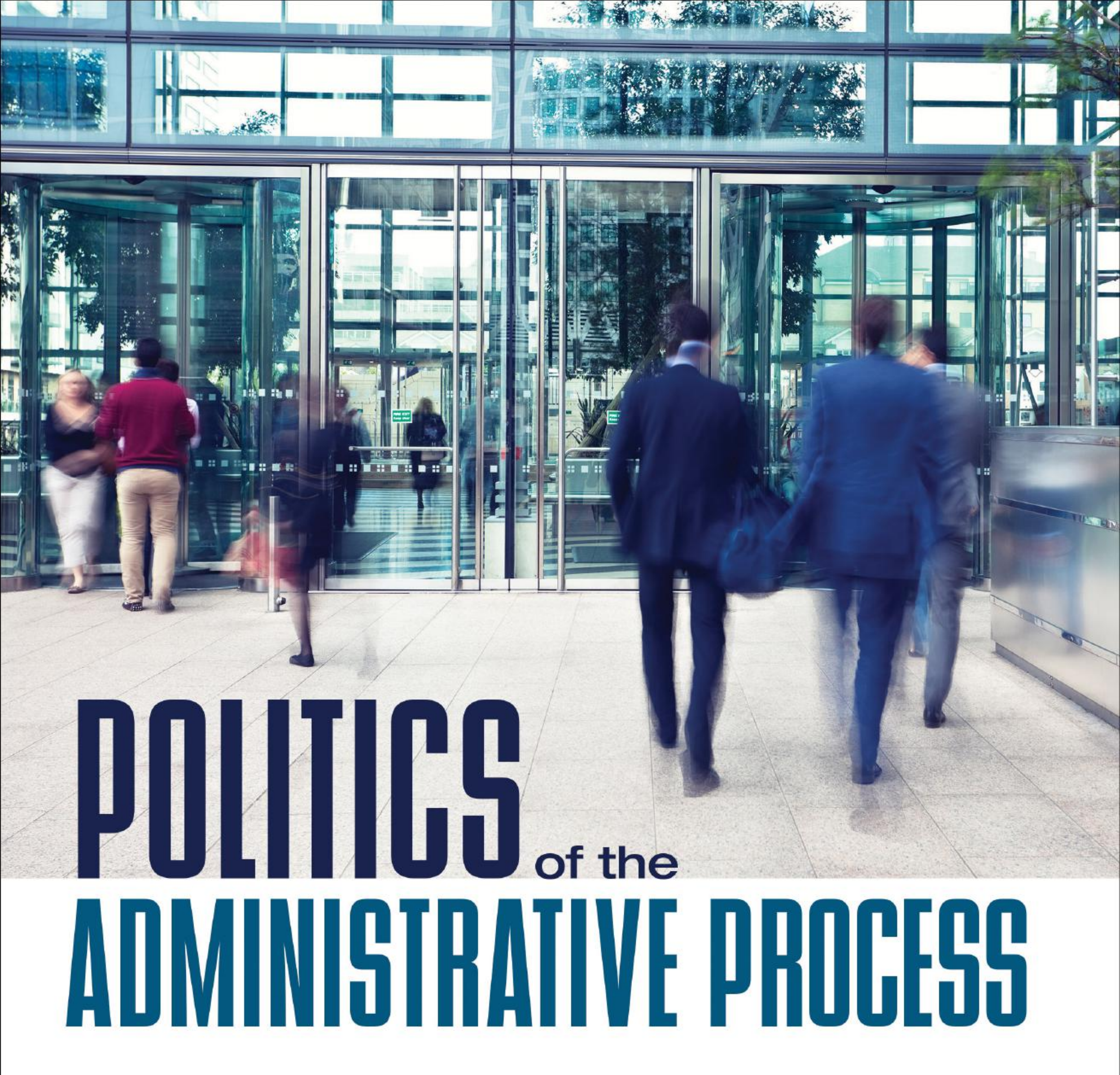

POLITICS of the ADMINISTRATIVE PROCESS

DONALD F. KETTL | 8TH EDITION

Politics of the Administrative Process

Eighth Edition

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Donald F. Kettl

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Copy Editor: Sarah J. Duffy
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Preface

The eighth edition of *The Politics of the Administrative Process* sets sail in especially turbulent seas. Americans are deeply distrustful of their government, and there is widespread debate about whether a “deep state”—a loose confederation of entrenched administrative power—is undermining the ability of elected officials to govern. There is also just as widespread a debate about the role of “the resistance,” a loose confederation of interests fighting against the major policy changes that President Donald Trump has advanced. It’s a wild and turbulent time for governance, not just in the United States but in countries around the world.

Some of this turbulence surrounds government’s basic purpose. What do we want government to do? But much of it focuses on government’s capacity to accomplish what it sets out to do. From managing the response to natural disasters to caring for immigrant families, there is widespread concern that government too often doesn’t deliver. The Obama administration’s signature policy accomplishment, the Affordable Care Act (or “Obamacare”), got off to a staggering start because its website collapsed as citizens tried to sign up for the program. All of these issues share common ground, for they all revolve around the administrative process and the politics that make it work.

It’s easy to look at the fierce debates and to become discouraged, especially about government and what it can accomplish. That would be an enormous mistake, in two respects. First, it’s impossible to miss the deep conflict in American governance, but much of that revolves around a deep debate about what we want government to do. In fact, the conflict is so deep because the issues are so tough and the stakes are so high. The only real way to avoid such fractious politics is to pick easier battles, and the twenty-first century isn’t allowing us that option.

Second, it’s very possible to miss the fact that so much of the American administrative state works so well. Hurricane forecasts work with remarkable accuracy many days in advance. DNA tests allow police investigators to crack crimes that would have stymied gumshoes of previous generations. Firefighters save many lives because they’ve found new strategies to prevent so many fires, and emergency medical technicians save countless lives every day because of their tremendous skill. We’ve dramatically reduced air pollution (but not enough), and we’ve made the water far cleaner (although we still face challenges). Medicare and Medicaid have pulled millions of Americans out of the despair of illness, and our air traffic control system is the marvel of the world.

So this eighth edition emerges from a deep appreciation of so much that we, through our government, have managed to do for American society. And to the degree that we want to do more—and that is the great inspiration of every generation—we have vast promise. This book is dedicated to those who do that work and, even more important, to those who seek inspiration to put their values to work. The pages that follow suggest just how that can be done.

This eighth edition is also a celebration of the fortieth anniversary of the publication of the book’s predecessor, *Public Administration: Theory and Practice,* which appeared in 1980 from the typewriter of James W. Fesler, truly one of the greatest scholars in the history of the field.[1]

(And it was a typewriter: Jim wrote the book long before the days of the personal computer.) He began in the 1930s as an assistant professor during Franklin D. Roosevelt's New Deal. He contributed to winning World War II by serving as historian of the War Production Board, a position that might sound dull but that, in fact, was devoted to tracking the critical decisions the country made in allocating rubber and steel to the war effort. After the war, he went to Yale University, where he chaired the political science department and built it into the number-one-ranked program in the country. He helped develop a generation of scholars. His last doctoral student is the author of this eighth edition, which emerged from Jim's 1980 book.

I benefited enormously from Jim's ever-gracious tutelage, insight, and sense of history. Many of the historical references in the book come from Jim's deep appreciation for the lasting issues. He loved the story of the struggles to keep the windows clean in Queen Victoria's palace. Cleaning the outside was the job of one department, the inside the job of another, and the two departments were never in sync. Coordination of such a basic issue was something the monarch never mustered. This sense of how history shapes administration—and how administration shapes history—has even made it into a few movies that talk about Victoria's frustrations. Thanks to his keen insight, I've never been able to look at the world in quite the same way.

I also suffered under his puns. He loved puns, especially bad ones—the more tortured the pun, the better. In fact, one of his proudest moments came when William Safire, the distinguished *New York Times* writer, noted one of Jim's puns in a column. In a 1996 piece for his "On Language" series, Safire cited a pun Jim had concocted. It's worth quoting Safire directly:

> The Roman orator Cicero, launching his attack on the politician he suspected of plotting an assassination, expressed his revulsion at the degeneration of high principle in his era with O tempora! O mores! ("O, the times! O, the bad new principles!") With this as background comes the cry of the Latin-trained Japanese chef deep-frying an eel: "O tempura! O morays!"[2]

Jim celebrated the pun's publication in the *Times.* He loved the way it told a bigger story: his affinity for history, connections across cultures, the knack for bringing lasting issues into today's focus (even if, in this case, the connections are especially painful), and a wry sense of humor that was never too far from the tips of his fingers on the keyboard.

He also celebrated government as the art of the possible. Having served the country during the terribly difficult days of World War II, he developed a keen sense that smart administrators could find good solutions for any tough problem. Jim would have been gravely concerned about the attacks on government and administration that have arisen since, both because he firmly believed that understanding the politics of the administrative process would make smart administrators the master of the toughest problems and because, from his deep understanding of history, he was convinced that we can puzzle our way through anything—and that the way forward builds on strengthening the administrative process. Nothing would gratify him more than to know that students today are continuing to wrestle with the deep and enduring issues to which he devoted his long and wonderful life.

Organization of the Book

Following a careful look at politics and administration in **Chapter 1**, *The Politics of the Administrative Process* explores the important issues in five parts. Part I considers what government does and how it does it. **Chapter 2** lays out government's strategies and tactics, as well as the growth of government's reliance on nongovernmental partners to do its work. **Chapter 3** examines the basic issues of administrative responsibility and the meaning of the "administrative state."

Part II moves on to probe the theories underlying organizations and their structure. **Chapter 4** charts the basics of organizational theory. **Chapters 5** and **6** analyze the structure of the executive branch and the problems that periodically hamper good organizational performance. **Chapter 7** examines the enduring instinct of policymakers and administrators alike to reform organizational structure.

Part III addresses the role of people inside these organizational structures and looks at the challenge of recruiting younger employees to public service, as baby boomers move to retirement. Civil service systems have long defined the basic rules and procedures for hiring and firing government workers, and that constitutes the focus of **Chapter 8**. **Chapter 9** asks how government can make the most of the intellectual capital its employees bring to the job.

Part IV carefully examines how administrative agencies accomplish their missions. Administration is about making decisions, and **Chapter 10** analyzes the theories about this process. **Chapter 11** applies these theories to budgeting, which is the most important administrative decision and which drives much of administrative action. **Chapter 12** explores how implementers transform decisions into practice.

Part V takes on the theme of government accountability, with **Chapter 13** probing the strategies of regulation and the courts. **Chapter 14** concludes the book by returning to the central overarching themes of executive power, politics, and accountability and examines, in particular, the control of administration by legislatures.

Key Features

Building on the book's full-color design, this edition offers important features. First, each chapter has a **Diving into Data** feature, which explores how numbers and evidence can help sort through the fundamental questions of public administration. Many of the "data dives" have especially lively graphics to help the issues come alive. These sections are important, not only to offer new insight into the basic issues but also to give students practice in some of the cutting-edge approaches that are in especially high demand. If there's anything that employers are looking for, it's employees who have developed the knack for unpacking a complicated issue, understanding the evidence behind it, building a case for a solution, and telling a good story—with data.

Second, all of the graphs and most of the photos are new for this edition. I've kept some of the old classics—ones that Jim Fesler would have especially appreciated—but the graphic arts in the book are fresh and lively.

The book explores *three big themes* and how they affect public administration: politics, performance, and accountability. *Learning objectives* open each chapter. Readers will also find **key concepts** bolded within the text and listed at the end of each chapter for ease of review, and a comprehensive **glossary** at the back of the book defines all of the key concepts. Each chapter concludes with a list of resources **for further reading** and a discussion of **suggested websites** to aid further study.

There are six new case studies for this edition, and many of the favorites have been included from previous editions. All of the cases that have appeared in the previous seven editions of the book are available online at **edge.sagepub.com/kettl8e**. Each case ends with a **Questions to**

Consider section, which challenges students to think critically about the big issues at play, to connect the ideas in the chapter with real-world examples, and to foster discussion among students about how they would solve the problems. For this edition, these are the new cases:

- "How Much Should Government Pay to Rebuild after Hurricane Harvey?", which focuses on the administrative challenges of setting rules to provide government support but ensure efficient use of public resources.
- "Bargaining over Body Cameras," which examines the complex bargaining over whether local police departments should end partnerships with federal officers if the feds are not allowed to wear body cameras.
- "DARE-ing to Challenge Policy," which questions what to do when policy analysis collides with popular police programs aimed at discouraging kids from using drugs.
- "Are Public-Private Partnerships the Future of Budgeting?", which asks how far governments can go in using partnerships with private companies to stretch scarce public dollars.
- "Weed Rush," which peels apart the administrative challenges that legalization of marijuana has brought to many states.
- "Jenga Federalism," which asks how federal officials can engage in actions to undo state and local policies—and vice versa.

Digital Resources

SAGE edge™

SAGE Edge for Instructors

A password-protected Instructor site at **edge.sagepub.com/kettl8e** supports your teaching by making it easy to integrate quality content and create a rich learning environment for students. The **SAGE Edge** site for this book includes the following instructor resources:

- A **case study archive** provides additional cases written by author Donald F. Kettl.
- **Test banks** present a diverse range of pre-written options, as well as the opportunity to edit any question and/or insert your own personalized questions to effectively assess students' progress and understanding.
- An **Instructor's Manual** contains numerous resources for each chapter, including learning objectives, chapter summaries, discussion questions, and lecture launchers. New to this edition, the Instructor's Manual also contains class activities for each of the case studies featured in the book.
- Editable, chapter-specific **PowerPoint® slides** offer complete flexibility for creating a multimedia presentation for your course.

- **Lecture notes** summarize key concepts by chapter to help you prepare for lectures and class discussions.
- **Sample course syllabi** for semester and quarter courses provide suggested models for structuring your courses.

SAGE Edge for Students

The open-access companion website helps students accomplish their coursework goals in an easy-to-use learning environment. The site features the following student resources:

- Mobile-friendly **flashcards** strengthen understanding of key terms and concepts.
- Mobile-friendly practice **quizzes** allow students to independently assess their mastery of course material.
- Carefully selected **video and multimedia** content—tied to the book's case studies—facilitate further exploration of topics.

Acknowledgments

As I've noted, this book builds heavily on the pathbreaking work that Jim Fesler did, in his career and especially in the early editions of the book. He would be the first to remind us that the problems we're struggling with—determining what government should do and how best to do it—stretch to the very meaning of government. Moreover, Jim found great reassurance in discovering those roots. That did not lessen the huge conflicts over big issues, but it did help explain why the battles were worth fighting—and which fundamental issues will continue to shape the enduring issues about government and its administration. Jim's great contribution lays in explaining which fights we can win, which will endure, and why the battles matter.

In preparing this new edition, I'm especially grateful to the entire SAGE/CQ Press team. In particular, let me thank Charisse Kiino, executive director; Scott Greenan, acquisitions editor; Anna Villarruel, sponsoring editor; and Lauren Younker, editorial assistant. Sarah Duffy did an outstanding job of copyediting the manuscript. In addition, I want to thank the following individuals for their exceptionally useful and perceptive reviews:

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I want to thank the instructors around the country who have used this book to help their students understand the genuine excitement of this field—and the students, who will be leading the next generation of efforts to deliver better services to citizens.

Finally, I owe deep gratitude to my wife, Sue. Over the many years in which this book has taken shape and evolved, she's been an invaluable friend, muse, strategist, and touchstone. She's lived every chapter of this book and tolerated hearing some of the same stories over and over (and over) again. Her sharp insights and keen wit have made every edition better. She has my love and lasting thanks.

Abbreviations and Acronyms

AARP	American Association for Retired Persons
ACLU	American Civil Liberties Union
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations
AFSCME	American Federation of State, County, and Municipal Employees
AIDS	Acquired immunodeficiency syndrome
APA	Administrative Procedure Act of 1946
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
BBA	British Bankers' Association
BIA	Bureau of Indian Affairs
BOB	Bureau of the Budget
CBO	Congressional Budget Office
CDC	Centers for Disease Control and Prevention
CFR	Code of Federal Regulations
CIA	Central Intelligence Agency
CMS	Centers for Medicare and Medicaid Services
CPSC	Consumer Product Safety Commission
DHS	Department of Homeland Security
DMV	Department of Motor Vehicles
DOD	Department of Defense
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FBI	Federal Bureau of Investigation
FCC	Federal Communications Commission
FDA	Food and Drug Administration
FDIC	Federal Deposit Insurance Corporation
Fed	Federal Reserve Board
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FLRA	Federal Labor Relations Authority
FPS	Federal Protective Service
FTC	Federal Trade Commission
GAO	Government Accountability Office (formerly General Accounting Office)
GDP	Gross domestic product
GIS	Geographic information system

GPP	Government Performance Project
GPRA	Government Performance and Results Act
GS	General Schedule of Classification and Pay
GSA	General Services Administration
HHS	Department of Health and Human Services
HIV	Human immunodeficiency virus
HR	Human resources
HUD	Department of Housing and Urban Development
ICE	Immigration and Customs Enforcement
IRS	Internal Revenue Service
KSA	Knowledge, Skills, and Abilities
MBO	Management by objectives
MSPB	Merit Systems Protection Board
NAPA	National Academy of Public Administration
NASA	National Aeronautics and Space Administration
NATO	North Atlantic Treaty Organization
NHTSA	National Highway Traffic Safety Administration
NIH	National Institutes of Health
NIMBY	"Not in my backyard"
NMA	National Motorists Association
NPR	National Performance Review
NSC	National Security Council
NYPD	New York Police Department
OECD	Organization for Economic Co-operation and Development
OFPP	Office of Federal Procurement Policy
OGE	Office of Government Ethics
OMB	Office of Management and Budget
OPA	Office of Price Administration
OPM	Office of Personnel Management
OSHA	Occupational Safety and Health Administration
PART	Program Assessment Rating Tool
PhRMA	Pharmaceutical Research and Manufacturers of America
PPBS	Planning-Programming-Budgeting System
RIF	Reductions in force
SCOTUS	Supreme Court of the United States
SEC	Securities and Exchange Commission
SEPTA	Southeastern Pennsylvania Transportation Authority
SES	Senior Executive Service
SSA	Social Security Administration
SWAT	Special Weapons and Tactics
TABOR	Taxpayer Bill of Rights
TQM	Total quality management
TSA	Transportation Security Administration
TVA	Tennessee Valley Authority
USDA	U.S. Department of Agriculture
VA	Department of Veterans Affairs
WSSC	Washington Suburban Sanitary Commission
ZBB	Zero-base budgeting

About the Author

Donald F. Kettl is the Sid Richardson Professor in the LBJ School of Public Affairs at the University of Texas at Austin. He previously was professor and dean at the School of Public Policy at the University of Maryland. He is also a nonresident senior fellow at the Volcker Alliance, the Partnership for Public Service, and the Brookings Institution.

Kettl is the author or editor of many books and monographs, including *The Divided States of America: Why Federalism Doesn't Work* (2020), *Can Governments Earn Our Trust?* (2017), *Little Bites of Big Data for Public Policy* (2017), *Escaping Jurassic Government: How to Recover America's Lost Commitment to Competence* (2016), *System under Stress: The Challenge to 21st Century Governance* (2014), *The Next Government of the United States: Why Our Institutions Fail Us and How to Fix Them* (2008), and *The Global Public Management Revolution* (2005). He has twice won the Louis Brownlow Book Award of the National Academy of Public Administration for the best book published in public administration. In 2008, Kettl won the American Political Science's John Gaus Award for a lifetime of exemplary scholarship in political science and public administration. He was awarded the Warner W. Stockberger Achievement Award of the International Public Management Association for Human Resources in 2007 for outstanding contributions in the field of public-sector personnel management.

He holds a PhD in political science from Yale University. Prior to his appointment at the University of Maryland, he taught at the University of Pennsylvania, Columbia University, the University of Virginia, Vanderbilt University, and the University of Wisconsin–Madison. He is a fellow of Phi Beta Kappa and the National Academy of Public Administration.

Kettl has consulted broadly for government organizations at all levels in the United States and abroad. He has appeared frequently in national and international media, including National Public Radio, *Good Morning America, ABC World News Tonight, NBC Nightly News, CBS Evening News,* CNN's *Anderson Cooper 360* and *The Situation Room,* the Fox News Channel, the *Huffington Post, Al Jazeera*, as well as public television's *News Hour* and the BBC. He is a regular columnist for *Governing* magazine, which is read by state and local government officials around the United States. He chaired two gubernatorial blue-ribbon commissions for the Wisconsin state government, one on campaign finance reform and the other on government structure and finance. Kettl is a co-shareholder of the Green Bay Packers along with his wife, Sue.

Michael Laughlin/Sun Sentinel/TNS via Getty Images

Following the 2018 mass shooting at Marjory Stoneman Douglas High School, student Emma Gonzalez comforted a classmate during a CNN town hall meeting.

1 Accountability

President Donald J. Trump has repeatedly warned about the dangers of the "deep state." News analysts on conservative networks warned about a media that they believed were hostile to the president. Moreover, they warned, the permanent bureaucracy would do everything possible to undermine the president and his agenda, especially in the turbulent battle over Trump's impeachment. Talk radio host Mark Levin told his listeners that the previous president, Barack Obama, and officials left over from his days in office, were conducting a "silent coup" against Trump.[1] And a presidential adviser told the Conservative Political Action Conference (also known as CPAC), in the first weeks of Trump's term, that the administration was prepared for a constant battle for "deconstructing the administrative state." He pointed to the media and said, "If you think they're going to give you your country back without a fight, you are sadly mistaken." In talking about the president's opponents, he said, "Every day, it is going to be a fight."[2]

For a long time, top politicians have criticized the bureaucracy. Attacks on an unholy trinity of "waste, fraud, and abuse" were long-time staples of many presidential campaigns. President Ronald Regan got big laughs in a 1988 speech when he claimed, "The 10 most dangerous words in the English language are, 'Hi, I'm from the Government, and I'm here to help.'"[3] But with the 2010s, attacks on the government bureaucracy escalated. In a 2017 speech in Poland, President Trump warned that "on both sides of the Atlantic, our citizens are confronted by yet another danger." It was, he said, "the steady creep of government bureaucracy that drains the vitality and wealth of the people."[4] American politics became entangled far more with a view of bureaucracy as distinctly powerful (seen as a source of enormous leverage over society), dangerous (seen as an evil force), and unaccountable (seen as a source of power independent of elected officials and voters). When Republicans win elections, they worry that Democrats buried deep inside the bureaucracy could frustrate their electoral mandate. Of course, when Democrats win, they worry that Republicans who had burrowed in could frustrate their victory. The debate has transformed over the years from Reagan's complaint of a clunky, clumsy, inefficient entity into Trump's criticism of a bureaucracy determined to frustrate the popular will.

It might be surprising that all of these criticisms could be leveled against bureaucracy: an entity that was, at once, clumsy but

CHAPTER OBJECTIVES

- Understand the three intertwined themes of the book: politics, performance, and accountability
- Explore the history of the administrative process
- Examine the central role of accountability in the administrative process

super-powerful, an organization unresponsive to one side but over-responsive to the other. It seems such a deeply ingrained American problem, but Trump suggested that the Poles would recognize the phenomenon as well. In fact, the idea of a deep state is neither new nor American, but it has always carried a sense of profound danger. The idea of the separation of church and state is not merely designed to give individuals freedom of worship. It's also based on the deep fear that a church might come to exercise dangerous power over civil authority. The secret police in the Soviet Union and in Hitler's Germany exercised vast power, often hidden from public view. In the Ottoman Empire and Turkey, there were constant worries of a secret but powerful bureaucracy. What all of this history has in common is the underlying sense of a vast network of power, hidden from public view and often even from the control of key government officials, that works hard to advance its own interests over those of the people. In authoritarian systems like in the Soviet Union, the worry is that the deep state could serve as an instrument of vast power out of sight and sometimes out of the control of government officials. In democratic systems like in the United States, the worry is that such a deep state could frustrate the role of elections—and democratic power itself.

That, in fact, is the deep and enduring problem of bureaucracy in general and public administration in particular. Bureaucracies exercise vast power. In fact, it would be impossible for democracies to exist without them. How else could they defend themselves or advance the ambitions of their citizens? But how well do they work in doing so? That's the big problem of performance.

And within this role, is it possible for bureaucratic officials to build up an independent base of power that would enable them to resist the preferences—or even the commands—of elected officials? There are so many ways that accomplished hands can frustrate the wishes of new officials. How can such vast power be kept under the control of those elected to serve the people—and of the people themselves? That's the big problem of accountability.

From the speeches and interviews of so many public officials, it's clear that much of this revolves around rhetorical flourishes and hard-edged arguments about who governs and what they do when they win elections. What policies do they advance? What do they try to change? How do they use their policy victories to win reelection and keep the process going? That's the big problem of politics.

Together, these three themes—politics, performance, and accountability—define the lasting themes of public administration. And together, they chart the basic themes of our exploration of the politics of the administrative process. We cannot have democratic rule without public administration. But public administration presents its own challenges to democratic rule.

The issues of the administrative state are lasting ones. Both the ancient Greeks and Romans worried about how to create enough administrative power to govern without making administrators so powerful that they could not be controlled. The famous Magna Carta, which provided the foundation for modern government in 1215, was an effort by English noblemen to rein in the power of King John. The gradual evolution of European parliaments from the Middle Ages into the Renaissance was an effort to set the balance between popular rule and the power of kings. The American revolution grew from a bold statement about the rights of people and the need to hold government's power accountable. Similar threads run through the role of government in China. The terms of art have deep roots. In 1948, famed public administration scholar Dwight Waldo wrote *The Administrative State,* a dissertation turned into a book notable not only for laying the foundation for the modern study of the field but also because it was built on a study of political philosophy.[5] The issues of the deep state are thus much more than a snapshot of the fierce political battles of the 2010s. They grow from complex historical foundations with roots intertwined with the puzzles of politics and philosophy. As debates in the human experience go, these are about as important as they come.

The Foundations of Public Administration

Public administration is important because it's how we translate our ideals into results. Policymakers, of course, spend endless hours debating new ideas, battling over which ones to support, and enacting them into law. But amid all of these fights, one reality is most important: *Public policies only gain their meaning in the ways in which they are implemented.* We can have the most ambitious plans in the world, but none matter—at all—unless our ambitions produce results. That process is the core of this book, and it revolves around the trio of big ideas: politics, performance, and accountability.

Consider something as simple as turning on the water tap. All of us do it, and do it multiple times every day. We take it for granted that the water will be there when we want it and that it will be safe when we drink it. We rarely stop to think, when we travel around the United States, whether we take a chance when we take a drink from the faucet in a hotel room, even though we know it often tastes and smells different in different cities. Who has the best water? The experts at the Berkeley Springs International Water Tasting competition in West Virginia hold a regular competition, with judges swirling water in wine glasses and judging appearance, aroma, mouth feel, and aftertaste. The best municipal water in the world, they concluded, came from Canada in 2019, and from an aptly named town: Clearbook, British Columbia. The best water in the United States? It came from Eldorado Springs, Colorado, not far from Boulder. Local Berkeley Springs residents were proud that their own water placed fifth in the world in the blind taste test.[6]

When Fiji Water launched an advertising campaign saying, "The label says Fiji because it's not bottled in Cleveland," the city decided it wasn't going to put up with that assault on its reputation. City officials ran tests on water from both sources and found that Fiji water had 6.3 micrograms of arsenic per liter. The level in Cleveland's water? Zero.[7] In 2019, *Consumer Reports* ran a test across a wide range of popular brands for arsenic. They found that the Fiji level had declined since the Cleveland tests, but that levels in other brands, including some sold by popular health food chains, were much higher. That mattered, the magazine concluded, because bottled water outsells all other bottled beverages, which explains why every leading soft drink company has acquired its own brand of bottled water. There's perhaps nothing we take for granted more than the safety of the water we drink, whether it comes out of the tap from municipal water supplies or from a fancy bottle. That's because public policy is clear: The water we drink ought to be pure and plentiful. This doesn't always turn out to be the case, however, which is why public administration is so important.

Is Private Administration Better Than Public?

The comparison of public versus private sources of water—water taps versus commercially bottled water—frames one of the biggest debates about public administration. Critics often point to government's delivery of public services, complain that government is inherently inefficient, and say that important work ought to be given to private companies. In fact, private testers have found, public water often has less contamination than privately bottled water. The big issues get even deeper.

In a 2013 comment about government, Microsoft cofounder Bill Gates complained, "You don't run a business like this." Government, he said, was on "a non-optimal path," and "a business that is maximizing its output would proceed along a different path."[8]

This is precisely what Michigan Governor Rich Snyder promised when he took office in 2010. He campaigned using #onetouchnerd as his Twitter hashtag. Snyder was such a rising star that insiders openly discussed him as a possible 2012 vice presidential running mate for Republican nominee Mitt Romney. By 2016, however, critics suggested his hashtag ought instead to be #onedonedude. Under Snyder's administration, the city of Flint switched its water supply from the city of Detroit to the Flint River. The change, his analysts concluded, would save taxpayers millions of dollars, and that was what "running government like a business would mean." Almost immediately, however, Flint residents began complaining that their water smelled, tasted, and looked funny. Even worse, nine people died from Legionnaires' disease, which investigators suspected was connected to the water switch. The lead in the water poisoned thousands of children—for life. Tens of thousands of citizens resorted to bottled water for drinking, cooking, and even bathing. "We were an experiment in their philosophy of government," explained State Senate Minority Leader Jim Ananich, a Democrat and tough critic of Governor Snyder. "But unfortunately, it failed."[9]

The "running government like a business" strategy didn't just fail in this case. It created a vast public health disaster for the city's residents. The crisis set off a wave of finger-pointing, with Democrats blaming a Republican governor and Republicans blaming the EPA and the Democrats in the Obama administration. The state government blamed local authorities, and all of them complained about the feds. Left with undrinkable water and poisoned children, the residents of Flint, 57 percent of whom were black, wondered why their government had failed them.

Here was an echo of the big issues. Critics complained that the government had performed badly. Snyder countered that the problems were the product of other governmental bodies, which had proven unaccountable. And analysts across the board pointed to big political battles that shaped Flint's water system. The big themes of public administration—performance, politics, and accountability—are both universal and inescapable.

Sadly, this case reinforces the biggest challenge facing American government as it heads into the second quarter of the twenty-first century: the profound distrust Americans have for their political institutions. Two distinguished scholars of the political system, Thomas E. Mann and Norman J. Ornstein, contended not only that the system was broken but also that *It's Even Worse Than It Looks*, as the title of their 2012 book put it.[10] Presidential candidates have squabbled over who's to blame, and Congress has found itself tied in knots, unable to get much of anything done. But nothing is more fundamental to the distrust of government than the concern that too much of government just doesn't work well, that Americans find themselves paying high taxes for programs that underdeliver. Bureaucracy is the centerpiece of distrust. Nothing is more important to understanding the relationship between citizens and their government than understanding how government delivers what it promises. Nothing is more important to the future of American democracy than ensuring that programs work for citizens. At its very core, that is the story of the politics of the administrative process.

The Problem of Trust in Government

Although distrust has hit a boiling point in the United States in recent decades, there is nothing really new about the problem. Our founders, after all, used distrust of King George III as the foundation for a revolution. Their aspirations for the new country could not have been higher, and their view of the king could not have been lower. The Declaration of Independence has soaring, inspirational words: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

Stop and think: The revolutionaries who founded our government wanted to protect their liberty—and they wanted a government that would allow them to be happy. When was the last time you thought about "happiness" and "government" in the same sentence? (Actress Goldie Hawn, in fact, makes just this point in the 1984 movie *Protocol*.) Then there's our basic framework, captured in the Constitution. It starts with a foundation in "We the People" and pledges justice, domestic tranquility, defense, the general welfare—and "the Blessings of Liberty to ourselves and our Posterity." Yet every recent presidential campaign has swirled around charges that the rich and powerful have captured the system, steering the government to enrich itself at the expense of we the people.

We're the "posterity," living and walking today, but we don't often feel especially happy about our government. The revolutionary DNA is still in our body politic. We battle over whether to shrink government to cut taxes or expand it to provide more protections. We quite deliberately vote opposing forces into office and then complain about congressional gridlock. But that doesn't stop much of the rest of the world from admiring our commitment to freedom and the society our government has built. In fact, we are often a puzzle to people in other parts of the world, who admire our government and are amazed at the way we govern ourselves. Those who look at us carefully from a distance understand what we often overlook: Both our progress and our battles flow from our uneasy relationship with government, from our simultaneous efforts to empower and control it, and from our ceaseless struggles to figure out how to secure justice, defense, and the general welfare while seeking tranquility and happiness. The politics of the administrative process is the struggle to balance our lofty expectations for government with our deep distrust of it.

It's one thing to argue the case for justice, but it's another to make our state prisons secure without abusing inmates. It's one thing to argue for domestic tranquility, but it's another to determine how much force local police should use in fighting neighborhood crime. It's one thing to promise to defend the country from terrorists, but it's another to find just the right balance of weapons to protect the country without bankrupting it and undermining our freedoms. It's one thing to advance the general welfare, but it's quite another to decide which citizens whose homes are destroyed by a superstorm should get federal aid. And how many times should we pay to rebuild the same property? One study found that we've paid to rebuild 2,109 properties at least ten times. One Louisiana home has gotten flood insurance payments forty times.[11] It's our answer to the basic administrative questions, on the front lines of government, that define what our government really is and what values we protect. No matter how bold or simple our policies, no matter how powerful our rhetoric, nothing in government has any meaning until we administer it.

For example, we have a clear national policy about the many oil-drilling platforms in the Gulf of Mexico. When companies extract the oil, our laws and regulations say they should keep their workers safe and ensure that their practices don't pollute. But on the evening of April 20, 2010, everything went tragically wrong. Workers on the *Deepwater Horizon*, a highly specialized drilling platform—part boat, part oil rig—noticed a highly explosive burst of methane gas moving up the pipes. One crew member raced to trigger the blowout preventer, a massive device on the ocean floor a mile below that was designed to seal the drilling pipe in case of trouble, but it failed.

Explosions rocked the rig and the decks became sheets of flame. Some workers scrambled for the lifeboats. Other workers, facing a choice between the flaming cauldron and the dark sea 75 feet below, took the seven-story dive into the inky water. Rescuers fished some of the crew out of the water, but the *Deepwater Horizon*'s accident cost the lives of eleven crew members. The massive fire burned for a day and a half until the rig sank to the bottom, leaving oil gushing from the broken pipes. More than 4 million barrels of oil flowed into the Gulf, contaminating beaches, marshes, and wetlands in the largest oil spill in history.

One worker later reported, "There was no chain of command. Nobody in charge."[12] It quickly became clear that the spill was an epic disaster whose full dimensions were truly unknown. No one really knew what was happening on the floor of the Gulf of Mexico, so deep that only unmanned submarines could reach the source of the spewing oil, so dark that submarines had to bring their own lights to see anything, and pressure so great that awkward remote-control arms proved to be the only way workers could work to contain the spewing oil.

At first, BP assured everyone that it would get the spill under control and that the company would deal with the environmental damage. At every step, though, television coverage undermined the corporation's pledge of quick, effective relief. Video of the out-of-control fire gave way to new shots of oil slicks on the water's surface and sludge-coated birds on the shoreline. Exasperated by the intense news coverage, BP's chief executive, Tony Hayward, told reporters, "I would like my life back." That infuriated Gulf residents who worried, "Our way of life is over," as Tom Young, a Louisiana fisherman, told a reporter. "It's the end, the apocalypse, and no one outside of these few parishes really cares. They say they do, but they don't do nothing but talk. . . . Where's the person who says these are real people, real people with families, and they are hurting?" Young asked.[13] BP didn't know how much oil was flowing out of its well and couldn't seem to stop it. State and local governments pleaded for help.

BP called the spill "a well control event" that "allowed hydrocarbons to escape." In plain English, the spill was the result of a blowout caused by the failure of private companies to manage their operations safely, including BP and its two major contractors: Transocean, the world's largest ocean drilling company and the operator of the *Deepwater Horizon*, and Halliburton, a company that supplies a wide range of support services including, in this case, cementing the well on the floor of the Gulf. The spill was a private-sector failure—but congressional investigators began asking whether the federal government was doing enough. President Barack Obama decided that the federal government needed to act, and he appointed Coast Guard Commandant Admiral Thad Allen as the "national incident commander" to coordinate the response. A tough and burly commander who had distinguished himself in leading the government's response to Hurricane Katrina five years earlier, Allen had become the federal government's go-to leader for impossible jobs. In the months that followed, Admiral Allen struggled to pull together the many players—and the thousands of workers—who were involved in the response effort.

In short order, a failure by a private company to manage its drilling operations became a demand for government to respond: Private problems became public problems. The government response, in turn, was not just a program to be managed but a vast, complex, interconnected network to be built across many government agencies, levels of government, and public-private connections. Overcoming the ooze depended on how well that network worked. There was enormous political pressure. Fishermen fearful of going out of business and a Republican governor with presidential ambitions, Louisiana's Bobby Jindal, had to join with the Democrats in the Obama administration. BP had to contain the oil, repair its image, and fend off the inevitable lawsuits. Residents along the Gulf just wanted the assault on their lives and their beaches to stop.

Solving the Public's Demands on Government

The Flint water crisis and the BP oil spill both capture the essence of modern government: We the people identify problems that we expect the government will solve to promote the general welfare. How does it do so? Government, on behalf of us all, sets goals and then creates complex organizations to meet those goals. The Flint and BP crises also capture a fundamental challenge: Does government have what it takes to do what its citizens expect?

These challenges are huge, so the story can sometimes be depressing. But this book is built on optimism, out of an enduring belief that government can get smarter, serve citizens better, and support the fundamentals of American democracy on which the country depends. To a degree often not appreciated, government depends on *public administration* as the connection between those who make policy and the citizens who expect results. Let's return to the big themes in public administration, this time in more detail.

The first theme is *politics*. Many people often see administration as the business of the detail, which can't possibly be interesting. In reality, because no decision—especially no political decision—has any value except in the way it's implemented, public administration inevitably shapes and is shaped by politics. *Politics (and, therefore, public administration) is about the choices among values*, including which values get emphasis and which don't. That is the very fabric of public administration. Which neighborhoods get extra police protection? Who gets the speedy line through airport screening? When it snows, which highways are plowed first—and which see plows last? Each of these is a matter of detail richly wrapped in politics, and all administrative acts have political meaning. Indeed, the story of Flint's water crisis, at its core, is a political tale.

The second theme is *performance.* Public administration exists to get things done. How well does it work? How long does it take to respond to a house fire or report of a mugging? Do Social Security recipients get their checks on time and in the right amounts? Do state prisons keep prisoners inside, protecting citizens outside without abusing inmates inside? We expect public administration to work well, delivering effectiveness (high-quality goods and services) and efficiency (goods and services at the lowest cost to taxpayers).

The third theme is *accountability.* The prospect of a powerful bureaucracy out of control rightly terrifies citizens. The fear of a despotic government, after all, drove colonial Americans to revolt against the king. It brought down the Nixon administration in 1974. Worries that Obamacare would unleash a powerful, out-of-control bureaucracy helped propel Donald Trump into the White House in 2016. Accountability is a *relationship*. It is about *answerability to whom, for what*. When we debate whether public administration is accountable, we are asking to whom individual administrators must answer (legislative bodies like the city council, state legislature, and congressional committees, as well as administrative superiors up the chain of command) and for what activities they must answer (including the value judgments they make and the performance they demonstrate).

These three themes shape the big debates about public administration, because they frame the fundamental debate about the *power* of government. In 2013, for example, Louisiana Governor Bobby Jindal staged an attack on what he labeled the "two central philosophies of the Obama administration—the massive expansion of the size and power of the federal government and a lack of trust in the American people." What evidence did he present? He pointed to conflicting stories that the administration had presented about the attack on the American mission in Benghazi, Libya; mismanagement within the Internal Revenue

Service; and "disastrous attempts to enforce Obamacare," the administration's health care reform.[14] And what does this evidence have in common? All of it focuses on how administrative agencies exercise power on behalf of government. Jindal suggested that the agencies were unaccountable to the people, that they were not performing on behalf on the public interest, and that they were the focus of administration decisions that, in Jindal's view, represented the wrong political decisions. Of course, Jindal's attack was itself political. How could it be otherwise? What government does is about politics—and political decisions take their meaning in the ways public administrators carry them out. Government's power centers on public administration.

These themes also capture the inevitable tradeoffs at the core of government power. Steps to increase accountability, including more rules to restrict administrators' power, can reduce efficiency by multiplying red tape. Streamlining government to make it more efficient can risk making administrators less accountable. At every stage, these basic questions frame the size and role of government, and there's nothing more fundamental to politics than that.

Public administration is about everything that's important about government, and everything that's important about government touches on or flows through public administration. Those twists and turns are often hidden, and the issues can be subtle. But if we care about government—especially if we care about making government work better—we need to pay very careful attention to the politics of the administrative process. And that's the mission of this book.

DIVING INTO DATA

Immigration Policy in the United States

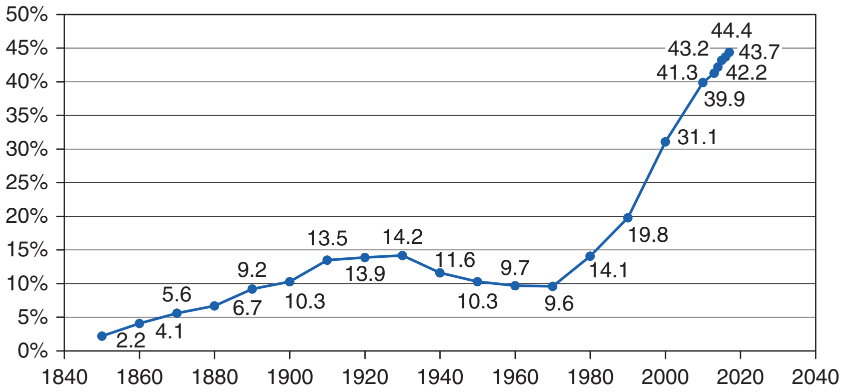
The Trump administration's immigrant ban was part of a far larger policy initiative from the administration. After all, the president had campaigned in 2016 with a pledge to build a wall on the Mexican border and to make the Mexican government pay for it. The immigration debate occupied much of the president's term, and it fueled battles that stretched into the 2020 presidential campaign.

But in considering the issues around immigration, some of the basic points are very surprising. Consider just three of the issues.

First, the foreign-born population of the United States is higher than at nearly any other point in American history. Immigration has increased substantially since 1965 Immigration and Naturalization Act, which removed quotas by country. Many people from around the world who wanted to immigrate to the United States had complained that the existing system had favored northern Europeans. So the 1965 legislation broadened the countries from which immigrants could apply to enter the United States and, as Figure 1.1 shows, dramatically increased the number of immigrants.

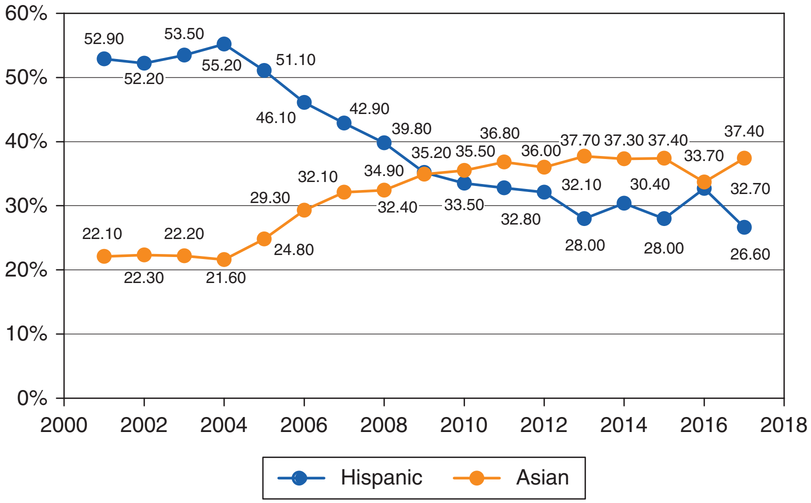
Second, there is a common perception that Hispanics vastly outnumber immigrants from other countries. In fact, as Figure 1.2 shows, among newly arrived immigrants, Asians outnumber Hispanics.

FIGURE 1.1 Foreign-Born Population 1850–2017



Source: Pew Research Center, "Facts on U.S. Immigrants, 2017" (June 3, 2019), https://www.pewhispanic.org/2019/06/03/facts-on-u-s-immigrants/.

FIGURE 1.2 Percentage of Immigrants Arriving in the United States



Source: Pew Research Center, "Facts on U.S. Immigrants, 2017" (June 3, 2019), https://www.pewhispanic.org/2019/06/03/facts-on-u-s-immigrants/.

(Continued)

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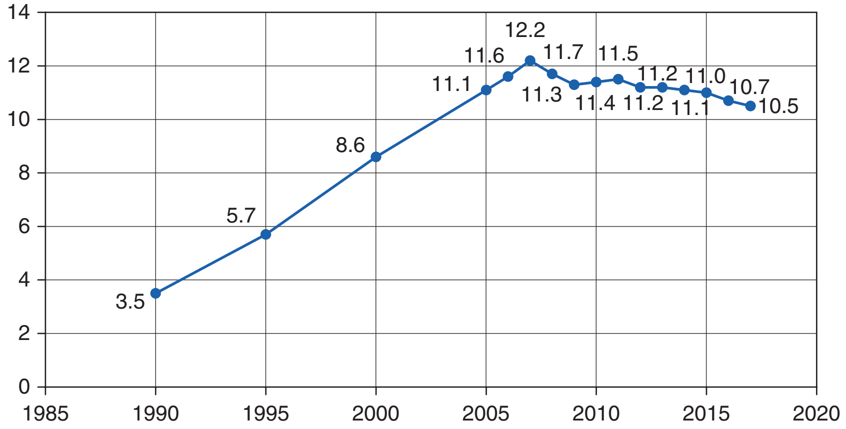
And third, it's a good guess that most Americans believe that the number of illegal immigrants has grown out of control. In fact, as Figure 1.3 shows, the number of illegal immigrants has fallen.

FIGURE 1.3 Unauthorized Immigration Population (in Millions)



Source: Pew Research Center, "Facts on U.S. Immigrants, 2017" (June 3, 2019), https://www.pewhispanic.org/2019/06/03/facts-on-u-s-immigrants/.

Questions to Consider

1. How do these data change your perception about the nature of immigration?
2. What implications do you believe these data suggest for the administration of immigration policy? What problems and challenges do they raise? What alternatives might there be to solve these problems?
3. The number of immigrants is projected to almost double by 2065. What administrative implications do you believe are likely to result from this trend?

For example, consider the mundane problem of plowing snow from city streets. Could it possibly be about politics? Just ask former New York mayor John Lindsay. Following a blizzard in February 1969, much of the city was impassable for days. Almost 40 percent of the city's snow removal equipment was sidelined because of poor maintenance, and the borough of Queens was especially isolated. When Lindsay used a four-wheel-drive vehicle to make his way to the snowbound residents, they booed him and called him a bum. He managed to win reelection, but the story haunted him for the rest of his career and undermined his 1972 presidential campaign. A 1979 storm in Chicago torpedoed the campaign of Chicago Mayor Michael A. Bilandic. Washington Mayor Marion S. Barry Jr. suffered for years after a blizzard hit his city while he was enjoying sunny weather in Southern California, where he was attending the Super Bowl.[15] A senior official in a Midwest city once confided in me that there

Joanne Rathe/The Boston Globe via Getty Images

After a string of fierce Boston snowstorms, firefighters from Engine Company 3, Dana Nunan and Matthew Brady, dig out a hydrant on Albany Street.

was a special snow removal plan for election day to ensure that the precincts most likely to vote for the mayor got plowed out first.

It's not especially surprising to discover that officials use government power to advance political purposes—or that administrative actions like snow plowing have political consequences. This is an echo of a great scene in the movie *Casablanca*, which might well be the best film of all time. Police Captain Louis Renault loves Casablanca's nightlife, but the Nazis who occupy the city expect him to enforce public order in the way they want it done. When the Nazis insist he crack down on his friend Rick's casino, Renault picks an ironic pretense. "I'm shocked, shocked to find that gambling is going on in here!" he tells everyone—just before his favorite dealer hands him his own winnings. We should be no more shocked to discover that politics surrounds the exercise of public power through public administration.

Historical Roots

These tensions and tradeoffs run throughout American history. We might not like politics or government much, but we like bureaucracy even less. Our founders rebelled against King George III, but the prime complaints were against his administrators. The Boston Tea Party was a public act of rebellion against the king's tax collectors. (For a small historical tidbit, check the modern heritage of colonial brewer Sam Adams, who was a ringleader of the Tea Party and whose name lives on today.) The Declaration of Independence specifically condemns King George III, saying, "He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance." Signing the document required tremendous bravery on the part of the signatories, but declaring independence was the easy part. First they had to win the war against the world's most powerful army, and then they had to make independence stick by learning how to govern. The new government, in fact, failed an early test of governing when it stumbled in putting down a rebellion in 1786, led by Daniel Shays in western Massachusetts. The founders concluded that protecting their hard-won democracy required a stronger government. That led in 1787 to another major Philadelphia convention, this time to write a constitution.

Determining the role of administrators in the new constitutional system, however, proved difficult. No one wanted to recreate the tyranny against which the founders had rebelled, but a weak government risked inviting invasion and conquest. The founders famously and delicately balanced government's power through the legislative, judicial, and executive powers. They finessed the tough question about how to exercise those powers, especially the administrative powers. Article II of the Constitution vests "the executive power" in the president, but the definition of executive power is fuzzy and the founders carefully balanced the exercise of this power through the powers given to the other two branches. Trying to define executive power further risked fracturing the fragile coalition that brought the new country together. What they left out couldn't draw political fire, and they left to future leaders how to administer the nation they worked so hard to create.

There is profound irony here. The founders were determined to prevent a recurrence of the abuse of power that prompted the revolution, but when they had the chance to define the power of the new government, they sidestepped the question. From its first moments, American public administration was grounded in politics—the political battle against the king, followed by the delicate political balance to get the Constitution ratified. The political issues about public administration colored George Washington's two presidential terms, as John Adams and other Federalists battled with Thomas Jefferson and his Democratic-Republican colleagues about how far the government's power should go. Defining the nature of executive power produced the first big divisions in the new nation, fueled a feud that cost the life of the former secretary of the Treasury in a duel, and fed the creation of political parties with very different views on how that power ought to be exercised. The story is so gripping, in fact, that it led to a hit Broadway musical, *Hamilton.* The discovery that government power was about public administration and that public administration was about politics was about as surprising as Captain Renault's discovery that there was gambling—gambling!—going on in the casino where he did his betting.

The struggles change with the times, but the basic issues are as old as the United States: creating an administration strong enough to do the public's work but accountable enough to prevent the tyranny that the nation's founders sought to guard against. That leads us to a more detailed examination of the puzzle of *accountability.*

The Meaning of Accountability

We use the word **accountability** a great deal, but we rarely stop to ask ourselves what it means, how it works, what we seek to control, or who controls whom. The word has its origins, as far back as the 1200s, in the notion that something ought to be capable of being counted. Medieval kings wanted to know what happened to their money. The issue is even more important in a modern democracy. So let's examine these issues in turn.

What Is Accountability?

Accountability is a relationship between people (who is accountable to whom?) about actions (what are they accountable for?). It is the foundation of bureaucracy in a democracy, because accountability depends on the ability of policymakers to *control* administrators' actions. Control, in turn, can be either *positive* (requiring an agency to do something it ought to do) or *negative* (seeking to prevent an agency from doing something it should not do). Sins of omission as well as acts of commission are subject to investigation, criticism, instructions, and sanctions.

The principal focus of control is on discovering bureaucratic errors and requiring their correction—a largely negative approach that tends to become dominant for several reasons. First, it is easier to see—and to criticize—sins of commission, for they tend to be the stories that attract media attention; the more intense the news coverage, the stronger the policymakers' reaction is likely to be. In 2004, the abuse of Iraqi prisoners by a small group of American soldiers generated news stories for months, while the effective military service—and considerable suffering—of other American troops in Iraq received little attention in comparison. Second, an external control body (such as Congress, a state legislature, or a city council) can more easily identify specific problems to be solved than it can devise a broader strategy to be followed. Oversight hearings promptly focused on the behavior of that handful of troops, but Congress struggled to sort out the far more complex issues underlying American policy in the region. When lead poisoning crippled the water system in Flint, Michigan, in 2015 and 2016, local and state investigators, along with federal regulators, worked to figure out the source of the problem and how to fix it. Our discussion focuses on policymakers' efforts to shape administrative behavior. It therefore focuses primarily on the negative aspects of external control: correcting bureaucratic behavior that policymakers believe is not in the public interest. However, we must explore that issue also in the context of the often confusing dynamics of the underlying policy.

But do policymakers actually *want* to control administrators? Often they do not. If policymakers precisely specify policy goals, that would make them more directly responsible for the results. Policymakers often like to keep some distance between the decisions they make and the consequences that flow from them. When problems occur—from accidents in the space program to the slow response time of fire trucks—reporters and top officials like to prowl for someone to blame. An unbroken chain from top policymakers to the front line would put the blame for problems directly on elected officials. Top officials certainly do not want to encourage problems, but they also do not want the finger of blame pointing directly at them when problems inevitably occur. When the independent commission investigated the September 11, 2001, terrorist attacks, commission members discovered that the web of responsibility was so unclear that it was impossible to fix the blame. Despite heavy pressure to hold someone accountable for failures in intelligence and security, no one was fired. In 2005, when Hurricane Katrina produced the worst administrative failure in American history, only the administrator of the Federal Emergency Management Agency, Michael Brown, lost his job, despite manifest problems throughout the federal, state, and local policy systems. Despite his city's huge problems in responding to the storm, New Orleans Mayor Ray Nagin was reelected.

Even if elected officials actually wanted a clear chain of accountability, it would create a "gotcha" effect: If administrators knew they would have to answer for every problem, they would make sure no one could see any problems they would have to answer for. Administrative problems rarely have simple solutions or leave a clear trail. How likely is it that some drugs will cause deformities in humans or that landing an airplane in a thunderstorm will be unsafe? How can a dangerous chemical dump best be cleaned? When a storm wobbles between snow, ice, and rain, when is it best to plow the roads, and how many chemicals should be applied to keep them clear (and what damage to the environment and to the roadway might the chemicals cause)? If we create a climate that punishes risk-taking, we are likely to get too-safe decisions that prevent government from doing its job. Excessive controls increase red tape and delay action. Finger-pointing leads to administrators digging deep foxholes instead of taking risks to achieve high performance. So much energy can be spent attempting to control administrative activities—and filing the paperwork to document that the control standards have been met—that there may be little money or time left to do the job. Controls that are too tight, therefore, may actually *reduce* administration's responsiveness to its public. Indeed, as British scholar Peter Self put it, "The tensions between the requirements of responsibility or 'accountability' and those of effective executive action can reasonably be described as *the* classic dilemma of public administration."[16]

Discretion is inevitable—and desirable—in administrative action. Policymakers can never specify all of the steps a complex program requires, and frontline administrators inevitably have to use their judgment in making programs work. Even if legislators could specify all of the steps, the legislative process—from city councils to the halls of Congress—makes that impossible, because reaching compromise on hard problems usually means blurring the lines. Moreover, not all circumstances are the same, and good administration requires adapting general policies to special needs. When first responders arrive on the scene of a serious traffic accident or a building collapse, what should they do first? How should firefighters approach a burning building, since everyone is different? Good responses depend on good training and professional judgment. That always requires discretion. We want to give administrators enough room to make the right decisions, yet we want to hold them accountable. Administrators must simultaneously follow the law and meet the goals of public policy.

Finding the right balance is an eternal challenge. And who makes the call? Who ultimately is accountable for what? The ancient Romans, in fact, worried about the problem, including the question "*Quis custodiet ipsos custodes*?"—"Who is to watch the watchers?" as the poet Juvenal put it.[17] We all want accountability, but there is no absolute standard for accountability and who holds accountable those in charge of accountability. Accountability is a relationship and, like all relationships, it constantly changes—and is often full of tension.[18]

The responsibility of individual administrators underlies the accountability debate. Can/should/must administrators follow the orders of top officials? Or can/should/must they become "whistleblowers," divulging to the public activities that they believe are wrong? On one hand, the answer seems clear. The post–World War II war crimes trials established that following orders was no defense against administrators who committed heinous acts. It's clear that administrators must exercise their own judgment. On the other hand, if administrators each exercised their own individual judgment as they went about their daily work, coordination would evaporate, the work wouldn't get done, and there would be little meaning to accountability.

Over the years, we've had a very mixed view of **whistleblowers**—individuals who take it upon themselves to disclose activities they believe are wrong. In a fascinating background story, *Wall Street Journal* reporter Ben Zimmer explains that the phrase "blowing the whistle" seems to have entered American language in the early part of the twentieth century, when fans expected sports officials to blow their whistles to stop play. If a football player committed a penalty or a boxer had beaten his opponent, fans called on referees to blow the whistle. A few decades later, during the 1930s, a new meaning crept in. "Blowing the whistle" took on the meaning of someone revealing a dramatic secret, often breaking a code of silence to authorities as a "snitch" or a "rat." In the 1970s, consumer advocate Ralph Nader deliberately changed the meaning. He challenged those with important information on misconduct, in either private companies or the government, to come forward, even if that meant "blowing the whistle against the system."[19]

This raises a fundamental question about accountability. How much obedience do government officials owe to organizational superiors and elected officials—and how much discretion should officials exercise on their own? Because there is no firm answer to that question, there is no single, clear approach to accountability. Accountability is, at once, the bedrock on which administrative power in a democracy builds and a puzzle that requires endless work in search of solutions.

Approaches to Accountability

In the United States, the effort to resolve this dilemma has focused on three big issues: the search for *legal boundaries* to constrain and channel administrative action, what we call the **rule of law**; the *political challenges* that have surfaced when administrative realities stretch those legal boundaries; and *evolving policy problems* that increasingly confound the strategies and tactics to hold governmental power accountable and to ensure that administration serves the public interest.

Legal Boundaries

The problem of balancing governmental power with individual freedom, of course, is nothing new. When King John met England's nobles in Runnymede in 1215, they pledged him fealty—but only after the king agreed to limits on his power, which were captured in the Magna Carta, an important document that has since shaped the way we think about constraints on governmental power.[20] The debate has been endless, but two things are clear. One is that the uneasy pact forged at Runnymede helped establish the basis for the modern state. The other is that the rule of law emerged as the guide for setting the balance between governmental power and individual liberty. Kings (and later queens) found power useful to work their will. Citizens sometimes found the exercise of that power overbearing and expensive. Across a wide range of issues, King John and his successors agreed to accept limits on their power in law, even though the British monarchs claimed that their power flowed from divine right.

The *rule of law* thus became enshrined in English common law. In practice, the rule of the sword often pushed aside written agreements, and it took centuries for kings to realize that modern government required real accountability to the people. It's not surprising, therefore, that the story of the rule of law is the story of struggle and conflict.[21] The rule of law seeks to define and protect the basic rights of citizens against a too-powerful government, although claims of the Magna Carta's historical impact have been much exaggerated.[22] Its most important contribution, however, is this: It establishes the importance of having a system where everyone knows the rules and where the rules apply to everyone. Finally, the rule of law creates the foundation for administrative accountability. Since government in action is often the action of administrators, the rule of law provides the mechanism for constraining how administrators exercise their power. It tells them what they can do and what will happen to them if they step beyond their boundaries.[23]

This basic outline, of course, is far clearer in theory than it ever was in practice, but the rule of law provided at least a basic blueprint for the founders of the United States. In *Common Sense,* Thomas Paine wrote that "a government of our own is a natural right," with that right protected by the law, because

> in America the law is king. For as in absolute governments the king is law, so in free countries the law ought to be king; and there ought to be no other. But lest any ill use should afterwards arise, let the crown at the conclusion of the ceremony be demolished, and scattered among the people whose right it is.[24]

The rule of law was central to the colonial founders as they tried to create their new government. Paine and others argued that citizens could establish that government because they would also bind its power.

The Role of Politics

The Articles of Confederation, the principles that guided the nation in the uneasy days between independence from the British crown and the adoption of the 1787 Constitution, was a clumsy first effort. But the Constitution that followed is a web of crosscutting restraints on government and the basic strategy for administrative accountability in American government: Give the government power but set legal bounds to limit the dangers of its use. In the United States, the founders did not trust a single check. Multiple backstops, through separated institutions sharing authority, provided the extra insurance that the wary founders wanted. But this balance of powers was an unsteady deal. In the nation's first decades, officials created a national bank only to close it; they tried a second time and closed it again. Alexander Hamilton's powerful argument for government's help in promoting the economy repeatedly encountered a hurricane of citizen opposition.

The conflict became razor-sharp during the Progressive Era, toward the end of the nineteenth century. In tackling the problems of rising corporate power and the enormous potential of the industrial age, the **Progressives** faced a dilemma. They were convinced that stronger government, with new programs and stronger agencies, was necessary to drive the country forward and to constrain the giant private companies. But they also knew that citizens would be nervous about a more powerful government, for the American Revolution against King George III's tyranny remained in the country's collective consciousness. How could the government grow without creating bureaucratic tyrants? For the Progressives, the answer lay in the rule of law. (It's important to note that, for the early Progressives, they focused on creating strategies to make government work better. Only in subsequent decades did "Progressive" come to be associated with "big government.") Before being elected president, Woodrow Wilson, then a political scientist at Princeton University, famously sketched a solution:

> If I see a murderous fellow sharpening a knife cleverly, I can borrow his way of sharpening the knife without borrowing his probable intention to commit murder with it; and so, if I see a monarchist dyed in the wool managing a public bureau well, I can learn his business methods without changing one of my republican spots.[25]

Wilson, along with his fellow Progressives, contended that government administrators could be empowered to do government's work without threatening individual rights because the rule of law would hold them accountable. Delegation of power to administrators from elected officials and hierarchical control through authority controlled the use of power within administrative agencies. Separating politics from administration, in what became known as the **politics-administration dichotomy**, was their strategy for an effective administrative state in a modern democracy: Politicians would determine policy, and administrators would carry out that policy within the bounds set by elected officials.[26]

The Progressives' reliance on the rule of law was an elegant solution to a very tough problem. As they contemplated the twentieth century, they concluded that government would have to become far stronger. Caught between the growing corporate power of the railroad barons and captains of industry and the limitless opportunities of industrial and territorial expansion, the reformers found in the rule of law a way to fit old theories to the new prospects. The rule-of-law formulation was not the last word for the Progressive movement, any more than it was for King John, but it provided a way to expand government in the twentieth century while holding it accountable.

Political Solutions

Of course, big problems soon strained this neat formula. Herbert Hoover and his advisers fumbled in their response to the 1929 stock market crash. When Franklin D. Roosevelt launched the New Deal to attack these problems, critics complained it was a vast and unconstitutional overreach of power. The rule of law had real appeal, both because of its common law and historical roots and because it provided a logical answer to the nation's pragmatic problems. But the theory inevitably collided with politics, as John M. Gaus reminded everyone: "A theory of public administration means in our time a theory of politics also."[27] Not only did the rule of law fit uneasily between governmental power and individual liberty; it rested on the inescapable reality, captured so well by Gaus, that administration has always been about politics. Political pressures maneuvered King John into putting his seal on the Magna Carta, and they have swirled around the rule of law since then.

In his 1936 essay "The Responsibility of Public Administration," Gaus noted that cracks had appeared in the rule of law from the earliest times. He described a replica of a Babylonian monolith, which displayed a carving of the Code of Hammurabi from 2000 B.C.E. Above the code is a relief of Hammurabi receiving the command to establish a just law from the sun-god, Shamash. That, Gaus pointed out, established the "earliest conception of political responsibility": "Somewhere in the wisdom of God was to be found the absolute code, the fixed standard, which the ruler was to follow." However, he continued,

> the inadequacy of such a conception of responsibility is obvious. Responsibility is accountability, but who, under such conditions, could call power to account? Is God's will always so clear? Should not, then, His vicar interpret him? But can one be sure that the vicar is correct in his interpretation?[28]

That's the core conflict for administrative accountability and the rule of law. It's hard to beat an accountability system coming directly from God. But it's also impossible to translate, with complete transparency and total predictability, the rule of law directly into administrative action. As administrators interpret the rule of law to bring the law to life, the law slips in its hold on their rule. Gaus concluded in his essay that "neither the electorate nor the legislature can express in concrete detail the specific policy which it desires the administrative organization to enforce,"[29] so administrative discretion is the inevitable result of any administrative act. Indeed, the dilemma of building sufficient capacity to allow Congress to oversee executive branch actions is a puzzle that has echoed through the American Political Science Association lectures given in Gaus's name.[30]

What solution does Gaus offer? If forces external to the administrator cannot adequately shape the exercise of discretion, then democracy must necessarily rely on the administrator's professional norms. Gaus's argument set the stage for one of the most trenchant battles of public administration theory: the 1940 debate between Herman Finer and Carl J. Friedrich on whether professional training or external controls could best hold administrators accountable.[31] The battleground was the rule of law, as Finer made the case for the long tradition of administration held accountable by legal standards. But Friedrich echoed Gaus in making an inescapable point: If the law cannot fully control administrative action, then how can administrators be held accountable? For Gaus and Friedrich, the case for relying on professional norms was the inescapable conclusion. They argued that government had to rely on what it had at its disposal. That, in turn, not only makes public administration about politics, since it brings the value judgments of administrators squarely into the process; it also brings in the question of *whose* political values shape administrative action.

Evolving Policy Problems

Resorting to pragmatism beyond the law was perhaps inevitable, but it also set the stage for a fierce debate about administrative theory and practice. The Magna Carta was important because it established the premise that law could limit the king's power, but the Runnymede meeting did not erase the enormous pressures on the exercise of political power that came before or after. The United States relied on the rule of law to define and protect individual rights, but few rights have ever been absolute and the debate over how to shape them has always involved substantial cross-pressures. As governmental programs became more complex in the first half of the twentieth century, and especially as more public programs involved partnerships with the multiple levels of government and with the private sector, strains on the rule of law hit the breaking point. Gaus argued:

> In a state in which the powers of government intermesh widely with those of industry, commerce, and finance the traditional restraints upon the discretion of the administrator through making him responsible to the electorate, the courts, and the legislators are inadequate.[32]

Although Gaus wrote this in 1936, he could easily have been describing BP and the *Deepwater Horizon* accident: big problems that blur the legal boundaries in ways that make it hard to define who is responsible for what action.

Those changes in the complexity of governmental programs accelerated during the 1930s. Franklin D. Roosevelt's New Deal programs, in particular, not only reinforced the challenge of politics in accountability and pushed more reliance onto the professional norms of administrators; they also brought more players from a wider variety of organizations into the pursuit of public policy. World War II, as it spawned a massive network of private contractors to help the war effort, accelerated the trend. These steps, in turn, had two effects.

First, it became far more difficult to rely on any single rule-of-law standard to guide administrative action. There was a theoretical simplicity in the basic model—policymakers could track the exercise of discretion by administrators through the hierarchy and through the rule of law. Complicating that chain through new partnerships, where each member operated inside its own traditions, made it much harder to define and enforce a single rule of law to guide that partnership.

Second, different governments—and different government agencies—have very different cultures, and that makes it hard to ensure that any single set of professional norms can shape administrative behavior. The federal government has a different culture than its state and local partners, and the cultures of each government agency often have surprising variations. Professionals in the government's private and nonprofit partners often live by far different cultures that stretch far beyond the typical profit-making or public good motives presumed to be at the core of their missions. Community-based organizations are very different from international environmental protection organizations, and they differ tremendously from defense contractors and road builders. There have even been famous squabbles at the scene of local incidents, where police officers and firefighters have thrown punches over who was in control. In fact, when Tony Hayward complained in the BP case that he wanted to "get my life back," he demonstrated the frustration of a private-sector executive operating within the realm of public policy, in harsh public light. Combining private actors and public expectations created a very nasty mix.

The rule of law, of course, was always more powerful in theory than in practice. But the rise of such mixed federal-state-local-public-private actions further undermines the theory's applicability. Since no single model of accountability is likely to work, how can government be effective, efficient, responsive, and accountable in the world of twenty-first-century politics?

Elements of Accountability

When we look at how we hold government in check, we focus on three elements of accountability: fiscal, process, and program.[33] In **fiscal accountability**, we seek to ensure that agency officials spend money on the programs they are charged with managing—and only on those programs. This issue cuts both ways. On the one hand, we want to make sure that, in fact, the money is spent. A recurring complaint in the early 2000s was that the U.S. Department of Homeland Security was too slow in distributing funds to state and local governments for strengthening their security efforts. On the other hand, we want to make sure that the money is spent according to the law and is not wasted. In 2011, for example, Fox News pundit Bill O'Reilly and *The Daily Show* host Jon Stewart tangled over charges that the U.S. Department of Justice paid $16 for each muffin served at a Washington conference. A vast number of very senior Obama administration officials spent a huge amount of time tracking down the story, which turned out to be "mostly untrue," according to a later analysis by fact checkers. In reality, the $16 muffin included beverages, some fruit, a fee for the meeting space—and the muffin. Although the muffin was not cheap, it certainly was not a vastly overpriced baked good. And anyone who has ever arranged for an event in a large event space knows how the facility builds its costs into the charges for items ranging from coffee and soda to chips and sandwiches.[34] But the tale underlines the fact that there's nothing like a headline on wasted government money to fuel political conflict.

Process accountability is concerned with *how* agencies perform their tasks. While we often argue about the meaning of procedural fairness, government agencies regularly find themselves charged with unfair treatment. Massive problems in the 2000 presidential election focused national attention on the voting machines that many state and local governments used and whether problems with those machines had prevented some votes from being counted. Those complaints about process led to a massive investment in new machinery for future elections. Despite the investment, however, many voters waited hours after closing time in the 2012 presidential election to cast their ballots.

Program accountability is the newest and most difficult objective of control systems. Is a public program achieving its purpose, as defined in law? The U.S. Government Accountability Office, the investigative arm of Congress, has increasingly conducted program analyses to measure how well federal agencies answer this question. At the local, state, and federal levels, governments have developed sophisticated performance measurement systems to gauge how well programs meet their goals. These new systems increasingly try to put hard numbers on the tough question of whether programs actually work.

Everyone agrees that citizens deserve accountability for their hard-earned tax dollars. But we tend to measure accountability in these three different ways—sometimes relying more on one standard than another and rarely trying to reconcile all three into an overall picture of an agency's performance.

Holding Administration Accountable

The related problems of making administration work efficiently and ensuring that it is democratically accountable are deep and lasting. Administrators can follow the basic doctrine of accountability through the hierarchical system of delegated authority. When that leaves gaps, they can use their best judgment to discover the intent of the policy, rely on their professional judgment to determine how best to achieve that intent, and consult with the controllers to resolve uncertainties.[35]

But this is certainly not a magic solution. Administrators may face multiple controllers, and these controllers may not always agree on an agency's priorities. Congress might pass a law that conflicts with the president's priorities. That can leave agency heads, appointed by the president, to choose which to obey. Appointees who choose the legislature's course could find themselves replaced by appointees more willing to follow the president's wishes. Those who follow Congress might find their funds slashed or their time taken up by endless oversight hearings. Seeking clarity from Congress, furthermore, can be difficult, since there is no "Congress" to talk to—only a congressional committee or its chair (or sometimes its staff), whose interpretation may not conform to the view of Congress as a whole, whose muddy legislation is often the source of uncertainty to begin with. At the state and local levels of government, of course, the same problems occur. And because the implementation of public policies often depends on coordinating federal, state, and local actions, these uncertainties often make it even harder to know what accountability means.

Administrators must solve these problems in a world full of uncertainty and political conflict. In doing so, they inevitably must rely heavily on their own internal compasses—their personal character, professional training, devotion to the public service, and respect for faithful execution of the law. When controllers give conflicting directions or confusing signals, administrators face a conflict of loyalties. In the classic collection of options, they can choose **voice**: remaining in their positions and fighting for what they think is right, even if that risks dismissal. Or they can choose **exit**: resigning, possibly with a public attack on the controller whose mandate they condemn.[36] But administrators know that the exit option

Wathiq Khuzaie/Getty Images

The detention of Iraqi prisoners at Abu Ghraib prison outside Baghdad created security worries as well as international outrage at the treatment of the prisoners held there.

may put the policies they care about at even greater risk, for they can be replaced by people who will bend more easily to the very pressures they have battled against. In fact, the idea of a conscience-driven exit from government is more popular in the press than in reality, because civil servants often have families to support, college tuition to pay, and relatively few available job options. In contrast, most high-level political appointees, cushioned by established reputations and extensive contacts outside government, can often exit to private-sector jobs at higher salaries. Furthermore, an attack by a resigning official is usually only a one-day media event, so anyone deciding to resign in protest must weigh the short-term political effect against the long-term personal impact.

In the end, the solution to the problem of accountability hinges on the balance between forces that come from outside administrators, including efforts by outside controllers, and forces that emerge from administrators themselves, including their character, background, and training. Theorists for generations have debated which forces are—and should be—more important. Should we assume that external controllers can never know enough about an administrator's actions and that setting the administrator's internal compass is most important? Or should we insist on extensive external controls to compensate for the tendency of administrators sometimes to stray off course? Friedrich and Finer were unable to resolve this debate in the 1940s. Subsequent scholars and practitioners have not done any better. Accountability, in the final analysis, is a fine balance between external and internal controls. This balance, in turn, depends ultimately on ethical behavior by administrators.

Governmental Power and Administrative Ethics

Citizens and elected officials alike demand a higher standard of ethics than typically prevails in the private sector. Indeed, that ethical upgrade often comes as a shock for political appointees who come to government from the private sector.[37] As Calvin Mackenzie writes,

> At one time or another in their work lives, most business leaders have found jobs in their own companies for family members or friends, have entered into contracts with firms in which they had a financial interest, or have accepted substantial gifts from people with whom they regularly do business. . . . When public officials engage in similar activities, however, they break the law.[38]

The pursuit of high **ethical behavior** in government raises a different tradeoff. On the one hand, we want skilled employees who can ensure that government's work is done well. In particular, we don't want to make the process of screening and hiring officials to be so burdensome, in the pursuit of high ethical standards, that we drive away good people. On the other hand, the public expects that those who exercise the public's trust will meet high standards and that, in particular, they will not use their power to line their own pockets, advantage their friends, or trade in the future on the relationships they developed in public service.

In his 2008 inaugural address, Philadelphia Mayor Michael A. Nutter emphatically made the point that this issue crosses all governmental boundaries. "There is nothing government does that cannot be done ethically and transparently," he said. His goal, he told Philadelphians, was "a government that serves all of us, not a few."[39] Nutter's speech underlined the recurring central themes of public administration: creating governmental power to serve citizens; holding that power accountable to elected officials and ultimately to voters; exercising power ethically, according to high standards of public service; and ensuring accountability through transparency.

The Public Service

In the end, the quality of government's work depends on the quality of the individuals recruited and retained in the public service, on their respect for bureaucratic accountability and ethical behavior, and especially on their commitment to the constitutional, democratic system. Instilling such values is a task for society. It depends on communication by family, schools, and peers. It also depends on creating a system that is accountable within our political system—especially since, in so many ways, the politics of the administrative process shapes the performance of American government.

Those capabilities encompass much more than they did in the past. Public administration is no longer primarily the direct execution of governmental programs. Much of it now is administration by proxy, with complex partnerships among government agencies, for-profit companies, and nonprofit organizations responsible for the implementation of government programs. That, in turn, multiplies the problem of public ethics, since many private and nonprofit employees find themselves doing the public's work, during at least part of their time, but often without a clear signal that they are entering the public realm.

An ethical government begins with ethical public servants—public servants devoted to the fundamental challenge of helping "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, and secure the blessings of liberty to ourselves and our posterity."[40] Encouraged by such possibilities, they will recognize that the public service, as President George H. W. Bush said, is "the highest and noblest calling."[41] In running for president in 2008, Barack Obama was more direct. His goal, he said, was "to make government and public service cool again."[42] Few vocations offer greater promise for improving the lives of so many of the world's citizens. Charting the course is the fundamental challenge of this book.

CASE 1.1

How Much Should Government Pay to Rebuild after Hurricane Harvey?

Hurricane Harvey's 2017 assault on Houston was fierce and relentless. Much of the Houston area was hit by 30 inches of rainfall, with some areas receiving as much as 60 inches. The storm, in fact, ranks with Hurricane Katrina, which devastated so much of New Orleans and the Gulf Coast, as the costliest storms on record.

That much rainfall would have devastated any city, but for Houston the impact was especially severe. The city is built on a relatively flat plain, on soil that doesn't drain well. The rain simply had no place to go, so it ended up flooding large swaths of the region.

In the aftermath of such storms, Americans invariably are generous. The government, through the Federal Emergency Management Agency (FEMA), promised billions of dollars of relief to help Houstonites rebuild their homes. But figuring out how to do so involved a series of immensely complicated decisions—some policy-based, but most administrative. Congress appropriated the money and provided the funds to FEMA. FEMA, in turn, developed partnerships with the key state agency, the Texas General Land Office (GLO). The GLO, in turn, distributed funds to the city and county governments affected by the storm and, from there, to the homeowners devastated by the storm. Many of the homeowners complained that there was a lot of bureaucracy involved in getting aid. They were right.[1]

One especially difficult administrative issue was just how large a dwelling the government would provide funds to rebuild. GLO operated under a basic rule: It would only provide funds to rebuild homes with no more bedrooms than the number of people who lived in them. For a family of five, that meant no more than five bedrooms. But for a couple who had previously occupied a three-bedroom home, GLO's rule would not fund rebuilding more than a two-bedroom house.

GLO's reasoning was simple. Larger homes cost more money, and the larger the homes that GLO funded under its FEMA grant, the less money there would be to help other residents.

Local residents, however, complained that, even though they had been promised funds to rebuild their homes, they wouldn't be able to rebuild the homes they had. Others pointed out that it cost relatively little to add an additional bedroom to rebuilding a home.

Both the city of Houston and Harris County, which surrounded the city, asked GLO for a waiver to allow them to fund the cost of

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rebuilding homes with additional bedrooms. But Michael Shane Sinegal, a commissioner in nearby Jefferson County, said he'd be open to joining the drive for a waiver. He said he was concerned that money would flow toward relatively well-to-do areas. "Those places need help, too, but we shouldn't deprive funds that are needed in the underserved areas," Sinegal said.

Others countered that the policy would punish older residents, who owned larger homes but whose children had since moved out (and might want to move back in at some point). For many of these residents, the homes represented their life savings, and if the government forced them to downsize from three or four bedrooms to just two, they would be badly hurt, many residents contended.

Of course, some critics contended that the government should not be in the business of providing grants to individuals for rebuilding homes after natural disasters. Private flood insurance would pay much of that cost. However, local officials estimated just 20 percent of those affected by Harvey had purchased flood insurance.[2] To complicate the calculation, many residents who found their homes underwater were not located in federally designated flood plains and, thus, saw no need to buy flood insurance.

And industry analysts were already worried about the next big storm. Scared by Harvey's devastation, more Houston-area residents bought private flood insurance after the storm. The evidence, however, is that as the years go by without another big storm, residents tend to let their flood insurance policies lapse. As Louisiana Commissioner of Insurance James Donelon warned, "Our experience over the past 10 years is that memories fade and people . . . put their greatest asset at risk of being lost in the next severe rain event."[3]

This debate framed some very tough questions for GLO officials.

Notes

1. Reporting for much of this case comes from Kaitlyn Bain, "Housing Rule Could Force Some to Downsize Post-Harvey," *Houston Chronicle* (June 20, 2019), https://www.houstonchronicle.com/news/article/Housing-rule-could-force-some-to-downsize-14020966.php; and Jill Ament, "State Rule Could Force Harvey-Affected Homeowners to Downsize as They Rebuild," *Texas Standard* (June 24, 2019), http://www.texasstandard.org/stories/state-rule-could-force-harvey-affected-homeowners-to-downsize-as-they-rebuild.
2. Juan A. Lozano and Meghan Hoyer, "Flood Insurance Uptake Rates Rise in Texas Following Harvey," *Insurance Journal* (July 31, 2018), https://www.insurancejournal.com/news/southcentral/2018/07/31/496541.htm.
3. Ibid.

Questions to Consider

1. Imagine that you are the GLO commissioner. What decision would you make in response to a petition to waive the one-bedroom-per-person rule?
2. If you granted the waiver, would you put any conditions on it (say, rebuilding requirements or requirements for flood insurance)?
3. Should government administrators create regulations that would allow individuals to rebuild their homes in a flood plain?
4. Do you believe that the government should frame policies that push individuals more toward private flood insurance than public support in the aftermath of disasters? Many individuals, of course, can't afford private flood insurance, especially among lower-income families (who might be renting instead of owning their homes to begin with).

CASE 1.2

Snow Removal in the Blizzard of 2010: Who Gets Plowed First?

Throughout much of the East Coast, the winter of 2010 was painfully burned into everyone's memory. Children looking forward to snow days had their dreams fulfilled—and then some. By mid-February, the Washington, D.C., area had already shattered the all-time record for snow, with 55 inches of accumulation. For a time, Baltimore, Maryland, had more snow than Buffalo, New York. Many football fans found themselves stuck at home instead of partying with friends for the Super Bowl. Some local universities were shut down for a week as the snow removal crews struggled to dig out the sidewalks and parking lots.

Most people in the area tried to bring good humor to the onslaught, but in some neighborhoods snowplow drivers were threatened by angry residents. Stuck for days and watching the plows drive by without dropping their blades, some residents of a neighborhood in Prince George's County, a Washington, D.C., suburb, told several snowplow drivers that they were going to "throw them out of their trucks and beat them up" if they didn't stop to plow their streets. Other drivers called 911 for reinforcements when angry taxpayers made threats. A county spokesperson said that the drivers "are working as hard as they possibly can." She explained, "I understand people are frustrated. . . . Obviously we know we have work to do and we're trying . . . just as hard as we can. We want to go home."[1]

In nearby Arlington County, across the Potomac River from Washington, county officials pointed to their snow removal priority plan with a sophisticated map that charted which streets the plows worked on first. Plowing starts when the snow becomes two to four inches deep. The snow crews focus on priority areas: snow emergency routes marked with bright signs, main arteries, roads leading to hospitals and fire stations, and the areas around subway stations and police stations. Crews work twelve-hour shifts, get twelve hours off for food and sleep, and then come back to work again.[2] Even that effort struggled to keep up with 2010's blizzard of the century, and for months afterward residents complained about being marooned. Why, they asked, couldn't the government plow them out faster?

Notes

1. Jonathan Mummolo, "Snow Removal Workers Threatened in Prince George's, Official Says," *Washington Post* (February 11, 2010), http://voices.washingtonpost.com/annapolis/2010/02/snow_removal_workers_threatene.html.
2. Arlington County Government, "Snow Removal Process & Phases," https://emergency.arlingtonva.us/weather/snow-ice/snow-removal-phases.

Questions to Consider

1. Assume you are the head of the department of public works of your county. You're in charge of snow removal. What streets would you plow first?
2. What would you say to residents whose streets end up at the bottom of the plowing priority list? After all, they will tell you: They pay taxes, too!
3. Following the blizzard, Arlington County considered an ordinance that would require

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local residents to join with the county in the snow removal effort. In particular, "the ordinance first would require all property owners to remove snow and ice adjacent to their property, creating a path that is a minimum of thirty-six inches wide (to accommodate wheelchairs, strollers, and adults with children in hand) within twenty-four hours after the snow stops falling, when accumulations are less than six inches, and within thirty-six hours when six or more inches of snow accumulate. Failure to comply with the ordinance could result in a civil penalty." Would you favor the passage of such an ordinance, which brings individual citizens into a partnership with government in providing public services? What would you do for older and disabled residents, who might not have the physical strength to shovel their sidewalks? Just how far should a government's reach into an individual's property go?

4. One official of a Midwest town once admitted that the town had a special snow removal plan for election day. If it snowed, he said, there was a plan to make sure that the "right" neighborhoods—those most likely to vote for the mayor—were plowed first. The other neighborhoods—those most likely to vote for the mayor's opponent—would have to wait much longer. Do you think that this is a proper use of government's power, or of the way that administrative decisions shape values in society?

CASE 1.3

Google Earth versus Privacy in Riverhead, New York

In Riverhead, New York, town officials launched an aggressive campaign to find backyard swimming pools whose owners hadn't obtained the required permits to build them. As the town's chief building inspector, Leroy Barnes Jr., explained, "It's a safety issue more than anything else." Faulty plumbing could cause water damage to neighboring properties. If electrical wiring for lights or filters was installed improperly, someone could be electrocuted. In addition, the town's ordinance required pool owners to install a fence around the pool to prevent small children from wandering in and accidentally drowning. The campaign, in this small town near the tip of Long Island, found 250 pools that had been constructed but whose owners had not received the requisite permits. In addition, the aggressive inspection program produced $75,000 in fees from violators.[1]

Barnes, however, quickly found himself under fierce attack from the American Civil Liberties Union (ACLU) and scores of angry townspeople. It wasn't because of the campaign to find violators, at least on the surface. Rather, it was because Barnes had cleverly used the Google Earth search program to find the pools. He used the program's online satellite feature to find pools, identify the address, check the address against the town's database of permits, and find pools that did not have the permits required by law. Town officials wondered what all the fuss was about. After all, Google Earth is available to any user, on any computer. It doesn't show anything that anyone anywhere can't see. Why can't the town use publicly available information to enforce its laws?

"Technically it may be lawful," replied Donna Lieberman of New York's ACLU, "but in the gut it does not feel like a free society kind of operation."[2] Some local residents complained that it felt creepy to know that the town was peeking into their lives via satellite. Critics pointed out that the Fourth Amendment to the Constitution prevents government officials from conducting unlawful searches. Using remote satellites without a search warrant crossed the line, they argued.

Just how far should government go in combining emerging technology with its vast power? In Greece, as well as New York, government officials are using Google Earth to track down pools without permits in order to collect fines. Enterprising private citizens are also making innovative use of satellite surveillance. Thieves in the United Kingdom are using the technology to identify backyard ponds stocked with exotic fish, which they steal and sell for large sums. A private company is already using private satellites to photograph the parking lots of Walmart stores. Counting the cars tells analysts which communities have the fastest-growing economies. If private companies are doing it, should government be restrained from using the same readily available technology to enforce its laws?

It's easy to see even bigger issues in the future. If governments pass aggressive energy-saving laws to restrict backyard barbeques (too many hydrocarbons being released) and to require better insulation of homes (to prevent energy from being wasted), should the government be able to use remote-sensing devices to detect heat emissions? Private companies are now trying to sell special vans to local police that provide a comprehensive scan of every passing car. The scan can detect illegal items onboard without a search warrant. Should local police buy these disguised vans to locate contraband and possible terrorist threats—and deploy them without search warrants? What about antiterrorism forces in the Federal Bureau of Investigation? The federal government's Transportation Security Administration is deploying new scanners that can look through an airplane passenger's clothing to see, well, just about everything. Passengers boarding planes know that they are subject to searches, although there's always a debate about just how intrusive those searches ought to be. But should drivers steering their cars past a van parked on the side of the road have any expectation of privacy, even if they are carrying something illegal under the seat or in the trunk?

Public complaints in Riverhead forced town officials to end the Google Earth project, even though the information was available to everyone on the web and it was used to find people who had broken local ordinances. But it raised very tough questions about how government officials should exercise discretion in doing their jobs—and how they should wield their power.

Notes

1. Russell Nichols, "Is Google Earth Eyeing Your Pool?" *Government Technology* (August 17, 2010), http://www.govtech.com/policy-management/Is-Google-Earth-Eyeing-Your-Pool.html?topic=117688#.
2. Ibid.

Questions to Consider

1. Do you think there was anything wrong with the town's decision to use

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Google Earth to detect individuals who had broken local laws by installing pools without obtaining the required permits?

2. How should local officials, like Leroy Barnes, be held accountable for their actions?

3. Sam Adams, in addition to brewing beer, also helped lead the revolt that culminated in the Boston Tea Party, during which colonists tossed tea into Boston Harbor to protest the power of the English king. What do you think he and his fellow revolutionaries would think about the use of Google Earth to detect lawbreakers?

KEY CONCEPTS

accountability (12)
ethical behavior (22)
exit (20)
fiscal accountability (19)
politics-administration dichotomy (17)
process accountability (19)
program accountability (20)
Progressives (16)
rule of law (15)
voice (20)
whistleblowers (14)

FOR FURTHER READING

Burke, John P. *Bureaucratic Responsibility.* Baltimore: Johns Hopkins University Press, 1986.

Finer, Herman. "Administrative Responsibility in Democratic Government." *Public Administration Review* 1 (Summer 1941): 335–350.

Friedrich, Carl J. "Public Policy and the Nature of Administrative Responsibility." In *Public Policy*, edited by Carl J. Friedrich and Edward S. Mason, 3–24. Cambridge, Mass.: Harvard University Press, 1940.

Gruber, Judith E. *Controlling Bureaucracies: Dilemmas in Democratic Governance.* Berkeley: University of California Press, 1987.

Hirschman, Albert O. *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States.* Cambridge, Mass.: Harvard University Press, 1970.

Landau, Martin. "Redundancy, Rationality, and the Problem of Duplication and Overlap." *Public Administration Review* 29 (July–August 1969): 346–358.

Rohr, John A. *Ethics for Bureaucrats: An Essay on Law and Values.* 2nd ed. New York: Marcel Dekker, 1989.

SUGGESTED WEBSITES

Extensive discussion on federal ethics laws and policies can be found on the website of the U.S. Office of Government Ethics, **www.oge.gov**.

More broadly, the Council on Governmental Ethics Laws, **www.cogel.org**, tracks policies on ethics. In addition, many state and local governments have their own sites—which search engines can readily locate—detailing laws and regulations on ethics.