

Bureaucratic Tyranny or the Renewal of Self-Government: The Beginning of Centralized Administration in America

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Abstract: *Conservatives have often charged that the great centralizing tendencies in American government were a product of the New Deal. As the late Dr. Wettergreen shows in this essay, first published in 1988 as a chapter in *The Imperial Congress*, a book produced by The Heritage Foundation and the Claremont Institute, the true culprit was not FDR but LBJ, as the full bureaucratization of American government did not take place until the 1960s. Dr. Wettergreen makes a further useful distinction, grounded in the writings of Alexis de Tocqueville and Max Weber, between “governance” and “administration.” In Dr. Wettergreen’s view, the centralization of governance is justified, but the centralization of administration is terribly threatening to the liberties of Americans. Although the statistics in this essay are mostly outdated, his analysis and argument are still relevant and persuasive.*

Conservative Americans, almost as commonly as those on the left, are inclined to believe that bureaucracy is a necessity of modern government. According to this conventional wisdom, the bureaucratization of America has been going on—inevitably—for over a century. This conviction is decidedly pessimistic: after all, “bureaucracy” is a pejorative term. No matter how much we might try to use it with a neutral sense, its connotations of vapid formality, mindless routinization, and obtuse impersonality shine through. Even the greatest defender of bureaucracy, Max Weber, confessed that this form of rule is inhuman. In considering bureaucratization, then, we must ask whether modern government can be good government. Nevertheless, American government

today is more highly bureaucratized than ever before, and it is likely to become more so. American government today, due to this, is not good government.

By practical standards, the United States has been well governed throughout most of its history. In the past, we have had a government which, by and large, sought the consent of the governed on the great issues of the day. We were blessed by national statesmen—Washington, Jefferson, Madison, Lincoln, Theodore Roosevelt, Franklin Roosevelt, and many others—who actively sought political responsibility before the electorate for what they proposed to do, because they intended to do great things, and great things were done. Among these accomplishments were, in particular, the ending of the scourge of slavery, the building of a great

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modern nation unrivaled for civil and religious liberty, and the victory in a global war against barbarism. Moreover, the nation's great injustices could at least be recognized as such, because such public principles as "all men are created equal" were popularly venerated.

Today, however, we have a government skilled in obfuscation. Elected officials are so intent upon avoiding responsibility that even the "regular Statement and Account of the Receipts and Expenditures of all public Money," which the Constitution directs to "be published from time to time," is a multi-volume monster—one so huge that it requires yet another volume to interpret it authoritatively. Representatives and senators freely admit that they do not know what was in the 1987 Omnibus Continuing Resolution. Our office holders are so far from accomplishing grand objectives that America cannot even protect its borders from drug runners, much less seal them against migrant workers or other foreign elements. Moreover, even if our public principles of right are still popularly venerated, we now have an injustice unmatched since the days of slavery, a national policy of systematic racial inequality called Affirmative Action, which goes virtually unopposed in the highest public counsels. If this catalog of governmental ills does not fit the political taste of all educated people, it could be amended to satisfy almost everyone, for almost all people today understand that our country is not well governed. For example, James L. Sundquist of the left-liberal Brookings Institution has been maintaining since 1980 that American government is "incompetent."¹

Of course, not all would agree with the thesis of this essay: that the most serious ills of American government are due to bureaucratization; to what political scientists call "centralization of administration." Beyond that, and contrary to what is ordinarily supposed, centralization of administration in the United

States is not a century-old, inevitable trend, but a creature of the choices made well within living memory. It is important to understand, in other words, that the "Great Society" of Lyndon Johnson is the true father of our present troubles, far more than is the New Deal of Franklin Roosevelt. This point is important, not because Johnson is more easily despised than Roosevelt, but because it correctly explains what is the root of bureaucracy in America.

WHAT IS BUREAUCRACY?

The two most common definitions of bureaucracy need to be understood, and rejected, before we can see some of the simple truths of contemporary American government. First is the notion that any large, public organization is a bureaucracy. This definition misses the universal disapprobation that goes to the heart of the bureaucratic phenomenon. Furthermore, it is relativistic in the extreme: how large is large? Tacitus tells us that the Roman Empire, at its peak during the reign of Augustus Caesar, was administered by 1,800 officials, fewer than the state of Nevada. Was imperial Roman administration large enough to be bureaucratic? Furthermore, we all have had experience with very small organizations—the registrar's office at almost any college or university, for example—that are as bureaucratic as the Internal Revenue Service. Conversely, vast public organizations—Napoleon's army at its best, or Tammany Hall or the Mormon Church—are said to be remarkably nonbureaucratic, for reasons which will soon become clear.

The second standard definition of bureaucracy is usually associated with a twentieth-century ideologue by the name of Max Weber. In one form or another, this is the definition preferred by today's intellectuals. Weber thought of bureaucracy as *the* modern form of political organization. Every aspect of modern everyday life is cut to fit the bureaucratic framework. Bureaucracy is, Weber supposed, always the most rational type of rule, because under the bureaucratic form of rule all must be treated the same, without any prefer-

¹ James L. Sundquist, "The Crisis of Competence in Our National Government," *Political Science Quarterly*, Vol. 95, No. 2 (Summer 1980), p. 183ff.

ence given on account of kinship, friendship, neighborliness, or other forms of personal attachment. Such “neutralization” is the bureaucratic ideal of fairness.

Furthermore, bureaucratic administration is professional, both in the sense that being a bureaucrat is a career and in that specialized training, knowledge, and experience, rather than kinship, election, or any other form of subjective preference form the basis for appointment and tenure in office. To meet the needs of modern society, Weber held, bureaucratic administration is completely indispensable. To suppose otherwise is to be guilty of “dilettantism.”²

To Weber, bureaucratization was “the most crucial phenomenon of the modern Western state.”³ He conceived of bureaucracy as the modern system of rule, not merely a part of government (e.g., a “fourth branch”) or a part of society (i.e., an interest group, vocation, or profession). As Weber saw it, bureaucracy is the final or ultimate form of rule, the expression of the highest Western value, “rationality.” If there are any problems with bureaucratic rule (and Weber thought there were many), they only reveal what are, to Weber, the ultimate, insoluble problems of human existence.

Weber’s Bureaucracy Meets Reality

The power of Weber’s argument for bureaucracy is easily underestimated. In the political and governmental world as well as among intellectuals, today’s models of bureaucracy are invariably Weberian. Yet, almost anyone who has had to contend with bureaucratic rule will tell you that this understanding barely accords with reality. Characteristically, bureaucracy is not rational, but arbitrary; it is neither efficient nor objective, but officious. Our purpose here does not permit a demonstration of the theoretical unsoundness of Weber’s understanding of bureaucracy. Instead we consider a massive practical misjudgment, which

identifies the inadequacies of Weber’s (and the common) view and illuminates Alexis de Tocqueville’s more adequate understanding of bureaucracy.

Weber admired very much the moral type that is peculiar to bureaucracy: the professional administrator, whose personal interests are objective, universal, scientific. This admiration caused him to misconstrue American political reality. “As late as the early 1900s,” Weber remarked in deep puzzlement, “...American workers of English origin...allowed themselves to be governed by party henchmen who were often open to corruption.” Looking at the big city party machines like Tammany Hall in New York, Weber assumed that they were mass parties like those he knew in Europe:

The increasingly bureaucratic organization of all genuine mass parties offers the most striking example of the role of sheer quantity as a leverage for the bureaucratization of a social structure. In the United States, both parties since Jackson’s administration have developed bureaucratically.⁴

In other words, Weber thought that the American parties were “under the leadership of professionals or experts” as distinguished from “traditional notable rule based upon personal relationships and personal esteem.”⁵ Thus, a dogmatic political assumption bred Weber’s conviction that bureaucracy is the ultimate form of rule: “Bureaucracy inevitably accompanies modern mass democracy...”⁶

The Importance of Nonbureaucratic Authority

Like his idea that nineteenth-century American democracy was “mass democracy,” Weber’s view of American parties as bureaucratized, mass parties is wrong.

² Max Weber, *The Theory of Social and Economic Organization*, trans. A. M. Henderson and Talcott Parsons (New York: Free Press, 1964), p. 337.

³ Weber, *The Theory of Social and Economic Organization*, p. 337.

⁴ Max Weber, “Bureaucracy,” from *Max Weber*, trans. and ed. H. H. Gerth and C. Wright Mills (New York: Oxford, 1970), pp. 211, 225.

⁵ Weber, “Bureaucracy,” pp. 211, 225.

⁶ Weber, “Bureaucracy,” p. 224 (original emphasis).

He examined nineteenth-century American (democratic) decentralized administration, but he could not see its nonbureaucratic character, perhaps because the nonbureaucratic rulers he was looking at were not “local notables” with titles of nobility but rather leading men of the people. Seeing the unprofessional patronage system that they operated, Weber concluded that American nonbureaucratic rulers were corrupt, partisan henchmen. This judgment does an enormous injustice to such partisans as George Washington Plunkitt of Tammany Hall, a classic example of a modern American machine politician and also a local notable whose rule was based upon personal relationships and personal esteem.

At the root of Weber’s misjudgment is his disjunction of professional or specialized leadership from nonbureaucratic authority. This disjunction excludes the possibility that there could be rulers who make a living by acquiring personal relationships and personal esteem. This, of course, is precisely what the urban machine politicians did.

Consider Plunkitt’s description of how to begin a career in politics:

Did I get up a book on municipal government...? I wasn’t such a fool. What I did was get some marketable goods. What do I mean by marketable goods? Let me tell you: I had a cousin. I went to him and said, “Tommy, I’m goin’ to be a politician, and I want a followin’, can I count on you?” He said, “Sure, George.” That’s how I started in business. I got a marketable commodity—one vote.⁷

The vulgarity, greed, brutality, and ambition of the American party machines ought not be allowed to conceal the fact that these parties were founded on personal attachments of kinship, friendship, and

⁷ George Washington Plunkitt, *Plunkitt of Tammany Hall: Plain Talk About Practical Politics*, ed. William L. Riordan (New York: Dutton, 1963), p. 8.

neighborliness. Accordingly, their hatred of bureaucracy was absolutely intransigent, as a quick look at Plunkitt’s work would show.

The machine politicians were also antibureaucratic in their contempt for scientific learning and professional expertise and in their abiding hostility to civil service, with its examinations. Yet their opposition was not merely selfish or irrational. Indeed, nothing puzzled Plunkitt more than bureaucratic moral values. He could not comprehend why bureaucratizers condemned “honest graft,” or the officeholder’s legal use of his office for his private benefit. Nor could he understand why the bureaucratizers insisted that high marks on civil service examinations, rather than the esteem and gratitude of one’s fellow citizens on election day, qualified one for public office. He could not understand because his moral perspective was radically different both from the bureaucratizers and from Weber’s. Plunkitt’s morality is what Weber calls “traditional,” a morality founded upon those personal attachments which can never be the basis of bureaucracy. Weber, however, was unable to recognize Plunkitt’s type of morality as traditional, perhaps because he was not accustomed to a society in which democracy, not aristocracy, is the tradition.

Weber’s misconception also caused him to mistake as irrational some of the very qualities which produced effective, efficient administration in early American industrialized society. If one considers the administrative tasks accomplished by Plunkitt and his fellow “henchmen” of Tammany Hall, one sees the inadequacy of the Weberian judgment that bureaucratic organization is administratively superior.

Decentralized administration is superior even in a merely technical sense. Certainly, even with its superior financial resources, today’s welfare bureaucracy does not solve the problems of social and economic welfare any more successfully (to say nothing of the inefficiency, nepotism, personal subjugation, and capricious and uninformed judgments that it spawns) than Tammany did in turn-of-the-century New York. Moreover, at that time, some of the most magnificent

adornments of that city—its museums, parks, bridges, and boulevards—were constructed. Most importantly, all of this was accomplished continuously, with a minimum amount of unlawful violence, and by popular consent.

Tocqueville's Understanding of Bureaucracy

Tammany Hall's remarkable success in building up New York City is inexplicable in Weber's terms, but it is well within Alexis de Tocqueville's understanding of bureaucracy. Even a century and a half ago, Tocqueville could see that all the details of individual citizens' lives—their vocations and professions, their education, their entertainments, the disposal of their estates, the organization of all professional, civic, and commercial associations—were in danger of being subjected to the uniform, deadening regulation of bureaucracy. In fact, he wrote, even "religion is in danger of falling under government control."

It is not that the rulers are overzealous to fix dogma themselves, but they are getting more and more of a hold over the wills of those who interpret it, ...and with their help they reach right down into the depths of each man's soul.⁸

Tocqueville concluded that every aspect of modern society—especially industrialization with its vast scale, its novel social relations, its economic instability, and the inherent danger of its work to health and life—might be an occasion for further "centralization of administration," as he called bureaucratization. Moreover, Tocqueville already could see that the most corrupt form of industrial society—namely, socialism—would also be the most advanced or disciplined form of bureaucracy.⁹

⁸ Alexis de Tocqueville, *Democracy in America*, trans. George Lawrence (New York: Doubleday, 1970), p. 681.

⁹ Tocqueville, *The Old Regime and the French Revolution*, trans. Stuart Gilbert (Garden City, N.Y.: Doubleday, 1955), p. 164.

Tocqueville thought that the chances of success in the battle against the universal tendency toward bureaucracy were slim:

The only public men...who favor decentralization are, almost invariably, either very disinterested or extremely mediocre; the former are scarce and the latter powerless.¹⁰

Yet, unlike Weber and most American intellectuals, he refused to despair, and accordingly devoted his considerable talents to finding ways to keep free politics alive within great modern nations:

I am certainly not the one to say that such inclinations [toward bureaucracy] are invincible, for my chief aim in writing this book [*Democracy in America*] is to combat them.¹¹

Tocqueville trusted that human nature was opposed to bureaucratization. By nature, all humans have some taste for liberty, in the form of "an instinctive tendency, irresistible and hardly conscious, born out of the mysterious sources of all great human passions." This "common source not only of political liberty but of all of the high and manly virtues" is present in the souls of all humans. Bureaucracy violates this "instinct." "To me, human societies, like individuals, become something worthwhile only through their use of liberty."¹²

Because of his estimate of human nature, Tocqueville instinctively denied the superiority of bureaucratic administration. He had no doubts that, in the absence of sound democratic statesmanship and citizenship, bureaucracy would thrive, but he did not think that administrative centralization was inevitable, much less superior in rationality, in capacity to deal with complexity, or in scientific expertise.

¹⁰ *Democracy in America*, p. 735.

¹¹ *Democracy in America*, p. 671.

¹² Tocqueville, "The European Revolution" and *Correspondence with Gobineau*, ed. and trans. John Lukacs (Gloucester, Mass.: Peter Small, 1968), p. 309.

Distinguishing "Administration" from "Government"

To understand bureaucracy correctly, one must grasp Tocqueville's distinction between *administration* and *government*, which he made in this famous passage on centralization:

"Centralization" is a word in general use, but much misunderstood. It is necessary to discriminate between the two distinct kinds of centralization which exist.

Certain interests are common to all parts of the nation, such as the enactment of its general laws and the maintenance of its foreign relations. Other interests are peculiar to certain parts of the nation, such as local enterprises. When the power that directs the former or general interests is concentrated in one place or in the same persons, that is centralized government. To concentrate in like manner the direction of the latter or local interests, I call centralized administration.¹³

Here Tocqueville indicates that administration and government are two distinct kinds of political activity or rule. The one—administration—is proper to personal or parochial interests, and the other—governance—to general or national interests. So, contrary to American constitutional law and politics, "administration" is not synonymous with "execution," e.g., with the powers of the presidency. Rather, both administration and governance are characterized by deliberation or legislation, by adjudication, as well as by execution. Nevertheless, the one kind of politics cannot be reduced to the other. That is, administration is not a type of government (or vice versa), because the principle of administrative authority is essentially distinct from the principle of governmental authority.

Administrative authority is personal or partial, not to say partisan; it is rooted in the personal attachments

of kinship, friendship, and neighborliness. These are the very things which Weber supposed to be irrational, or subjective. In contradistinction, governmental authority is impersonal or general, not to say nonpartisan: it proceeds from ideas or such universal truths as "all men are created equal, [and] endowed by their Creator with certain unalienable rights." Thus government, as Tocqueville distinguished it from administration, is rule in accord with reason. The principle of governmental authority is distinguished from the principle of administrative authority by its generality, and so government is distinguished from administration as the universal from the particular.

Tocqueville's portrait of the moral character of the administrator and the government official shows just how far Tocqueville's judgment of bureaucracy departs from that of Max Weber and our contemporaries. Administration, as understood by Tocqueville, requires common sense and moral integrity, because the administrator—whether he is a bureaucrat or a noncentralized administrator—must judge and act upon particular people in particular circumstances. So the scientific expertise and professionalism which Weber and our contemporaries believe to be essential for administration are almost the opposite of the virtues preferred by Tocqueville in administrators. Tocquevillean governors, on the other hand, must have intelligence and education to be able to recognize and act upon social and political circumstances in a generalized and impartial way. Their need for the prudence of the administrator would be secondary or derivative.

Of course, if one remains ignorant of Tocqueville's moral-political distinction of administration from government, one will insist, as did the great bureaucratizers of the 1960s and 1970s, that "all levels of government...share the responsibility to promote the general welfare."¹⁴ Bureaucratizers believe that the Tocquevillean virtues of a governor should prevail

¹³ *Democracy in America*, p. 87.

¹⁴ Testimony of Senator Edmund Muskie, *Intergovernmental Personnel Act of 1966*, Senate Committee on Government Operations, 89th Cong., 2nd sess. (1966), pp. 2, 5.

at every level of politics, but especially at the local level. The virtues of the administrator, as Tocqueville understood them, would then appear to be merely the low cunning of the elected politician. Tocqueville is hardly the first or the last social scientist to praise highly the ability to judge soundly individual men and affairs. But he is perhaps the best available corrective for that overappreciation of wholly formalized merit—of certificates, diplomas, titles, and licenses—that informs bureaucratic ages.

Tocqueville's Formula: Decentralized Administration and Centralized Government

Bureaucracy is modern democracy's worst ill, according to Tocqueville. To cure it, he prescribed decentralized administration and centralized government. In the American context, this prescription does not necessarily advise the execution of national policies by the states, as is commonly supposed. Instead, when Tocqueville discussed governance, as distinguished from administration, he referred primarily to the governments of the states, not to the national government.

In the early nineteenth century, the state governments were the centralizers of administration, threatening the vital, albeit parochial, political life of the townships of early America. So too, it was the states that, he thought, threatened genuinely centralized or national government. Of course, Tocqueville saw that the states, in the face of a powerful central government of the nation which was bent on national centralization of administration, might be defenders of decentralized administration. In general, however, Tocqueville feared that if national politicians did not guard local liberties, no one would.

Incidentally, Tocqueville suggests that the national government might have a stronger antibureaucratic interest than the states. This might seem strange to us, for we are used to lumping state and local government together against the national government. He was not absolutely opposed to powerful central government. The moderation of Tocqueville's antibu-

reaucratic stance can be contrasted with that of Justice Louis D. Brandeis, who wrote in 1933, "If the Lord had intended things to be big, he would have made man bigger—in brains and character."¹⁵ Tocqueville was in favor of "Big Government," to accomplish big things, but he did not think it could also accomplish little—petty or parochial—things. For that, administration is most definitely necessary.

Tocqueville's idea that government ought to be centralized but administration decentralized was based upon his knowledge of the limits of human moral and intellectual capacities. Only the divine mind is unlimited, in the sense that it does not need to distinguish the universal from the particular, but "[w]ith one glance... sees every human being separately and sees in each the resemblances that make him like his fellows and the differences which isolate him from them."

No human being, not even the greatest scientist, can see himself or the world as God can. If humans could think like the Deity, Tocqueville would have to admit, both government and administration could be, and ought to be, centralized. In that case, humans could govern themselves and the whole world providentially, providing at one and the same time for the general interest and for the particular interests in a perfectly harmonious manner. However, since there are limits to the human intellect, two kinds of political order ought to be established: one—government—with authority over humans insofar as they are alike or similar; and two—decentralized administrations—to rule men insofar as they are different. A "central power, however enlightened and wise one imagines it to be, can never alone see all the details of the life of a great nation.... [S]uch a task exceeds human strength."¹⁶

The great success of Tammany Hall, George Washington Plunkitt, and his ilk in New York, confirms

¹⁵ *Letters of Louis D. Brandeis*, eds. Melvin I. Urofsky and David W. Levy (Albany: State University of New York Press, 1978) Vol. V, p. 527.

¹⁶ *Democracy in America*, p. 91.

Tocqueville's understanding: particular attachments, not general ideas however rational, are the basis of administrative authority. The all-too-common notions about the superior efficiency and rationality of bureaucracy seem to be just as dogmatic as notions of bureaucracy's moral superiority.

However, there are few superstitions in modern public life more powerful than the belief that the exercise of all public functions can be improved by appointing and promoting officials who are professionals, who possess "impersonal, rational, and objective" merit. Certainly, this is still the case in American government today: if there is some agency which is particularly troublesome, if it is a bone of partisan contention, then likely there will be a bipartisan consensus that it should be made in independent agency—in order that it be "nonpolitical and objective."

HOW ADMINISTRATING REPLACED GOVERNING IN AMERICA

When did the bureaucracy become a significant part of American political life? Some believe that it has always been important, but this opinion is based upon an unsophisticated definition of bureaucracy, which equates it with any large governmental body with executive power. Of course, Tocqueville got a whiff of the bureaucratization of America as early as the 1830s, but if we take bureaucracy in Tocqueville's sense of centralized control of the details of daily life, then one must conclude that there was very little bureaucratization of American national life until the 1960s.

There was, of course, quite a lot of sentiment in favor of bureaucracy among the Progressives. Theodore Roosevelt proposed, "a national industrial commission" with "complete power to regulate and control all the great industrial concerns engaged in interstate business—which practically means all of them in this country." This regulation would have been by bureaucratic fiat, not by law: "Any corporation voluntarily coming under the commission should not be prosecuted under the antitrust law as long as it obeys in good

faith the orders of the commission."¹⁷ And in 1913 the Progressive Democrats under Woodrow Wilson tried to establish such a monstrous bureaucracy, calling it the Federal Trade Commission. Senator Cummins, who managed the Federal Trade Commission Act for President Wilson, did not fear bureaucratic indiscretion and arbitrariness: "The whole policy of our regulation of commerce is based upon our faith and confidence in administrative tribunals."¹⁸ This meant that the FTC should be trusted to define its own regulatory objectives, powers, procedures, and limits.

Although it was created with virtually unlimited regulatory authority over all of American commerce, the FTC was in fact a regulatory non-entity—even a laughing stock—until it was revived by the great wave of bureaucratization that swept the country after 1964.

Almost immediately after its creation and from the 1920s through the early 1960s, the FTC was frustrated in the courts, by presidential appointments, and in appropriations. For almost half a century, public opinion of the FTC was summed up by a remark of Federal Trade Commissioner Edward F. Howrey that it was "common gossip that the Commission met in solemn session to assign parking spaces in the garage and things like that."¹⁹

Before and after the passage of the FTC Act, Congress never deliberately created regulatory agencies with broad, vaguely defined purpose and purview. Never, that is, until the late 1960s and early 1970s, when it created society-wide regulatory agencies with intentionally vague purposes after even less deliberation than when it created the FTC.

¹⁷ *Purposes and Policies of the Progressive Party*, Speech of Hon. Theodore Roosevelt before the Progressive Convention at Chicago, Ill., August 6, 1912, Senate Document No. 904 (1912), p. 21.

¹⁸ *Economic Regulation of Business and Industry: A Legislative History of U.S. Regulatory Agencies*, ed. Bernard Schwartz (New York: Chelsea House Publishers, 1973), Vol. III, p. 1763.

¹⁹ *The Organization and Procedures of the Federal Regulatory Commissions and Agencies and Their Effect on Small Business*, House Select Committee on Small Business, 84th Cong., 2nd sess. (1955), p. 53.

Perspectives on The New Deal

Did bureaucratization start with the presidency of Franklin Roosevelt and his New Deal, as American conservatives often insist? The leading New Dealers, and Franklin Roosevelt himself, expressed misgivings about bureaucracy far more than the Progressives, and they did so in a political culture that was far more willing to accept bureaucratization.

When Big Business wanted laws of national incorporation and automatic seats in the highest councils for the heads of the largest corporations and of the securities markets, Roosevelt and the New Deal gave them the Securities and Exchange Commission to ensure that corporations were freely organized. When Big Labor wanted government organized and sponsored unions (and a Labor Party), a measure which would certainly have compromised the principle of free labor, Roosevelt gave them the National Labor Relations Board to ensure that unions were freely organized. To be sure, the National Industrial Recovery Act was not only unconstitutional, it was the source of the National Recovery Administration, one of the greatest advances for bureaucratization imaginable, if it had lasted. It did not last, however, and even the New Dealers themselves did not consider it a permanent measure, but rather a temporary, emergency expedient which could be abandoned once commercial recovery had been accomplished. In this respect, the wartime Office of Price Administration and the War Production Board were much the same: not permanent bureaucratic reforms, but emergency measures for the most difficult times.

The New Deal undoubtedly made many massive errors in coping with the Great Depression, not the least of which was the NRA, but the New Dealers certainly did not believe that bureaucratization was desirable. Perhaps the clearest expression of this view was Roosevelt's when he stated that:

We need trained personnel in government. We need disinterested, as well as broad-gauged, public officials. This part of our problem we

have not yet solved, but it can be solved and it can be accomplished without the creation of a national bureaucracy which would dominate the national life of our governmental system.²⁰

The New Deal certainly was willing to accept a degree of bureaucratization that went beyond what was desirable to Calvin Coolidge, for example, who had a very clear view of what was necessary in this regard. But neither the New Deal nor Roosevelt was willing to allow bureaucracy to dominate politically.

Can bureaucratization be accepted on a limited basis? Once it is accepted, can it be stopped short of dominance? So long as the principle of bureaucracy is not publicly accepted, the rule of scientific professionals and experts cannot replace constitutional self-government. Since almost all of the New Deal bureaucratization was undertaken as temporary, emergency, stopgap, or experimental measures, it never accepted the principle of bureaucracy; only one highly centralized administration was established permanently, the Social Security System, and it was created and defended as an insurance system, not as the rule of scientific experts on retirement. Furthermore, Roosevelt insisted on presidential administration. Even before he became president, Roosevelt understood that if there had to be bureaucracy, it ought to be under the authority of the executive. Otherwise, bureaucracy becomes dominant; it cannot be responsible to the people. In particular, from his experience as Governor of New York, he knew that "all responsibility shall be lost" when the legislature tries to share in administration.²¹

Roosevelt's Faith in Constitutional Government

Did the New Deal prepare the way for the dominance of bureaucracy indirectly, by undermining the ethic of individual responsibility and the ideas of limited or constitutional government which are so beauti-

²⁰ *Public Papers and Addresses of Franklin D. Roosevelt*, ed. Samuel I. Rosenman (New York: Random House, 1938), Vol. III, p. 122.

²¹ *Public Papers*, Vol. I, p. 343.

fully and authoritatively expressed in the Declaration of Independence?

Certainly, Roosevelt did attack the excesses of individualism and he did claim that the constitutional limits on the government's power, to regulate national commerce for example, had been drawn too narrowly by the Supreme Court. Nevertheless, in what is crucial for the maintenance of constitutional forms, the New Deal was conservative of the American political tradition. Roosevelt never attacked the moral principles that are the foundation of constitutional government. In fact, he spoke and acted to sustain the traditional American doctrine of individual rights in the face of the anti-individualism of some of his own supporters.

Because of contemporary intellectuals' inability to conceive of any principled means between individualism and socialism—between laissez-faire capitalism and communism—Roosevelt's moderate attack on individualism appears to be a break with the American tradition to conservatives, and an unprincipled "chaos of experimentation" to the left.²²

Nevertheless, from beginning to end, Roosevelt appealed to the American faith in constitutional government—to the Constitution itself, to the Declaration of Independence, and to the examples of Washington, Jefferson, Lincoln, Jackson, and Theodore Roosevelt. Never did he argue, as did the Progressives and above all Woodrow Wilson, that modern circumstances had made the Constitution a relic. He did not regard the problems of constitutional government as merely eighteenth-century problems. Instead, Roosevelt viewed the economic and social nightmare of the Depression (and World War II) as a great challenge to free institutions, and he saw his own project to be the preservation of free institutions in the new circumstances of industrial society.

Roosevelt understood quite well the connection between free institutions and human rights. For this reason, he could never be an outright opponent of indi-

vidualism. Even as the United States approached something like class war between labor and management in 1935, FDR declared that "individual effort is the glory of America."²³ Thus, he could never be simply a socialist. He could never be a simple individualist either. He believed that the nation's economic crisis revealed the limits of individualism. In a speech devoted to the excesses of individualism, Roosevelt argued that industrial society is fundamentally different from the society of 1787. Individualism as a social and economic policy had run its historical course for the nation, but, Roosevelt insisted, the moral principle of individual rights and the economic necessity of relying upon individual initiative could never become obsolete:

Let me emphasize that serious as have been the errors of unrestrained individualism, I do not believe in abandoning the system of individual enterprise. The freedom and opportunity that have characterized American development in the past can be maintained if we recognize the fact that the individual system of our day calls for the collaboration of all of us to provide, at the least, security for all of us. Those words "freedom" and "opportunity" do not mean a license to climb upwards by pushing other people down.²⁴

Roosevelt adhered to the political principles which follow from the moral doctrine of individual rights. There are really only two forms of government: one which protects the rights of its citizens and one which does not:

Our common life under various agencies of Government, our laws and our basic Constitution, exist primarily to protect the individual, to cherish his rights....²⁵

²² Richard Hofstadter, *The Age of Reform: From Bryant to FDR* (New York: Knopf, 1955), p. 305.

²³ *Public Papers*, Vol. IV, p. 405.

²⁴ *Public Papers*, Vol. IV, p. 341.

²⁵ *Public Papers*, Vol. IV, p. 406.

Congressional Resistance to Central Administration

Nor was it only Roosevelt who attempted to provide against the dominance of bureaucracy. There were powerful antibureaucratic elements in Congress, who understood that once administration was centralized, Congress would either have to leave it to the president, which could be politically dangerous, or else spend its whole day ministering to the petty personal cares of the folks back home. These legislators believed that their duty was the deliberation of the great course of the nation, not just negotiating the partial or parochial interests of their constituents with bureaucrats.

The party-purging primaries of 1938 brought home to Congress, especially the House, the political dangers of centralized administration. In these elections, beneficiaries of unemployment insurance programs and of the Works Progress Administration had helped the president against members of his own party. Moreover, with the prospect of a third term for Roosevelt, Congress believed that, even with a merit system, a nationalized bureaucracy could not help but favor and work for the incumbent president, insofar as it was under his authority.

The Hatch Acts of 1939-40 were an attempt to remedy this situation by strictly curtailing the political activities of federal bureaucrats (including those at the state and local level who were covered by the Social Security Act's 1939 amendments). That is, for the protection of the legislative branch, the federal bureaucracy was removed from its dependency upon the executive. This was done in the name of the morality of civil service reform, as the Hatch Acts were said to guarantee the professionalism, objectivity, and non-partisanship of the bureaucracy.²⁶

Through the 1940s and 1950s, Congress continued to cope with the political problem posed by centralized

administration by insisting upon the Hatch Acts' ideal of "neutral administration." That ideal was the heart of civil service reform. Of course, it was very much in the congressmen's interest to check centralized administration, unless they were interested in devoting their whole public lives to ministering to the petty interests of their constituents. And that attitude on the part of congressmen was actually fairly common right up into the early 1970s.

Consider Representative Gillis Long's remarks applauding the Supreme Court's decision in *Immigration and Naturalization Service v. Chadha* (1983), which ruled the legislative veto unconstitutional:

It appeared to me that with the application of an extreme type of legislative veto...we were turning ours from an institution that was supposed to be a broad policymaking institution with respect to the problems of the country and its relationship to the world, into merely a city council that overlooks the running of the store everyday.²⁷

For the same reason, Speaker Sam Rayburn, as great a partisan of congressional power as anyone, did not care to administrate the nation either. As Representative Bolling remarked, "He fought this idea...step by step."²⁸

The Rise of the Bureaucratic Class

The ideal of a politically "neutral" administration proved to be merely a stopgap measure against a greater danger of bureaucratic dominance. In fact, the Hatch Acts allowed a propagation of the principles of bureaucracy, which permitted the consolidation of the interest of bureaucracy in the form of nationally organized public employees' unions at all levels of poli-

²⁶ See, above all, *Amending the Social Security Act...*, Senate Committee on Finance, 75th Cong., 3rd sess. (1938), pp. 1-5, 27, and also *Social Security Act Amendments*, Senate Committee on Finance, 76th Cong., 1st sess. (1939), pp. 26-27, 31, 32, 34-35, 137, 140, 290-291.

²⁷ *Legislative Veto After Chadha*, House Committee on Rules, 98th Cong., 2nd sess. (1984), p. 182.

²⁸ *Regulatory Reform and Congressional Review of Agency Rules*, House Committee on Rules, 96th Cong., 1st sess., (1979), Part 1, p. 217.

tics. By 1958, on its seventy-fifth anniversary, the Civil Service Commission could proclaim that its principal task was no longer combating the evils of patronage. Instead its purpose had become “public personnel management.”

Four years later, President Kennedy formally recognized the national consolidation of bureaucratic interest by issuing Executive Order 11491, which encouraged collective bargaining with public employees’ unions. When this order was written into law by the Civil Service Reform Act of 1978, the Civil Service Commission was replaced by the Office of Personnel Management and two (soon to be three or more) other independent agencies; none of them is principally charged with combating the evils of patronage.

In the decade since, the Hatch Act has been continuously rewritten to give lower level bureaucrats (GS-15 and below) more and more political rights while protecting them from the wrath of the politicians against whom they may work. Thus, civil service reform—the elimination of machine politics—has been accomplished by the creation of a bureaucratic class, a class which, as shall be shown, is strongly allied with the Congress.²⁹

As Richard Nixon foresaw in 1960, the really substantial centralization of administration began, not with Franklin Roosevelt and the New Deal, but with John Kennedy:

[T]here was no difference between [Kennedy and me] in “caring” about the problems of less fortunate people. We had the same ultimate goals.... The great gulf of difference between us... was that of a bureaucratic society vs. a free society.³⁰

²⁹ *Federal Employees Political Activities Act of 1977*, House Committee on Post Office and Civil Service, 95th Cong., 1st sess. (1977), p. 138.

³⁰ Richard M. Nixon, *Six Crises* (Garden City, N.Y.: Doubleday, 1962), p. 339.

The Great Society

According to Lyndon Johnson’s 1964 presidential campaign, centralization of administration was a chief objective of the Great Society.³¹ And among the intellectuals, the fashionable idea was that the “public sector” (that is, the federal bureaucracy) was starving.³²

The rise of the public sector in the late 1960s and early 1970s had three principal features: (1) the assumption of vast new authority by the central government; (2) the establishment of regulation as the typical political activity of the United States government; and (3) the assumption (*de facto* and *de jure*) by Congress of administrative functions, with a consequent increase in conflicts with the Presidency.

When the American government, in principle, assumed responsibility for the socioeconomic well-being of every American, it also had to introduce programs for managing, in detail and from the center, the relations between the races, the sexes, employees and employers, electors and elected, state and local governments and their citizens, consumers and producers, husbands and wives, parents and children, and so on. New Deal programs, such as Social Security and Aid to Families with Dependent Children, were drastically reformed, so that they became enormously burdensome on the taxpayer, rickety, and perhaps even socially corrosive.³³

Equally important was the enormous extension of the federal bureaucracy’s regulatory apparatus from 1964 to 1974. The size of the commercial regulatory apparatus alone more than doubled in that period. In

³¹ See, e.g., Eric F. Goldman, “Too powerful?” *The New York Times Magazine*, Mar. 1, 1964, and “Senator Humphrey Charges Goldwater Has Deep Misunderstanding of American Federalism,” *The New York Times*, August 13, 1964.

³² See John Kenneth Galbraith, “The Dependence Effect and the Social Balance,” in *Private Wants and Public Needs*, ed. Edmund Phelps (New York: W.W. Norton, 1962), pp. 13–36.

³³ See Charles Murray, *Losing Ground: American Social Policy, 1950–1980* (New York: Basic Books, 1984) and Daniel Patrick Moynihan, *Politics of a Guaranteed Annual Income* (New York: Random House, 1973).

particular, not only did the number of commercial regulatory agencies increase from fifty to seventy-two, but thirty-five of the fifty established agencies were substantially reformed. For the first time, agencies with “economy-wide” (in fact, “society-wide”) purview and vast administrative discretion were established, so that after 1975, government’s primary function was to regulate.

Indeed, a report on the reformed federal regulatory apparatus issued by the House Government Operations subcommittee in the spring of 1975 remarked approvingly: “In its broadest sense, everything the government does is regulation...” That means, as we shall soon see, that very little of what the government does is legislating, executing, and adjudicating—the normal functions of constitutional government.

Measuring the Growth of Bureaucracy: Debt, Employment, and Spending

In the United States, Big Government really became big after 1964 (between the election of President Johnson and the resignation of President Nixon). “Bigness” in this sense means centralization of administration, the assumption of power at the national center over the details of the citizens’ lives. Such bigness brought with it the more conventional kind—huge government workforces, vast public expenditure, and vast public debt.

The fact that for over two decades state and local debt, employment, and spending have been larger and growing faster than federal debt, employment, and spending is commonly cited as evidence that centralization of administration is no danger. But how much of this state and local activity is commanded by the authority and leveraged by the finances of the central government? This is the crucial question for measuring centralization. It cannot be fully answered, because the necessary statistics are not reported. Moreover, the reliability of the commonly accepted measures of the central government’s spending, employment, and debt are questionable.

Over the past two decades, federal civil service employment has remained relatively stable. Employ-

ment in the executive departments and independent agencies, the heart of the federal bureaucracy, was 2.35 million in 1960, rose to 2.91 million in 1970, and declined to 2.83 million in 1980. However, these official measures of federal employment are extremely deceptive. They do not include the beneficiaries of social programs, like CETA or Job Corps, even though they receive taxable income from the federal government. Nor do they include workers who, although formally employed by some state or local government or educational institutions, receive part or all of their incomes from the central government. Official figures exclude the vast army of independent contractors and administrators in the “Third Sector,” and also research and management consultants, even when their sole source of income is the federal government. Nevertheless, the working conditions of these employees are overseen by the House Committee on Post Office and Civil Service.³⁴

How large is this unofficial federal workforce? Donald Lambro seems to be the only researcher who has followed its development with any care.³⁵ Depending upon what standard of federal employment is applied, Lambro estimates that the unofficial federal *civilian* workforce is between 9 and 13 million. Thus, together with the official workforce, federal employment is at least equal to state and local. This unofficial federal workforce has emerged almost entirely in the past two decades.

Such a level of federal employment is dangerous to constitutional government. In *Federalist* 45, Publius explains why, in practice, the central government cannot dominate the state and local governments under the Constitution of 1787:

³⁴ See Theodore Levitt, *The Third Sector: New Tactics for a Responsible Society* (New York: AMACOM, 1973), pp. 72, 77; *Non-Profit Organization Participation in the Federal Aid System...*, Senate Committee on Governmental Affairs, 96th Cong., 2nd sess. (1980).

³⁵ Donald Lambro, *Fat City: How Washington Wastes Your Taxes* (South Bend: Regnery Gateway, 1980), pp. 11–15.

The members of the legislative, executive, and judiciary departments of the thirteen and more states, the justices of the peace, officers of militia, ministerial officers of justice, with all the county, corporation, and town officers, for three millions and more people, intermixed, and having acquaintance with every class and circle of people, must exceed, beyond all proportion, both in number and influence, those of every description who will be employed [by the central government].

Only in the mid-1960s or early 1970s did the employees of the central government “of every description” come to equal or exceed state and local employees. From the point of view of 1787, this development would appear to doom the American union: the central government would dominate all. In fact, however, because bureaucratic government is big, it is fat, and therefore, ineffective.

The enormous size and growth of federal debt and expenditure need not be detailed here. It should be noted, however, that measures of aggregate federal spending are not very accurate. For beyond the federal budget, there is off-budget spending and debt, which has mushroomed since 1974. The fact that an off-budget agency, the Federal Financing Bank (FFB), had to be created in 1974 to move debt on- and off-budget is a measure of the enormity and complexity of federal obligation. (By 1982 it was the second largest bank in the United States.) Moreover, the FFB helps to market state and local debt, so that not only the distinction of off- from on-budget federal debt, but also the distinction of federal debt from state and local debt have become obscure.

In addition, federal investment guarantees to private enterprises (estimated at \$509 billion for 1983) ought to be somehow included in federal debts, even though this does obscure the distinction of private from public debt. Considering this maze of federal obligations, the oft-reported guess that the central government has

leveraged one-half of the market for capital does not seem extreme.³⁶

The Reach of Centralized Administration

The simple (and comforting) contrast of federal spending, debt, and employment to state and local spending, debt, and employment is deceptive, because these traditionally sensible and useful measures of government activity have been rendered inaccurate by bureaucratization. This obfuscation is symptomatic of centralized administration itself. Bureaucratization requires that there be no sources of authority independent of the center. In principle, that means that no enterprise—certainly no public enterprise, but ultimately no private enterprise either—can be undertaken without authorization from a center. In the United States, where reliance upon central administration is still new, and where the bureaucracy is insufficiently armed, the central authorities must buy compliance. That is, the centralization of administration has required an enormous financial and patronage apparatus, which must be hidden because the centralization of administration as such lacks political authority.

Bureaucracies exercise enormous public authority in relation to their financial resources and patronage. In public education, for example, Thomas H. Jones observes that the relatively small federal contribution (about 8 percent) to the public schools’ financing commands their policies on “equity in educational procedures” totally, and, in important part, their curricular content, administrative costs, and educational goals.³⁷ Then how much authority does the federal contribution to state and local budgets purchase, when it has averaged 20 to 25 percent over the past decade?

³⁶ See James Bennett and Thomas J. DiLorenzo, *Underground Government: The Off-Budget Public Sector* (Washington, D.C.: Cato Institute, 1983), pp. 137, 143, 152, 146, and Theodore Lowi and Alan Stone, *Nationalizing Government* (Beverly Hills, Cal.: Sage Publications, 1978), pp. 23–24.

³⁷ “Federal Mandates and the Future of Public Schools,” in *Nationalization of State Government*, ed. Jerome J. Hanus (Lexington, Mass.: D.C. Heath, 1981), pp. 106–107.

Obviously, the overall answer defies quantification, but many particulars are available. Consider that every mile of new sewer line laid down by a local government today is authorized by the Environmental Protection Agency, and so the EPA somehow participates in the financing of every mile. Similarly, since 1974, virtually all state and local policing of occupational hazards proceeds pursuant to the Occupational Safety and Health Administration's authority, and so (by law) from 50 to 90 percent of the costs of this function are paid by OSHA. Schools, occupational safety, sewer lines: until twenty years ago, the administration of these very important matters was completely decentralized.³⁸

Although the growth of federal, state, and local government over the past two decades has been so convoluted that traditional statistical measures of political and governmental activity at each level are almost meaningless, even if they could be known with any accuracy, this very convolution is a measure of the vast centralization of administration which has taken place only in the past generation.

THE CONSEQUENCES OF CENTRALIZED ADMINISTRATION

This maxim of Tocqueville's should always be borne in mind, if the bureaucratization of American government is to be understood:

A central power, however enlightened and wise one imagines it to be, can never alone foresee all the details of the life of a great nation. Such a task exceeds human strength.

Until humans become gods, or at least angels, bureaucracy will be unable to rule well though nothing prevents it from being pursued. In fact, beginning around 1970 and increasingly thereafter, the central government has been compelled to reform itself in

order to cope with bureaucratization. The result of these reforms has been characterized by John Marini as "decentralization of government." Making the central *administration* more powerful has actually made the central *government* weaker.

Shifting Centers of Power

Over the past two decades, centralization of administration has necessitated a reorganization of the central government. The result of this division of central government against itself is the crippling, if not the death, of unified national political authority. Most of this reorganization took place between 1970 and 1975, but the trend continues to this day. Thus, in the 1970s, the executive bureaucracy shrank by a third while the independent bureaucracy more than tripled. The trend toward divided executive power is particularly conspicuous since many of the agencies which are responsible for strictly internal governmental management (such as the Office of Personnel Management, the Governmental Services Administration, and the National Archives and Records Administration) are independent of the presidency, if not dependent upon Congress. Indeed, Congress regards the independent agencies not as truly independent, but only as independent of the executive branch, and perhaps as arms of the Congress.

Although almost every one of the independent regulatory agencies is itself a highly centralized administration, the organization among them is highly decentralized. None takes precedence over another, so not only can several agencies demand compliance from citizens based on different and sometimes conflicting regulations, but also they can demand compliance from one another.

The result is a net of federal regulation—minute, but not uniform, and not subject to much legal scrutiny since the reforms of the 1976 Administrative Procedures Act.

The same trend is even more obvious when one considers the executive, legislative, and judicial staffs. From 1970 to 1986, employment by the Executive Office of the President declined by about two-thirds, while

³⁸ See Environmental Protection Agency, *Environmental News*, June 28, 1982, p. 1.

the equivalent employment by the legislative branch increased by about one-fifth. These employees are especially significant, because they are available to do the political work of the officeholders, including the work of one branch against another.

However, these numbers are merely symptomatic of more fundamental changes in the form of political authority that occurred when members of the legislative branch began to be preoccupied with administration.

Congressional Attempts to Rule the Administrative State

The political necessity for the legislature to increase attention to administration was already beginning to become obvious to members of Congress as early as 1967, when the Legislative Reorganization Act was introduced and rejected. However, the need for detailed reorganization that would follow the lines drawn out in the federal bureaucracy and restrict presidential authority over central administration came only after the Democratic Congress experienced a Republican president who was determined to gain and maintain control of domestic and foreign administration.

Beginning in late 1969 with the Legislative Reorganization Act of 1970, Congress has continuously reorganized itself by committees and subcommittees so that congressmen, individually, can better oversee and intervene in the details and day-to-day operations of independent and executive branch agencies. Thus, "closed *ex parte* dealings...emerged" as a principal activity of government in those parts of the central administration which were of special concern to representatives and Senators.³⁹

Important changes in the Administrative Procedures Act of 1946 had to be made in order to make appeals to courts of law against the bureaucracy more difficult and *ex parte* relations acceptable under the rubric of "public participation in the regulatory pro-

³⁹ *Legislative Veto After Chadha*, House Committee on Rules, 98th Cong., 2nd sess. (1984) p. 459.

cess." Such relations had formerly been unethical, if not felonious, for congressmen, but they are now the essence of the new bureaucratic politics.⁴⁰

Beyond this, beginning in 1973, congressmen also began to develop new kinds of formal power over administration. The so-called legislative veto, the best known of these devices, was included in over 295 public laws, the vast majority of which were passed after 1973.

The *Chadha* decision did stop the further development of this device for administrative control, which would have allowed even individual members or congressional staff to void agency actions, but it could not prevent the development of many new means by which members of Congress can participate directly in the day-to-day administration of the nation. Such devices include reprogramming agreements between agencies and committees or subcommittees or individual members, and prior notification of agencies' spending and personnel decisions. More importantly, "any number of informal, nonstatutory substitutes for the legislative veto exist...,"⁴¹ consisting of private (or secret) agreements between congressmen (or their staff) and bureaucrats, agreements which have no legal status but are the main basis upon which the public business is conducted.

In addition to these rather straightforward attempts to gain administrative power, Congress also began in 1973 and increasingly thereafter to attack presidential authority by developing new institutions of criminal and civil procedure, notably the socialized "independent prosecutors" and the Office of Government Ethics. Recently, the Supreme Court upheld the prosecutors in *Morrison, Independent Counsel v. Olson et al.* (decided June 29, 1988).

⁴⁰ See *Public Participation in Government Proceeding Act of 1976*, Senate Government Operations Committee, 94th Cong., 2nd sess. (1976) and *Public Participation in Federal Agencies Proceedings*, Senate Judiciary Committee, 94th Cong., 2nd sess. (1976).

⁴¹ Louis Fisher, "The Administrative World of Chadha and Bowsher," *Public Administration Review*, Vol. 47, No. 3 (May-June 1987), p. 213.

These institutions are primarily diversionary. So far, their operations and investigations, which can be ordered by congressional committees and subcommittees, have seldom resulted in court trials, but they can throw into confusion any executive office or agency at which they are directed.

From these few facts, upon which it would be possible to expatiate at much greater length, one can see the political difference which centralization of administration has made over the past two decades. It has created a paradise for the deal-cutting congressman who pays attention to the myriad of bureaucratic snares into which his constituents are bound to fall. The fact that the congressmen themselves, in their legislative capacity, are the producers of these snares does not impress the voters, who are grateful for the relief from bureaucratic arbitrariness that their congressmen as ombudsmen provide. Thus, in addition to or in place of the “pork barrel,” congressmen can offer their constituents “regulatory relief” from the demands of the federal bureaucracy. No wonder congressmen have forsaken the old-fashioned work of legislation in order to serve as ombudsmen.⁴²

The Effect on the Separation of Powers

Centralization of administration has also brought about an extraordinary deadlock of democracy among the branches. The president and Congress no longer undertake their traditional, healthy, and constitutional rivalry, which is the consequence of separation of powers, but instead the Congress seeks to subject the presidency to its will and the president struggles to be free.

The presidency, as the only truly national elective office, is ultimately subversive of central administration, while Congress, especially the House, has a natural sympathy with administration because of its closer ties to narrower interests. This point may seem

novel, if one believes—as is common—that “administration” is synonymous with “execution.” In fact, as noted above, administration is legislating, adjudicating, and executing for private and parochial interests; it is what is today called “regulation” or “the regulatory process.”

Continued attacks on executive authority by Congress will be necessary if Congress is to become administrator. Of course, neither congressmen nor the president really want to have responsibility for central administration. No elected politician would want to take responsibility for a task that exceeds human strength. However, representatives and senators do wish to be able to exercise decisive influence upon administration, whenever they wish to relieve one of their constituents of bureaucratic arbitrariness.

When administration moves to the center, it does not naturally fall under the authority of any one branch. Contrary to common opinion, bureaucracy does not by nature belong to the executive branch. Instead, once administration moves to the center, it becomes a bone of contention among the branches, and especially between the powerful “political” branches.

So far, as we have seen, central administration has been divided between the president and Congress, with Congress getting the better of the division because of its superior attention to localized interests (and its superior skills in deliberations). Before centralization, congressmen constantly watched the president to protect non-national interests from the untoward effects of national executions. The ultimate protection enjoyed by Congress was its refusal to make laws touching parochial interests on the ground that they were not national interests.

Similarly, before centralization, the president watched Congress with an eye to the national (or, at least, trans-sectional) interest, if only because his political interest required a broader coalition. So, before the choice to centralize was made, separation of powers was an important prop for decentralized administration, in which congressmen had an interest (even during the New Deal), and for centralized governance, in

⁴² The importance of these new functions of congressmen was already understood in detail by the mid-1970s; see Morris Fiorina, *Congress: The Keystone of the Washington Establishment* (New Haven: Yale University Press, 1977).

which the president had a special interest. In sum, the whole central government had a common interest in deliberating the national interest, and in distinguishing it from narrower interests.

The Great Society's policies of centralization did not subordinate private and parochial interests to the national interest, as the proponents of bureaucracy believed would happen. Instead, centralization brought all the partial, petty, and parochial interests to the national center, where they do almost nothing but try to compromise national legislation and national execution of the laws.

Accordingly, bureaucratically promulgated regulations have replaced public laws as the typical expression of public authority. After centralization, the president still has a political interest in central governance, but Congress has lost its interest in decentralized administration. Therefore, the conflict between the two branches is no longer the result of differing opinions of the national interest, but, at best, is merely the expression of the conflict between the public interest and private interests and, at worst, of the conflict among the vast variety of private interests. Laws, and the passing, enforcing, and judging of laws, are no longer the central focus of government.

In the past, separation of powers did not deadlock national governance on national issues; instead, it discouraged deadlock by making the cooperation of the two branches necessary. However, administration does not require that cooperation. So today, the branches stand divided against themselves, one wishing to govern and the other to administer. As such, both private or parochial interests and the national interest are neglected. The result is bad government.

The Effect on Traditional Politics

This partisan division of the president from Congress colors the division of the Republicans from the Democrats. The Democrats, because they created and appointed the bulk of the federal bureaucracies, have succeeded as the representatives of private and paro-

chial interests; the more bureaucratized those interests are the more strongly they support the Democratic party.

Accordingly, that party's dominance at the state and local levels in the House, and usually in the Senate, has grown. At the same time, the national appeal of the Democratic Party has been feeble; at best, it is still addressing the problems of the Great Depression. Since the rise of centralized administration, the Republicans have articulated the national interest. By emphasizing the problems of national defense, national economic growth, and the burdens of taxation and regulation upon social and economic life, they have managed to remain more than competitive for the only genuinely national office.

In 1980 and 1982, they managed to gain and maintain a slim majority in the Senate by nationalizing the campaigns for certain key seats. However, Republican national success cannot diminish or neutralize the Democrats' advantage with the bureaucracy. For example, Ronald Reagan's policies of deregulation and spending limitations have failed, but his tax policy (the passage of which did not affect Congress' command of administrative details), has been relatively successful.

It may be that the Republicans have replaced the Democrats as the national party, but, unlike in the past, the national party no longer necessarily holds national hegemony. Bureaucratization has changed that by dividing the national government against itself, such that one part is essentially concerned with ministering to the vast variety of private and parochial interests that fall under the federal bureaucracy and the other is concerned with the national interest. The president and Congress, Republicans and Democrats, no longer contend directly and politically over the national interest, because bureaucratization has confounded private and parochial interests with the national interest. Therefore, for the foreseeable future, the partisan political question ought to be whether central administration is really in the national interest.

TOWARD FULL BUREAUCRACY OR RENEWED SELF-GOVERNMENT?

“A house divided against itself, cannot stand” Abraham Lincoln said in 1858. Either the contemporary forces of bureaucratization will push forward, and elect a president of their own, who, by unifying the federal bureaucracy under his authority, will combine central administration with central government; or the opponents of central administration will gain the hegemony over national government which is necessary to begin the long, difficult task of de-bureaucratization.

Although it does not seem likely that the current regime can endure permanently while half-bureaucratized, a crisis point has not yet been reached. Probably any catastrophe which requires a genuinely national exertion (a major international war, another Great Depression, or a great inflation) would cause the collapse of this regime. Yet national crises can be temporized indefinitely. In the meantime, one can monitor the disparate forces, and point to the political issue.

A national majority composed of the bureaucracy and the interests closely associated with it could be formed today, if any political leaders were willing to organize it. Such a majority would make nonsense of representative democracy. In such a case, the government would literally represent itself. That government could claim democratic legitimacy, because more would have voted for than against it. However, when the government itself is the majority, and representative of itself, then it is just one more private interest group—albeit the largest—among the many demanding a piece of the pie; except that such a government

demands this of itself. Thus one can appreciate why the partisans of bureaucracy have refrained from making a political case for bureaucracy: the private interest of the bureaucrats depends upon government not appearing to be just another special interest.

With the beginning of the end of the Reagan era, centralizers have taken to arguing that bureaucracy is “pervasive,” and, therefore, a “necessity.” An argument from necessity, however, is an argument from force and can only be proven (or disproven) by force. So, this political position, which has been taken by George Will and Irving Kristol as well as many liberals, shows that there is no *reason*, in the present circumstances, to choose bureaucracy. In sum: the fully bureaucratized order cannot yet be established by a free popular vote. Indeed, the fully bureaucratized order could only be established by popular vote if the American people were so demoralized that they lacked the capacity to rule themselves politically.

Two decades of aggressive centralization have already undermined that capacity to some extent. However, the continued success of the antibureaucratic appeal at the national level is a sign, at least, that the longing for self-government is not yet dead in the American soul.

—*The late John Adams Wettergreen was Professor of Political Science at San Jose University. This essay first appeared as a chapter in The Imperial Congress, ed. Gordon S. Jones and John A. Marini (New York: Pharos Books, 1988).*

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