

# The Policymaking Process

## Decision-Making Activities

### THE POLICY PROCESS: HOW POLICIES ARE MADE

Policy studies often focus on *how policies are made* rather than on their content or their causes and consequences. The study of how policies are made generally considers a series of activities, or *processes*, that occur within the political system. These processes, together with the activities involved and likely participants, may be portrayed as in Table 3–1.

Although it may be helpful to think about policymaking as a series of processes, in the real world these activities seldom occur in a neat, step-by-step sequence. Rather these processes often occur simultaneously, each one collapsing into the others. Different political actors and institutions—politicians, interest groups, lobbyists and legislators, executives and bureaucrats, reporters and commentators, think tanks, lawyers and judges—may be engaged in different processes at the same time, even in the same policy area. Policymaking is seldom as neat as the process model. Nonetheless, it is often useful for analytical purposes to break policymaking into component units in order to understand better how policies are made.

### PROBLEM IDENTIFICATION AND AGENDA SETTING

Who decides what will be decided? The power to decide what will be a policy issue is crucial to the policymaking process. Deciding what will be the problems is even more important than deciding what will be the solutions. Many civics textbooks imply that agenda setting just “happens.” It is sometimes argued that in an open plural society such as ours, channels of access and communication to government are always open, so that any problem can be discussed and placed on the agenda of national decision making. Individuals and groups, it is said, can organize themselves to assume the tasks of defining problems and suggesting solutions. People can define their own interests, organize themselves, persuade others to support their cause, gain access to government officials, influence decision making, and watch over the implementation of government policies and programs. Indeed, it is sometimes argued that the absence of political activity such as this is an indicator of satisfaction.

But, in reality, policy issues do not just “happen.” Creating an issue, dramatizing it, calling attention to it, and pressuring government to do something about it are important political tactics. These tactics are employed by influential individuals, organized interest groups, policy-planning organizations, political

**TABLE 3–1 Policymaking as a Process** Policymaking can be seen as a process—*how* policies are made—in a step-by-step sequence; but in reality these processes overlap and intertwine.

Process	Activity	Participants
Problem Identification	Publicizing societal problems Expressing demands for government action	Mass media Interest groups Citizen initiatives Public opinion
↓	↓	↓
Agenda Setting	Deciding what issues will be decided, what problems will be addressed by government	Elites, including president, Congress  Candidates for elective office Mass media
↓	↓	↓
Policy Formulation	Developing policy proposals to resolve issues and ameliorate problems	Think tanks President and executive office Congressional committees Interest groups
↓	↓	↓
Policy Legitimation	Selecting a proposal Developing political support for it Enacting it into law Deciding on its constitutionality	Interest groups President Congress Courts
↓	↓	↓
Policy Implementation	Budgeting and appropriations Organizing departments and agencies Providing payments or services Levying taxes	President and White House staff Executive departments and agencies Independent agencies and government corporations
↓	↓	↓
Policy Evaluation	Reporting outputs of government programs  Evaluating impacts of policies on target and nontarget groups  Proposing changes and “reforms”	Executive departments and agencies  Congressional oversight committees  Mass media Think tanks

candidates and office-holders, and perhaps most important, the mass media. These are the tactics of “agenda setting.”

### AGENDA SETTING FROM THE BOTTOM UP

The prevailing model of policymaking in American political science is a popularly driven, “bottom-up” portrait of decision making. This “democratic-pluralist” model assumes that any problem can be identified by individuals or groups, by candidates seeking election, by political

leaders seeking to enhance their reputation and prospects for reelection, by political parties seeking to define their principles and/or create favorable popular images of themselves, by the mass media seeking to “create” news, and even by protest groups deliberately seeking to call attention to their problems. And, of course, various crises and disasters—from natural disasters such as hurricanes and droughts to man-made tragedies such as school shootings and airplane crashes—attract public attention and compel public officials to respond.

## Public Opinion and Agenda Setting

Events, and the media’s reporting of them, can focus public attention on issues, problems, and “crises.” Concern over terrorism dominated the public’s mind following the horrific televised attacks on the World Trade Center and the Pentagon on September 11, 2001. Later, the war in Iraq became “the most important problem facing the country” according to opinion polls. Iraq appeared to be the nation’s top policy issue during the congressional elections of 2006 in which opposition Democrats captured control of both houses of Congress.

But the threat of financial collapse and deep recession soon replaced all other issues on the public’s agenda. The nation’s “top priority” for President Barack Obama became jobs and the economy (see Table 3–2). Defending against future terrorist attacks fell to second place in the policy priorities of most Americans. Other issues—Social Security, education, healthcare, budget deficits, the poor, crime, defense, taxes—followed behind. A minority of Americans listed the environment, immigration, lobbying, and international trade as top priority issues. Global warming was last on the nation’s list.

## AGENDA SETTING FROM THE TOP DOWN

When V. O. Key, Jr., wrestled with the same problem confronting us—namely, the determination of the impact of popular preferences on public policy—he concluded that “the missing piece of the puzzle” was “that thin stratum of persons referred to variously as the political elite, the political activists, the leadership echelons, or the influentials.”

The longer one frets with the puzzle of how democratic regimes manage to function, the more plausible it appears that a substantial part of the explanation is to be found in the motives that activate the *leadership echelon*, the values that it holds, the rules of the political game to which it adheres, in the expectations which it entertains about its own status in society, and perhaps in some of the objective circumstances, both material and institutional, in which it functions.<sup>1</sup>

## Popular Perceptions of Policymaking

It is interesting to note that most Americans believe that the government pays very little attention to their views on public policy and that people in government have little understanding of what people think (see Table 3–3). An overwhelming majority of Americans believe that their government is “run by a few big interests looking out for themselves” rather than “for the benefit of all of the people.” And an overwhelming majority believe that the nation would be better off if public policy followed the views of citizens more closely. While policymakers often publicly express disdain for opinion polls, most Americans believe that they should pay *more* attention to them.

**TABLE 3–2 Policy Priorities of the American Public** I'd like to ask you some questions about priorities for President Obama and Congress this year. As I read from a list, tell me if you think the item should be a top priority, important but lower priority, not too important, or should it not be done?

	Percent Saying Top Priority
Economy	83
Jobs	81
Terrorism	80
Social Security	66
Education	65
Medicare	63
Deficit Reduction	60
Healthcare	57
Helping the Poor	53
Military	49
Energy	49
Health Insurance	49
Crime	49
Moral Decline	45
Finance Regulation	45
Environment	44
Tax Cuts	42
Immigration	40
Lobbyists	36
Trade Policy	32
Global Warming	28

SOURCE: *Pew Research Center Survey*, January 2011, [www.pollingreport.com](http://www.pollingreport.com).

In short, most Americans believe that policy is made from the top down but should be made from the bottom up.

### Elite Agenda Setting

The elitist model of agenda setting focuses on the role of leaders in business, finance, and the media, as well as in government. These leaders may observe societal developments they perceive as threatening to their own values or interests; or they may perceive opportunities to advance their own values and interests or their own careers.

According to sociologist G. William Domhoff, agenda setting “begins informally in corporate boardrooms, social clubs, and discussion groups, where problems are identified as ‘issues’ to be solved by new policies. It ends in government, where policies are enacted and implemented.”<sup>2</sup> This model suggests that the initial impetus for policy change and initial resources for research, planning, and

**TABLE 3–3 Popular Attitudes Toward Government Policymaking** The American public is highly skeptical of politicians and people in government, believing that they should pay more attention to the public's views.

<i>How much say do you think people like yourself have about what the government does—a good deal, some, or not much?</i>	
A good deal	10%
Some	25
Not much	64
<i>Would you say the government is pretty much run by a few big interests looking out for themselves or that it is run for the benefit of all the people?</i>	
A few big interests	64%
All of the people	28
<i>Do you think that quite a few of the people running the government are crooked, not very many are, or do you think hardly any of them are crooked?</i>	
Quite a few	52%
Not very many	28
Hardly any	10
All (volunteered)	5
<i>If the leaders of the nation followed the views of the public more closely, do you think that the nation would be better off or worse off than it is today?</i>	
Better	81%
Worse	10%
<i>Please tell me which statement you agree with most: (A) When members of Congress are thinking about how to vote on an issue, they should read up on the polls, as this can help them get a sense of the public's view on the issue. (B) When members of Congress are thinking about how to vote on an issue, they should not read the polls, because this will distract them from thinking about what is right.</i>	
Should read the polls	67%
Should not read the polls	26%

SOURCE: *The Polling Report* (2010), [www.pollingreport.com](http://www.pollingreport.com).

formulation of national policy are derived from corporate and personal wealth. This wealth is channeled into foundations, universities, and policy-oriented think tanks in the form of endowments, grants, and contracts. Moreover, corporate presidents, directors, and top wealth-holders also sit on the governing boards of these institutions and oversee the general direction of their work.

### Political Entrepreneurship

Candidates for public office at all levels must keep their names and faces before the voters—in public appearances, interviews, speeches, and press releases. In order to do so, they must say something; that is, deliver a message or theme that creates a favorable image of themselves. Most of these campaign messages, themes, and images are largely devoid of any specific policy content, except in very general terms, for example, “stands up against the special interests,” “fights for the taxpayer,” or “change you can believe in.” But occasionally candidates focus their campaigns on

what they perceive to be issues that will motivate voters. Political challengers as well as officials seeking reelection may seize upon particular problems, publicize them, and even propose solutions. If they win the election, they may even claim a “mandate” from the people to pursue the policy direction emphasized in their campaign. Whether or not their success was in fact a product of their policy position, they may believe that they have a responsibility to put forth policy proposals consistent with their campaign messages and themes.

### Opinion–Policy Linkage

The problem in assessing the independent effect of mass opinion on the actions of decision makers is that their actions help to mold mass opinion. Even when public policy is in accord with mass opinion, we can never be sure whether mass opinion shaped public policy or public policy shaped mass opinion. The distinguished American political scientist V. O. Key, Jr., wrote, “Government, as we have seen, attempts to mold public opinion toward support of the programs and policies it espouses. Given that endeavor, perfect congruence between public policy and public opinion could be government of public opinion rather than government *by* public opinion.”<sup>3</sup>

### Policy Effects

Public policy shapes public opinion more often than opinion shapes policy, for several reasons. First, few people have opinions on the great bulk of policy questions confronting the nation’s decision makers. Second, public opinion is very unstable. It can change in a matter of days in response to news events precipitated by leaders. Third, leaders do not have a clear perception of mass opinion. Most communications received by decision makers are from other elites—newspersons, interest group leaders, and other influential persons—and not from ordinary citizens.

### Media Effects

We must not assume that the opinions expressed in the news media are public opinion. Frequently, this is a source of confusion. Newspersons believe *they* are the public, often confusing their own opinions with public opinion. They even tell the mass public what its opinion is, thus actually helping to mold it to conform to their own beliefs. Decision makers, then, may act in response to news stories or the opinions of influential newspersons in the belief that they are responding to public opinion.

### Communicating with Policymakers

Decision makers can easily misinterpret public opinion because the communications they receive have an elite bias. Members of the mass public seldom call or write their senators or representatives, much less converse with them at dinners, cocktail parties, or other social occasions. Most of the communications received by decision makers are *intraelite*, from newspersons, organized group leaders, influential constituents, wealthy political contributors, and personal friends—people who, for the most part, share the same views. It is not surprising, therefore, that members of Congress say that most of their mail is in agreement with their own position; their world of public opinion is self-reinforcing. Moreover, persons who initiate communication with decision makers, by writing or calling or visiting their representatives, are decidedly more educated and affluent than the average citizen.



## The President and White House Staff

The president and the executive branch are generally expected to be the “initiators” of policy proposals, with members of Congress in the role of “arbiters” of policy alternatives. (The same division of labor is usually found at the state and local levels, with governors, mayors, and even city managers expected to formulate policy proposals and state legislators and city councils to approve, amend, or reject them.) The Constitution of the United States appears to endorse this arrangement in Article II, Section 3: “[The president] shall from time to time give to Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.” Each year the principal policy statements of the president come in the State of the Union message, and more importantly, in the *Budget of the United States Government*, prepared by the Office of Management and Budget (see Chapter 10). Many other policy proposals are developed by executive departments in their specialized areas; these proposals are usually transmitted to the White House for the president’s approval before being sent to Congress.

Presidents have many motivations to seize the initiative in policymaking. First-term presidents must build a record of success that later can be used in their reelection campaign. They must show that they can “get things done in Washington.” They must build and maintain their electoral coalition. They must show that they are capable of following through on at least some of their campaign promises. Second-term presidents are often motivated by a concern for their “place in history.” They seek policy achievements that will contribute to their presidential “greatness” in history.

## Congress and Legislative Staff

While Congress is generally portrayed as the “arbiter” of policy proposals initiated by others, occasionally leaders in the Congress will try to set forth their own agendas. Perhaps the most well-publicized effort in the Congress to seize the initiative in policymaking was the 1994 “Contract with America” led by then Speaker of the House Newt Gingrich. Republican House candidates across the country united behind a comprehensive set of proposals, including a balanced budget constitutional amendment, term limits for Congress, welfare reform, and so on. But despite a stunning GOP victory in the 1994 congressional elections, enthusiasm for the Contract with America quickly dissipated, and President Bill Clinton soon regained policy leadership.

Nonetheless, members of Congress sometimes serve as agenda setters. They may do so to challenge a president of the opposing party, to gain a reputation as a power broker themselves, or indeed to place on the national agenda an issue they feel requires attention. Committee chairs enjoy a special advantage in congressional agenda setting; they control the agenda of their committees’ hearings. And these hearings offer the best opportunity for congressional involvement in agenda setting. Congressional staffs—committee staffs, staffs of the legislative leadership, and aides to individual legislators—often play an important role in bringing issues to the attention of their bosses.

## Interest Groups

Interest groups may initiate their own policy proposals, perhaps in association with members of Congress or their staffs who share the same interest. Interest group staffs often bring valuable technical knowledge to policy formation, as well as political information about their group’s position on the issues. Because Congress members and their staffs value both kinds of information, interest groups can often provide the precise language they desire in proposed bills and amendments. Thus, interest group staffs often augment the work of congressional staffs. Interest groups also provide testimony at congressional hearings as well as technical reports and analyses used by congressional staffs.

## AGENDA SETTING: THE MASS MEDIA

Television is the major source of information for the vast majority of Americans. More than two-thirds report that they receive all or most of their news from television. Television is really the first form of *mass* communication, that is, communication that reaches nearly everyone, including children. More important, television presents a visual image, not merely a printed word. The visual quality of television—the emotional impact that is conveyed by pictures—enables the TV networks to convey emotions as well as information.

### Media Power

The media are both players and referees in the game of politics. They not only report to the people on the struggles for power in society, but they also participate in those struggles themselves. They are an elite group, competing for power alongside the more traditional leadership groups from business, labor, government, and other sectors of society. As political journalist Theodore White once observed, “The power of the press in America is a primordial one. It sets the agenda of public discussion; and this sweeping power is unrestrained by any law. It determines what people will talk about and think about—an authority that in other nations is reserved for tyrants, priests, parties, and mandarins.”<sup>4</sup>



**The Media Focus on the President** President Barack Obama confronts the media on Air Force One. The president is in near constant contact with the press and television; more media space and time are devoted to the president than any other figure in America. Presidents and politicians are said to have a “love/hate” relationship with the media, as they try to use the media for their own purposes, even as the media pursues its own agenda. (© Brooks Kraft/Corbis)



Media power is concentrated in the hands of a relatively small number of people: the editors, producers, anchors, reporters, and columnists of the leading television networks (ABC, CBS, NBC, FOX, and CNN) and the prestigious press (*New York Times*, *Washington Post*, *Wall Street Journal*). Producers and editors generally work behind the scenes, and many influential print journalists are known only by their bylines. But most Americans have come to recognize the faces of the television network anchors and leading reporters. These media people are courted by politicians, treated as celebrities, studied by scholars, and known to millions of Americans by their television images.

## Newsmaking

Newsmaking involves all-important decisions about what is “news” and who is “newsworthy.” Television executives and producers and newspaper and magazine editors must decide what people, organizations, and events will be given attention—attention that makes these topics matters of general public concern and political action. Without media coverage the general public would not know about these personalities, organizations, or events. They would not become objects of political discussion, nor would they be likely to be considered important by government officials.

Media attention can create issues and personalities. Media inattention can doom issues and personalities to obscurity. The TV camera cannot be “a picture of the world” because the whole world cannot squeeze into the picture. News executives must sort through a tremendous surplus of information and decide what is to be “news.”

In addition to deciding what is and what is not news, news executives provide cues to mass audiences about the importance of an issue, personality, or event. Some matters are covered prominently by the media, with early placement on a newscast and several minutes of time, or with front-page newspaper coverage, including big headlines and pictures. The amount of coverage tells us what is important and what is not.

Of course, politicians, professional public relations people, interest group spokespersons, and various aspiring celebrities all know that the decisions of the media are vital to the success of their issue, their organization, and themselves. So they try to attract media attention by deliberately engaging in behavior or manufacturing situations that are likely to win coverage. The result is the “media event”—an activity arranged primarily to stimulate coverage and thereby attract public attention to an issue or individual. Generally, the more bizarre, dramatic, and sensational it is, the more likely it is to attract coverage. A media event may be a press conference to which reporters from the television stations and newspapers are invited by public figures—even when there is really no news to announce. Or it may be a staged debate, confrontation, or illustration of injustice. Political candidates may visit coal mines, ghetto neighborhoods, and sites of fires or other disasters. Sometimes protests, demonstrations, and even violence have been staged primarily as media events to dramatize and communicate grievances.

## Media Bias

In exercising their judgment regarding which stories should be given television time or newspaper space, media executives must rely on their own political values and economic interests as guidelines. In general, these executives are more liberal in their views than other segments of the nation’s leadership. Topics selected weeks in advance for coverage reflect, or often create, current liberal issues: concern for problems affecting the poor and minorities, women’s issues, opposition

to defense spending, environmental concerns, and so forth. But liberalism is not the major source of bias in the news.

The principal source of distortion in the news is caused by the need for drama, action, and confrontation to hold audience attention. Television must entertain. To capture the attention of jaded audiences, news must be selected on the basis of emotional rhetoric, shocking incidents, dramatic conflict, overdrawn stereotypes. Race, sex, violence, and corruption in government are favorite topics because of popular interest. More complex problems such as inflation, government spending, and foreign policy must either be simplified and dramatized or ignored. To dramatize an issue, news executives must find or create a dramatic incident; tape it; transport, process, and edit the tape; and write a script for the introduction, the “voice-over,” and the “recapitulation.” All this means that most “news” must be created well in advance of scheduled broadcasting.

## Media Effects

Media effects can be categorized as (1) identifying issues and setting the agenda for policymakers, (2) influencing attitudes and values toward policy issues, and (3) changing the behavior of voters and decision makers. These categories are ranked by the degree of influence the media are likely to have over their audiences. The power of television does not really lie in persuading viewers to take one side of an issue or another. Instead, *the power of television lies in setting the agenda for decision making*—deciding what issues will be given attention and what issues will be ignored.

The media can create new opinions more easily than they can change existing ones. They can often suggest how we feel about new events or issues—those for which we have no prior feelings or experiences. And the media can reinforce values and attitudes that we already hold. But there is very little evidence that the media can change existing values.

The viewer’s psychological mechanism of *selective perception* helps to defend against bias in news and entertainment programming. Selective perception means mentally screening out information or images with which one disagrees. It causes people to tend to see and hear only what they want to see and hear. It reduces the impact of television bias on viewers’ attitudes and behavior.

## FORMULATING POLICY

Policy formulation is the development of policy alternatives for dealing with problems on the public agenda. Policy formulation occurs in government bureaucracies; interest group offices; legislative committee rooms; meetings of special commissions; and policy-planning organizations, otherwise known as think tanks. The details of policy proposals are usually formulated by staff members rather than by their bosses, but staffs are guided by what they know their leaders want.

## Think Tanks

Policy-planning organizations are central coordinating points in the policy-making process. Certain policy-planning groups—for example, the Council on Foreign Relations, the American Enterprise Institute, the Heritage Foundation, Center for American Progress, and the Brookings Institution—are influential in a wide range of key policy areas.

These organizations bring together the leadership of corporate and financial institutions, the foundations, the mass media, the leading intellectuals, and influential figures in the government. They review the relevant university and foundation-supported research on topics of interest, and more important, they try to reach a consensus about what action should be taken on national problems under study. Their goal is to develop action recommendations—explicit policies or programs designed to resolve national problems. These policy recommendations of the key policy-planning groups are distributed to the mass media, federal executive agencies, and Congress. The purpose is to lay the groundwork for making policy into law.

The following are among the more influential think tanks:

**The Brookings Institution.** The Brookings Institution has long been the dominant policy-planning group for American domestic policy, despite the growing influence of competing think tanks over the years. Brookings staffers dislike its reputation as a liberal think tank, and they deny that Brookings tries to set national priorities. Yet the Brookings Institution has been very influential in planning the War on Poverty, welfare reform, national defense, and taxing and spending policies. The *New York Times* columnist and Harvard historian writing team, Leonard Silk and Mark Silk, describe Brookings as the central locus of the Washington “policy network,” where it does “its communicating: over lunch, whether informally in the Brookings cafeteria or at the regular Friday lunch around a great oval table at which the staff and their guests keen over the events of the week like the chorus of an ancient Greek tragedy; through consulting, paid or unpaid, for government or business at conferences, in the advanced studies program; and, over time, by means of the revolving door of government employment.”<sup>5</sup>

**The American Enterprise Institute.** For many years Republicans dreamed of a “Brookings Institution for Republicans” that would help offset the liberal bias of Brookings itself. In the late 1970s, that role was assumed by the American Enterprise Institute (AEI). The AEI appeals to both Democrats and Republicans who have doubts about big government. President William Baroody, Jr., distinguished the AEI from Brookings: “In confronting societal problems those who tend to gravitate to the AEI orbit would be inclined to look first for a market solution . . . while the other orbit people have a tendency to look for a government solution.”<sup>6</sup>

**The Heritage Foundation.** Conservative ideologues have never been welcome in the Washington establishment. Yet influential conservative businesspersons gradually came to understand that without an institutional base in Washington, they could never establish a strong and continuing influence in the policy network. So they set about the task of “building a solid institutional base” and “establishing a reputation for reliable scholarship and creative problem solving.”<sup>7</sup> The result of their efforts was the Heritage Foundation.

**Center for American Progress.** On the left of the political spectrum is the newly influential Center for American Progress (CAP), the intellectual source of policy “change” in the Obama Administration. CAP is funded largely by George Soros, the billionaire sponsor of MoveOn.org and other flourishing left-liberal outlets. It was founded in 2003 by John Podesta, former chief of staff to President Bill Clinton, and designed to give the “progressive” movement the same ideological influence in the Obama Administration as the Heritage Foundation exercised in the Reagan Administration.<sup>8</sup> CAP promises to “engage in a war of ideas with conservatives,” and to be more active on behalf of progressive policies than the more scholarly Brookings Institution.

**The Council on Foreign Relations.** Political scientist Lester Milbraith observes that the influence of the Council on Foreign Relations (CFR) throughout government is so pervasive that it is difficult to distinguish the CFR from government programs: “The Council on Foreign Relations, while not financed by government, works so closely with it that it is difficult to distinguish Council actions stimulated by government from autonomous actions.”<sup>9</sup> The CFR itself, of course, denies that it exercises any control over U.S. foreign policy. Indeed, its bylaws declare, “The Council shall not take any position on questions of foreign policy and no person is authorized to speak or purport to speak for the Council on such matters.”<sup>10</sup> But policy initiation and consensus building do not require the CFR to officially adopt policy positions. Many foreign policy decisions are first aired in the CFR’s prestigious publication, *Foreign Affairs*.<sup>11</sup>

## INTEREST GROUPS AND POLICYMAKING

Washington is awash in special interest groups, lawyers and law firms, lobbyists, and influence peddlers. Interest groups are active in both policy formulation and policy legitimating. Organized interests frequently develop policy proposals of their own and forward them to the White House or to members of Congress or the mass media to place on the agenda of decision making. And they are even more active in policy legitimating. Indeed, political life in Washington is a blur of “lobbying,” “fund-raising,” “opening doors,” “mobilizing grassroots support,” “rubbing elbows,” and “schmoozing.”

Interest groups influence government policy in a variety of ways. It is possible to categorize efforts to influence government policy as follows:

1. Direct lobbying, including testifying at committee hearings, contacting government offices directly, presenting research results, and assisting in the writing of legislation
2. Campaign contributions made through political action committees (PACs)
3. Interpersonal contacts, including travel, recreation, entertainment, and general “schmoozing,” as well as the “revolving door” exchange of personnel between government offices and the industries and organizations representing them
4. Litigation designed to force changes in policies through the court system, wherein interest groups and their lawyers bring class-action suits on behalf of their clients or file *amicus curiae* (friend of the court) arguments in cases in which they are interested
5. Grassroots mobilization efforts to influence Congress and the White House by encouraging letters, calls, and visits by individual constituents and campaign contributors

### Lobbying

Washington’s influence industry is a billion-dollar business. Each year lobbyists spend almost \$3 billion trying to influence policy—more than \$5 million for each member of Congress!<sup>12</sup>

The U.S. Chamber of Commerce regularly ranks at the top of the lobbying spenders. At the industry group level, pharmaceutical and health product manufacturers spend a great deal on lobbying. The insurance industry also ranks high in direct lobbying expenditures, followed by telephone utilities, the oil and gas industry, the defense industry, and electric utilities (see Table 3–4).

**TABLE 3–4 Washington’s Top Lobbying Spenders\***

Lobbying is a \$3 billion business in Washington.

Rank*	Organization
1	US Chamber of Commerce
2	American Medical Assn
3	General Electric
4	Pharmaceutical Rsrch & Mfrs of America
5	AARP
6	American Hospital Assn
7	AT&T Inc
8	Northrop Grumman
9	Blue Cross/Blue Shield
10	National Assn of Realtors
11	Exxon Mobil
12	Verizon Communications
13	Edison Electric Institute
14	Business Roundtable
15	Boeing Co
16	Lockheed Martin
17	PG&E Corp
18	Southern Co
19	General Motors
20	Pfizer Inc

SOURCE: Center for Responsive Politics, accessed January, 2011, [www.crp.org](http://www.crp.org).\*Rankings are for 1998 through 2010. ([OpenSecrets.org](http://OpenSecrets.org))

It is important to note that direct lobbying expenditures provide only one indicator of an industry’s or corporation’s clout in Washington. Effective lobbying also requires backup by campaign contributions and in-kind services, election endorsements, and grassroots political support. For example, a survey of Washington insiders conducted by *Fortune* ranked the AARP, the American Israel Public Affairs Committee, and the AFL-CIO as the three most powerful lobbies in Congress.<sup>13</sup> Indeed, only about one-half of the magazine’s designated “Power Twenty-Five” were industry lobbies; others included the National Rifle Association, the Christian Coalition, the National Right to Life Committee, independent unions (NEA, AFSCME, Teamsters), and veterans’ groups.

Occasionally, when Congress is embarrassed by media reports on extravagant lobbyist-paid travel, vacations, dinners, parties, and other perks, cries are heard for new restrictions on lobbying expenditures. Another reform frequently advocated is the elimination of “earmarking” of particular spending items in larger appropriations bills—items that are heavily lobbied for, yet often are overlooked by most members of Congress when voting on appropriations bills.



## PACs

Contributions virtually ensure access to government decision makers. It is highly unlikely that any member of Congress will fail to meet with representatives of groups that helped to fund his or her election. And top White House staff and cabinet officials, if not the president, are almost always prepared to meet with interests that have made significant contributions to the presidential campaign. Contributions do not guarantee a favorable decision, but they can be counted on to guarantee a hearing.

Political action committees (PACs) solicit and receive contributions from members of organizations—unions, corporations, professional and trade associations, as well as ideological, environmental, and issue-oriented groups—and then distribute these funds to political candidates. PACs are regulated by the Federal Elections Commission, which requires them to register their finances and political contributions, and limits their contributions to \$5,000 to any candidate per election.

PAC contributions are heavily weighted toward incumbents running for reelection. Usually two-thirds of all PAC contributions go to incumbents; this is true for corporate as well as union and other PACs. PACs are well aware that more than 90 percent of incumbent members of Congress seeking reelection win. Labor unions make heavy use of PACs; union PAC money is heavily weighted toward Democrats (see Table 3–5).

## Assessing Interest Group Influence

Most Americans believe that interest group PACs, as well as big corporations, the news media, and lobbyists, “have too much power and influence on Washington.”<sup>14</sup> But it is difficult to assess exactly how much power interest groups actually wield in the nation’s capital. First of all, the views of members of Congress may coincide with the positions of interest groups independently of any direct lobbying efforts or campaign contributions. Second, the most important effects of interest group efforts may not be found on roll call votes but rather on various earlier stages of the legislative process, including behind-the-scenes negotiations over specific provisions, the drafting of amendments, and the markup of bills in committees and subcommittees. Third, interest group lobbying may have its greatest effect on the details of specific legislation rather than on overall policy directions. Finally, party leadership, constituency influence, and the personal views of the members of Congress all combine to modify the independent effect of interest group activities.

## POLICY LEGITIMATION: THE PROXIMATE POLICYMAKERS

What is the role of the “proximate policymakers”? The activities of these policymakers—the president, Congress, courts, federal agencies, congressional committees, White House staff, and interest groups—have traditionally been the central focus of political science and are usually portrayed as the whole of the policymaking process. But the activities of the proximate policymakers are only the final phase of a much more complex process. This final stage is the open, public stage of the policymaking process, and it attracts the attention of the mass media and most political scientists. The activities of the proximate policymakers are much easier to study than the private actions of corporations, foundations, the mass media, and the policy-planning organizations.

## Formal Lawmaking Process

Congress is designated in the U.S. Constitution as the principal instrument of policy legitimation. Article I describes the national government’s powers (for example, “to lay and collect Taxes, Duties, Imposts and Excises”) as powers of Congress. It is important to note, however, that

**TABLE 3–5 Top PAC Spenders\*** In addition to lobbying spending, businesses, trade associations, and labor unions contribute billions to political campaigns through political action committees (PACs).

Rank	PAC Name	Percentage Given to:	
		Democrats	Republicans
1	National Assn of Realtors	57%	43%
2	Honeywell International	55%	45%
3	AT&T Inc	47%	53%
4	Intl Brotherhood of Electrical Workers	98%	2%
5	National Beer Wholesalers Assn	56%	44%
6	American Assn for Justice (trial lawyers)	97%	3%
7	American Bankers Assn	33%	66%
8	American Federation of Teachers	99%	0%
9	American Fedn of St/Cnty/Munic Employees	99%	0%
10	Operating Engineers Union	90%	10%
11	Teamsters Union	97%	2%
12	National Auto Dealers Assn	47%	53%
13	Credit Union National Assn	58%	41%
14	Boeing Co	54%	45%
15	Laborers Union	96%	4%
16	Carpenters & Joiners Union	87%	13%
17	American Crystal Sugar	68%	32%
18	International Assn of Fire Fighters	83%	16%
19	Plumbers/Pipefitters Union	96%	2%
20	Machinists/Aerospace Workers Union	98%	2%

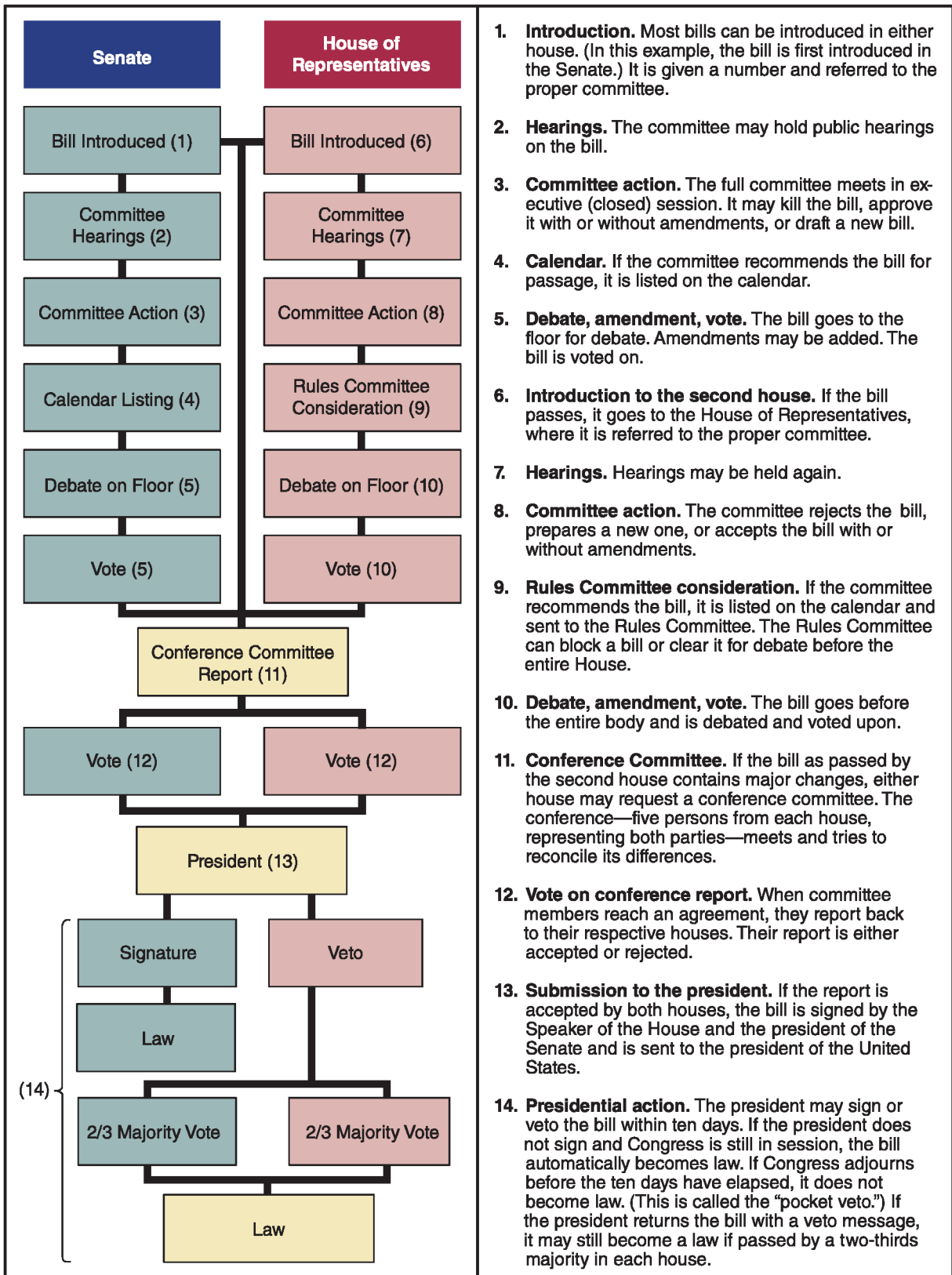
SOURCE: Center for Responsive Politics, accessed January 2011, [www.crp.org](http://www.crp.org).

\*Rankings are for 2009–2010. (OpenSecrets.org)

Congress is not the exclusive repository of policy legitimacy. Courts also bear a heavy responsibility to maintain the legitimacy of governmental authority, and to a somewhat lesser extent, so do administrative bureaucracies. By focusing attention on the Congress in the policy legitimation process, we do not mean to detract from the importance of other governmental institutions in maintaining legitimacy.

Congress has developed highly institutionalized rules and procedures to help legitimate its actions. Indeed, its rules and procedures have become so elaborate that proposed policy changes are extremely difficult. Very few of the bills introduced in Congress are passed; in a typical two-year session more than 10,000 bills will be introduced, but fewer than 800 (less than 10 percent) will be enacted in any form. Congress is accurately perceived more as an obstacle to, than a facilitator of, policy change.

The formal process of lawmaking is outlined in Figure 3–1. The familiar path is taught in virtually every high school and college government class in America. But this outline of the formal lawmaking process fails to describe the role of parties and leadership in guiding legislation in the



**FIGURE 3–1 How a Bill Becomes a Law** The formal process by which a bill becomes a law is complex, making it easier to defeat a bill than to pass a bill.

House and Senate, the influence of constituents and interest groups, the influence of the president and White House staff, and, above all, the continuing pressing need of members of Congress to raise money for their reelection campaigns.

## Party Influence

Party loyalty is stronger among members of Congress and other political activists than it is among voters. Party votes—roll call votes in the House and Senate on which a majority of Democrats vote in opposition to a majority of Republicans—occur on more than half the roll call votes in Congress. Indeed, party votes appear to have risen in recent years, indicating an increase in partisanship in Washington. Party unity in Congress—the average percentage of support among members of each party for their party’s position on party votes—is also fairly high. On average, both the Democratic and Republican parties can expect more than 80 percent of their members to support their party on a party line vote.

It is true, of course, that party loyalty and party line voting in the Congress may not necessarily be a product of party loyalty or discipline. They may result more from ideological or issue agreement among members of each party.

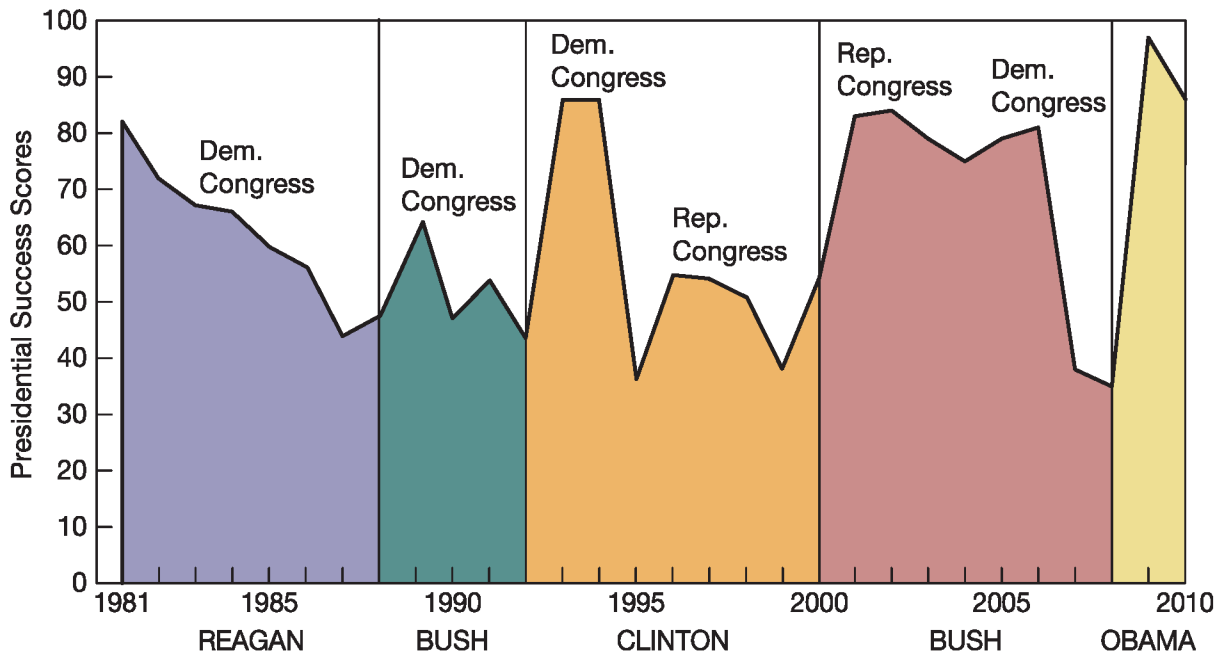
The social bases in the electorate of the Democratic and Republican parties are slightly different. Both parties draw support from all social groups in America, but the Democrats draw disproportionately from labor, big-city residents, ethnic voters, blacks, Jews, and Catholics; Republicans draw disproportionately from rural, small-town, and suburban Protestants, businesspeople, and professionals. To the extent that the policy orientations of these two broad groups differ, the thrust of party ideology also differs.

What are the issues that cause conflict between the Democratic and Republican parties? In general, Democrats have favored federal action to assist low-income groups through public assistance, housing, and antipoverty programs, and generally a larger role for the federal government in launching new projects to remedy domestic problems. Republicans, in contrast, have favored less government involvement in domestic affairs, lower taxes, and greater reliance on private action.

## Presidential Influence

Presidents are expected to set forth policy initiatives in speeches, in messages to the Congress (including the annual State of the Union message), and in the annual Budget of the United States Government. Presidents and their chief advisers regularly sift through policies formulated in think tanks and policy-planning organizations, developed in the offices of interest groups, law firms, and lobbyists, and suggested by heavy campaign contributors in the course of preparing a White House legislative agenda.

But a president’s success in getting legislation enacted into law is closely tied to party control of the Congress. Presidents are far more successful when they can work with a Congress controlled by their own party. Presidential “box scores”—the percentage of policy initiatives on which the president took a clear-cut position that is enacted into law by the Congress—depend primarily on whether or not the president’s party controls one or both houses of Congress (see Figure 3–2). President Barack Obama’s success in Congress was closely tied to the large Democratic majorities in both the House and Senate in his first two years. The capture of control of the House of Representatives by Republicans in the midterm congressional election of 2010 promises a slow-down of the Obama policy agenda.



**FIGURE 3–2 Presidential Support in Congress** A president’s success in getting his legislation enacted by Congress is most heavily influenced by whether or not his party controls the House or Senate or both bodies. SOURCE: *Congressional Quarterly*, various issues.

Presidents are more successful in stopping legislation they oppose than in getting legislation they support passed by the Congress. The veto is the president’s most important weapon in dealing with Congress. Even the threat of the veto greatly enhances the president’s legislative power. A bill vetoed by the president can be passed into law only by the two-thirds vote of both houses of Congress. Seldom is a president so weak that he cannot hold the loyalty of at least one-third of either the House or the Senate. From George Washington to Barack Obama, more than 96 percent of all presidential vetoes have been sustained.

### Constituency Influence

Members of Congress like to think of themselves as independent-minded, public-spirited “trustees” rather than merely message-carrying “delegates” sent to Washington by their districts’ voters. The philosophical justification for this notion was offered by the English parliamentarian Edmund Burke more than 200 years ago in a speech to his constituents: “Your representative owes you, not his industry only, but his judgment; and betrays, instead of serving you, if he sacrifices it to your opinion.”<sup>15</sup>

But the rationale for Congress members’ independence from constituency influence may not be so noble as that implied by Burke. Members know that their constituents are largely unaware of their voting records in Congress. Only occasionally, on a highly publicized vote, where home state or district feelings are intense, will a member defer to constituents’ views over those of their party’s leadership and campaign-cash-contributing interest groups. On most issues, members are free to ignore their constituents: “They don’t know much about my votes. Most of what they know is what I tell them. They know more of what kind of a guy I am. It comes through in my letters: ‘You care about the little guy.’”<sup>16</sup> A long record of “home-style” politics—doing casework



for constituents, performing favors, winning pork-barrel projects for the district, making frequent visits back home to “press the flesh”—can protect members from any opposition that might be generated by their voting records.

## Contributor Influence

The cost of running for Congress today virtually guarantees the dependency of its members on heavy campaign contributors. The average incumbent House member now spends nearly \$1.5 million running for office *every two years*. The average incumbent U.S. senator spends more than \$10 million to maintain his or her seat, and the price tag in some big states can run \$50 million or more.

Corporations, interest group PACs, and individual “fat cats” have become the real constituents of Congress (see Table 3–6). Large corporate and individual donors, together with interest group PACs, constitute more than two-thirds of the campaign cash flowing into congressional elections. Small individual donors (\$500 or less) provide less than one-third of campaign funds. Most members of Congress spend hours each day making fund-raising calls from their offices on Capitol Hill. “Making your calls” is a basic responsibility of the job.

Throughout the lawmaking process, big campaign contributors expect to be able to call or visit and present their views directly to the officeholders they supported. At the presidential level, major contributors expect to get a meeting with the president or at least with high-level White House staff or cabinet members. At the congressional level, major contributors usually expect to meet directly with representatives and senators. Members of Congress frequently boast of responding to letters, calls, or visits by any constituent. But big contributors expect “face time” with the political leaders they help keep in office.

Campaign contributions are rarely made on a direct quid pro quo basis—that is, direct dollar payments in exchange for sponsoring a bill in Congress or for voting for or against a bill in committee or on the floor. Such direct trade-offs risk exposure as bribery and may be prosecuted under law. Bribery, where it occurs, is probably limited to very narrow and specific policy actions: payments to intervene in a particular case before an administrative agency, payments to insert a very specific break in a tax law or a specific exemption in a trade bill, payments to obtain a specific contract with the government. Bribery on major issues is very unlikely; there is simply too much publicity and too much risk of exposure. But Congress members are smart enough to know what issues concern the contributors and how to vote in order to keep the contributions coming in the future.

## THE BUDGETARY AND APPROPRIATIONS PROCESSES

A great deal of policymaking occurs in the budgetary and appropriations processes. Congress may *authorize* policies and programs in legislation, but congress must separately *appropriate* funds to implement the legislation.

The Constitution gives the president no formal powers over taxing and spending. Constitutionally all the president can do is “make recommendations” to Congress. It is difficult to imagine that prior to 1921 the president played no direct role in the budget process. The Secretary of the Treasury compiled the estimates of the individual agencies, and these were sent, without revision, to Congress for its consideration. It was not until the Budget and Accounting Act of 1921 that the president acquired responsibility for budget formulation and thus developed a means of directly influencing spending policy.

**TABLE 3–6 All-Time Big-Money Contributors** The cost of running for Congress has skyrocketed, making Congress members ever more dependent on contributions from big corporations and labor unions.

Rank	Organization Name	1989–2010		Rank	Organization Name	1989–2010	
		Dems	Repubs			Dems	Repubs
1	ActBlue (Democratic Party)	99%	0%	25	EMILY's List	99%	0%
2	AT&T Inc	44%	55%	26	National Beer Wholesalers Assn	33%	66%
3	American Fedn of State, County & Municipal Employees	98%	1%	27	Microsoft Corp	53%	46%
4	National Assn of Realtors	49%	50%	28	National Assn of Letter Carriers	88%	10%
5	Goldman Sachs	62%	37%	29	JPMorgan Chase & Co	50%	48%
6	American Assn for Justice (trial lawyers)	90%	8%	30	Time Warner	72%	27%
7	Intl Brotherhood of Electrical Workers	97%	2%	31	Morgan Stanley	44%	54%
8	National Education Assn	93%	6%	32	Lockheed Martin	43%	56%
9	Laborers Union	92%	7%	33	General Electric	51%	48%
10	Service Employees International Union	95%	3%	34	Verizon Communications	40%	58%
11	Teamsters Union	93%	6%	35	AFL-CIO	95%	4%
12	Carpenters & Joiners Union	89%	10%	36	Credit Union National Assn	48%	50%
13	American Federation of Teachers	98%	0%	37	FedEx Corp	40%	58%
14	Communications Workers of America	98%	0%	38	Bank of America	46%	53%
15	Citigroup Inc	50%	49%	39	National Rifle Assn	17%	82%
16	American Medical Assn	39%	59%	40	Ernst & Young	44%	55%
17	United Auto Workers	98%	0%	41	Blue Cross/Blue Shield	39%	60%
18	Machinists & Aerospace Workers Union	98%	0%	42	Sheet Metal Workers Union	97%	1%
19	National Auto Dealers Assn	32%	67%	43	American Hospital Assn	53%	45%
20	United Parcel Service	36%	62%	44	Plumbers & Pipefitters Union	94%	4%
21	United Food & Commercial Workers Union	98%	1%	45	Deloitte Touche Tohmatsu	35%	64%
22	Altria Group	27%	72%	46	American Dental Assn	46%	53%
23	American Bankers Assn	40%	59%	47	International Assn of Fire Fighters	82%	17%
24	National Assn of Home Builders	35%	63%	48	PricewaterhouseCoopers	37%	62%
				49	Operating Engineers Union	85%	13%
				50	Air Line Pilots Assn	84%	15%

SOURCE: Center for Responsive Politics, "Top All-Time Donor Profiles," [www.opensecrets.org](http://www.opensecrets.org).

## OMB—Preparing the Presidential Budget

The president, through the Office of Management and Budget (OMB), located in the Executive Office, has the key responsibility for budget preparation. Work on the fiscal budget starts more than a year before the beginning of the fiscal year for which it is intended. After preliminary consultation with the executive agencies and in accord with presidential policy, the OMB develops targets or ceilings within which the agencies are encouraged to build their requests. This work begins a full sixteen to eighteen months before the beginning of the fiscal year for which the budget is being prepared. (In other words, work would begin in January 2002 on the budget for the fiscal year beginning October 1, 2013, and ending September 30, 2014.) Budgets are named for the fiscal year in which they end, so this example describes the work on the *Budget of the United States Government, 2014* or more simply, “FY14.”

Budget materials and instructions go to the agencies with the request that the forms be completed and returned to the OMB. The heads of agencies are expected to submit their completed requests to the OMB by mid-September or early October. Occasionally a schedule of “over ceiling” items (requests above the suggested ceilings) will be included.

With the requests of the spending agencies at hand, the OMB begins its own budget review. Hearings are given to each agency. Top agency officials support their requests as convincingly as possible. On rare occasions dissatisfied agencies may ask the budget director to take their cases to the president.

In December, the president and the OMB director will devote time to the document, which by now is approaching its final stages of assembly. They and their staffs will “blue-pencil,” revise, and make last-minute changes as well as prepare the president’s message, which accompanies the budget to Congress. After the budget is in legislative hands, the president may recommend further alterations as needs dictate.

Although the completed document includes a revenue plan with general estimates for taxes and other income, it is primarily an expenditure budget. Revenue and tax policy staff work centers in the Treasury Department and not in the OMB. In late January or early February the president presents the *Budget of the United States Government* for the fiscal year beginning October 1 to Congress.

## House and Senate Budget Committees

In an effort to consider the budget as a whole, Congress established House and Senate budget committees and a Congressional Budget Office (CBO) to review the president’s budget after its submission to Congress. These committees draft a first budget resolution (due May 15) setting forth target goals to guide committee actions on specific appropriation and revenue measures. If appropriations measures exceed the targets in the budget resolution, it comes back to the floor in a reconciliation measure. A second budget resolution (due September 15) sets binding budget figures for committees and subcommittees considering appropriations. In practice, however, these two budget resolutions have been folded into a single measure because Congress does not want to reargue the same issues.

## Appropriations Acts

Congressional approval of each year’s spending is usually divided into thirteen separate appropriations bills, each covering separate broad categories of spending. These appropriations bills are drawn up by the House and Senate appropriations committees and their specialized subcommittees.

Indeed, House appropriations subcommittees function as overseers of the agencies included in their appropriations bill. The appropriations committees must stay within the overall totals set forth in the budget resolutions adopted by Congress.

An *appropriations* act provides money for spending, and no funds can be spent without it. An *authorization* is an act of Congress establishing a government program and defining the amount of money that it may spend. Authorizations may be for several years. However, the authorization does not actually provide the money that has been authorized; only an appropriations act can do that. Appropriations acts are almost always for a single fiscal year. Congress has its own rule that does not allow appropriations for programs that have not been authorized. However, appropriations frequently provide less money for programs than earlier authorizations.

Appropriations acts include both obligational *authority* and *outlays*. An obligation of authority permits a government agency to enter into contracts calling for payments into future years (new obligated authority). Outlays are to be spent in the fiscal year for which they are appropriated.

### Appropriations Committees

Considerations of specific appropriations measures are functions of the appropriations committees in both houses. Committee work in the House of Representatives is usually more thorough than it is in the Senate; the committee in the Senate tends to be a “court of appeal” for agencies opposed to House action. Each committee, moreover, has about ten largely independent subcommittees to review the requests of a particular agency or a group of related functions. Specific appropriations bills are taken up by the subcommittees in hearings. Departmental officers answer questions on the conduct of their programs and defend their requests for the next fiscal year; lobbyists and other witnesses testify.

### Supplemental Appropriations

The appropriations acts often fail to anticipate events that require additional federal spending during the fiscal year. For example, the Iraq War and Hurricane Katrina both incurred government spending well above the original appropriations acts for defense and homeland security. It is common for the president to request Congress to appropriate additional funds in such cases—funds not in the original budget for the fiscal year or in the original congressional appropriations acts.

### Revenue Acts

The House Committee on Ways and Means and the Senate Finance Committee are the major instruments of Congress for consideration of taxing measures. Through long history and jealous pride they have maintained formal independence of the appropriations committees, further fragmenting legislative consideration of the budget.

### Presidential Veto

In terms of aggregate amounts, Congress does not regularly make great changes in the executive budget. It is more likely to shift money among programs and projects. The budget is approved by Congress in the form of appropriations bills, usually thirteen of them, each ordinarily providing for several departments and agencies. The number of revenue measures is smaller. As with other bills that are passed by Congress, the president has ten days to approve or veto appropriations legislation.



Although Congress authorized the president to exercise a “line-item veto” in 1996, the U.S. Supreme Court declared it to be an unconstitutional violation of the separation of powers. The line-item veto would have given the president the authority to “cancel” specific spending items and specific limited tax benefits in an overall appropriations act. But the Court held that this procedure would transfer legislative power—granted by the Constitution only to Congress—to the president.<sup>17</sup>

### Continuing Resolutions and “Shutdowns”

All appropriations acts *should* be passed by both houses and signed by the president into law before October 1, the date of the start of the fiscal year. However, it is rare for Congress to meet this deadline, so the government usually finds itself beginning a new fiscal year without a budget. Constitutionally, any U.S. government agency for which Congress does not pass an appropriations act may not draw money from the Treasury and thus is obliged to shut down. To get around this problem, Congress adopts a “continuing resolution” that authorizes government agencies to keep spending money for a specified period, usually at the same level as in the previous fiscal year.

A continuing resolution is supposed to grant additional time for Congress to pass, and the president to sign, appropriations acts. But occasionally this process has broken down in the heat of political combat over the budget. The time period specified in a continuing resolution has expired without agreement on appropriations acts or even on a new continuing resolution. In theory, the absence of either appropriations acts or a continuing resolution should cause the entire federal government to “shut down,” that is, to cease all operations and expenditures for lack of funds. (Shutdown occurred during the bitter battle between President Bill Clinton and the Republican-controlled Congress over the Fiscal Year 1996 budget.) But in practice, shutdowns have been only partial, affecting only “nonessential” government employees and causing relatively little disruption.

## POLICY IMPLEMENTATION: THE BUREAUCRACY

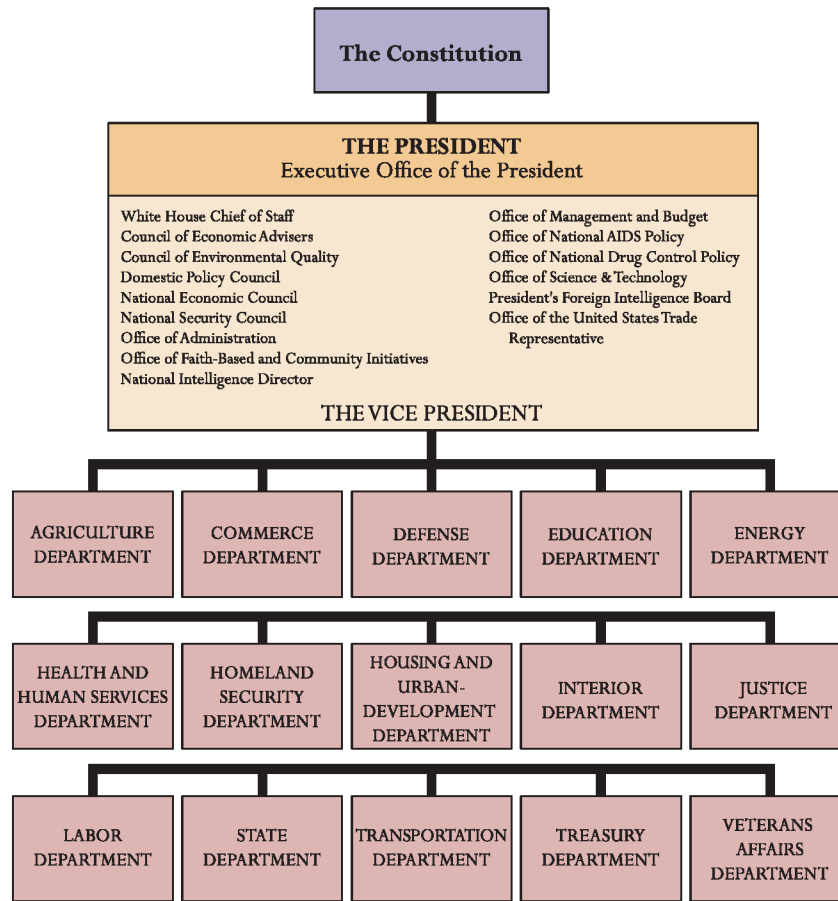
“Implementation is the continuation of politics by other means.”<sup>18</sup> Policymaking does not end with the passage of a law by Congress and its signing by the president. Rather, it shifts from Capitol Hill and the White House to the bureaucracy—to the departments, agencies, and commissions of the executive branch (see Figure 3–3). The bureaucracy is not constitutionally empowered to decide policy questions, but it does so, nonetheless, as it performs its task of implementation.

### Implementation and Policymaking

Implementation involves all of the activities designed to carry out the policies enacted by the legislative branch. These activities include the creation of new organizations—departments, agencies, bureaus, and so on—or the assignment of new responsibilities to existing organizations. These organizations must translate laws into operational rules and regulations. They must hire personnel, draw up contracts, spend money, and perform tasks. All of these activities involve decisions by bureaucrats—decisions that determine policy.

As society has grown in size and complexity, the bureaucracy has increased its role in the policymaking process. The standard explanation for the growth of bureaucratic power is that Congress and the president do not have the time, energy, or technical expertise to look after the details of environmental protection or occupational safety or equal employment opportunity or transportation safety or hundreds of other aspects of governance in a modern society. Bureaucratic agencies





INDEPENDENT AGENCIES, COMMISSIONS, AND GOVERNMENT CORPORATIONS			
Administrative Conference of the United States	Farm Credit Administration	National Archives and Records Administration (NARA)	Office of the National Counterintelligence Executive
Advisory Council on Historic Preservation	Federal Communications Commission (FCC)	National Capital Planning Commission	Overseas Private Investment Corporation
African Development Foundation	Federal Deposit Insurance Corporation (FDIC)	National Council on Disability	Panama Canal Commission
AMTRAK (National Railroad Passenger Corporation)	Federal Election Commission (FEC)	National Credit Union Administration (NCUA)	Peace Corps
Central Intelligence Agency (CIA)	Federal Housing Finance Board	National Endowment for the Arts	Pension Benefit Guaranty Corporation
Commission on Civil Rights	Federal Labor Relations Authority	National Endowment for the Humanities	Postal Regulatory Commission
Commodity Futures Trading Commission	Federal Maritime Commission	National Labor Relations Board (NLRB)	FAQs
Consumer Product Safety Commission (CPSC)	Federal Mediation and Conciliation Service	National Mediation Board	E-mail Us
Corporation for National and Community Service	Federal Mine Safety and Health Review Commission	National Railroad Passenger Corporation (AMTRAK)	Railroad Retirement Board
Court Services and Offender Supervision Agency for the District of Columbia	Federal Reserve System	National Science Foundation (NSF)	Phone
Defense Nuclear Facilities Safety Board	Federal Retirement Thrift Investment Board	National Transportation Safety Board	Securities and Exchange Commission (SEC)
Election Assistance Commission	Federal Trade Commission (FTC)	Nuclear Regulatory Commission (NRC)	Selective Service System
Environmental Protection Agency (EPA)	General Services Administration (GSA)	Occupational Safety and Health Review Commission	Small Business Administration (SBA)
Equal Employment Opportunity Commission (EEOC)	Institute of Museum and Library Services	Office of Compliance	Social Security Administration (SSA)
Export-Import Bank of the United States	International Broadcasting Bureau (IBB)	Office of Government Ethics	Tennessee Valley Authority
	Merit Systems Protection Board	Office of Personnel Management	U.S. Trade and Development Agency
	National Aeronautics and Space Administration (NASA)	Office of Special Counsel	United States Agency for International Development
			United States International Trade Commission
			United States Postal Service (USPS)

**FIGURE 3-3 The Federal Bureaucracy** Policymaking continues in the vast federal bureaucracy even after the passage of a law by Congress and its signing by the president.

receive only broad and general policy directions in the laws of Congress. They must decide themselves on important details of policy. This means that much of the actual policymaking process takes place *within* the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the Equal Employment Opportunity Commission (EEOC), the National Transportation Safety Board, and hundreds of other bureaucratic agencies.

Bureaucratic power in policymaking is also explained by political decisions in Congress and the White House to shift responsibility for many policies to the bureaucracy. Congress and the president can take political credit for laws promising “safe and effective” drugs, “equal opportunity” employment, the elimination of “unfair” labor practices, and other equally lofty, yet vague and ambiguous, goals. It then becomes the responsibility of bureaucratic agencies, for example, the Food and Drug Administration (FDA), the EEOC, and the National Labor Relations Board (NLRB), to give practical meaning to these symbolic measures. Indeed, if the policies developed by these agencies turn out to be unpopular, Congress and the president can blame the bureaucrats.

## Regulation and Policymaking

Policy implementation often requires the development of formal rules and regulations by bureaucracies. Federal executive agencies publish about 60,000 pages of rules in the *Federal Register* each year. The rule-making process for federal agencies is prescribed by the Administrative Procedures Act, which requires agencies to

- Announce in the *Federal Register* that a new rule or regulation is being proposed.
- Hold hearings to allow interest groups to present evidence and assignments regarding the proposed rule.
- Conduct research on the proposed rule’s economic impact, environmental impact, and so on.
- Solicit “public comments” (usually the arguments of interest groups).
- Consult with higher officials, including the Office of Management and Budget.
- Publish the new rule or regulation in the *Federal Register*.

Rule making by the bureaucracy is central to the policymaking process. Formal rules that appear in the *Federal Register* have the force of law. Bureaucratic agencies may levy fines and penalties for violations of these regulations, and these fines and penalties are enforceable in the courts. Congress itself can only amend or repeal a formal regulation by passing a new law and obtaining the president’s signature. Controversial bureaucratic regulations (policies) may remain in effect when Congress is slow to act, when legislation is blocked by key congressional committee members, or when the president supports the bureaucracy and refuses to sign bills overturning regulations. The courts usually do not overturn bureaucratic regulations unless they exceed the authority granted to the agency by law or unless the agency has not followed the proper procedure in adopting them.

## Adjudication and Policymaking

Policy implementation by bureaucracies often involves adjudication of individual cases. (While rule making resembles the legislative process, adjudication resembles the judicial process.) In adjudication, bureaucrats must decide whether a person, firm, corporation, and so on has complied with laws and regulations and, if not, what penalties or corrective actions are to be applied. Federal

regulatory agencies—for example, the EPA, the EEOC, the Internal Revenue Service (IRS), the Federal Trade Commission (FTC), the Securities and Exchange Commission (SEC)—are heavily engaged in adjudication. They have established procedures for investigation, notification, hearing, decision, and appeal; individuals and firms involved in these proceedings often hire lawyers specializing in the field of regulation. Administrative hearings are somewhat less formal than a court trial, and the “judges” are employees of the agency itself. Losers may appeal to the federal courts, but the history of agency successes in the courts discourages many appeals. The record of agency decisions in individual cases is a form of public policy. Just as previous court decisions reflect judicial policy, previous administrative decisions reflect bureaucratic policy.

### Bureaucratic Discretion and Policymaking

It is true that much of the work of bureaucrats is administrative routine—issuing Social Security checks, collecting and filing income tax returns, delivering the mail. But bureaucrats almost always have some discretion in performing even routine tasks. Often individual cases do not exactly fit established rules; often more than one rule might be applied to the same case, resulting in different outcomes. For example, the IRS administers the U.S. tax code, but each auditing agent has considerable discretion in deciding which rules to apply to a taxpayer’s income, deductions, business expenses, and so on. Indeed, identical tax information submitted to different IRS offices almost always results in different estimates of tax liability. But even in more routine tasks, from processing Medicare applications to forwarding mail, individual bureaucrats can be friendly and helpful, or hostile and obstructive.<sup>19</sup>

### Policy Bias of Bureaucrats

Generally bureaucrats believe strongly in the value of their programs and the importance of their tasks. EPA officials are strongly committed to the environmental movement; officials in the Central Intelligence Agency (CIA) believe strongly in the importance of good intelligence to the nation’s security; officials in the Social Security Administration are strongly committed to maintaining the benefits of the retirement system. But in addition to these professional motives, bureaucrats, like everyone else, seek higher pay, greater job security, and added power and prestige for themselves.

Professional and personal motives converge to inspire bureaucrats to expand the powers, functions, and budgets of their agencies. (Conversely, bureaucrats try to protect their “turf” against reductions in functions, authority, and budgets.) “Budget maximization”—expanding the agency’s budget as much as possible—is a driving force in government bureaucracies.<sup>20</sup> This is especially true regarding discretionary funds in an agency’s budget—funds that bureaucrats have flexibility in deciding how to spend, rather than funds committed by law to specific purposes. The bureaucratic bias toward new functions and added authority and increases in personnel and budgets helps explain the growth of government over time.

## POLICY EVALUATION: IMPRESSIONISTIC VERSUS SYSTEMATIC

The policy process model implies that evaluation is the final step in policymaking. It implies that policymakers—Congress, the president, interest groups, bureaucrats, the media, think tanks, and so on—seek to learn whether or not policies are achieving their stated goals; at what costs; and with what effects, intended and unintended, on society. Sophisticated versions of the model portray a

“feedback” linkage—evaluations of current policy identify new problems and set in motion the policymaking process once again.

However, most policy evaluations in Washington, state capitols, and city halls are unsystematic and impressionistic. They come in the form of interest group complaints about the inadequacies of laws or budgets in protecting or advancing their concerns; in media stories exposing waste or fraud or mismanagement in a program or decrying the inadequacies of government policies in dealing with one crisis or another; in legislative hearings in which executive officials are questioned and occasionally badgered by committee members or their staffs about policies or programs; and sometimes even in citizens’ complaints to members of Congress, the White House, or the media. Yet these “evaluations” often succeed in stimulating reform—policy changes designed to remedy perceived mistakes, inadequacies, wasteful expenditures, and other flaws in existing policy.

## SUMMARY

The policy process model focuses on *how* policies are made, rather than on the substance or content of policies. The model identifies a variety of activities that occur within the political system, including identification of problems and agenda setting, formulating policy proposals, legitimating policies, implementing policies, and evaluating their effectiveness.

1. Agenda setting is deciding what will be decided; that is, what issues will be covered by the media, brought to the attention of decision makers, and identified as problems requiring government solutions.
2. A “bottom-up” portrayal of policymaking emphasizes the role of public opinion in setting the agenda for policymakers. Events, and media reporting of them, can focus public opinion on issues, problems, and “crises.” But it is not always clear whether opinion molds policy or policy creates opinion.
3. A “top-down” model of policymaking emphasizes the role of national leadership in creating issues and formulating policy. The general public does not have opinions on many specific policy questions. In opinion polls, Americans express doubt about whether the government understands their thinking or acts for the benefit of all.
4. The mass media, particularly the television networks, play a major role in agenda setting. By deciding what will be news, the media set the agenda for political discussion. The continuing focus on the dramatic, violent, and negative aspects of American life may unintentionally create apathy and alienation—television malaise.
5. A great deal of policy formulation occurs outside the formal governmental process. Prestigious, private, policy-planning organizations—such as the Council on Foreign Relations—explore policy alternatives, advise governments, develop policy consensus, and even supply top governmental leaders. The policy-planning organizations bring together the leadership of the corporate and financial worlds, the mass media, the foundations, the leading intellectuals, and top government officials.
6. The activities of the proximate policymakers—the president, Congress, executive agencies, and so forth—attract the attention of most commentators and political scientists. But nongovernmental leaders, in business and finance, foundations, policy-planning organizations, the mass media, and other interest groups, may have already set the policy agenda and selected major policy goals. The activities of the proximate policymakers tend to center around the means, rather than the ends, of public policy.
7. Congress is designated in the Constitution as the principal instrument of policy legitimation. Congress members are influenced by the views of their cash constituents as much or more than by the views of their voting constituents back home. Big-money campaign contributors usually enjoy direct

- access to members of Congress during the lawmaking process.
8. Partisanship is on the rise in Congress. Party line voting now occurs on more than half of all roll call votes in Congress. Party divisions have occurred on many key votes in Congress in recent years.
  9. Presidents are expected to provide the initiative for congressional lawmaking. Presidential initiatives are usually outlined in the annual State of the Union message and followed up in the presidential Budget of the United States Government. Presidents are more successful in getting their legislative proposals enacted when their own party controls Congress.
  10. A great deal of policymaking occurs in the budgetary and appropriations processes. The president, through the Office of Management and Budget (OMB), has the responsibility for preparation of the *Budget of the United States Government* each year for submission to Congress. Congress may have authorized policies and programs in legislation, but it must continually appropriate funds to implement legislation.
  11. Policy implementation is an important component of the policymaking process. Bureaucrats make policy as they engage in the tasks of implementation—making regulations, adjudicating cases, and exercising their discretion. Professional and personal motives combine to bias bureaucrats toward expanding the powers and functions of their agencies and increasing their budgets, especially their discretionary funds.

## MySearchLab® EXERCISES

Apply what you learned in this chapter on MySearchLab ([www.mysearchlab.com](http://www.mysearchlab.com)).

## NOTES

1. V. O. Key, Jr., *Public Opinion and American Democracy* (New York: Knopf, 1967), p. 537.
2. G. William Domhoff, *Who Rules America? Power and Politics in the Year 2000* (Mountain View, CA: Mayfield, 1998), p. 127.
3. V. O. Key, Jr., *Public Opinion and American Democracy* (New York: Knopf, 1967), pp. 422–423.
4. Theodore White, *The Making of the President, 1972* (New York: Bantam, 1973), p. 7.
5. Leonard Silk and Mark Silk, *The American Establishment* (New York: Basic Books, 1980), p. 160.
6. *Ibid.*, p. 179.
7. *Heritage Foundation Annual Report 1985* (Washington, DC: Heritage Foundation, 1985).
8. See Mark Green and Michele Jolin, eds., *Change for America: A Progressive Blueprint for the 44th President* (New York: Basic Books, 2009).
9. Lester Milbraith, “Interest Groups in Foreign Policy,” in *Domestic Sources of Foreign Policy*, ed. James Rosenau (New York: Free Press, 1967), p. 247.
10. Council on Foreign Relations, *Annual Report*, 1988, p. 160.
11. Serious students of public policy are advised to read the books and journals published by these leading policy-planning organizations, especially *The Brookings Review* (published quarterly by the Brookings Institution, 1775 Massachusetts Avenue NW, Washington, DC 20036); *The American Enterprise* (published bimonthly by the American Enterprise Institute, 1150 17th Street NW, Washington, DC 20036); *Policy Review* (published quarterly by the Heritage Foundation, 214 Massachusetts Avenue NE, Washington, DC 20002); *Foreign Affairs* (published five times annually by the Council on Foreign Relations, 58 East 68th Street, New York, NY 10021).
12. Center for Responsive Politics (2009) [www.crp.org](http://www.crp.org)
13. *Fortune*, December 1997.



14. *Polling Report*, March 1999. [www.pollingreport.com](http://www.pollingreport.com)
15. "Speech to the Electors of Bristol," November 3, 1774.
16. Richard F. Fenno, *Home Style* (Boston: Little, Brown, 1978); also quoted in Roger H. Davidson and Walter T. Oleszek, *Congress and Its Members* (Washington, DC: CQ Press, 2000), p. 149.
17. *Clinton v. City of New York*, 524 U.S. 417 (1998).
18. Donald S. Van Meter and Carl E. VanHorn, "The Policy Implementation Process," *Administration and Society*, 6 (February 1975), p. 447.
19. See James Q. Wilson, *Bureaucracy: What Governments Do and Why They Do It* (New York: Basic Books, 1989).
20. William Niskanen, *Bureaucracy and Representative Government* (Chicago: Aldine, 1971).

## BIBLIOGRAPHY

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- ANDERSON, JAMES E. *Public Policymaking* 7th ed. Cengage Learning, 2011.
- CIGLAR, ALLAN J., and BURDETT A. LOUIS. *Interest Group Politics*, 8th ed. Washington, DC: CQ Press, 2011.
- DAVIDSON, ROGER H., WALTER J. OLESZEK, and FRANCES E. LEE. *Congress and Its Members*, 12th ed. Washington, DC: CQ Press, 2009.
- GORMLEY, WILLIAM T., and STEVEN T. BALA. *Bureaucracy and Democracy: Accountability and Performance*, 2nd ed. Washington, DC: CQ Press, 2007.
- GRABER, DORIS A. *Mass Media and American Politics*, 8th ed. Washington, DC: CQ Press, 2009.
- HETHERINGTON, MARK T., and WILLIAM O. KEEFE. *Parties, Politics, and Public Policy in America*, 11th ed. Washington, DC: CQ Press, 2009.
- KERWIN, CORNELIUS, M. *Rulemaking: How Government Agencies Write Law and Make Policy*, 4th ed. Washington, DC: CQ Press, 2010.
- KINGDON, JOHN W. *Agendas, Alternatives, and Public Policies*. Boston: Little, Brown, 1984.
- SMITH, JAMES A. *The Idea Brokers: Think Tanks and the Rise of the New Policy Elite*. New York: Macmillan, 1991.

## WEB SITES

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- CENTER FOR RESPONSIVE POLITICS. Source of information on campaign finances—contributions, recipients, PACs, lobbyists, etc. [www.opensecrets.org](http://www.opensecrets.org)
- FEDERAL ELECTIONS COMMISSION. Official government site for campaign finance reports. [www.fec.gov](http://www.fec.gov)
- REPUBLICAN NATIONAL COMMITTEE. Official site of the RNC, including GOP policy positions, press releases, news, etc. [www.rnc.org](http://www.rnc.org)
- DEMOCRATIC NATIONAL COMMITTEE. Official site of the DNC, including Democratic Party policy positions, press releases, news, etc. [www.democrat.org](http://www.democrat.org)
- THE BROOKINGS INSTITUTION. Liberal think tank for policy research, with policy studies, press briefings, etc. [www.brookings.org](http://www.brookings.org)
- AMERICAN ENTERPRISE INSTITUTE. Moderate think tank for policy research, with policy studies, press briefings, etc. [www.aei.org](http://www.aei.org)
- HERITAGE FOUNDATION. Conservative think tank for policy research, with policy briefs, news about issues currently being debated in Congress, press releases, etc. [www.heritage.org](http://www.heritage.org)
- COUNCIL ON FOREIGN RELATIONS. Leading foreign relations think tank, with task force reports and access to its journal, *Foreign Affairs*. [www.cfr.org](http://www.cfr.org)
- CATO INSTITUTE. Libertarian (minimal government) think tank, with policy studies, press releases, etc. [www.cato.org](http://www.cato.org)
- U.S. Office of Management and Budget (OMB). Official site of OMB, with the current Budget of the United States Government.



**Policy Evaluation through Congressional Testimony** Secretary of the Treasury Timothy Geithner testifies before a Congressional Oversight Panel evaluating the effectiveness of the Troubled Asset Relief Program (TARP) June 22, 2010. Geithner argued that the TARP program, often criticized as the “Wall Street bailout,” was successful in stabilizing the financial community and that taxpayers were recovering a major portion of their investment. (© Benjamin J. Myers/Corbis)

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