

Dualistic Diversity and Cooperative Unity in the Public Administration Systems of American Federalism

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Abstract

Public administration in the United States consists of the federal (i.e., national) administration, 50 state systems, five territorial systems, and 90,005 local systems. Each of these 90,061 systems is separate but they cooperate in many ways. This chapter sets forth the principal structures, characteristics, and development of the federal, state, and local systems. It also explores five themes related to the development and operation of these public administration systems in American federalism: (1) the existence of dual state and federal administrative systems, (2) a historical movement from patronage to civil service to reinventing government, (3) the prohibition of federal commandeering of state and local officials, (4) a preference for small government, and (5) intergovernmental bureaucratic cooperation.

Introduction

First, the federal, state, and local governments maintain their own administrative systems. They have many similar features, but all differ in various ways in their design and functioning. Second, despite this abundance of largely independent systems, national movements to reform public administration have affected the federal, state, and local governments at similar historical junctures. Third, given the constitutionally dual nature of U.S. federalism, the federal government cannot command state administrators to implement federal laws. Fourth, an anti-statist distrust of big government inhibited the development of a large federal bureaucracy. Consequently, state and local governments often administer federal programs with federal money. Finally, while the federal government has increasingly attached more rules affecting how state and local governments implement federal programs, the system remains mostly intergovernmentally cooperative.

I. Dual Structures of Public Administration in American Federalism

The United States has a dual federal system. The federal government and each state have their own legally and politically based public administration system, totaling 51 systems, plus five territorial administrations. However, the nation's 90,005 local governments, which are legal

creatures of the states, are semi-autonomous. Each has its own public administration system. The degree of state regulation of these local systems varies across the 50 states and territories.

There is no commonly used term to refer to “civil servants.” They are also called public servants, public administrators, public employees, public officials, government bureaucrats, government employees, or government officials. We will use the generic term “public employees” and, more specifically, federal, state, or local employees.

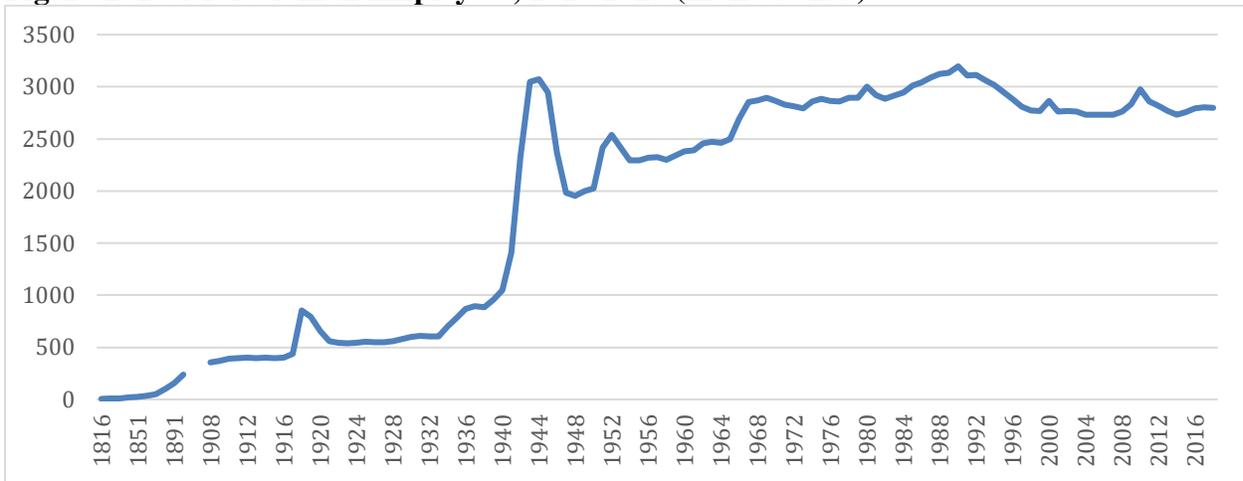
Although they are distinct entities, due to similar civil-service rules and shared professional norms, most career federal, state, and local administrators minimize partisanship in the performance of their administrative responsibilities so as to focus on cooperative task execution under existing rules and budgets. In addition, federal, state, and local public employees within policy fields often share comparable education and training pedigrees and interact with each other in the same national and regional professional associations, which are usually more important to them than political party affiliations (Grodzins 1966). Federal, state, and local law-enforcement officials, for example, share common training and professional backgrounds, as well as a professional camaraderie, that facilitate intergovernmental cooperation.

A. Growth and Patterns of Government Employment

The federal government has 2.81 million civilian employees and 1.36 million military-service members (Federal Reserve Bank of St. Louis n.d.; U.S. Department of Defense, Defense Manpower Data Center n.d.). The 50 state governments have 4.39 million employees; local governments have 12.26 million (U.S. Census Bureau 2019).

Figure 1 shows the changing levels of federal civilian employees since 1816. Quite noticeable is the dramatic increase of employees during World War II (1941-45), followed by a short-term decrease and then increase until about 1984, after which employment declined slightly to a plateau. These trends reflect two major developments. One was a sizable increase of federal civilian employees in the U.S. Department of Defense, which has the largest number of civilian employees of all federal agencies. Second, the increase following the Korean War (1950-53) reflects centralizing movements in the federal system as the federal government expanded its powers and its involvements in state and local affairs (Kincaid 1990, 2019).

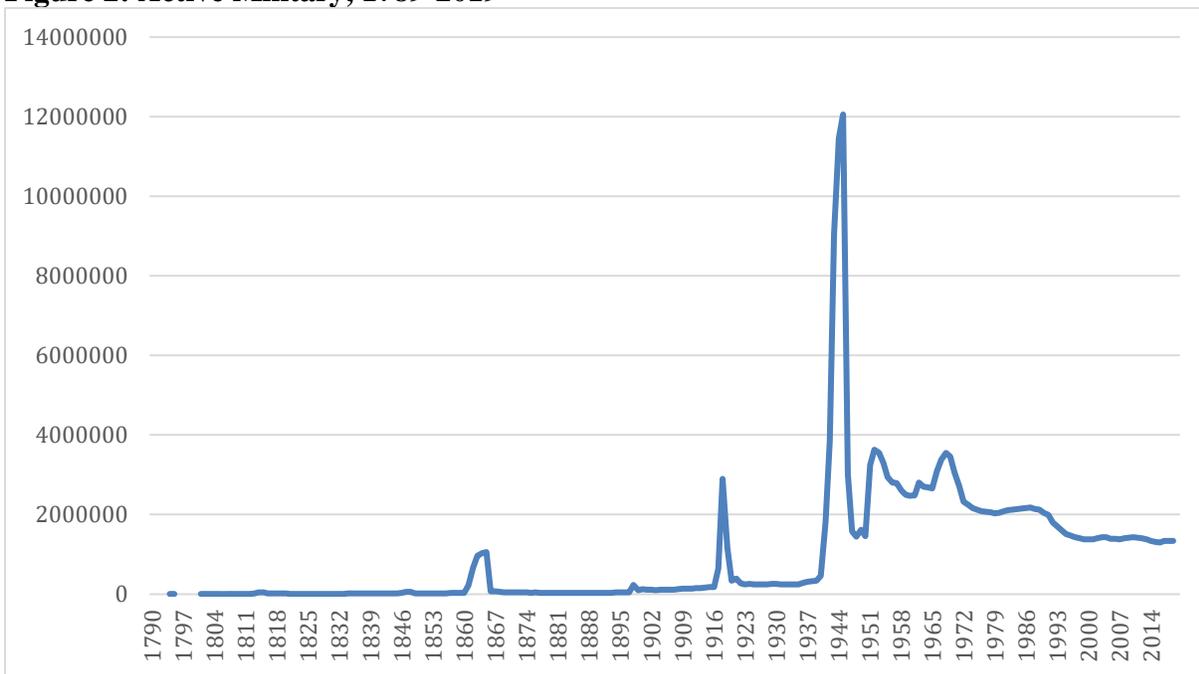
Figure 1: Federal Civilian Employees, 1816-2018 (in thousands)



Sources: Adapted from U.S. Census Bureau 1975 and U.S. Bureau of Labor n.d..

Figure 2 shows a longitudinal view of active military personnel. Noticeably, until World War II, the United States had a small military establishment, except for the Civil War (1861-65) and World War I (1917-18). Rapid demobilization occurred after each war. Following World War II, U.S. leaders believed it necessary to maintain a larger military presence in the world than at any time in the past due to the Cold War. Active military membership declined after the fall of the Soviet Union.

Figure 2: Active Military, 1789-2019



Sources: U.S. Department of Defense, Directorate for Information, Operations, and Reports 1997 and U.S. Department of Defense, Defense Manpower Data Center n.d.

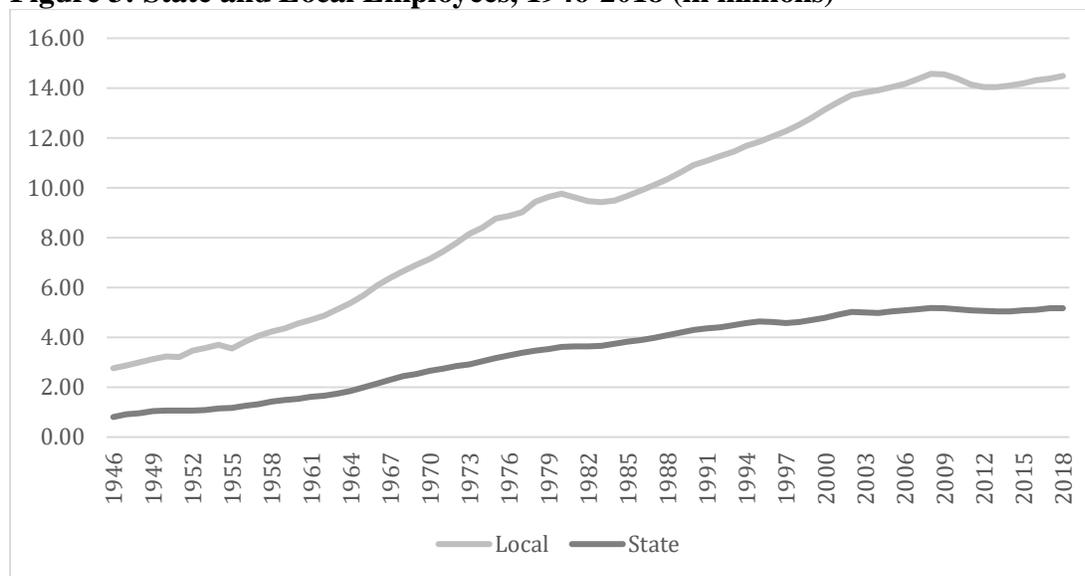
It is important to note that as of 2017, 84.8 percent of federal civilian employees were located outside of the Washington, DC, area (Hill 2020; U.S. Office of Personnel Management n.d.).

Many federal agencies have regional offices. Likewise, military installations exist across the country.

By contrast, state and local government employment has shown a dramatic increase since the end of World War II. State government workers have increased 548 percent and local government 425 percent. Two major contributors to these increases have been a 134 percent national population growth and the growth of federal programs that are implemented through intergovernmental grants. Elementary and secondary education employment accounts for a substantial amount of the increase in the local government workforce. An important factor in this increase was the post-World War II baby boom. Unlike the federal government, which can run deficits, state and local governments are required to balance their operating budgets. This makes their workforces susceptible to cuts during economic downturns, particularly in education where states often cut aid to local schools during recessions (Leachman 2018).

Comparable data for federal, state, and local government employees are only available since 1940. The overall size of the entire American government workforce relative to total employment has

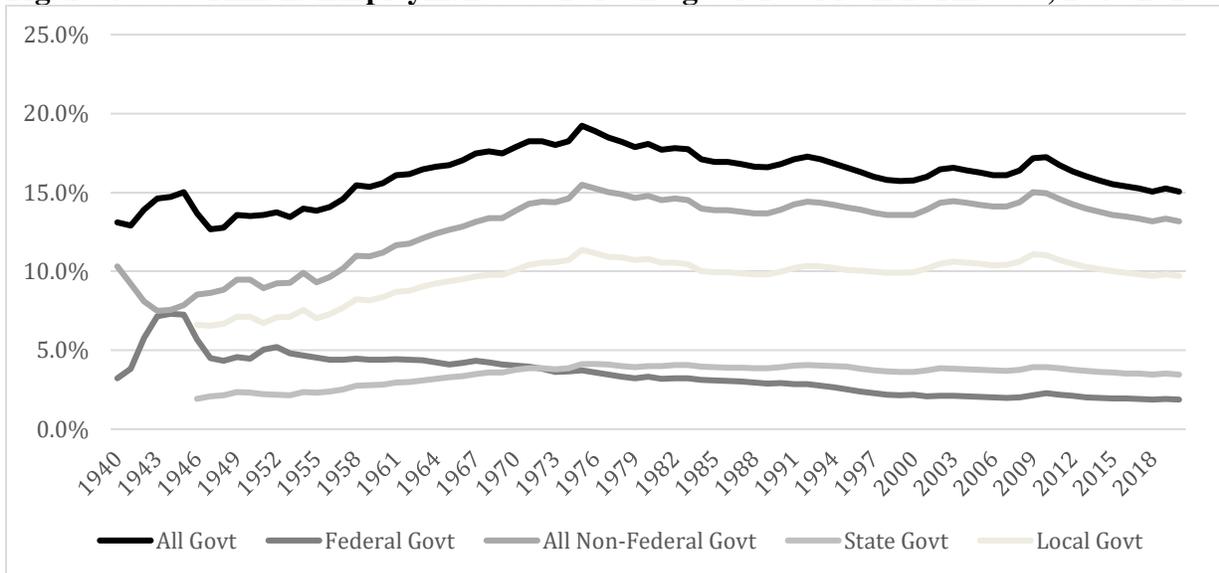
Figure 3: State and Local Employees, 1946-2018 (in millions)



Sources: Adapted from U.S. Census Bureau 1975 and U.S. Bureau of Labor Statistics n.d..

fluctuated during this period but is currently 15.1 percent, a 2 percent gain since 1940. Federal government employment spiked during World War II. However, there has been a

Figure 4: Government Employment as a Percentage of Total Non-Farm Jobs, 1940-2018



Sources: Adapted from U.S. Census Bureau 1975 and U.S. Bureau of Labor Statistics n.d.

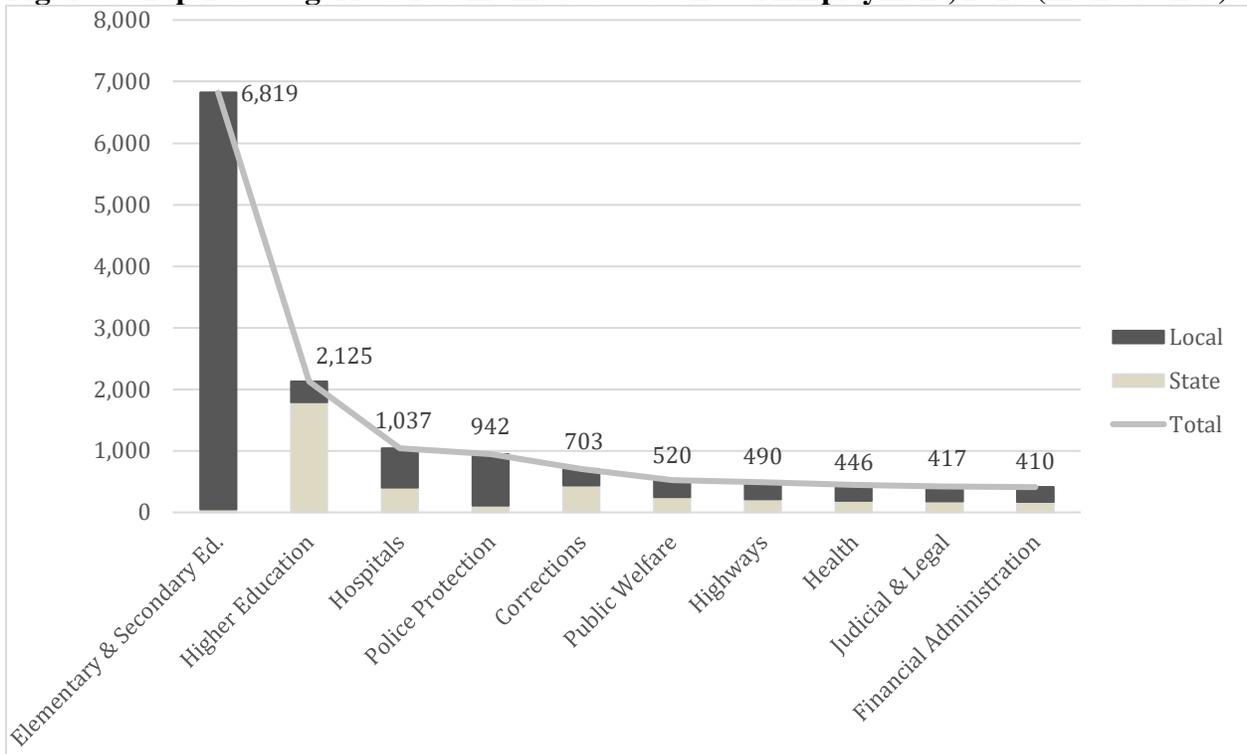
steady decline in the federal government’s share of the country’s overall employment since then. The current rate is 1.9 percent. This is also true for state and local government employment. State government employees have surpassed the federal government and increased by 2.9 percent of total jobs since 1940. Local government employees constitute the biggest portion of the public work force, with an increase of 3.1 percent of total job share over the same period.

The comparatively small number of federal civilian employees is both a result and a cause of the fact that state and local governments implement almost all domestic federal policy with federal grants-in-aid.

B. Public Employees’ Functional Specializations

Federal, state, and local government employees work in different policy areas. There is, thus, an intergovernmental division of labor. Figure 5 displays the most prevalent specializations for state and local employees combined. All levels of education are the biggest employment categories.

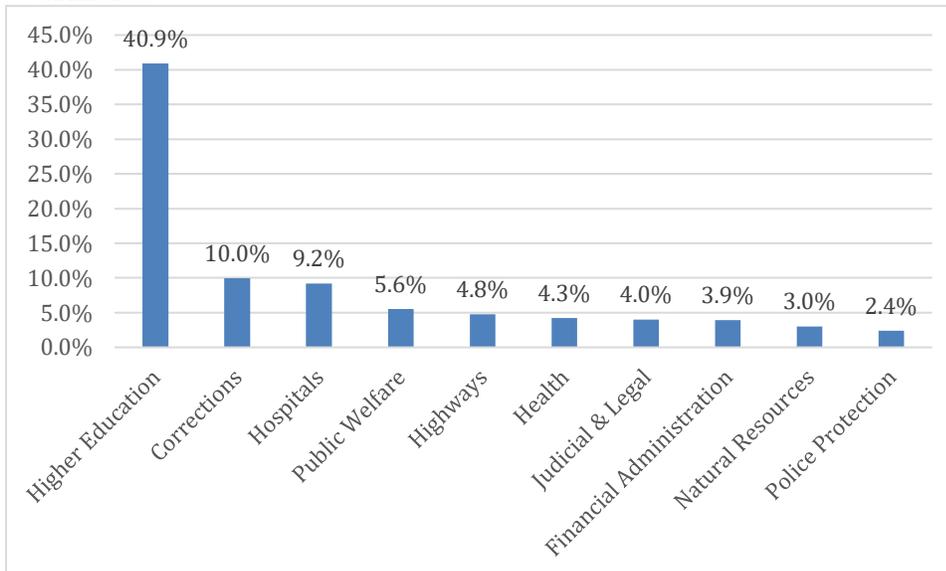
Figure 5: Top 10 Categories of Combined State & Local Employment, 2018 (in thousands)



Source: Adapted from U.S. Census Bureau, 2018. Excludes “Other and Unallocable” category.

Figure 6 shows the most prevalent policy specializations for state government employees. State universities account for 40.9 percent of all state government employees. The next largest, at 10 percent, is corrections (mostly prisons), followed by hospitals and public welfare.

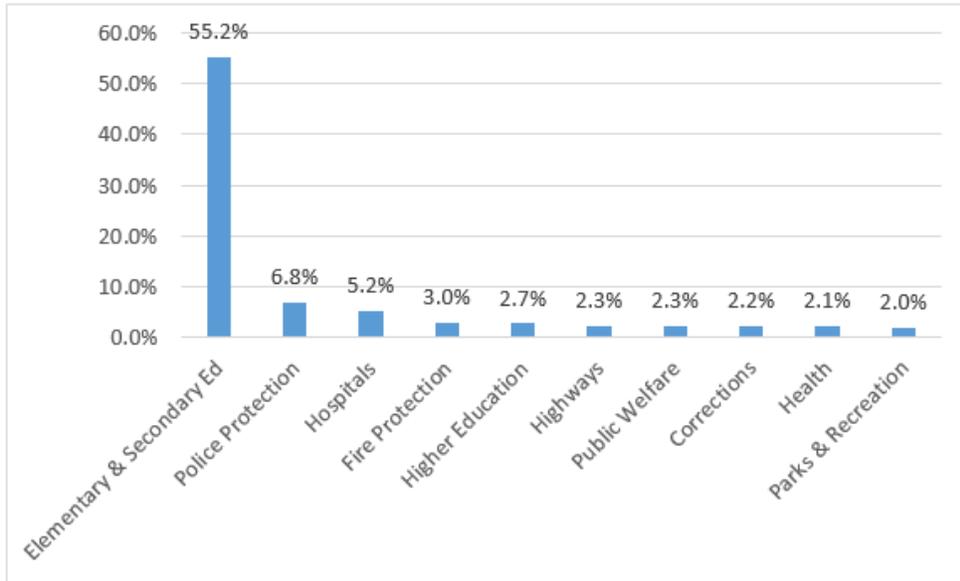
Figure 6: Top 10 Categories of State Employment, 2018 by % of State Government Workforce



Source: Adapted from U.S. Census Bureau 2018. Excludes “Other and Unallocable” category.

Figure 7 displays the most prevalent specializations for local government employees. Elementary and secondary education accounts for 55.2 percent of all local government employees, followed by police protection, hospitals, and fire protection.

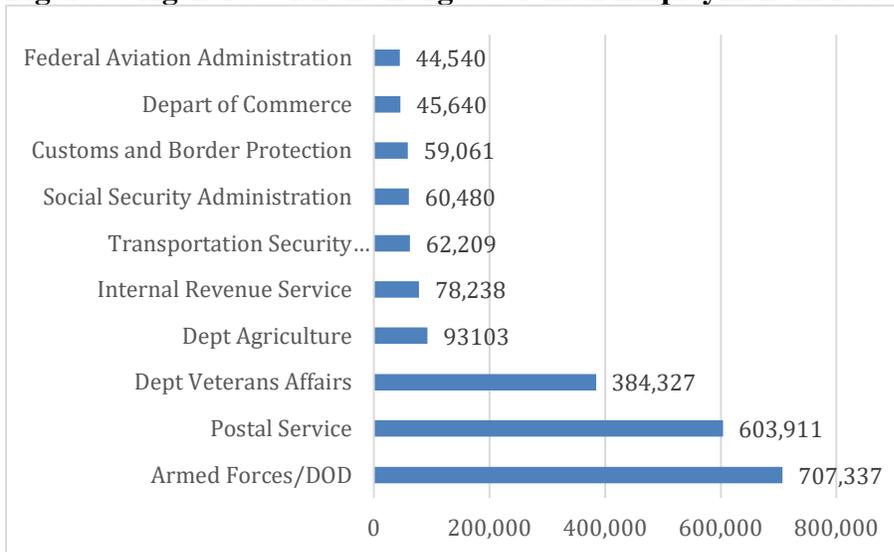
Figure 7: Top 10 Categories of Local Employment, 2018 by % of Local Government Workforce



Source: Adapted from U.S. Census Bureau 2018. Excludes "Other and Unallocable" category.

The top areas of federal civilian employees' specializations by agencies are the Department of Defense, the Postal Service (a quasi-government corporation), Veterans Affairs, Agriculture, Internal Revenue Service, Transportation Security Administration, Social Security Administration, Customs and Border Protection, Department of Commerce, and Federal Aviation Administration.

Figure 8: Agencies with the Largest Civilian Employment in Federal Government



Source: Adapted from *Governing*. n.d.

C. Assimilation, Affirmative Action, and Representative Bureaucracy

Government employment, especially local government employment, has been one vehicle for assimilating immigrants. For example, most Irish Catholic immigrants to the United States during the nineteenth century settled in big cities where local government employment was relatively plentiful. Service in municipal departments such as police, fire, and public works was an avenue for assimilation and advancement into the middle class. Members of other immigrant groups likewise assimilated partly by way of government employment.

After the Civil War (1861-65), the federal government, controlled by Republicans for most of the post-war era, employed many black Americans in Washington, DC, as well as across the country, especially in the postal service. Federal service had become an important route for advancement for black Americans. However, Democratic President Woodrow Wilson (1913-21) enforced racial segregation in the district and government workplaces and purged as many blacks as possible from federal government service (Weiss 1969). On July 26, 1948, Democratic President Harry S. Truman issued two executive orders that ended segregation and discrimination in the federal workforce and in the military (Leuchtenburg 1991). Presidents as far back as Franklin D. Roosevelt had signed executive orders banning discrimination by firms receiving federal contracts. However, with Executive Order 10925 in 1961, President John F. Kennedy for the first time mandated that recipients of federal contracts take “affirmative action” to make sure that minorities received jobs (Birnbaum 1962). This was further reaffirmed by the Civil Rights Act of 1964 and a 1965 executive order by President Lyndon B. Johnson. Currently, all federal agencies must ensure that 5 percent of their contracts go to minority-owned businesses (Congressional Research Service 2015).¹

President Dwight D. Eisenhower issued an executive order in 1953 banning gays and lesbians from federal civil service. In 1973, a federal judge held that a person’s sexual orientation could

¹ For contracts related to transportation, 10 percent of contracts must be set aside for minority-owned businesses.

not be the only reason for termination. The U.S. Civil Service Commission began considering applications from gays and lesbians in 1975. Provisions of the Civil Service Reform Act of 1978 were interpreted to extend non-discrimination in federal employment on the basis of sexual orientation. In 1998, President Bill Clinton formally set out this principle in Executive Order 13087. President Barack Obama extended rights for federal gay and lesbian employees by giving benefits to their same-sex partners in 2009. These were further extended after the U.S. Supreme Court affirmed the right to same-sex marriage in 2013 (U.S. Merit Systems Protection Board 2014).

The policies mentioned above are part of a larger representative bureaucracy movement that seeks to have the federal workforce mirror the nation’s demographics. Undergirding this concept is that a diverse bureaucracy will reflect the experiences of discrete populations, thus ensuring policies that meet the needs of all citizens (Agyapong 2018). Over the last several decades, the federal workforce has become more diverse, with women representing 43.2 percent of workers and minorities 36.4 percent. Total minority participation in the federal workforce is 3.4 percent higher than the civilian workforce, and African Americans have a substantially better standing in the bureaucracy (18.4 percent) versus the private sector (10.5 percent). Federal employees are also more likely to believe they are being treated fairly and have less exposure to discrimination than in previous decades. However, non-white males still have lower levels of participation in upper levels of management and have lower salaries, and there are less Hispanics in federal jobs than in the civilian workforce (U.S. Merit Systems Protection Board 2009; U.S. Office of Personnel Management 2018).

D. Comparisons to the Private Sector

Public employee salaries vary by government. Median pay for federal employees is 54 percent higher than for states and 64 percent more than local governments. Federal salaries are higher

Table 1: Annual Wage Comparison of Government Employees in Thousands of Dollars & Euros

	Federal Government		State Government		Local Government	
	\$	€	\$	€	\$	€
Median	78,570	67,201	50,940	43,569	47,730	40,823
Top 10%	136,670	116,894	94,320	80,672	95,300	81,510
Top 25%	107,600	92,030	71,240	60,932	68,710	58,768
Average	83,940	71,794	57,810	49,445	54,630	46,725
Bottom 25%	53,780	45,998	37,850	32,373	33,150	28,353
Bottom 10%	41,190	35,230	29,970	25,633	23,810	20,365

Source: U.S. Bureau of Labor Statistics, 2018.

across all income categories, while local governments are particularly uncompetitive in average wages for the bottom 10 percent of workers.

Government salaries have traditionally been lower than private-sector salaries, although there are major methodological challenges to comparing public- and private-sector salaries. Hence, some studies show higher salaries for public employees in some fields. The highest paid state government employees are state university football and basketball coaches; many are paid

millions of dollars per year (Gore 2018). By contrast, the salaries for governors in 2019 ranged between \$70,000 per year in Maine to \$201,680 in California (Gore 2018). A recent survey found that 85 percent of state chief administrators claimed lack of competitive salaries as the biggest barrier to attracting high-quality talent (National Association of State Chief Administrators 2019, 7). The federal government does try to remain competitive with the private sector by establishing “locality pay areas.” These constitute 46 metropolitan areas with higher than average costs of living that are subject to larger pay increases than other parts of the country (U.S. Office of Public Management n.d.; Ogrysko 2018).

The public sector provides three benefits that help it compete with the private sector. These include low-contribution benefit plans, good pensions, and job security. Among state and local government employees, 99 percent of full-time employees have access to a health care plan versus 86 percent in the private sector. The difference is most profound among lower paid workers, with 60 percent of state and local employees in the bottom 10 percent of wage earners eligible for health insurance as opposed to only 24 percent in the private sector. Governments also pay a larger share of health insurance premiums for full-time workers (87 percent for an individual and 71 percent for a family plan) versus private employers (79 percent and 67 percent) and give more access to life insurance (91 percent vs. 72 percent). State and local governments offer 99 percent of their full-time employees paid sick leave versus 82 percent of the private workforce. However, public workers have less access to paid vacation and paid holidays (67 percent and 74 percent) versus non-governmental workers (90 percent and 90 percent) (U.S. Bureau of Labor Statistics 2018).

State and local government employees also enjoy more access to retirement plans. There are two major types of retirement plans in the United States: defined benefit and defined contribution. Under a defined benefit plan, the employer makes contributions that result in a retiree receiving a guaranteed amount of money each month upon retirement until death. This is more expensive for employers because they must guarantee the payouts, regardless of market conditions. In recent decades, defined contribution plans have become more popular among employers. Workers contribute a certain percentage of their pay that is matched by their employer to a retirement account that is invested in securities and professionally managed on behalf of the employee. Consequently, the employer is only responsible for funding the up-front costs of the plan rather than guaranteeing specific benefit payments in retirement. The payouts depend on total accumulation and market conditions and may not last until death. However, retirees in defined contribution plans and many defined benefit plans also receive guaranteed Social Security payments until death.

All federal civilian employees were covered by a defined benefit plan until 1984-86 when the federal government instituted a defined contribution plan required for all new employees, with then current employees having the choice to opt in.

All state and local governments provide access to one or both types of plans. Ninety-five percent of state government employees and 90 percent of local government employees have access to one of the plans, compared to only 68 percent of private-sector employees. There is a great disparity in access to defined benefit plans: 90 percent of state employees and 85 percent of local government employees have this option, but only 17 percent of private-sector employees.

Conversely, 64 percent of private employers offer a defined contribution plan, compared to only 48 percent of states and 33 percent of local governments (Topoleski 2019).

However, state and local governments have begun to shift away from defined benefit plans due to their cost. Traditional state and local government pension plans are underfunded by approximately \$4 trillion because of unrealistic investment-return expectations and low contribution rates by governments (especially during the Great Recession of 2007-09) (Krouse 2018). By 2017, the aggregate funding of state and local pensions was only 72 percent of projected liabilities. There is a great disparity across these plans, with the bottom third of states having an average of only 55 percent of their liabilities funded (Aubry, Crawford, and Wandrei 2018). This led 74 percent of states and 57 percent of localities to make changes to their pension plans after 2009. Most of the changes apply to new workers, but approximately 25 percent of plans have made changes that affect current employees. Increased contributions, lower cost-of-living adjustments, changes to benefits calculations, and increases in age and tenure for eligibility have all been prevalent changes. About 9 percent of state programs and 5 percent of local plans have thus far shifted to a defined contribution or hybrid plan (Aubry and Crawford 2017).

Nonetheless, despite health insurance, pensions, and job security, state and local governments find it difficult to recruit talent, especially when the economy is robust, as it is at the time of this writing. The public sector has a record number of unfilled positions, and state governments have lost about 20,000 employees since mid-2018. There were 2.0 public-sector job openings for every hire in June 2019 compared to 1.7 in 2018 and 1.2 in the private sector in 2019 (Smialek 2019). During the first several months of the 2020 COVID-19 pandemic, however, state and local governments shed more than 1.5 million employees.

E. Social Security and State and Local Governments

Social Security, the federal government program for income security in retirement, originally only covered private employees but was expanded gradually to include state and local government employees. The Social Security Act of 1935 created a national entitlement program to ensure a minimum level of income for people age 65 and above. State and local government employees were exempt from the program due to concerns that the federal government did not have the power to tax them. However, in 1951, state and local governments could voluntarily enroll their employees in Social Security if they were not eligible under a public plan. Starting in 1991, the federal government mandated Social Security participation for all state and local employees not covered by a government retirement plan or subject to waivers (Internal Revenue Service 2014). Presently, all but 6 percent of workers in the United States are covered by Social Security (Nuschler, Shelton and Topoleski 2011). Most of the non-participants are state and local workers, of which 27.5 percent do not participate. There is great variation in coverage across the country. Twenty-six states have at least 90 percent of their state and local workers covered, seven states cover less than 50 percent and two states less than 5 percent (Nuschler, Shelton and Topoleski 2011). Many of the exempt employees work for local governments, with an estimated 75 percent of public safety officers and 40 percent of teachers not being eligible for

Social Security (Coalition to Preserve Retirement Security 2011; National Association of State Retirement Administrators n.d.).²

II. Development of Public Administration: From Patronage to Civil Service, Unionization, and New Public Management

There has been a historical movement in public administration from patronage to civil service, unionization, and reinventing government. Patronage is the appointment of people to government jobs based on their loyalty to the elected official and political party making the appointment (i.e., who the appointee knows). Civil service involves the appointment of people to government jobs based on merit regardless of party affiliation (i.e., what the appointee knows). Reinventing government, or New Public Management, refers to the privatization and contracting out of government functions as well as the reorganization of bureaucracies along mission- and market-oriented lines.

Patronage was the predominant mode of appointment to federal jobs from 1789 to about the 1910s, although the president still has more than 4,000 patronage jobs at his disposal (Editorial Board 2016). From 1789 to 1971, the U.S. Post Office was the single largest source of federal patronage, and the Postmaster General, appointed by each president, usually managed patronage appointments for the president. Patronage governed most state and local jobs from the colonial era until about the 1960s.

A. Civil Service Systems

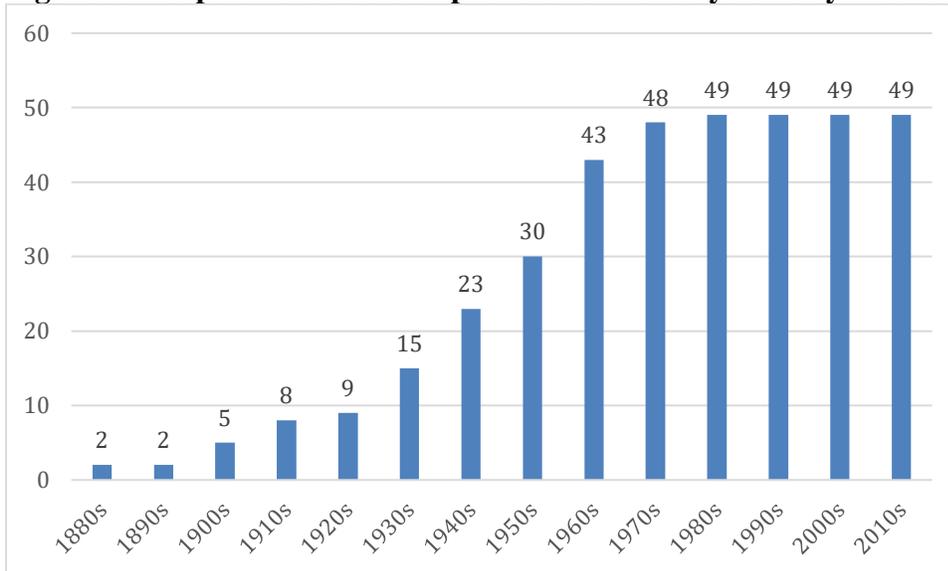
Modern public administration in the United States was strongly influenced by British and German traditions of administration (Karl 1976). The idea of public administration found favor around the turn of the twentieth century. The first academic article on public administration was by Woodrow Wilson (1887), the first two major academic works were by Frank J. Goodnow (1900) and Frederick W. Taylor (1911), and the first textbook on public administration was written by Leonard D. White (1926). The first political use of the term “administrative management” was in the Republican Party’s 1896 presidential platform. Modern civil service systems were first established by the federal government in the Pendleton Civil Service Reform Act of 1883 and by New York in 1883 and Massachusetts in 1884. These systems emphasize hiring administrators on the basis of merit rather than political patronage and insulating them from political retaliation.

A U.S. Civil Service Commission was created in 1871 but closed in 1874 because members of Congress did not want to give up patronage. Congress enacted the permanent Pendleton Act after a disappointed patronage-seeker assassinated President James A. Garfield in 1881. The law was modelled on a bill created earlier by the New York Civil Service Reform Association (Ruhil and Camoes 2003, 29-30). The Pendleton Act had the effect of nationalizing the bureaucracy. Job holders were now loyal to the federal government rather than local political bosses who doled out patronage jobs (Gailmard and Patty 2007, 875; Hoogenboom 1959).

² Medicare underwent a similar process and was finally mandated for all non-exempt state and local employees in 1986 (see Social Security Administration n.d.).

Civil service came at the time many scholars mark as the rise of the new American “state” in 1877-1920 (Skowronek 1982). Federal employees subject to the Pendleton Act increased over the decades until about 80 percent were covered by 1922 (Folke, Hirano, and Snyder 2011, 569). Only eight states had adopted comprehensive civil service reform by 1920 (see Figure 9). The federal government pushed states toward reform with

Figure 9: Adoption of State Comprehensive Merit Systems by Decade (Cumulative)



Source: Adapted from Ujhelyi 2014, 347 and Folke, Hirano, and Snyder 2011, 569. Texas has not adopted a comprehensive merit system.

passage of the Social Security Act of 1935. When implementing the act, which included new unemployment and public assistance programs run by the states, federal officials encouraged states to adopt merit systems (Shapek 1976, 42). Amendments to this act in 1939 mandated that states create a civil service code for their employees in unemployment and public assistance programs or lose Social Security funding. All 48 states created a merit system for at least a portion of their workforce by 1940 (Ruhil and Camoes 2003, 30-31; Ting, Synder, Hirano and Folke 2012, 376).³ However, not until the 1960s did most states adopt civil service systems covering a broad swatch of their employees. Increased partisan competition, demographic changes, and bureaucratic growth have been credited with the adoption of civil service during this period (Ruhil and Camoes 2003; Ting, Synder, Hirano and Folke 2012).

Civil service reform creates a positive feedback loop that generally prevents backsliding toward patronage. Citizens become accustomed to more professionalized public services and permanent government employees, and public employee unions provide a strong special interest to protect their jobs (Ting, Synder, Hirano and Folke 2012, 365). Interestingly, Ujhelyi (2014) found that after civil service reform, states reduced spending on roads and other capital investments, redirected spending away from reformed state bureaucracies, and increased intergovernmental

³ However, Ruhil and Camoes argue the federal government was not responsible for states undertaking civil service reforms in the 1930s because the federal mandate was not enacted until 1939. Rather, they argue that cash-strapped states dispensed with patronage jobs because they could not provide employment for all their supporters during the Great Depression.

transfers to local governments—suggesting that state politicians sought to retain political control of spending by channeling money away from reformed bureaucracies that constrained their behavior.

More than 90 percent of federal employees are now covered by civil service (Digital History n.d.). Data are not available on state and local government employees covered by civil service. However, the system became widespread until recent years when many state and local governments began to move employees out of civil service if possible because the rigidification of civil-service rules over the decades has made it difficult to fire, promote, and transfer employees and to reward good performance (Rainey 2006, 33-37). These systems are now widely seen as frustrating efficiency and innovation. A few states have eliminated civil service protections for most employees, and some have increased managers' authority to fire employees.

In addition, the U.S. Supreme Court, in *Rutan v. Republican Party of Illinois* (1990), sharply limited the patronage jobs available to governors. Such patronage, opined the Court, violates government employees' rights of freedom of speech and association under the U.S. Constitution.

B. Public Employee Unions and Collective Bargaining

Among the chief defenders of civil service rules are public employee unions, which engage in collective bargaining for wages and benefits with their respective state and local governments. Collective bargaining was first authorized by New York City in 1958, by Wisconsin in 1959, and by the federal government in 1962. In 1960, only 5 percent of state and local workers were union members; by 1966, 25 percent were union members (Murolo 2018). In 2019, 25.6 percent of federal employees were union members, as were 29.4 percent of state employees and 39.4 percent of local government employees, compared to only 6.2 percent of employees in the private sector (U.S. Bureau of Labor Statistics 2020). Since the 1950s, there has been a dramatic rise of public sector unions and fall of private sector unions.

Collective bargaining for public employees is permitted in three-fourths of the states, with southern states being the most resistant (Campbell 2019). However, state and local governments have begun to chafe under the expense of generous health-care and pension benefits negotiated by public sector unions. Part of the public sector union power comes from the large amounts of members' dues money that is available to help fund the political campaigns of the elected officials with whom they bargain for wages and benefits. In 2011, Wisconsin, the first state to institute collective bargaining for public employees, drastically reduced employees' bargaining rights. Some other states have also curtailed collective bargaining. In *Janus v. American Federation of State, County, and Municipal Employees, Council 31* (2018), the U.S. Supreme Court weakened public sector unions by ruling that they can no longer collect fees from non-union members who benefit from unions' collective bargaining. *Janus* might prompt an exodus of members from their unions, but unions have made exit very difficult.

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C. Privatization, Contracting Out, and Reinventing Government

Since the rise of the reinventing government movement (Osborne and Gaebler 1992), all governments have been changing personnel structures and rules and also privatizing and

contracting out many functions, thus reducing the number of public employees. What has substantially sustained state and local government employment has been the huge education sector, which has been highly resistant to privatization. Otherwise, this movement has focused on streamlining government and making it more mission- and market-oriented and less focused on protecting employees. At its core, the objective is to create a more efficient, responsive, and cheaper government work force (Klingner 2006, 12).

Municipal governments especially have privatized or contracted out the majority of their services, including, in some cases, fire and police services. The International City/County Management Association (2019), reported that 77.3 percent of local governments contract with other governments to provide services. Transit systems and health and social services, such as child welfare and inspection of food facilities, are often provided through another government or authority. Eighty percent of local governments use private contractors to provide such services as vehicle towing and storage, legal services, commercial and residential solid-waste collection, recycling, daycare facility operations, and electricity and gas utility operation and management. One in six local governments relies on volunteer firefighters. Non-profit NGOs deliver many social services such as homeless shelters, museums, and cultural and arts programs.

This movement also has included coproduction of public services as first identified by Ostrom and her colleagues in studies of local policing (Parks et al. 1981; Ostrom 1996). Coproduction emphasizes public administrators recognizing and working along with citizens, community organizations, cooperatives, NGOs, and corporations to provide and reform public services, thereby managing in networks (Agranoff 2007 and 2017).

D. Redefining the Purpose of Bureaucracy

A move to make the federal bureaucracy more efficient, flexible, and responsive was symbolized by the Civil Service Reform Act of 1979. Critics of the system contended that it was loaded with prohibitions that failed to encourage federal employees to excel. The act addressed this by creating a set of Merit System Principles outlining the goals of the civil service in addition to Prohibited Personnel Practices. It also split the U.S. Civil Service Commission into three independent agencies: the Office of Personnel Management (OPM), which oversees the federal workforce, the Merit Systems Protection Board (which studies federal workforce issues and reviews OPM's actions), and the Federal Labor Relations Authority (which oversees interactions between federal agencies and labor unions) (U.S. Merit Systems Protection Board n.d.; U.S. Merit Systems Protection Board 2017). Some states had already made similar reforms. However, passage of the federal reform nudged states toward making reforms in (1) performance evaluation and merit pay; (2) establishment of a Senior Executive Service to provide a pool of floating executives for agencies; and (3) protection for whistleblowers (Dresang 1982, 43).

E. Ranking the Qualities of State Public Administration System

There are many similar features across the federal, state, and local public administration systems due to the diffusion of ideas about proper methods of administration as well as some rules imposed by the federal government on the state and local systems, but differences remain.

There are no systematic scholarly analyses or rankings of the efficiency and general performance of federal, state, and local public administration systems. Occasionally, journalists or NGOs rank the states' systems. The Pew Center for the States ranked the states in 2008. On a scale of A-high to F-failure, the 50-state average score for information accessibility was B-, maintaining sufficient personnel C+, budgeting B-, and infrastructure B- (Barrett and Greene 2008). In 2015, the Center for Public Integrity ranked the states on transparency and accountability. Alaska, California, and Connecticut each received a C grade. The other 47 states received grades of D+ to F. Such rankings, however, are methodologically problematic and not credible. Another problem with the rankings is that many southern and southwestern states rank low; yet, they are among the fastest growing states because people from higher ranked states are moving to the lower ranked states.

There is evidence, however, of quality variations by state political subcultures (Elazar 1984). For example, the moralistic states rank lowest in public-sector corruption, traditionalistic states rank highest, and individualistic states fall in between (Dincer and Johnston 2017). Similarly, metropolitan areas characterized by a moralistic political culture have the highest qualities of life on various measures (Kincaid 1980).

Public-sector corruption is not prevalent and occurs more often among elected officials than public employees. Transparency International gave the United States a score of only 69 in 2019, ranking it 23rd among 180 countries (with Denmark and New Zealand being the least corrupt at 87). However, the U.S. ranking is problematic because public perceptions of corruption have increased dramatically since Trump's 2016 election, indicating that the transparency index is highly sensitive to specific political events that color perceptions of the system as a whole. For example, Transparency International's 2017 survey of Americans found that 44 percent of Americans believed corruption was pervasive in the White House, up from 36 percent in 2016. A further problem with measuring corruption perceptions in the United States and other federal countries is that pollsters do not ask respondents to distinguish among their orders of government. The surveys focus on national governments.

III. Anti-Commandeering

Because of the federal system's dualism, the U.S. Supreme Court has long promulgated an anti-commandeering doctrine (e.g., *Prigg v. Pennsylvania*, 1842; *New York v. United States*, 1992; and *Printz v. United States*, 1997), which holds that the federal government cannot directly command state and local civil servants to implement federal laws. Instead, the federal government must pay them to do so through its system of 1,274 grants-in-aid and provide an opt-out provision (Congressional Research Service 2019).

The eleven sanctuary states and 171 sanctuary counties and cities (Griffith and Vaughn 2020) are leading current examples of consequences of the anti-commandeering doctrine. These sanctuary jurisdictions refuse to cooperate with federal immigration officials who seek to apprehend and deport illegal aliens within those jurisdictions. There are federal grant programs that purchase such cooperation, but absent voluntary acceptance of such a grant, the federal government cannot compel state and local cooperation. The Trump administration wants to punish these jurisdictions by cutting off grant monies in related fields, such as law enforcement. Federal appeals courts

have been split on the the administration’s authority to do so. Sanctuary jurisdictions continue to litigate the matter, which is likely to be decided by the U.S. Supreme Court (Hesson 2020).

IV. Preference for Limited Government

American anti-statism and distrust of big government inhibited the development of a civil service and large bureaucracies. In American culture, bureaucracy and bureaucratization are seen as danger signs of government becoming statist; that is, substantial government control of social and economic affairs. Especially since the era of President Andrew Jackson (1829-37), political appointments (i.e., patronage) by directly elected officials were widely seen as more compatible with democratic governance. Later, by having state and local government employees carry out federal policies with federal financial aid, the United States was able to build big government without appearing to have big government. Also, American civil service reform emerged mostly from local grassroots agitation for reform nationwide by the “bureau movement” and by national citizens groups such as the National Civil Service Reform League (founded in 1881). By 1894, there were 84 citizen associations in different cities urging reform (Stone and Stone 1975, 19). They organized the good-government National Municipal League in 1894. Later, the New York Bureau of Municipal Research (founded in 1906) became a leader in public administration research. These organizations promoted and sought to sustain civil service systems. “So in the United States, probably more than any other country in the world, public administration as practice, as field of study and as self-conscious profession, began in the cities” (Mosher, 1975, 8). This was because cities were the workhorse governments that raised and spent more revenue than the federal and state governments from 1789 to 1932. It also was because many cities had witnessed firsthand the corrupting influence of local party bosses manipulating the appointment process into a *quid pro quo* patronage system. Anti-statism made the development of any “top-down rationalized administrative way of thinking . . . inconceivable” (Stillman, 2005, 18). American civil service emerged within the common-law tradition that emphasized a sharp distinction between unclean politics and clean scientific management. Only in the late twentieth century did the United States develop a large body of administrative law.

Such anti-statism has also been reflected as a campaign pledge by most Republican administrations following Democratic President Lyndon B. Johnson’s Great Society expansion of federal power (1963-69). They proposed to cut the federal bureaucracy and eliminate agencies, especially the U.S. Department of Education established in 1979. However, as Figures 1 and 3 indicate, there has been no dramatic decline in federal civilian employees since the 1960s, and no president has been able to eliminate a major federal agency. Ironically, one of the few minor agencies killed was the U.S. Advisory Commission on Intergovernmental Relations, which, at the time of its 1996 demise, had already shrunk to about 12 employees (Kincaid 2011(a)). Trump is the latest Republican president to attack the federal bureaucracy, which he calls “the Deep State.” Currently, he is seeking to abolish the Office of Personnel Management (partly because in 2015, hackers, probably Chinese, stole the records of 21.5 million people in OPM’s computers) and shift its operations to other agencies. Even though Trump has been slow to fill vacant positions, federal government employees increased by about 70,000 from when he took office in 2017 to June 2020 (Federal Reserve Bank of St. Louis n.d.). Figures 1 and 3 show no dramatic increases or decreases in federal employment since the 1960s.

Similarly, some Republican governors, especially in states where many state employees are unionized, have sought to reduce state government employment, but, over time, there has been a very gradual increase in both state and local government employment with no dramatic movements up or down. Currently, local government employees account for about 63 percent of all government employees in the United States.

V. Cooperation Among Bureaucrats

The founders of the United States envisioned federal-state-local bureaucratic cooperation, as in Alexander Hamilton's *Federalist* discussion of using state tax agents to collect federal taxes (Kincaid 2014). This did not work out but was not a big problem because the federal government relied mostly on customs duties for internal revenue until the income-tax amendment of 1913. Albert Gallatin, the fourth secretary of the U.S. treasury (1801-14), articulated ideas for intergovernmental cooperation (Rothman 1972). Intergovernmental cooperation was, as both Grodzins (1960) and Elazar (1962) contended, prevalent from the start of the federal republic and throughout the so-called era of dual federalism. Cooperation intensified during the twentieth-century era of cooperative federalism and has persisted under coercive federalism.

A. Federal Efficiency and Risk Reduction

Thomas Jefferson feared internal-improvement grants and federal-state cooperation as dangers of big government, but Alexander Hamilton appears to have regarded federal-state cooperation as efficient. Rather than build a large administrative state, the federal government could contract functions out to the states whose personnel are better attuned to local conditions. A grant-in-aid is "in the nature of a contract" (*Pennhurst State School and Hospital v. Holderman*, 1981, 17). Contracting out also reduces political risks for federal officials because if state performance is negligent, federal officials can deflect blame for policy failures onto the states.

The federal government hired its own agents to collect customs duties at ports of entry. From 1789 to the 1930s, the main domestic functions of the federal government were to deliver mail and manage the western territories until they became states. By 1831, about 76 percent of all federal civilian employees worked for the post office, more than for the military (John 2009, 3). Postal employees were the single largest group of peacetime federal employees until after World War II. Even today, the number of postal employees is the second largest category of civilian employees after the U.S. Department of Defense. The Post Office managed to function rather effectively with minimal bureaucracy, in part because the system was rooted in states and localities. Although presidents formally appointed local postmasters, those patronage appointments had to receive informal concurrent consent by the relevant members of Congress and elected state and local officials. In turn, local postmasters made patronage appointments of local residents to postal jobs. This system did not end finally until the Postal Reorganization Act of 1970 converted the Post Office from an executive line-department to a quasi-private independent agency authorized to operate like a business.

Likewise, management of the western territories required minimal federal bureaucracy because other than governors and marshals appointed by presidents, territorial residents elected their own legislatures and otherwise governed themselves. A small bureaucracy developed within the U.S.

Bureau of Indian Affairs to manage relations with the western tribes, but the U.S. military also played a large role in those matters. Consequently, until about the 1930s, there were few occasions for extensive interactions between federal, state, and local employees.

Federal employees did, however, provide various services to states and localities, such as the U.S. Army Corps of Engineers (Elazar 1962). Another example is the Marine Health Service, which played an important role in suppressing an outbreak of bubonic plague in 1900-1906 centered in the Chinatown area of San Francisco (Randall 2019). In short, federal employees often functioned as servants for state and local governments at little or no cost to those governments and few rules attached to the federal assistance.

This began to change in the twentieth century when the federal government employed grants-in-aid to purchase the assistance of state and local employees. In doing so, federal officials imposed more rules on state and local governments, in part to enhance their administrative capacities. For example, the Federal Aid Road Act of 1916 required every state to have a highway agency able to administer federal funds and to submit project plans and other information to the U.S. Department of Agriculture. The Hatch Act of 1939, which prohibits federal employees from participating in partisan political activities, was amended in 1940 to cover state and local employees whose salaries are paid, even if only in part, by federal funds or whose work is connected to federally funded programs. The Fair Labor Standards Act (FLSA) of 1938 was extended to almost all employees of state and local governments in 1974.

Despite the rise of coercive federalism (Kincaid 1990), there continues to be high levels of intergovernmental administrative cooperation.

B. Dual Federalism

The U.S. system is not one of executive federalism whereby states are constitutionally obligated to execute federal framework legislation. The federal government is expected, for the most part, to carry out its own policies or pay the states to do so. Given its very limited administrative capabilities, the federal government must seek the assistance of state and local officials. Federal administrators, therefore, usually have incentives to work cooperatively with their state and local counterparts. Furthermore, cooperative enforcement is sometimes more effective than coercive enforcement (Earnhart and Glicksman 2015).

Also, the federal government does not, *per se*, share revenue with the states or engage in fiscal equalization; thus, it does not need the administrative control and co-decision mechanisms often required for such policies. Instead, the federal government operates a sprawling grant-in-aid system consisting of more than 1,274 programs, only 21 of which are block grants (Congressional Research Service 2019). Most federal-aid money flows through narrow categorical grants, which give the federal government substantial control over the grants' usage by state and local governments. Otherwise, the federal government works cooperatively on the administration of those grants and usually allows state and local officials some discretion in implementing those grants as long as each grant's purposes are realized, at least approximately. Block grants afford state and local officials even more discretion, although block grants account

for little more than 10-15 percent of all federal aid (U.S. Advisory Commission on Intergovernmental Relations 1995).

C. Federal-Aid Carrots and Sticks

The carrots and sticks of federal aid play important roles in ensuring cooperation. Federal revenue has accounted for sizable portions of state-local budgets since 1969. Federal spending makes up 30.7 percent of state general revenues (2019) and 23 percent of combined state and local budgets (2017). States vary in their reliance on federal revenue, ranging in 2017 from 41.9 percent of state general revenues in Michigan to 17.5 percent in Hawaii (Center on Budget and Policy Priorities 2018; National Association of State Budget Officers 2019). Despite numerous conditions, state and local governments embrace most grants-in-aid. All 50 states, for example, complied with the federal drinking age condition attached to surface transportation aid in 1984 because no state could afford to lose the funds and because there is no mechanism for the states to withhold the then 9-cent (now 18.4-cent) federal gas tax collected within their borders.

In addition, the salaries of many state and local government employees and resources for the programs they administer rest in part on direct or indirect federal monies. From 1978 to 2004, the proportion of state agencies receiving and managing federal aid ranged from 69 percent in 1988 to 79 percent in 2004 (Brudney and Wright. 2010). Even if only a small percent of an employee's salary or program resources comes from federal aid, loss of that portion can result in a job or program cutback.

D. Partial Preemption of State Powers

Another federal tool for cooperation is partial preemption, which did not exist until the 1960s. Partial preemption allows states to enact their own regulations in a federally preempted field so long as those regulations are equal to or higher than the federal standards. This tool, however, is a one-way federalism. States are free to rise above the federal regulatory floor but are raised to the floor if they enact policies deemed by the federal government to fall below the floor.

E. Waivers of Federal Law

Waivers are a more recent tool of cooperation arising from program complexity, public pressure to allow more state discretion to improve outcomes, skyrocketing costs in some programs, such as Medicaid, and polarization that makes it difficult for state and local officials to obtain more discretion, such as block grants, through the legislative process (Kincaid 2011(b), 22). Waivers, however, permit only federally sanctioned discretion. Arguably, they also violate the rule of law (Frohnen 2016).

F. Federal Statutory and Regulatory Penalties

Many federal statutes associated with coercive federalism contain penalties, including, in some cases, civil or criminal penalties, aimed at uncooperative state and local officials. Many federal statutes also enable citizens to sue state and local officials for insufficient or biased compliance

with federal laws. Nevertheless, federal officials sometimes accommodate state and local officials by extending compliance deadlines. Because many states have resisted compliance with the REAL ID Act of 2005 (requiring states to issue driver's licenses compliant with federal security specifications), the U.S. Department of Homeland Security (DHS) extended compliance deadlines several times, with full enforcement now set for 2021. The extensions, though, did not stem solely from federal cooperation; they also reflected President Obama's dislike of REAL ID and resistance by both conservative and liberal interest groups concerned about government surveillance. By contrast, in 2014-2015, with more than 100 institutions under federal investigation, many public and private higher-education administrators were in a panic to comply with a letter of guidance issued by the U.S. Department of Education setting forth Title IX rules on sexual assaults.

G. Federal Court Orders

The courts also play roles in intergovernmental relations. Following the massive resistance by southern state and local governments to federal court rulings on racial desegregation in the 1950s and 1960s, state and local officials generally followed judicial decisions, which are seen as central to the rule of law. The federal courts stand as potential hammers to compel compliance; hence, state and local administrators have incentives to cooperate with federal officials. Numerous federal court consent decrees of long standing, many of which emanated from citizen lawsuits, now govern numerous aspects of administration in all states and perhaps most local governments. Federal officials, in seeking to foster compliance, ordinarily negotiate and bargain with state and local officials before seeking judicial intervention, but the prospect of judicial intervention has a sobering effect on state and local cooperation with federal officials (Goode 2013).

H. State and Local Employee Lobbying

Additionally, state and local employees frequently advocate expansive actions and higher spending in their policy field and, thus, often welcome federal intervention. State and local environmental administrators, for example, are likely to welcome federal rules that set stricter environmental standards and require more state and local spending on environmental protection. It is not uncommon for state and local bureaucrats to lobby for federal policies that are opposed by state and local elected officials who can be punished at the ballot box for implementing unpopular federal policies or raising taxes in order to pay for state or local implementation of those policies. Deutsch (1948) noted that state mental-hospital administrators often welcomed him to photograph and expose deplorable conditions so as to induce increased state and federal funding and regulation. The State Administrators Project found over the decades that federal aid and regulations promoted "constant, consequential, and pervasive" state agency autonomy from gubernatorial and legislative oversight (Brudney and Wright 2010, 33).

I. Public Employee Unions

Public administrators in the intergovernmental system also are much more unionized than they were in 1960. Federal, state, and local public employee unions and associations have similar goals; they support federal program implementation; and they serve as additional forums for

intergovernmental communication and cooperation. State and local public employee organizations usually welcome federal money and rules, and thereby support expansions of federal power. Unions, moreover, have been the originators of some of the landmark U.S. Supreme Court rulings on federalism in litigation over the Fair Labor Standards Act of 1938, which began to be extended to state and local government employees during the 1960s (Kincaid 1993). Currently, the American Federation of State, County, and Municipal Employees is lobbying Congress to pass legislation that would blunt the impact of the U.S. Supreme Court's ruling in *Janus v. American Federation of State, County, and Municipal Employees, Council 31* (2018).

J. State and Local Government Associations

State and local government officials often form official associations based on their spatial or policy interests. Generalist associations represent elected officials such as governors or mayors who engage in a wide variety of policy activities. Conversely, specialist associations are composed of bureaucrats with interests in specific policy niches. Examples of these groups are the American Association of State Highway Transportation Officials and the American Public Transportation Association. These organizations have two primary purposes. The first is to share expertise and best practices in order to increase the capacity of governments to address problems. The second is to advocate for state and local interests before the federal government. These groups have a chance at success when they are united on policy issues and provide unbiased expertise to federal officials. However, when they engage in rent-seeking behavior, they are treated like ordinary interest groups (Palazzolo and McCarthy 2005; Dinan 2011; and Leckrone 2019).

K. Nongovernmental Organizations

Many intergovernmental programs are administered wholly or partly by nongovernmental organizations and their employees who depend on federal funds often delivered to them via state and local treasuries. Some nongovernmental organizations also have nongovernmental sources of income, but many rely substantially on government funds. Either way, they have strong incentives to welcome federal monies and the regulations that accompany them. While employees of such organizations are not state and local government employees, they are adjuncts of the federal, state, and local public administration systems and are monitored by those systems.

L. Interest-Group Pressure

Interest groups play a role, too. After achieving a federal policy objective, they pressure state and local governments to cooperate in implementing that objective. There has been tremendous growth in interest-group activity within the states since the late 1960s. One cause of growth has been the need for interest groups to induce cooperative state and local compliance with national policy objectives supported by the interest groups. Advocates for policy causes and rights protections do not hesitate to lobby, protest, and sue state and local governments for noncompliance. In 2014-16, for example, protests in numerous cities of fatal police shootings of young black men triggered federal interventions to secure local police compliance with federal civil-rights rules, often through judicial consent decrees.

M. Territorially Dispersed Diversity

Since the fall of massive resistance to desegregation in the South, no cultural, ethnic, religious, or linguistic region in the United States (akin to a Quebec or Catalonia) has had strong incentives to thwart or distort intergovernmental administrative relations. Similarly, partisanship does not play a major role in intergovernmental administration. In the political arena, there may be vigorous partisan conflict over huge intergovernmental programs, such as Medicaid and surface transportation, and over costly mandates, such as environmental regulations, but once federal policies on these matters are enacted into law, bureaucrats have incentives to cooperate across party lines so as to administer the programs as effectively and efficiently as possible. Furthermore, virtually all of the nongovernmental collaborators in policy implementation purport to be nonpartisan, and most of the non-profit participants are legally required to be nonpartisan.

Conclusion: The Question of Autonomy

Insofar as control over its own personnel is a *sine qua non* of a government's sovereignty, then states and their local governments have lost sovereignty as a result of federal statutes and regulations, such as the U.S. Fair Labor Standards Act, that govern numerous aspects of state and local government employment. Federal rules regarding minimum hours and wages, benefits, occupational health and safety, affirmative action, worker rights, social security, and other matters have substantial impacts on state and local government personnel systems. Also, federal grants-in-aid and mandates have virtually conscripted large numbers of state and local administrators into executing federal policy objectives. In addition, federal courts play significant roles in regulating state and local administrative systems via lawsuits brought by citizens against state and local administrators.

Nevertheless, state and local governments still possess substantial authority over both the quantity and quality of their personnel systems. They also retain degrees of autonomy to make policy choices independently of the federal government, including some choices, such as sanctuary cities and marijuana legalization, that defy federal law. However, when defying federal officials, state and local government administrators must still be sure to comply with the U.S. Fair Labor Standards Act and other such federal personnel rules. State and local governments, moreover, were the primary responders to the coronavirus pandemic in 2020 while the executive branch of the federal government played a distant secondary role.

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