

JUDICIAL IMPACT ON BUREAUCRATIC DECISION-MAKING:
THE CASE OF PUBLIC PROCUREMENT AND CONTRACTING

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ABSTRACT

This study examines whether and how much the bureaucracy responds to the judiciary. Specifically, I utilize cross-sectional, time-series data to analyze the extent to which variation in bureaucratic decision-making regarding affirmative action programs in public contracting across time and U.S. states is explained by the shifting legal environment.

Federal agencies are found more likely to adjust minority contract amounts in response to the executive branch. State agencies appear to be somewhat responsive to courts during affirmative action goal-setting, but not in goal attainment. Overall, I did not find enough evidence that indicates significant bureaucratic responsiveness to judicial review. The lack of judicial impact may be further understood from utilitarian, communications and organizational theoretical perspectives.