

Federal Bureaucracy Review

TOPIC ONE: SPOILS SYSTEM AND PENDLETON ACT

Describe the spoils system. Identify the Pendleton Act and its reforms of the federal bureaucracy, explain how it changed to the system of many rules that bureaucrats must follow today.

I. SPOILS SYSTEM

- A) Involved presidents rewarding supporters with jobs
- B) Jobs were not given on merit, but on service
- C) Were not good for employees - could be fired at will
- D) Became difficult for presidents to meet all demands of those who felt entitled to employment (Garfield assassin)

II. PENDLETON CIVIL SERVICE REFORM ACT (1883)

- A) Attempted to eliminate spoils system; created merit based system
- B) Office of Personnel Management (OPM) hires all employees (heads of bureaus have little control)
- C) Civil Service Exam – competitive and fairly difficult exam required to establish competency
- D) Rules make it difficult to fire someone
- E) Senior Executive Service (SES) is different - these are elite employees who get raises based on performance and can be fired easily

III. EFFECTIVENESS

- A) In general, government employees are well qualified with safeguards against abuses of spoils system
- B) Overall success
- C) However, President still appoints 3% federal employees through political appointments, sometimes people with questionable qualifications. EX: GWB appointment of Michael Brown, former President of the Arabian Horse Assoc., as head of FEMA
- D) Hard to fire incompetent federal employees

TOPIC TWO: HATCH ACT and FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT

Identify the causes, effects and provisions of the Hatch Act of 1939 and the Federal Employees Political Activities Act of 1993 (FEPA)

I. CAUSES

- A) Designed to prevent corruption in national elections; limit influence of political party machines on the federal bureaucracy
- B) 4 million people could manipulate election outcomes.

II. HATCH ACT

- A) Prohibits federal employees from taking an active role in politics
- B) Many argue that this prevents otherwise qualified individuals from actively participating in government
- C) Clinton administration made hatch act less restrictive
- D) Bureaucrats can't
 - 1) Run for public office
 - 2) Fund raise for politicians during work
 - 3) Discourage political activity
- E) Bureaucrats can
 - 1) Vote and assist in voter registration
 - 2) Contribute money to campaigns
 - 3) Campaign off duty
 - 4) Hold elected office in political parties
- F) Effectiveness
 - 1) Has prevented 4 million+ employees from actively campaigning
 - 2) New rules do allow political involvement of employees outside of work
 - 3) Some “political business” still takes place during work hours ex: VP al gore making campaign calls in his West Wing office

III. FEDERAL EMPLOYEES POLITICAL ACTIVITIES ACT OF 1993 (FEPA)

- A) Federal employees can
 - 1) Run for public office in nonpartisan elections (ex: school board, board of supervisors)
 - 2) Money to political organizations
 - 3) Campaign for or against candidates in partisan elections, but not at work
- B) Federal employees are prohibited from
 - 1) Engage in political activity while on duty
 - 2) Solicit contributions from the general public
 - 3) Run for office in partisan elections (ex: VA house of delegates, congress)

TOPIC THREE: FREEDOM OF INFORMATION ACT AND WHISTLEBLOWER PROTECTION ACT

Discuss how both the Freedom of Information Act (FOIA) and the Whistleblower Protection Act effected the federal bureaucracy.

I. GOVERNMENT AND PRIVACY – Freedom of Information Act (1966)

- A) Government was once in the habit of classifying most government documents
- B) Citizens who requested documents that effected them personally had no luck
- C) Sweeping legislation, known as FOIA, forced the federal government to make most public records accessible to citizens
- D) Expensive for the government
- E) Your records at school are now open to you
- F) As a result, files at the national archives on the joke assassination and Watergate are now open

II. WHISTLEBLOWER PROTECTION ACT (1989)

- A) This law made it easy for a bureaucrat to report wrong doing on the part of their boss
- B) It created an office of special counsel where federal workers can "tattle" on their bosses and have their job protected
- C) The whistle was blown on leaders at an FBI crime lab last year who were accused of sloppiness in performing chemical testing in their attempts to detect criminals. Ex: Tim McVeigh, ok city bomber, already convicted and weeks away from execution (admitted guilt in a book) and didn't want more appeals. Then a bombshell: several FBI field offices had failed to turn over evidence to defense attorneys that may have cast doubt on McVeigh's guilt (individual FBI agents brought this to the attention of the justice dept. And "blew the whistle).
- D) After 9-11, several FBI agents from field offices in Minneapolis and Florida who reported concerns and/or evidence of suspicious behavior by some of the 19 hijackers beforehand, but were ignored by superiors, testified before congress.
- E) The whistle was blown on IRS officials who were known for promoting individuals according to the number of seizures & liens
- F) National Security Exception – Example, Edward Snowden of the NSA NOT allowed to leak secret documents

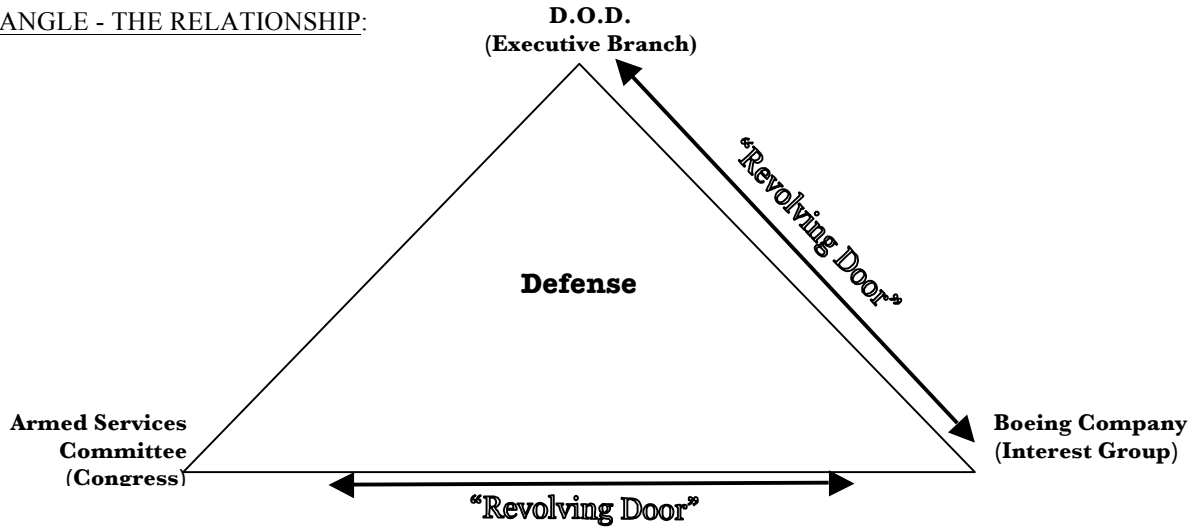
TOPIC FOUR: IRON TRIANGLES & ISSUE NETWORKS

Discuss the "iron triangle" relationship and explain how it can be applied to Defense. What are "issue networks" and how do they work? Be sure to emphasize the differences between the *iron triangle* and *issue networks*.

IRON TRIANGLE = relationship between persons in executive branch (bureaucracy), congressional committees, and special interest groups who are all involved in one area of policy making.

- A) It is a working relationship that can be beneficial because it improves efficiency.
- B) However it can also cause decisions to be made which benefit the special interest group at the expense of the government.
- C) Well known examples include the iron triangle of defense, which is often linked to the \$400 hammer, and the iron triangle of agriculture, which is often linked to continuing farm subsidies. -

IRON TRIANGLE - THE RELATIONSHIP:



ISSUE NETWORKS – Consists of people in Washington-based interest groups, on congressional staffs, in universities, think tanks and the media who debate government policy on a certain subject, like health care, abortion, environment.

- Issue networks can be contentious, and split along political, ideological or economic lines.
- Issue networks push for a change in policy within the government bureaucracy.

DIFFERENCES BETWEEN THE IRON TRIANGLE AND ISSUE NETWORKS

- Iron triangles* are the mutually beneficial relationships between interest groups, usually private businesses and corporations, congressional oversight committees, and federal agencies. The relationships within Iron Triangles seek only to benefit the three actors involved by pursuing a favorable policy for the interest group, at the expense of the constituencies that Congress and the Federal bureaucracy are supposed to represent, namely the general public.
- Issue Networks* differ from Iron Triangles in that they seek to support the public interests, not private ones, by seeking to benefit a wide ranging constituency that supports their side of the issue. Issue networks can be antagonistic to iron triangles as they may oppose a policy pushed by a private interest group, and carried out by a government agency.

TOPIC FIVE: REVOLVING DOOR AND EXECUTIVE ORDER ETHICS COMMITMENTS

What is the “revolving door?” Using specific examples, identify several real and potential dangers of the practice. Include President Obama’s recent *Executive Order Ethics Commitments by Executive Branch Personnel* that attempts to limit the effects of the “revolving door.”

The Revolving Door:

- The movement of individuals back and forth between the private sector and the public sector
- Every year, hundreds of people leave important jobs in the federal to take more lucrative positions in private industry (lobbyists business consultants, key executives in corporations, foundations and universities)
- Another key mechanism by which corporate interests influence federal decision-making, especially with regard to regulatory policy and procurement choices.

The Revolving Door takes three forms:

- The *Industry-to-Government Revolving Door*, through which the appointment of corporate executives and business lobbyists to key posts in federal agencies establishes a pro-business bias in policy formulation and regulatory enforcement;
- The *Government-to-Industry Revolving Door*, through which public officials move to lucrative private sector roles from which they may use their experience to compromise government procurement, regulatory policy and the public interest; and
- The *Government-to-Lobbyist Revolving Door*, through which former lawmakers and executive-branch officials use their inside connections to advance the interests of corporate clients.

Real and potential dangers of the Revolving Door:

- A) May promote improper influence on government decisions (ex: if a federal official uses her/his government position to do something for a corporation in exchange for a cushy job after leaving government; or if a former government employee uses her/his personal contacts in DC to get favors for private parties)
- B) Federal investigation in 1988 revealed evidence of corrupt dealings between some DOD officials and industry executives.
- C) The GWB administrations awarded “no bid contracts” to favored companies like Halliburton (Dick Cheney’s former company).
- D) Erodes public trust in government.

President Obama’s Executive Order Ethics Commitments by Executive Branch Personnel (2009)

- A) *Lobbyist Gift Ban* - Appointees will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
- B) *Revolving Door Ban* - All Appointees Entering Government will not for a period of 2 years from the date of appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
- C) *Revolving Door Ban* - Appointees Leaving Government will abide by those restrictions for a period of 2 years following the end of appointment.
- D) *Revolving Door Ban* - Appointees Leaving Government to not to lobby any covered executive branch official or non career Senior Executive Service appointee for the remainder of the Administration.

TOPIC SIX: GAO, OMB, CBO

Identify the primary purpose, function, and role in the oversight of the federal bureaucracy by the following government offices: the Government Accountability Office (GAO), the Office of Management and Budget (OMB), and the Congressional Budget Office (CBO).

I. GOVERNMENT ACCOUNTABILITY OFFICE (GAO)

- A) Investigative arm of Congress charged with examining matters relating to the receipt and payment of public funds by conducting audits
- B) Created by Congress to track how money is spent in the federal bureaucracy.
- C) Monitors how policies are implemented
- D) Notifies Congress immediately if problems with agency work are uncovered

II. OFFICE OF MANAGEMENT AND BUDGET (OMB)

- A) Prepares the president’s annual budget proposal
- B) Reviews budget and programs of executive departments and make sure these proposal align with the president’s priorities and agenda
- C) Along with the CEA, supplies the president with economic forecasts
- D) Conducts detailed analyses of proposed bills and agency rules

III. CONGRESSIONAL BUDGET OFFICE (CBO)

- A) Primary congressional agency charged with reviewing congressional budgets and other legislative initiatives with budgetary implications
- B) Nonpartisan agency created by the Congressional Budget and Impoundment Control Act of 1974 to counterbalance the President’s OMB.
- C) Gives Congress objective, nonpartisan analysis to aid the legislative branch in its economic and budgetary decisions.
- D) Conducts oversight studies