congressional committees. In addition, OMB relied increasingly on various forms of policy analysis (e.g., regulatory impact statements and program evaluations) as tools of bureaucratic control (Gormley, 1989, pp. 128-129).
- Provisions of the Civil Service Reform Act of 1978 that increased the executive's authority over the bureaucracy were exploited. For example, agency officials were strongly encouraged to retire if they were eligible to do so; thousands did. Members of the Senior Executive Service located in Washington were threatened with various sanctions (say, a posting to an undesirable distant location) if they did not follow the administration's policies with alacrity. The Office of Personnel Management zestfully implemented the administration's personnel policies.
- President Reagan used his bully pulpit to set an antigovernmental, antibureaucratic tone, which helped to keep the agencies on the defensive during his 8 years in office.

Many of the Reagan administration's antibureaucratic strategies were not new, but deciding from the very beginning to view them as a part of a coherent political program and determining to implement them in a thoroughgoing manner was new. Considerable evidence indicates that the Reagan administration enjoyed much success in its attempts to limit bureaucratic discretion (Nathan, 1985; Nathan, 1986, pp. 128-133). The Reagan administration also bequeathed a sharp set of antibureaucratic tools to future administrations that chose to use them. The Bush administration's "kinder and gentler" style often belied the fact that it continued many of the Reagan antibureaucratic strategies. Many of them also have been used by the Clinton administration, not necessarily out of animus toward bureaucracy, but because the strategies have become accepted as constituent parts of the powers of the modern presidency.

Counterarguments

Bureaucracy's size is commonly perceived as a key indicator of its power. By that measure, the power of the federal bureaucracy grew substantially under Ronald Reagan: Although he depicted himself as a

bureaucracy slayer, the total federal bureaucracy *increased* on the Reagan watch by 5.5%, to just over 4½ million people. Only 30% of the increase was due to recruiting more Department of Defense (DOD) civilians; only an additional 7% was due to recruiting more uniformed military personnel. Conversely, nearly three quarters of the total federal bureaucracy's 3.8% *decrease* recorded during the Bush administration was due to downsizing among uniformed military personnel, but the DOD civilians declined by 53,000, and even the non-DOD civilian bureaucracy declined slightly.[5] Downsizing has become an important concept in the corporate world, and it was adopted as a goal of the Clinton administration's reinventing government program. Under the Federal Workforce Restructuring Act of 1994, federal employment is to be reduced by 273,000 jobs by the turn of the century. Whether such an outcome will reduce bureaucratic power or make remaining bureaucrats "leaner and meaner" is a matter for debate.

When the ramifications for bureaucracy of the above-discussed presidential restraints are explored, many are found to have less impact than is often supposed. Although the executive has gradually expanded some powers over bureaucracy during the entire period under study, the Reagan-Bush administrations were only partially successful in their attempts to bring bureaucracy within the president's ambit. Dan Wood and Richard Waterman's (1993) study of the EPA found, for example, that even President Reagan's personal involvement did not guarantee bureaucratic compliance: "antienvironmental statements by the president produced *stronger,* not weaker EPA enforcement" (p. 519). The following reviews of the administrations' experience with political appointees and with administrative rules vividly illustrate bureaucracy's resilience.

The Reagan transition team, which studied Hugh Heclo's *Government of Strangers* (1977) and determined to avoid the mistakes of previous administrations of both parties (while building on the Nixon plan for an "administrative presidency"), attempted the following appointment strategies: filling the maximum number of jobs with political appointees, so that permanent civil servants or other Washington establishment types would not be given even temporary appointments; recruiting only true "Reaganauts" who were committed to the president's philosophy, so that ordinary Republican members of a given policy network—even if they were interested in such policies as applying the precepts of the Harvard Business School to government—would not be counted as qualified; getting prospective nominees to agree to stay on for a projected two-term Reagan presidency, so that they would have continuity in office rather than being "birds of passage," a term used by Heclo (1977, pp. 105-107). The

appointees chosen in this manner were expected to use the techniques of political control enumerated above to implement the administration's program.

Although these appointment strategies—which actually were followed more or less closely at the beginning of the Reagan administration—did help to increase executive control over bureaucracy, many of the conditions identified by Heclo continued to pertain. In addition, the following four circumstances limited the strategies' success.

First, thoroughly reviewing the prospective appointees' ideological qualifications slowed the appointment process so much that many important positions were not filled permanently for as long as 2 years after the administration took office, frequently allowing ideologically suspect civil servants to serve in a temporary capacity.

Second, the aggressive efforts to make as many political appointments as possible to strategic agency positions—even to positions traditionally reserved for career civil servants (through exploiting provisions of the Civil Service Reform Act)—were consequential. But they were not sufficient to allow the 3,000 or so political appointees to dominate many actions of the 100,000 or so permanent civil servants in significant policy-managerial positions in federal agencies.[6] The old administrative proverb pointing to limits on an executive's span of control tells us that such dominance is impossible.

Third, despite their increased numbers, their ideological commitment and hierarchical power, and the White House's efforts to provide support and common ideological themes, most political appointees—who were greatly outnumbered in their work groups by career bureaucrats—quickly realized that their success depended on the civil servants' cooperation. As Robert Durant (1991) indicated, lower ranking political appointees were particularly susceptible to such influences: "The deeper into the bureaucracy presidents try to penetrate, the less attractive (both in prestige and income) the positions become. As a consequence, these positions attract younger, less experienced, less knowledgeable, 'ticket punching' appointees. Lacking personal policy agendas or clear signals from their president, these neophytes embrace or become dependent on entrenched bureaucratic cultures, routines, and dominant coalitions" (p. 463 [references deleted]). Over time, mutual dependence often stimulated the construction of trusting relationships. Thus, fulfilling conservatives' worst fears (Niskanen, 1987, pp. 60-61), many appointees went "native" and began to see the world through the civil service's lenses. Of course, in some cases careerists and appointees saw the world similarly from the beginning and

cooperated closely. Based on questionnaire responses, Robert Maranto (1993) found that the ideological and operational relationships between the two groups were quite good in organizations dealing with defense policy, in sharp contrast to the situation in organizations dealing with social policy.

Fourth, many of the carefully chosen appointees did not stay on long enough to become effective in controlling their agencies. They often proved not to be immune to the financial pressures experienced by the appointees of previous administrations. The pressures included living in Washington on salaries low by corporate and professional standards, typically at a time in their lives when they faced heavy expenses for mortgages and college tuition. In addition, the appointees' governmental jobs exposed them to attractive private sector opportunities. For many Reagan appointees, the usual temptations to cash in on their governmental experience were exacerbated by their low opinion of government and their free-enterprise philosophy. Before the midway point in the second Reagan term, a large-scale exodus of political appointees occurred. The administration's reaction was to create a program of filling many jobs briefly with young, ideologically committed individuals (it was called "credentialing the Right) so that large numbers of such people could have governmental experience on their résumés. The reasoning was that after they went on to careers in the private sector, they would be considered qualified for more responsible positions in future conservative administrations (Brownstein, 1986). Of course, the immediate consequence was that inexperienced, short-term political appointees were likely to enjoy only limited success in controlling bureaucracy.

Nonetheless, much evidence indicates that Reagan political appointees made important decisions that were contrary to agencies' traditions. For example, focusing on gross output measures from federal agencies, Wood and Waterman (1991, pp. 806-818), who suggested their findings could be extrapolated to the entire federal bureaucracy, found that Reagan administration political appointees often succeeded in redirecting agency priorities. They reduced the number of litigations at the Equal Employment Opportunity Commission (EEOC), of enforcements at the Federal Trade Commission, of safety violation enforcements at the Nuclear Regulatory Commission, of product seizures at the Food and Drug Administration, and of cessation orders at the Office of Surface Mining.

In the minds of many analysts, the efforts of Anne Gorsuch Burford at the EPA and William Bradford Reynolds at the Civil Rights Division of the Justice Department epitomized the success of Reagan appointees who

refused to involve their agencies' senior civil servants in policy making and who moved their agencies away from traditional program objectives. But was such success the universal experience of the appointees? Actually, in examining EPA's hazardous waste inspections program, which was being established at the beginning of the Reagan administration, Wood and Waterman (1991, pp. 818-821) found that appointees succeeded in delaying program development, but that Burford's political difficulties— particularly her congressional citation for contempt—acted as a signifi- cant stimulus for *increasing* hazardous waste inspections. Also, Marissa Martino Golden (1992) examined two agencies, the Civil Rights Division of the Justice Department and the National Highway Traffic Safety Administration (NHTSA), and found that the attempts of Reagan political appointees to turn an agency around might spawn resistance, depending upon five contextual variables: ideology, dominant agency profession, agency esprit, agency history, and careerist confidence. In addition, Laurence Lynn (1985, pp. 345-366) examined five agencies and con- ducted a detailed analysis of a Reagan appointee's performance in each agency. Lynn gave these ratings to the appointees' success in changing the agency's direction: the Employment and Training Administration (fair), the Forest Service (poor), the Mine Health and Safety Administration (excellent), the Federal Communications Commission (good), and the National Highway Traffic Safety Administration (poor). Thus scholars' evaluations are mixed about the extent of the Reagan appointees' program- matic impact on bureaucracies.

Furthermore, one may ask how long lasting were the changes? The data provided by Wood and Waterman (1991, pp. 806-807) indicate that Reagan appointees' attempts to sabotage enforcement actions boomeranged both for the EPA and for the EEOC. Also, the example of the Justice Depart- ment's Antitrust Division suggests that other policy shifts did not survive the Reagan administration. As the Reagan-appointed head of the division, William F. Baxter's success in overturning its antitrust orientation was generally acknowledged. But when his successor in the Bush administra- tion, James F. Rill, resigned after 3 years on the job, he was widely praised in the antitrust policy community for turning the division back toward its tradition of antitrust enforcement (Moore, 1992). Thus the overall success of the Reagan appointees in making significant, long-term changes was not as clear-cut as either their advocates or their opponents sometimes believed. In large measure, this result was caused by the failure of the Reagan administration to anchor its policy changes in legislative enact- ments (see Harris & Milkis, 1989, pp. 286-293). Of course, many Reagan

policy shifts that survived the Bush administration have been reversed by the Clinton administration.

An important programmatic goal of the Reagan administration was to reduce the impact of bureaucratic regulation—especially on business. Thus a system of White House regulatory oversight more stringent than President Nixon's attempts at limiting the regulations issuing from agencies implementing President Johnson's Great Society programs or President Carter's Regulatory Analysis Review Group was instituted. President Reagan's Executive Order 12291, which gave OMB the authority to inspect and reject many proposed regulations, significantly affected bureaucratic power (see Kriz, 1987). The number of final rules fell from the peak of 7,745 at the end of the Carter administration in 1980 to a low of 4,155 in 1992.[7] Nonetheless, agency power continued to be augmented through the rule-making process.

OMB was forbidden to review regulations if Congress clearly excluded economic considerations in formulating them, and OMB exempted other regulations (e.g., those requiring prompt action). Between 1981 and 1992, OMB reviewed only 47% of the total final rule documents published in the *Federal Register*.[8] OMB vetted more than 2,000 proposed regulations each year, but the vast preponderance of the rules proposed were eventually approved. The percentage of the agencies' proposed rules subject to OMB's review that were certified as consistent with the terms of Executive Order 12291 without requiring changes declined from 87% in 1981 to 65% in 1992; the nadir of 63% occurred in 1991. OMB required agencies to revise only 5% of their proposed rules in 1981, but by 1985 that had jumped to 23%; for the remainder of the Reagan-Bush era, OMB forced agencies to amend from one fifth to one fourth of their proposed rules. Even the latter figures suggest, however, that agencies retained much autonomy.

Of course, raw numbers may mask important realities. Some changes in individual rules represented key losses in agency power; perhaps also, agencies learned to anticipate OMB by proposing regulations that granted them less power than those they would have proposed in the past. But staffing limitations frequently caused OMB to seek advice from agency employees—the very people who first proposed the rules—in deciding whether to approve them. The statutory limits on OMB's reviewing power, the sheer volume of regulations that OMB conceded were necessary, the frequent requirement for quick action, and OMB's limited resources—all allowed agencies to retain substantial degrees of power over the rule-making process.

During the last 2 years of the Bush administration, in addition to the OMB's review of rules, Vice President Quayle's Council on Competitiveness often played a significant role in revising agencies' proposed rules. Because the council held secret meetings with business lobbyists and did not publish its decisions, it was often criticized (Associated Press, 1992; Hilts, 1991). The council's secrecy makes an evaluation of its impact on bureaucracy difficult, but its congressional and other opponents accused the council of interfering with regulations concerning such matters as allowable emissions levels under the Clean Air Act, the Food and Drug Administration's drug approval policies, and the definition of federally protected wetlands. The combined regulatory reviews of the OMB and of the Council on Competitiveness apparently were not, however, deemed sufficient by the administration's business supporters. In his 1992 State of the Union Address, President Bush dramatically announced his surprise in learning that rules had continued to flow from federal agencies, and he declared a moratorium on the creation of many new rules. If the president's surprise was disingenuous, his actions were implicit testimony to the belief of important political actors that agency power continued to increase through the rule-making process.

As a symbolic indication of the priority given to his idea of regulatory reform, President Clinton abolished the Council on Competitiveness the day after taking office. On September 30, 1993, he signed Executive Order 12866, which rescinded 12291 and emphasized the removal of secrecy, the creation of an open and accountable regulatory review process, and the restoration of agencies to the leading role in rule making. These ideas were compatible with the theme of "reinventing" government and closely related to the National Performance Review (Office of the Vice President, 1993). Although the principle of centralized review of rules was retained and a system of regulatory planning was established, the clear intent was to reduce the role of OMB in the process. Under the Clinton regulatory program, OMB retained the power to review only "significant" rules—especially those having an economic impact of at least $100 million. After the first 6 months of the new program, OMB reported that the number of rules reviewed was "approximately half what it was for comparable periods in previous years" (Office of Management and Budget, 1994, p. 24276). And about three fifths of the significant proposed rules were approved without change, whereas OMB required revisions for about one third of these rules. Enabling agencies to go on a regulatory binge was not, however, the intended outcome. Actions such as the following indicate that the Clinton administration was not a friend of regulation. A process

was set up for reviewing all existing rules, and another executive order (12861) required each executive department and agency to "eliminate not less than 50% of its civilian internal management regulations that are not required by law within 3 years." Additionally, the downward trend in the total number of agency rules established in recent years has continued.

If careful examination were undertaken of each of the other ways in which recent administrations supposedly brought bureaucracy to heel, a similar pattern often would be found: The bureaucracy was affected in significant ways, yet over the long term these changes were less effective in restricting bureaucratic power than was often claimed (or feared).

NEW RESTRAINTS ON THE BUREAUCRACY FROM CONGRESS

Prominent among the interrelated changes in Congress's role in governance between the mid-1960s and the mid-1990s are the following:

- the replacement of a leadership cohort of elderly men, mainly from the South, by a much younger group having varied origins;
- the development of the Republican Party in the South, making the area competitive for the first time since Reconstruction;
- the demise of the old seniority system, which reduced the power of committee chairs and increased democracy within Congress;
- the rebuilding of a new seniority system concomitant with the growth of powerful subcommittees; the proliferation of careerist legislators (Ehrenhalt, 1991);
- the creation of what became a perpetual reelection machine—98% of those who defended their seats in 1988 were returned to the Congress; the figure was 90% in 1994, based on largesse such as large personal staffs, multiple district offices, and extensive free mailings;
- the opening up of many congressional activities (e.g., more votes are recorded and many sessions are televised on C-Span.

All in all, a significant dispersion of power occurred in Congress as the autonomy of members increased and the authority of party leaders diminished.[9] This picture was modified in 1995, when the Republican-controlled House of Representatives restored many traditional powers to Speaker Gingrich—especially the power to name committee chairs.

Although the Republican Party captured the presidency in five of the seven elections between 1968 and 1992, the Democratic Party controlled the Congress between 1955 and 1994—except the Republicans won the Senate during the first 6 Reagan years. Just as the actions of recent presidents attempting to expand their control over bureaucracy may be

interpreted as reactions to congressional power, so also may the actions of Congress in this regard be interpreted as reactions to the assertion of presidential power. Prominent among these reactions is the mushrooming of the staff of the legislative branch to more than 38,000 people (Office of Personnel Management, 1994, Table 1). And many of the new staff members are subject-matter experts assigned to counter the executive's experts. Furthermore, Congress has created its own budget committees and the Congressional Budget Office. During the Reagan-Bush administrations, the Democratic majority in Congress relied on these entities' reports to protect programs under assault from the executive. In 1995, the new Republican-controlled Congress quickly redirected these organizations and used their reports to attempt to thwart Clinton-administration initiatives.

The Congress also used its traditional appointment, investigatory, and budgetary powers to help preserve its perquisites relating to bureaucracies. The Congress and the presidency share the power to make political appointments to agencies. Even though the Republican-controlled Senate readily approved most appointees at the beginning of the Reagan administration, when appointees were forced to resign because of political miscues, their replacements had to agree to change policies and prove themselves acceptable to a more skeptical Senate before confirmation was granted. Wood and Waterman (1991, pp. 807, 818-822) found this to be true of the replacements for the general counsel of the EEOC and the administrator of the EPA. Afterwards, Congress scrutinized these officers' performance more carefully than was done for their predecessors. Under this scrutiny, in contradiction to the administration's desires, the EEOC's litigations increased significantly. So did the EPA's hazardous waste inspections, which was possible only because Congress appropriated the funds to increase EPA's capacity to conduct such inspections.

Congress has become deeply involved with bureaucracies in many ways—especially through casework and through promoting the welfare of agencies directly affecting particular constituencies. Furthermore, the increase in subcommittees has meant that an agency may have to report to several, including ones that may be hostile, whereas previously subcommittees' relationships with agencies tended to be protective and monogamous. Chubb and Peterson (1989, p. 29) call this new phenomenon "conflictual oversight." In addition, Congress's increased interest in oversight has caused many analysts to accuse it of "micromanaging" agency programs.

Important changes have occurred in executive-legislative-bureaucratic interaction concerning the rules, or regulations, that flesh out the laws. As federal regulatory activity increased after World War II, Congress began to write vague laws and delegate rule-making power to agencies, frequently without setting strict standards. These vague policy mandates are a continuing source of bureaucratic power. A standard explanation for this phenomenon is that politicians have wished to leave room for bureaucrats to exercise their discretion in such highly technical fields as environmental protection and nuclear energy. But also, vague mandates frequently are a symptom that the political consensus required to draft detailed laws does not exist. In addition, politicians—wishing to avoid the responsibility for drafting detailed legislation—may prefer to leave the details to the bureaucrats; then, should it become convenient, they can be blamed for "usurping" the politicians' power. This process had proceeded so far by the late 1970s that Lowi (1979) spoke, grandiloquently, of "the end of the rule of law" (p. 124).

As noted above, the Reagan administration strongly opposed this congressional-bureaucratic nexus and instructed its political appointees in the agencies and in OMB to conduct an ideological, cost-benefit review of all proposed rules. In addition, in *Immigration and Naturalization Service v. Chadha* (1983), the Supreme Court labeled agency rule making as an executive function, declared the legislative veto (at least in its one-house version) to be unconstitutional, and called into question any legislative review of administrative rules. In combination, these actions of the executive and the court spurred Congress to reconsider its legislative drafting practices: If the Democratic majority wished to have an important impact on policy, it obviously would have to enunciate its intent more clearly. As a result, Congress frequently began to write laws that set out much more specific goals and standards—especially in such fields as environmental policy—than were common in the past (Gormley, 1989, pp. 213-220).

In early 1995, the Republican Congress moved to reintroduce a congressional veto of rules. As of this writing, the form that a new veto would take is not clear, nor is it clear how such a veto could be constructed to avoid the constitutional problems raised in the *Chadha* case. Reintroduction of the congressional veto is a manifestation of the Republican Congress's general program of reducing the power of the federal government and its bureaucracies. Important elements of the program that would affect bureaucracy follow: reducing taxes, which would affect govern-

ment's capacity to fund initiatives in all areas; reducing the regulatory burden on business, especially through adopting requirements for cost-benefit analyses; eliminating unfunded mandates on other levels of government; and reducing individual entitlements to social programs and giving the money to the states in block grants for administration. A somewhat smaller, weaker federal government would result from the adoption of these program elements. The Republican leadership also has made proposals to merge the Departments of Labor and Education and eliminate Commerce, Energy, and Housing and Urban Development.

Counterarguments

But even the lure of partisan advantage has been only a partial success in inducing Congress to become devoted to the role of bureaucratic watchdog: Most members of Congress simply have little interest in monitoring most programs of most agencies most of the time. For example, if Congress were preoccupied with the function of bureaucratic oversight, such spectacular excesses as the Housing and Urban Development (HUD) scandal that arose in 1989—about which the reports of the HUD inspector general gave ample early warning—would be unlikely to occur.

Even though Congress now often writes somewhat more specific laws than was common during most of the past quarter century, the relative vagueness of many statutes continuously places bureaucrats at the center of a legislative subprocess in which they are obliged to write rules, thus creating policies in implementing the law. Even in the Reagan-Bush era, bureaucracies promulgated 16 times more rules than Congress passed laws. Between 1981 and 1992, Congress passed an average of 0.8 laws per day, while agencies published in the *Federal Register* an average of 13.7 final rules per day.[10] The Republican congressional leadership would probably have to control enough votes to overcome a presidential veto in order to pass a requirement for rules to pass a stringent cost-benefit analysis. Otherwise, the impact of agencies on the rule-making process is unlikely to be reduced in the near future.

Even Congress's drafting of more specific statutes and its other attempts to micromanage agencies may have the latent function of increasing bureaucratic power. After noting that the newfound congressional interest in oversight is intense for some agencies and policy areas and absent in others, Durant (1991, pp. 466-467) listed four ways in which agencies may react strategically to attempted micromanagement: (a)

differing instructions from competitive committees and subcommittees may allow bureaucrats to combine forces with like-minded members and their staffs to play committees off against each other and select a course of compliance that is congruent with the agency's agenda; (b) increasing the specificity of a statute may, ironically, increase bureaucratic discretion (Durant quotes Fox and Cochran's [1990] argument that increased specifications do not eliminate discretion: "The more [specifications] proliferate, layer on layer, the more discretion increases as administrators simply use some chosen concatenation of them to express their judgments" [p. 258]; (c) micromanagement tends to put the focus on details and to leave broader policy goals to bureaucrats; (d) having formed an alliance with program bureaucrats, congressional micromanagers may pursue agency policy agendas through the courts; especially in the regulatory arena, adding specificity to statutes, legislative reports, and appropriations bills may encourage sympathetic judges to endorse the agency's regulatory programs. The preponderance of the evidence suggests that congressional micromanagement may not, thus far, have substantially reduced bureaucratic power.

Of course, the success of a Republican Congress determined to reduce federal governmental and bureaucratic power cannot now be predicted. How these plans will play with the public and other groups and how effectively President Clinton will wield at least the threat of the veto pen—especially as the 1996 presidential election campaign unfolds—is problematic. Also, the impact of the Congress's ire is likely to be differential among agencies, depending on how they fit into the prevailing ideology. Some may have their budgets and functions cut or even eliminated; others may be expanded. Clearly, the prospects for the Immigration and Naturalization Service, the Bureau of Prisons, and the Department of Defense appear brighter than do those for the Legal Services Corporation, the Food and Drug Administration, and the Department of Commerce.

NEW RESTRAINTS ON THE BUREAUCRACY FROM THE COURTS

During the past quarter century, in addition to the *Chadha* case mentioned above, the courts have deeply involved themselves in many other issues affecting bureaucracies that seldom concerned the courts previously. In general, the courts have stimulated agencies to follow the Administrative Procedures Act and even to go beyond it in becoming ever more courtlike in the process of adjudication. Furthermore, the courts have

gradually required agencies to eschew political decision making and become more courtlike in the rule-making process. As Martin Shapiro (1988) concluded, "the courts of the sixties and seventies almost entirely obliterated the distinction between adjudication and rule making and required that agency rule making look just like agency adjudication" (p. 110 [reference deleted]).

Probably the series of court actions having the most generalized impact on public agencies was the "due process explosion" of the 1970s. Agencies have been forced to respect the constitutional rights of citizens much more strictly than ever before. For example, following *Goldberg v. Kelly* (1970), agencies had to provide an evidentiary hearing before terminating a client's welfare benefits. Although the effects of *Goldberg* were later modified, strong shock waves from such rulings were felt by bureaucracies at all levels. Universities, for example, fearing suits from disgruntled students, created complex appeals procedures for handling cheating cases. Court rulings also have often supported affirmative action and other equity-related programs endorsed by the New Public Administration movement. Prodded by the courts, agencies have become increasingly concerned with proceduralism over the last quarter century. As a consequence of court intervention, agencies have become more rigid, slower, more concerned with documenting actions, and less concerned with the substantive needs of their clients.

In the 1970s, many controversial court decisions had an important impact on agencies. Courts even went so far as to take responsibility for running certain agencies—the schools in Boston, a city in New York (Yonkers), the prisons in Oklahoma—when they believed the agencies and their political overlords were not behaving responsibly. The period of the most intense judicial activism had passed by the mid-1970s, but all of the other actors in governance now think of the courts as regular actors and know that they may become involved at any stage of resolving an issue.

Counterarguments

Despite greater judicial activism in administrative matters, agencies retain much autonomy from the courts in exercising their authority to implement the law. In addition, agencies continue to be prominently involved in quasi-judicial functions. Federal bureaucracies employ many times more judges (administrative law judges) than do the federal courts. Following the primary jurisdiction doctrine, the courts continue to assume

that the agency authorized to make decisions has exclusive original jurisdiction over them and that the agency should have every opportunity to complete its action and perhaps reconsider it before court intervention. Although court rules on standing have been relaxed significantly in some areas (e.g., environmental issues), the courts continue to be reluctant to allow appeals of administrative actions. And the requirements for ripeness, exhaustion of remedies, and preservation of official immunity have been weakened somewhat, but they remain in place. Thus very few of an agency's actions are ever reviewed by a court, and the usual result of those cases reviewed is to support the agency. Even if a trial court should overturn a case, however, the agency might decide that the ruling affected only that particular case and should not act as a precedent for future cases of the same sort. According to Jerry Mashaw (1983, pp. 186-187), the Social Security Administration, the Internal Revenue Service, and the National Labor Relations Board commonly take the view that a judge's overturning of their policy in a particular case does not prohibit them from continuing to follow the policy. When agencies do appear in the appellate courts, they are usually successful. Kenneth Meier's (1993, p. 166) review of several studies of agencies' rates of success in defending their rulings concluded that each study found agencies had a success rate of about 70%-75% before the Supreme Court.

Although the courts have often interfered with the exercise of administrative discretion—even to the extent of ordering that new rules be promulgated—they have also sometimes deferred to the authority of "congressional intent" and "rational analysis" in supporting the power of the permanent bureaucracy against political appointees and the OMB (Melnick, 1989, pp. 204-205). Shapiro (1988) concludes that in the regulatory arena, court reviews have had the dual impact of decreasing the power of political appointees and increasing that of permanent civil servants: "If the courts substitute their own interpretations of the statute for those of the agency heads, and at the same time demand technologically complete and correct decision making, then they shift the balance of power within agencies from the political heads who oppose regulation to the long-term bureaucrats whose job is regulation" (p. 125). Finally, Durant (1991, p. 465) notes that the courts' inauguration of such new approaches as the "hard look" doctrine may actually have increased bureaucratic power. As important as the courts have become in the lives of bureaucrats, the courts have not taken away the political power of the permanent bureaucracy.

NEW RESTRAINTS ON THE BUREAUCRACY
FROM THE NONSTATE ACTORS

American writers on bureaucracy commonly stress the centrality for an agency of building a constituency, or of mobilizing groups of political supporters (e.g., Rourke, 1984, chap. 3). I take a somewhat broader focus on the entire range of nonstate actors in the agency's environment, including both supporters and opponents. Among these actors, especially important changes have recently occurred in the ways that some interest groups and the mass media relate to agencies.

More and more separate groups have been formed in recent years, frequently as a result of the fragmentation of existing groups.[11] Every analyst talks of the proliferation of "special interests" and of the incredible intensity of their lobbying activities. Corporations also have stepped up their efforts to influence government; in the 1980s, many corporations—including not-for-profit corporations—became deeply involved in playing the role of contractor to agencies. Of course, the number and the scope of activity of associational interest groups—including those given such labels as trade associations, professional groups, unions, and clientele groups—increased greatly in the period under study. In addition, "public interest" groups, both on the Left and on the Right, also formed to pursue their interpretation of the good of the whole society. Although the Reagan administration came into office determined to reduce the power of interest groups in the political system, the administration's policies tended to have the opposite effect. Power was sometimes shifted from liberal to conservative and business groups, but interest group power in general may have been stimulated as groups were forced to devote more attention to building coalitions, mobilizing their membership, and organizing at the state level (see Wolman & Teitelbaum, 1984, pp. 316-329). A technique for multiplying group power successfully used by many kinds of groups is the formation of political action committees, which contribute to politicians' campaigns with the intention of gaining favorable treatment for the group. The evidence from 1995 is that the business and other ideological groups supporting the winning side in the 1994 congressional election have been given unusual degrees of access to the legislative process, even to the extent of being asked to draft important pieces of legislation when the affected bureaucrats have been excluded from the process (Drinkard, 1995). But conservative groups have not necessarily become captives of the Republican leaders. For example, in 1995 agricultural interest groups supported the Agriculture Department and scuttled the plan of the leader-

ship in the House of Representatives and of the Republican governors to fold food stamps into a state block grant.

Much of the most influential policy literature was written in the mid- to late 1960s, when the conventional interpretation was that many policy arenas were virtually off-limits to outsiders. The pattern was frequently talked about as an "iron triangle," or "subgovernment," in which very strong alliances supposedly formed between the most important pressure groups, the relevant congressional committee or subcommittee, and the bureaucracy. In many of those arenas, it was assumed that outsiders simply were not allowed in—at least as far as routine business was concerned (Ripley & Franklin, 1991, p. 7). In its pure form, that conception has become more and more difficult to maintain. An important problem for the notion is that multiple pressure groups now may compete with each other in a given policy arena. Frequently owing to such developments as the specialization of various kinds of consumers and producers, many groups are fragments of originally broader groups. And the media may expose the disputes to a wide audience. The traditional groups (usually called the constituents in the literature), the congressional subcommittee (competitors may now exist), and the bureaucracy may be unhappy about the intrusion of these "outsiders."

In addition, ever since Watergate, in the early 1970s, the media have become increasingly involved with the policy process as it affects bureau- cracy. Many reporters see themselves as a Woodward or Bernstein devel- oping "deep throat" sources within bureaucracies, pressure groups, and so on. Newspapers with little previous history of investigative reporting now sometimes sponsor such digging. Hence many of the established policy actors—let us say, in a "subgovernment"—may not feel safe doing things the old ways because their actions might be on page one tomorrow, or the camera crew for *Sixty Minutes* might show up this afternoon. Wood and Waterman (1993) conducted empirical research into litigation referrals for four programs of the EPA and found that "bureaucracy is very sensitive to media perceptions" (p. 524). They concluded that news stories stimu- lated litigation referrals to about the same degree as did congressional hearings and judicial decisions.

Counterarguments

Nonetheless, bureaucracies are adaptive institutions and have adjusted to the new multiplicity of groups and to the increased aggressiveness of

the media. For example, agencies may play groups off against each other and against rival congressional subcommittees. Bureaucracies have sometimes even stimulated the formation of new groups that support the agency's interests, and they may try to co-opt others.[12] Among academicians who believe that bureaucracies are significant actors in the governance process, debate rages about which of several theories, or images, best depicts bureaucracy's role. In addition to the iron triangle and the subgovernment, or subsystem, theories already mentioned in this section, leading contenders include polyarchy, interest group liberalism, corporatism, issue networks, and advocacy coalitions (Hill, 1991). Notwithstanding the increases in group activity and power that have occurred during the period under study, according to all of these theories bureaucracies retain considerable power against groups.

Moreover, bureaucracies are not simply left at the mercy of the media; virtually all bureaucracies have a proactive media policy. Despite an intense media investigation, for example, an agency may retain the ability to exercise discretionary authority in a given case. Managing the news has become a principal interest of many governmental agencies, which have made large investments in public affairs offices in recent years (see Graber, 1992, for an introduction to agency public relations techniques). News management was carried to new heights in the 1991 Gulf War, when the armed forces allowed only censored pool coverage of combat operations and succeeded in restricting the media so that the public learned only what the military wanted it to learn.

SHORTCOMINGS OF THE GULLIVER METAPHOR

Each of the restraints discussed above may have limited somewhat the power of public bureaucracies. Does it not make sense, then, to argue that the cumulative effect of the restraints was to limit bureaucracy in the same way that the Lilliputians bound Gulliver with many small but strong tethers? Because this metaphor is congruent with American political culture and has considerable face validity, it ought not to be dismissed lightly. No simple answer to the question is possible, but I am skeptical about the metaphor's usefulness.

An initial problem with the metaphor is that the individual bureaucratic tethers may not be as strong as often presumed: The counterarguments discussed above indicate that this is true of each of the restraints considered. A key to the relative weakness of many restraints is that they are created conjointly by the executive and the legislative branches, which

cannot agree about their appropriate strength. For this reason, unraveling the origins of the various restraints is often difficult. Not surprisingly, two of the most useful empirical works on the political control of bureaucracy conducted within the principal-agent research tradition encountered the so-called "multiple principals" difficulty (Wood & Waterman, 1991, p. 822; Wood & Waterman, 1993, p. 524). The tools of political appointments and budgeting—both shared by the president and the Congress—were found to be the most important tools for controlling agency outputs. Less control was exerted by the single-branch tools of executive reorganizations and congressional oversight.

An additional problem is that the effects of the restraints are not simply summative. That is, they often evolved in reaction to the imposition of other restraints; perhaps new ones had the effect of untying the original restraint. For example, many of the recent restraints imposed by the president were counterresponses to alliances that Congress had earlier created with the bureaucracy, and many of the subsequent legislative restraints were responses, in turn, to the executive's antibureaucratic initiatives—what Aberbach and Rockman (1988, p. 611) called "retaliatory behavior." Rourke (1993) says that a main explanation for the failure of the Reagan attempts to "presidentialize the bureaucracy," which had their origins in the Nixon administration, was that they "triggered an offsetting response in Congress in the form of a new wave of legislative micromanagement." Drawing a parallel between these events and the congressional attempt to achieve suzerainty over bureaucracy in the post–Civil War period, he concluded, "The failure of both these efforts suggests that joint custody over bureaucracy represents a point of equilibrium from which the President and Congress may sometimes depart, but to which they invariably return" (p. 690).

After reviewing recent history, Shapiro (1988) pointed to the consequences for bureaucratic autonomy of attempting control through a process in which both the president and the Congress impose further restraints on agencies: "It is far easier to get out from under two bosses with ambiguous and contradictory authority than it is to get out from under one boss with clear authority" (p. 109). Of course, the effects of many political changes affecting bureaucracy have caused more complex interactions than exchanges between two competitors. For example, attempts at increased bureaucratic control by recent Republican administrations stimulated not only congressional reaction but also reactions by such other actors as the courts, interest groups, and the media. Referring to such interactions in the passage following the one quoted above, Shapiro

concluded that as a result of the courts' actions, "an independent bureaucratic fourth branch" had been created through a process in which "two bosses are turned into none" (p. 109). After reviewing tethers slipped on by different actors, Heclo (1985) reached a similar conclusion: "The greater an appointee's bureaucratic effectiveness, the more this success may have the effect of mobilizing outside political opponents. The appointee becomes an inadvertent fundraiser for interest groups, a point of integration and focus for otherwise fragmented congressional critics, a supplier of case material for litigious opponents, and so on" (p. 373). Governance is thus revealed as a complex interactive process—a system—and changes in one part of the process may stimulate reactions among other actors in the process.

These reactions may not be predictable in advance because the changes could cause unexpected consequences. For example, in his critique of what he calls the "thickening" of government (the increase of layers of management and of occupants of the layers), Paul Light (1995) found that the unplanned result of adding more political appointees to superintend the bureaucracy was to increase the number of senior careerists: "There appears to be a symbiosis—each new presidential appointee brings his or her share of deputies, assistants, and associates, many of whom are career civil servants" (p. 91). This increase has been dramatic: "Nine of ten senior jobs were occupied by political appointees at the end of the second Eisenhower administration; the number had fallen to just one out of three by the end of the Bush administration thirty-two years later" (Light, 1995, pp. 91-92). Raw numbers may be even more illuminating than percentages: Whereas only 27 career employees were found in executive levels I-IV at the end of Eisenhower's second term, 1,038 were found there at the end of Bush's term (Light, 1995, chap. 3, Table 7, p. 91). When one moves beyond executive levels I-IV to consider the entire range of political appointees, the implications for presidential control of the bureaucracy are even clearer. The National Commission on the Public Service argued, "Excessive numbers of presidential appointees may actually undermine effective presidential control of the executive branch. Presidents today are further away from the top career layers of government with 3,000 appointees . . . than was Franklin Roosevelt 50 years ago with barely 200" (1989, p. 17; quoted in Light, 1995, p. 89). Thus an important, if unforeseen, impact of appointing more political overseers for bureaucracy has been to create even more career bureaucrats, whose willingness to obey presidential wishes may be suspect.

The metaphor of Gulliver and the Lilliputians has proven difficult to apply to attempts at controlling bureaucracy. Not all of those attending the bureaucratic Gulliver have wanted to restrain him, for example, and many of the ropes were weaker than often understood. Of course, the restraints affecting bureaucracy are not really inanimate objects like ropes, but are demands that agencies behave in certain ways. So many demands, which are often competitive and mutually incompatible, prescribe proper behavior for the bureaucracy, however, that it could not possibly comply with all of them, if it were to attempt to do so. Raising the possibility that bureaucracy could make choices in responding to the demands obviously points to other problems with the Gulliver metaphor.

THE CASE FOR VIEWING THE BUREAUCRACY AS A REGENERATIVE PHOENIX

Metaphors provide such a powerful basis for political understanding that the choice of a particular metaphor is a crucial decision for the analyst.[13] Although some kinds of organic metaphors may be useful for analyzing American bureaucracies, viewing them as great beasts subject to restraint is to misunderstand their nature. Bureaucracies are a type of organism that may allow considerable amounts of power to flow from them without necessarily becoming depleted of power. The explanation for this phenomenon is that both the very nature of bureaucratic structures and their position in the American system of governance provide recurrent opportunities for regenerating bureaucratic power.

Perhaps viewing bureaucracy as a phoenix will prove to be more useful than the Gulliver metaphor has been. In Egyptian mythology, the phoenix, a fantastic bird of great beauty, lived in the Arabian wilderness for 500 years before burning itself on a funeral pyre in Heliopolis and being reborn from its own ashes to begin another cycle of life. For centuries, the phoenix has been a symbol for immortality and renewal, and it seems an appropriate metaphor for bureaucracy.

HOW BUREAUCRATIC STRUCTURES AND FUNCTIONS REGENERATE BUREAUCRATIC POWER

Recent studies by a variety of scholars—especially the quantitative research of principal-agent theorists—have provided persuasive evidence of the ability of political actors, including those outside of iron triangles,

to affect agencies' outputs. This evidence certainly allows us to reject any assertion that bureaucratic autonomy is extensive enough to constitute autarchy, or absolute sovereignty. But none of the above-discussed changes affecting bureaucracies has altered their status as behaving entities endowed with important political action resources and capable of taking significant autonomous action. As organizations in action (Thompson, 1967), bureaucracies continue to have opportunities to regenerate power. Light's (1995) investigations have pointed out that even adding new layers of Washington-based supervisors, intended to control agencies, may have the unplanned consequence of adding to the autonomy of local field offices (p. 87).

Bureaucratic autonomy, literally "self rule," must be understood as a relative phenomenon that refers to only a limited zone of independence. In this sense, analysts are well aware of the tendency toward autonomy. For example, while exploring bureaucratic adaptability during the early Reagan administration, Wood and Waterman (1993) noted that the EPA was more responsive to the Democratic-controlled House committee than to the Republican-controlled Senate committee and said, "All other factors being equal, the bureaucracy always responds with greater magnitude and alacrity to the principal whose preferences are closest to those of the bureaucracy" (pp. 518-519). The drive for bureaucratic autonomy is so commonly understood that references to it are a part of the conventional wisdom about public affairs. For example, in reporting on the results of Executive Order 12866 about regulatory review, the OMB (1994) spoke of "the natural tendency of large agencies to seek autonomy within departments" (p. 24283).

But why would bureaucracies regenerate political power and seek autonomy? The brief answer is that they are purposive organizations, and virtually all analysts—however diverse their perspectives may be—stress the importance of studying various categories of goals or missions or interests or values for understanding why agencies do what they do (e.g., Perrow, 1970, chap. 5; Wilson, 1989, chap. 6). Some analysts apply, at least implicitly, Robert Merton's (1968, chap. 3) functional interpretation to bureaucracy's operations and argue that its formal goals—"manifest" goals in Merton's terms—often are a smoke screen for its real goals—which Merton labels "latent" goals. If the manifest goals have been displaced, the agency may seek autonomy or job security for its members. Regardless of whether one castigates public bureaucracies as self-serving parasites on the body politic ("shirkers," in principal-agent jargon) or

celebrates them as selfless embodiments of the democratic purpose, bureaucracies clearly do behave purposively.[14]

Although anthropomorphizing bureaucracies would be a mistake, treating them as mere collections of people and resources oriented around routine tasks, but lacking any direction or life force, would be a greater mistake. Bureaucracies are highly adaptive organizations. Their members tend to be motivated to accomplish their purposes, and bureaucracies tend to socialize new members to accept their values and to generate leaders who are goal oriented. For the most part, expecting to divert bureaucracies from pursuit of their purposive activities would be quixotic.

Opportunities to regenerate political power arise day after day as bureaucracies perform their missions, or do their work. Of course, bureaucratic work must be interpreted broadly to include a wide range of activities sometimes artificially separated into "policy" and "administration." Mere "implementation" certainly does not suffice to describe bureaucratic work. In doing their variegated work, bureaucracies have varying amounts of coercive power; their success is frequently dependent on the ability to develop authority relationships with other political actors.[15] No other actor has absolute authority, and bureaucracies and other competing authorities must sort out their conflicts through what Charles Lindblom calls the process of mutual adjustment (1977, chap. 2).

The foregoing conception of bureaucracy's political role provides the basis for an alternative way of perceiving the effects of the preponderance of the bureaucracy-related political changes discussed above. Rather than thinking of the changes simply as new restraints on bureaucracy, many may be regarded as additional inputs to a process of governance in which no dominant actor exists and bureaucracy is a key actor. If so many inputs—including conflicting and incompatible ones—are put forward, perhaps bureaucracies will often have the opportunity to choose which ones to obey and, thus, maintain much of their autonomy as they pursue their purposes.

The following inventory of bureaucracy's legal, material, strategic-organizational, and cultural power bases reinforces this interpretation and illustrates how bureaucratic power is constantly regenerated. The discussion assumes that the broad range of public bureaucracies around the world have access to the structural resources, while also assuming that the political culture gives American bureaucracies unique resources for power regeneration. Of course, American public bureaucracies—as well as those in other countries—are not generic entities; the powers of individual bureaucracies differ greatly.

REGENERATIVE POWER BASES
INHERENT IN BUREAUCRACY'S NATURE

As Weber emphasized, the law is an important bureaucratic power resource in many respects.[16] For example, the law acts as a gyroscope to keep an agency doing what it is charged with doing over the long term, even if other forces (including political appointees) should want to change course. Bureaucrats may appeal to the law's norms as a defense against such attempted interference, and they can frequently justify their actions as mere enforcement of the law. Agencies are constantly required to defend their actions in the courts and expected to bring charges against suspected lawbreakers; these activities place bureaucrats in a relatively neutral forum where they have the opportunity to frame the agency's preferences in terms of abstract legal norms. Changes in the law generate new bureaucratic power because they require much reinterpretation.

Furthermore, a bureaucracy's material resources are always a source of power. Both increases and decreases in budgets require the making of numerous decisions about allocations and reallocations. Being instructed to apply "cutback" management techniques, for example, provides opportunities for exercising important political choices. Should one part of an agency's clientele be favored rather than another, perhaps with the intention of encouraging the deprived clients to complain about the level of funding?

In addition, bureaucracies have many strategic-organizational resources that provide opportunities to regenerate political power:

1. Because bureaucracies are often monopoly suppliers of services, other key actors in governance must constantly reorient themselves toward the agency, and nonbureaucratic actors are frequently put in the role of supplicants.
2. Bureaucracies are largely staffed by career civil servants. When personnel changes occur within agencies, overlapping terms of duty and tenure are likely to provide for continuity. The nonbureaucratic actors often acknowledge the temporary nature of their involvement in governance and expect that the permanent bureaucracy will have the principal responsibility for planning. Over the long term, the permanence of personnel allows the power of bureaucracy to grow relative to that of temporary, nonbureaucratic competitors.
3. Every analyst has acknowledged the importance of expertise, knowledge, and specialization as bureaucratic power resources. A social development of the first order, which also is a crucial resource of bureaucracy, is that these three have been combined in the phenomenon known as professionalization. In his review of the bureaucracy's changing political setting, Rourke (1991, pp. 120-121) concludes that the proliferation of expertise

within the political branches of government and the private sector means that governmental bureaucracies have lost much of the comparative advantage their expertise traditionally has given them over other actors.

Many effects of this dispersal of professionalization may be ameliorated, however, by other considerations. One is that higher turnover among presidential and congressional professionals tends to give agency professionals the advantage. Congressional staff turnover is so high that two editions of the *Congressional Staff Directory* are published each year. In 1991, the *Directory* (Brownson, 1991, p. xiv) cited a study indicating that one half of the House staffers had been employed for one year or less and that the average tenure of the House staff was under 3 years. Another consideration is that governmental agencies are often the initiators of new forms of expertise or the principal sources of training for their application. Thus the agencies' perspective may be crucial in molding the actual consequences of the new expertise for the policy sector. In addition, the long-range political importance of increased professionalization often is not in determining which professionals are to be in charge, but in determining whether professionals or nonprofessionals are to be in charge. The professionals (or the technocrats—whoever their employer may be at that time) may make common cause against the nonprofessionals and possess a formidable political armory to use against them.

4.   The mere fact that bureaucrats are the ones who deal with mundane matters, many of which may be nonprofessional in nature, day in and day out, makes them the experts on virtually everything that falls within their purview. Weber's (1978) famous observation on this point is pertinent: "In a modern state the actual ruler is necessarily and unavoidably the bureaucracy, since power is exercised neither through parliamentary speeches nor monarchical enunciations but through the routines of administration" (p. 1393). For an outsider (even a professionally qualified outsider appointed to a position of authority) mounting an effective challenge to "routine" expertise may be extremely difficult.

5.   Despite the Freedom of Information Act, federal bureaucracies continue to affect the context of decision making through controlling the flow of information. Outsiders who happen to learn of the existence of certain information may succeed in gaining access to it, but they may get incomplete information out of context and may never hear about other relevant information that the bureaucracy does not want disclosed until after decisions have been made. In the jargon of principal-agent theorists, this is the problem of "information asymmetry." The ability to restrict information may also enhance the opportunity for bureaucracies to decide not to decide. Civil servants in the lower echelons, for example, may choose not to pass information on to those at higher levels, and nondecisions become, of course, actual decisions.

6.   Bureaucracies also continue to affect the context of decision making through controlling the timing of decisions. Occasions for decision arise constantly, and agencies often have the opportunity to set priorities about the order in which decisions will be made. Perhaps the agency's influence can be maximized while the opponents are off-balance. And the agency

the order in which decisions will be made. Perhaps the agency's influence can be maximized while the opponents are off-balance. And the agency may refuse to agree that an occasion for decision exists "at this time"—a possibility pointing again to the importance of nondecisions.

7. Because many occasions for making decisions are presented to agencies on an emergency basis, bureaucracy's power is often increased. Some situations involve natural emergencies (e.g., earthquakes, floods, oil spills); others represent such important political developments as a medical epidemic, a stock market crash, or a war. Sometimes elected politicians may wish to move quickly. For example, at the beginning of the Reagan administration, a decision was made to spend many billions of dollars on a defense buildup; the armed services were asked to draw up a wish list of weapons programs very quickly so that it could be presented to Congress while the prodefense tide ran strongly. Because there was such a rush in making these decisions, politicians sometimes had little input in the choice of the new weapons systems.

8. What is vaguely called the process of implementation constantly allows bureaucracies to regenerate political power. Bureaucracies must make innumerable decisions, decisions that cannot be preprogrammed; bureaucracies "have the action" and the ability to exercise discretion. Other actors may sometimes restrict bureaucratic discretion, but it can be reduced only to a certain degree.

Those arguing in favor of the diminished bureaucratic influence thesis can make their best arguments when the focus is on top-level policy. As we have already seen, the success of the Reagan administration and other political actors in taking many top-level decisions from bureaucrats was significant, if limited. The appointment of special commissions to deal with pressing public problems is a case in point. Rourke's conclusion that the increasing reliance on temporary commissions has contributed to the decline of the civil service's influence on high-level policy making is persuasive (1991, pp. 124-125). Yet determining just how consequential the commissions are for reducing bureaucratic power can be difficult. Of course, many agencies have not had the experience of a commission operating in their policy sector, although they may have been affected by those, such as the Grace Commission, taking a comprehensive view of bureaucracy. In addition, agencies may have much influence through doing staff work for the commissions and offering interpretations—influences that the Grace Commission sought to avoid by rejecting such bureaucratic assistance. In 1990, Congress decided that the Pentagon's influence on the Defense Base Closure and Realignment Commission was excessive and revised the statute to decrease the power of the military bureaucracy over the commission.

However much power the bureaucracy retains over top-level implementation, as the policy focus moves downward, bureaucracy's power inevitably increases. This becomes apparent if we use the following additional labels: intermediate-level policy (e.g., determining the funding levels or the eligibility criteria for particular programs) tends to take place in agency

offices and to feature the agency's leading bureaucrats among other actors; implementation policy, or policy about precisely how to make programs work (e.g., writing policies-and-procedures manuals) tends to be monopolized by midlevel bureaucrats operating on bureaucratic turf; action-level (or service delivery or street-level) policy offers an illustration of bureaucratic power that is often nearly unrivaled by extrabureaucratic actors. Furthermore, bureaucracy's power is underlined if we focus on the stages of the policy process: Bureaucratic power is significant at every stage. Particularly in the policy processes' latter stages, however, other actors frequently cannot seriously challenge bureaucracy's power.[17]

BUREAUCRACY'S REGENERATIVE POWER BASES
ARISING FROM AMERICAN POLITICAL CULTURE

Moreover, several peculiarities of the political culture may continuously allow bureaucracies to regenerate their political power. One of the most prominent peculiarities would at first appear to be a source of bureaucratic weakness: American bureaucracies do not have a political protector in the form of a dominant executive as is generally the case in Europe, for example, under the parliamentary form of government. The essential cutting point of American democracy is the constant tension between the executive and the legislature. Both branches have important, competitive powers over bureaucracy. This competition requires the bureaucrats to behave "politically" in order to prosper or simply to survive. The pattern, which has become common in the post-War period, in which one party controls the presidency and another at least one house of the Congress often adds a partisan dimension to the battle between the branches of government. Even when both branches are controlled by the same political party, however, this fragmentation of political controls over bureaucracy is, ironically, a continuing source of American bureaucratic power. The conflict that is characteristic of the relations between the "political" branches of our chronically divided government often results in gridlock, which regularly stimulates the regeneration of bureaucratic power. The above-discussed conflict over laws and rules is illustrative of this state of immobilism.

In addition, from Tocqueville onward, every outside observer of the American political process has found group influences to be unusually powerful. The American state is more virile than many political scientists have supposed, but the elected branches of government are relatively weak and groups are unusually strong. Group strength, along with the lack of a bureaucratic protector and the fragmentation of political control over

bureaucracy, encourages agencies to convert their common interests with their affected publics into an autonomous source of power. Because it is an iron law of politics that groups flow to power and because bureaucracies obviously have a significant chunk of it in the American polity, groups will constantly approach agencies that affect their interests. The groups and the agencies then have a continuing interest in uniting in order to affect the elected politicians—a linkage that enhances bureaucratic power and may even create subgovernments, or iron triangles, at least for a time on some matters.

Furthermore, the developing American political regime is highly competitive, and few issues command a consensus for long. Contention is endemic among rival interest groups, between the political parties, and between the executive and the legislative branches. Perhaps surprisingly, this perpetual discord helps to regenerate bureaucratic power: Bureaucrats often are viewed as the only nonpartisan force that can serve as a relatively disinterested mediator. Particularly when quick action must be taken, more confidence may be placed in permanent bureaucrats than in any other group of actors.

Finally, despite its prevalence, engaging in "politics" often is considered distasteful in the American political culture. One extrabureaucratic reaction to this cultural norm already has been discussed—the creation of ad hoc, short-term commissions. Other reactions tend to regenerate bureaucratic power. For example, we have been creative in turning over to bureaucratic actors contentious matters that supposedly are technical or managerial—matters that clearly would be reserved for political actors in many other countries. Although there is no national equivalent of the city manager, we have created similar entities for certain policy sectors. For example, the question of the size of the money supply is entrusted to the Federal Reserve, which was created deliberately as a bureaucratic, "nonpolitical" body. In most other democracies (Germany is another exceptional case), controlling the money supply is considered a central responsibility of the elected government. If Americans have to choose whether to trust politicians or bureaucrats, they may well choose bureaucrats.

This inventory of bureaucracy's inherent structural power bases as well as those arising from American political culture provides a record of bureaucracy's manifold opportunities for regenerating power in pursuit of its purposes. Bureaucrats may, of course, choose to implement these opportunities in many different ways. For example, they might decide to cooperate enthusiastically with one set of actors, let us say political appointees, while staunchly opposing another set, let us say the courts.

Attention tends to focus on bureaucratic opposition, which may be limited to mild resistance or extend to whistle-blowing, insurgency, or sabotage (see Bergerson, 1980; Brower and Abolafia, 1992; Landey, 1988). But (however constrained they may be) as they pursue their purposes, bureaucrats always have opportunities to behave strategically in deciding which other actors to oppose and which to support.

CONCLUSIONS

All in all, this reconsideration of the power of federal bureaucracies in light of the broad range of recent political changes has revealed that some changes are likely to have a continuing effect on bureaucratic power. The Clinton administration restricted, but maintained, OMB's authority to vet agency rules, for example; and future administrations, of whatever ideological persuasion, are likely to retain the power. If a hostile Congress could not agree to take this power from Ronald Reagan, George Bush, or Bill Clinton, a future Congress is unlikely to remove it from another president. Yet the foregoing history does not support the thesis that bureaucracies have been so severely restricted that they have ceased to be significant actors in governance. The metaphor of Gulliver immobilized by the Lilliputians' ropes does not seem to be appropriate for understanding bureaucracy's political situation. Instead, many of the restraints intended to control bureaucracy are weaker than is often assumed. In addition, the restraints have often interfered with each other and had the unintended effect of enhancing bureaucracy's ability to choose how to behave. But the essential problem with the metaphor lies in its conception of bureaucracy as an organism that is capable of being controlled simply by being tied up and then tamed.

A more appropriate metaphor for understanding bureaucracy's nature features the regenerative capacity of the organism—a powerful theme of both mythology and biology. In addition to the phoenix, which is discussed above, mythology has also given us that fabulous monster, the hydra, for example; and biologists tell us of the regenerative powers of starfish, neural networks, and many plants.

Although both mythology and biology provide provocative metaphors, directly applying these images to bureaucracies may be misleading. Bureaucracies are not really like the hydra; for example, if one head is cut off without cauterizing the neck stump, bureaucracies do not grow back

two heads. Nor are bureaucracies really like an injured nerve that may grow back more complex and elaborate than before, but less direct and efficient. Despite the popular appeal of using these and other similar metaphors (e.g., metastasizing cancer) for describing bureaucracy, we must take care to ensure that the metaphors do not obscure more than they illuminate our understanding of the phenomenon.

Nonetheless, good reasons exist to support using a metaphor such as the phoenix to describe bureaucracies, which are purposive political organisms and do possess a number of legal, material, and strategic-organizational attributes that allow them to regenerate political power. These attributes are enhanced by several unique features of the American political culture that also tend continuously to regenerate bureaucracy's power. Not the least of these features is the increasing fragmentation and fluidity of the governance process; no one actor or small group of actors is "in charge" of this emerging factionalized regime (Heclo, 1989, pp. 309-312). Because governance tends also to be characterized by a high degree of partisanship and a lack of consensus, other political actors often perceive of bureaucracy as a relatively disinterested, honest broker and turn to it when they fail to resolve their disputes. The American tendency to ask bureaucracies to handle contentious and technical matters is so well developed that speculations about a movement arising someday to create a "national manager" as a partial substitute for the president may be only slightly hyperbolical. In any event, President Reagan's boast that he was taming the "federal bureaucratic monster" by teaching it to "heel" seems to have been premature, to say the least.

American bureaucratic power may be sharply curtailed in the future; indeed, this is the plan of the Republican congressional majority that took office in 1995. But such an outcome, which would run counter to the current of political change that has been most powerful in the period since World War II, would require important political-cultural and structural reforms. I suspect that—after some agencies are downsized and some functions reallocated to other levels of government—a new, probably somewhat lower, equilibrium of bureaucratic power gradually will be achieved, that the "radical" chairs of committees and subcommittees will become increasingly comfortable with "their" bureaucratic chieftains, and that a base will be created from which bureaucratic power will again regenerate.

If the foregoing prediction should prove correct, a real test for the future of bureaucratic power might come with the election of a Republican Congress and a Republican president, both committed to a reduction of

Congress and a Republican president, both committed to a reduction of federal governmental power. Even that eventuality would not, however, necessarily mean that bureaucratic power would be ended. If the history of the perpetual tension between Democratic presidents and Democratic congresses is any guide, our political system's built-in constitutional rivalry between the two main branches of government virtually guarantees that, over time, the Congress and the president will conflict in ways that will allow bureaucratic power to be regenerated. In addition, the veto power that is liberally sprinkled among other actors and throughout other parts of the political system would also be likely to lead to a new, if lower, equilibrium from which federal bureaucratic power could be regenerated.

A burgeoning development that could invalidate this set of predictions, at least partially, is what Richard P. Nathan has called the "devolution revolution."[18] The revolution's proponents—who are prominent among politicians in the Republican Party's leadership—advocate that federal programs be folded together into block grants and given to the states whenever possible. Under this latest rendition of federalism, most power to supervise programs—particularly those in social welfare areas—would be taken from federal agencies; indeed, states often would be allowed to decide not only spending levels for programs, but whether to continue to provide a given program. To be sure, such a development would lead to a reduction of federal bureaucratic power, but not, perhaps, to the reduction of bureaucratic power overall. The reason for the qualification is that administering new programs financed by block grants would lead to the creation of much larger state bureaucracies having larger responsibilities. Mead's study of Wisconsin's experimental welfare system, which sought to channel welfare recipients into jobs and education, found that more caseworkers were required to supervise recipients more closely. Mead said that reforming welfare necessitated more rather than less bureaucracy even while it saved money on balance (Rosenbaum, 1995). These bureaucracies would inevitably assume an increased role in the political process of the states. And bureaucratic power would be regenerated at the state level.

NOTES

1. *Bureaucracy* is used in the *Oxford English Dictionary*'s sense of "government by bureau" because the term calls attention to the power of large public organizations. Max

Weber's (1978, Vol. 1, pp. 956-1005) ideal-typical conception of bureaucracy is valuable as a benchmark, but use of the term here does not limit consideration to pure bureaucracies.

2. I have reflected upon many of the difficulties of predicting the future of bureaucracy in Hill (1992).

3. For an introduction to the perspective, see Moe (1984). Many of these scholars would fall into the category that Gerald Garvey (1993, pp. 3-5) calls "new theorists."

4. Durant (1991) has undertaken a point-by-point critique of Rourke (1991).

5. The non-DOD figures are taken from Office of Personnel Management (1994, Table 1); the data for 1980 and 1988 are taken from the same publication for those years. The DOD figures are taken from Department of Defense (1993, p. 50); the data for 1980 and 1988 are taken from the same publication for those years.

6. The estimate of the total number of policy-managerial positions in agencies is from Goldenberg (1985, p. 382).

7. The figures for the rules for 1980 and 1981 were supplied by the staff of the *Federal Register*; the figures for 1982-1991 are from Office of Management and Budget (1993, p. 623); the figures for 1992 were supplied by the staff of OMB's Regulatory Information Service Center.

8. Calculated from the sources given in the preceding note and from Exhibit 6 in OMB's Regulatory Program of the United States Government for the years 1981-1991; the figures in Exhibit 6 for 1992 were supplied by the staff of OMB's Regulatory Information Service Center. The other figures cited in this paragraph also are from Exhibit 6 for the years cited.

9. Shepsle (1989) and Dodd (1989) discuss many of these changes.

10. The total number of laws passed was 3,713; the total number of regulations published was 60,216. The figures for the laws are from the *Congressional Quarterly Almanac, 103rd Congress, 1st Session, 1993* (1994, p. 6). The figures for the rules are from the sources listed in note 7.

11. Lowi (1979) discusses the historical development of "interest-group liberalism." From a different theoretical perspective, Moe (1989) discusses the influence of interest groups on the structure of public bureaucracies, which, he argues, has limited their effectiveness.

12. The preceding revisionist perspective on subgovernments and iron triangles is shared by a growing body of literature (see Berry, 1989; Durant, 1991; Heclo, 1978; Hill, 1991, pp. 282-283; Malbin, 1985; Rourke, 1991, p. 121; Wood & Waterman, 1994).

13. On the use of metaphor in organizational analysis, see Landau (1961) and Morgan (1986).

14. For an elaboration of the former perspective, often described as the "public choice" perspective, see Tullock (1965); for an elaboration of the latter perspective, which endorses the legitimacy of "the agency point of view," see Wamsley, Goodsell, Rohr, White, and Wolf (1992).

15. Illuminating discussions of power, influence, and authority appear in Lasswell and Kaplan (1950).

16. Any discussion of bureaucratic power bases is inevitably dependent on Weber. Many of his ideas are summarized in the essay on bureaucracy in *Economy and Society* (1978, Vol. 1, pp. 956-1005; see also Vol. 1, pp. 212-226).

17. In emphasizing that bureaucratic power depends on policy level and stage, I am, of course, taking a contingency approach. Durant (1991, p. 474) lists 11 other contingencies of bureaucratic power.

18. This term is cited in Moynihan (1995).

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