

Bureaucracy and Public Policy
POL-UA 0350
Fall 2011
Professor Sanford Clark Gordon

I. Introduction

Bureaucracies are inescapably embedded in the American political environment, and political conflicts within administrative agencies are ubiquitous. In this course, we will examine the major questions political scientists ask about public bureaucracies: How have they evolved to their current form? Why do bureaucrats engage in behavior that many of us consider pathological or arbitrary? Under what conditions will government contract out to the private sector? How can unelected government officials be made more accountable to their elected counterparts and to citizens? In addressing these questions and others, we will draw on cases of “government in action” in a number of different public policy areas.

II. Contact and Meeting Information

Professor

Sanford Clark Gordon
19 W. 4th St., Room 311
Phone: (212) 998-3708
E-mail: sanford.gordon@nyu.edu
Office Hours: Monday 2-4pm, or by appointment

Class meetings

Tuesday/Thursday 11am-12:15pm, Silver 401

III. Required Readings

The following books are available for purchase at the University bookstore:

- Wilson, James Q. 1989. *Bureaucracy: What Government Agencies Do and Why they Do It*. New York: Basic Books
- Lewis, David E. 2008. *The Politics of Presidential Appointments*. Princeton: Princeton University Press
- Herbert Kaufman, 1960. *The Forest Ranger*. Washington, DC: Resources for the Future

Additional reading material will be made available on Blackboard (BB).

IV. Student Responsibilities and Course Grading

Formal Course Requirements

Classroom Participation

10%

The most significant difference between this class and others like it is its heavy reliance on *case studies*. On twelve occasions, about half of a class meeting time or more will revolve around a

topical example drawn from the world of bureaucratic politics and performance. We will discuss significant and/or illustrative events in the history of American governance, difficult jobs, success stories, and fiascos. During our discussions, students will be expected to demonstrate 1) successful mastery of the facts and 2) the ability to draw broader lessons from the case.

Three Short Response Pieces

30%

To facilitate topical discussions, on each of the twelve occasions listed below a quarter of the students will be asked each to prepare a 500-750 word response piece on the assigned readings for that day. The response should not be a summary; rather, it should (a) relate a theoretical or analytical perspective to the substantive topic of the discussion; (b) address a perceived deficiency in an author's own interpretation of the facts covered in a reading; *or* (c) advance and argue for the importance of a question unaddressed in the reading(s) but pertinent to the general topic of that particular class. If more than one reading is associated with a given discussion, it may be perfectly acceptable to cover just one of them in a response piece, though it may help to compare the perspectives offered in two.

Students will be divided into four groups – A, B, C, and D – at the beginning of the course.

For Discussion occurring on ...	Members of Group ...	Should upload response piece to Blackboard by 11:00am on ...
Tuesday, 9/13	A	Monday, 9/12
Tuesday, 9/20	B	Monday, 9/19
Tuesday, 9/27	C	Monday, 9/26
Thursday, 10/6	D	Wednesday, 10/5
Thursday, 10/13	A	Wednesday, 10/12
Thursday, 10/20	B	Wednesday, 10/19
Thursday, 11/3	C	Wednesday, 11/2
Thursday, 11/10	D	Wednesday, 11/9
Thursday, 11/17	A	Wednesday, 11/16
Tuesday, 11/22	B	Monday, 11/21
Tuesday, 11/29	C	Monday, 11/28
Thursday, 12/8	D	Wednesday, 12/7

To upload your assignment, go to the “Assignments” tab in Blackboard, select the applicable assignment, and paste your response *in the “Comments” field*. When you are done, click “Submit.” (Clicking “Save” saves your work for later – it does not actually submit.)

Midterm Examination:

25%

The midterm examination will be held on Tuesday, October 25. A combination of short answers and essays, the exam will cover the preceding lectures and readings (including case materials).

Final Examination:

35%

According to the Registrar's most recent schedule, the final examination will be held on Tuesday, December 20, from 10-11:50am. Roughly 2/3 of the exam will cover material not covered on the midterm.

Policy on missed exams and late papers

Exams: Exceptions in emergency situations are inevitable, but in general, students missing an exam will receive a grade of zero. If you must miss an exam, please contact Professor Gordon before the scheduled test time, and if the excuse is justified (such as in cases of illness or family/personal emergencies), we will schedule a make-up.

Response pieces: Response papers that are not uploaded by their associated deadlines will be penalized by one point (out of ten) if submitted after 11am on the date due, and two points if submitted on the morning preceding discussion. If you miss a deadline, please e-mail the paper directly to me. Response pieces will not be accepted after the associated discussion in class.

V. Academic Integrity

All of the work you do in this course is expected to be your own. Absolutely no cheating or plagiarism (using someone else's words or ideas without proper attribution) will be tolerated. All ideas not your own must be properly cited. Any cases of cheating or plagiarism will be handled according to university policy. For more information on university policy, see <http://cas.nyu.edu/object/bulletin1012.ug.academicpolicies>.

VI. Weekly Schedule

Part A. Bureaucracy from the Inside Out**Week 1. Introduction and Microfoundations**

What is an organization? What is an institution? What is a bureaucracy? What is a public bureaucracy? Why are bureaucracies associated with normative conceptions of efficiency and fairness, and also with inefficiency and arbitrariness? What do bureaucrats value? What are cognitive limits on decision making in organizations?

Tuesday, September 6

What is Public Bureaucracy and Why Should We Study It?

- After class, skim James Q. Wilson, *Bureaucracy*, chs. 1 and 2

Thursday, September 8

Rationalist Accounts, Old and New

- Weber, Max. (Published posthumously in 1947). "The Types of Legitimate Domination," in *Economy and Society*, 212-241 BB
- William T. Gormley, Jr., and Steven J. Balla, "Bureaucratic Reasoning." In *Bureaucracy and Democracy: Accountability and Performance*, BB
- Wilson, *Bureaucracy*, chs. 3, 4

Week 2. Microfoundations Concluded; Agency

What kind of incentives does the strategic environment of bureaucratic agents place on bureaucrats? Under what conditions can we discern between "rational" decision-making and cognitive biases? Who chooses to become a bureaucrat? How do we structure agencies so that the public-spirited, talented, and competent want to join, rather than the shiftless, lazy, or corrupt?

Tuesday, September 13

Limits on the Rationality of Agents

- Case Study: Racial Profiling
 - John Knowles, Nicola Persico, and Petra Todd. 2001. "Racial Bias in Motor Vehicle Searches: Theory and Evidence." *Journal of Political Economy* 109: 203-229 BB
 - David Cole and John Lamberth, "The Fallacy of Racial Profiling." Op-ed, *New York Times*, May 13, 2001 BB
 - William Anderson and Gene Callahan. "The Roots of Racial Profiling." *Reason*, August/September 2001 BB

Thursday, September 15

Moral Hazard and Adverse Selection

- Terry Moe. 1984. "The New Economics of Organization." *American Journal of Political Science* 28: 739-777 BB
- Wilson, *Bureaucracy*, chs. 7, 9

Week 3. Agency and Discretion

Why do inflexible rules governing hiring and firing characterize modern bureaucracies? What do alternative systems look like? How are we to understand the origins of the contemporary civil service system in the United States? What are the costs and benefits of highly responsive agencies? What are the advantages of giving agents discretion to carry out their tasks vs. circumscribing their behavior with formal rules? Under what conditions can we expect agents to be given more or less discretion?

Tuesday, September 20

Patronage vs. Civil Service

- Daniel P. Carpenter. 2001. *The Forging of Bureaucratic Autonomy*, 40-76 BB
- David E. Lewis, *The Politics of Presidential Appointments*, ch. 2, pp. 11-30
- Case Study: The Centralia Mine Disaster
 - Martin, John Bartlow. 1948. "The Blast in Centralia No. 5: A Mine Disaster No One Stopped" BB

Thursday, September 22

Limits on the Discretion of Agents

- Cass R. Sunstein. 1995. "Problems with Rules" *California Law Review* 83: 953-1003, BB (Note: I have included the whole article if you are interested)

Week 4. Discretion Concluded

How do we place Herbert Kaufman's classic study in the context of the principal-agent model as we have understood it thus far? What constraints existed on rangers and their managers? How did the Forest Service endeavor to solve problems of moral hazard and adverse selection in its ranks? How did the Forest Service change in the years between Kaufman's book and the retrospective by Tipple and Wellman? What forces, political or otherwise, compelled it to change?

Tuesday, September 27

- Case Study: Forest Rangers
 - Herbert Kaufman. 1960. *The Forest Ranger*. Skim chapter 2, read chapters 3 and 4, skim chapter 5
 - Tipple, Terence J., and J. Douglas Wellman. 1991. "Herbert Kaufman's *Forest Ranger* Thirty Years Later." *Public Administration Review* 51: 421-428 BB

Thursday, September 29

CLASS CANCELED FOR HOLIDAY

Week 5. Culture

What is organizational culture? What features of bureaucratic organizations give rise to strong or weak (or pathological) forms of agency culture and esprit de corps? What is professionalism? When should we expect to see it? When can it hurt, and when can it harm agency accountability? How can bureaucratic culture and professionalism shape *private sector* behavior? What are the contours of agency reputation? How did the thalidomide crisis crystallize the FDA's reputation and, subsequently, its power?

Tuesday, October 4

Organizational Culture: The Good, the Bad, and the Ugly

- Wilson, *Bureaucracy*, ch. 6 and the second half of ch. 8 ("Bureaucratization versus Professionalization")
- Kaufman, *Forest Ranger*, ch. 6

Thursday, October 6

Professionalism and Reputation

- Case Study: Reputation and Gatekeeping at the FDA
 - Daniel P. Carpenter. 2010. "Reputation and Power Crystallized: Thalidomide, Frances Kelsey, and Phased Experiment, 1961-1966. Ch. 4 of *Reputation and Power*, BB

Week 6. Leadership

What makes a strong leader? When can we expect officials in an agency hierarchy to be responsive to their subordinates, and when can we expect them to be responsive to their superiors? What is authority, and how does it differ from power? How do the beliefs of subordinates support or hinder effective leadership?

Tuesday, October 11

CLASS CANCELED FOR HOLIDAY

Thursday, October 13

Managerial Leadership

- Wilson, *Bureaucracy*, chs. 11, 12
- Carpenter, *Forging of Bureaucratic Autonomy*, ch. 8, BB

<ul style="list-style-type: none"> • Case Study: Tailhook
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- Peter Boyer, "Admiral Boorda's War." *The New Yorker*, September 16, 1996 BB

Week 7. Autonomy, Turf, and Redundancy: Applications to Intelligence Services

Under what conditions are agencies more or less likely to be autonomous from their political principals or other agencies? Why do agencies with overlapping responsibilities sometimes play so poorly with each other? When will organizational redundancies help bureaucratic functioning, and when will they hurt? How are we to understand the development of the intelligence services of the United States with respect to their organizational features?

Tuesday, October 18*Turf, and Termination*

- Wilson, *Bureaucracy*, ch. 10
- Richard K. Betts. 2007. "An Intelligence Reformation? Two Face of Reorganization." Ch. 6 of *Enemies of Intelligence: Knowledge and Power in American National Security*, BB

Thursday, October 20

<ul style="list-style-type: none"> • Case Study: Intelligence Failures

- Wright, Lawrence. "The Agent." *The New Yorker*, July 10 & 17, 2006 BB
- Gladwell, Malcolm. "Connecting the Dots." *The New Yorker*, March 10, 2003 BB
- Lipton, Eric, Eric Schmitt, and Mark Mazzetti. "Review of Jet Bomb Plot Shows More Missed Clues." *New York Times*, January 18, 2010 BB (also see accompanying graphic, "Unconnected Threads")

Week 8. Midterm and Background for Part BTuesday, October 25

MIDTERM EXAMINATION

Part B. Bureaucratic Politics from the Outside InThursday, October 27*The Political Origins of the Contemporary Administrative State*

- Marc Allen Eisner. 1993. *Regulatory Politics in Transition*, selections, BB

Week 9. Make or Buy?

Under what conditions does it make sense to rely on the market to provide public goods and services, and under what conditions might it make more sense to rely on government agencies? Why do government agencies sometimes contract out to private firms to provide goods and services? What are some problems associated with contracting out? Are these problems best thought of as moral hazard, adverse selection, or some combination of the two?

Tuesday, November 1*Transaction Costs and Accountability*

- Wilson, *Bureaucracy*, ch. 19
- Mark H. Moore, “Privatizing Public Management.” In John D. Donahue and Joseph S. Nye, Jr., eds., *Market Based Governance*: 296-322. BB

Thursday, November 3

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| <ul style="list-style-type: none"> • Case Study: The Coalition Provisional Authority <ul style="list-style-type: none"> - Harris, Shane. “Outsourcing Iraq.” <i>Government Executive</i>, July 1, 2004 BB - Chandrasekaran, Rajiv. 2006. <i>Imperial Life in the Emerald City</i>, selections, BB |
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Week 10. Congress and the Bureaucracy

What are the goals of legislators, and how do those relate to the interaction between Congress and the bureaucracy? Why does Congress sometimes delegate policy-making discretion to government agencies and other times write detailed statutes? How does the organization of Congress affect the oversight and control of government agencies? What are the mechanisms by which some legislators might exercise disproportionate influence over agencies relative to others? Under what conditions can Congress use the “power of the purse” to influence agency decision-making?

Tuesday, November 8*Delegation and Control*

- Wilson, *Bureaucracy*, ch. 13
- Mathew D. McCubbins and Thomas Schwartz. 1984. “Congressional Oversight Overlooked: Police Patrols vs. Fire Alarms.” *American Journal of Political Science* 28: 165-179 BB
- R. Douglas Arnold. 1979. *Congress and the Bureaucracy*, ch. 6 BB

Thursday, November 10

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| <ul style="list-style-type: none"> • Case Study: Reforming the IRS <ul style="list-style-type: none"> - Senator William V. Roth, Jr., and William H. Nixon (1999), chs. 1 and 9 of <i>The Power to Destroy</i> BB - Amy Hamilton, “No Misconduct Found in 95 percent of Alleged IRS Harassment Cases” BB - David Cay Johnston, “Rate of All I.R.S. Audits Falls; Poor Face Particular Scrutiny.” <i>The New York Times</i>, February 16, 2001 BB - David Cay Johnston, “I.R.S. to Add to Enforcement by Reducing its Clerical Staff” <i>The New York Times</i>, January 8, 2004 BB |
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Week 11. Presidential Control and Politicization

What tools do presidents have to control executive branch agencies? What is the theory of the unitary executive, and how has presidential management developed? Why do presidents sometimes “politicize” agency personnel and behavior, and is this necessarily

a bad thing? Are some agencies more insulated from presidential control than others? Why?

Tuesday, November 15

Executive Control: Ex Ante and Ex Post

- Wilson, *Bureaucracy*, ch. 14
- David E. Lewis, *Politics of Presidential Appointments*, ch. 2, pp. 30-50 and ch. 3

Thursday, November 17

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| <ul style="list-style-type: none"> • Case Study: Politicization and The Bush Administration <ul style="list-style-type: none"> - David E. Lewis, <i>Politics of Presidential Appointments</i>, ch. 6 - Sanford C. Gordon. 2011. "Politicizing Agency Actions: Lessons from the Bush GSA Scandal," BB |
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Week 12. Interest Group Influence

What is the theory of bureaucratic capture, and how does it compare to "public interest" perspectives on regulation? What are the mechanisms by which special interests can exercise disproportionate influence on government decision making? Are these best thought of as "capture" or something else?

Tuesday, November 22

Rent-Seeking and the Bureaucracy

- Wilson, *Bureaucracy*, ch. 5
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| <ul style="list-style-type: none"> • Case Study: New Perspectives on Agency "Capture" <ul style="list-style-type: none"> - Karrigan, Chris. 2011. "Minerals Management Service and <i>Deepwater Horizon</i>: When it Looks Like Capture, How Captured Is It?" BB - Gordon, Sanford C., and Catherine Hafer. 2011. "Conditional Forbearance as an Alternative to Capture: Evidence from Coal Mine Safety Regulation." BB |
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Thursday, November 24

CLASS CANCELED FOR HOLIDAY

Week 13. Interest Groups, Structural Politics, and Clients

How does the constellation of interests surrounding the creation of a government agency affect the structure of that agency? What are the primary determinants of structural politics that characterize the creation of a new government agency? What do features of a bureaucracy's primary clientele tell us about an agency's political prominence and its legitimacy with the public? How can agencies with clientele perceived as illegitimate survive or even thrive politically?

Tuesday, November 29

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| <ul style="list-style-type: none"> • Case Study: Structural Politics <ul style="list-style-type: none"> - Moe, Terry. 1989. "The Politics of Bureaucratic Structure." In Chubb and Peterson, eds., <i>The Politics of Bureaucratic Structure</i>, 267-329 BB |
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Thursday, December 1

Whom does the Bureaucracy Serve? Whom Should it Serve?

- Hargrove, Erwin C., and John C. Glidewell. *Impossible Jobs in Public Management*, chs. 1-3 BB

Week 14. Courts

How are we to understand the beliefs and desires of judges, and the manner in which those beliefs and desires translate into the interaction of courts and government agencies? What are the advantages courts have in adjudicating disputes commencing in the executive branch, and what are the disadvantages? When should courts defer to agency action, and when should they intervene?

Tuesday, December 6

Judicial Oversight

- Wilson, *Bureaucracy*, ch. 15
- *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402 (1971) BB
- *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984) BB

Thursday, December 8

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| <ul style="list-style-type: none">• Case Study: Prison Management (Note: our analysis of this case study will incorporate lessons from both the “Courts” and “Clients” readings)<ul style="list-style-type: none">- Dilulio, John J. 1987. <i>Governing Prisons</i>, chs. 3, 5 BB |
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Week 15. Rulemaking and Wrapping Up

How does the Administrative Procedure Act structure the way in which government agencies make rules? Who participates in government rulemaking? What is notice and comment? What are advisory boards? How much authority does the President have in managing rulemaking, and how much autonomy are government agencies given?

Tuesday, December 13

A Brief Introduction to Regulatory Rulemaking

- Kerwin, Cornelius, and Scott R. Furlong. 2011. *Rulemaking* 4th ed., chs 2, BB
- Executive Order 12866, October 4, 1993, BB

Thursday, December 15

Review and Conclusion

Final Exam

Tuesday, December 20, from 10-11:50am