

Public

Policymaking

An Introduction

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agenda when it determines which of the thousands of cases appealed to it will be heard and decided. Again, much policy (or rule) formulation occurs in the context of the administrative process as agencies exercise their delegated authority to make rules on air pollution, motor-vehicle safety, trade practices, and other matters.

It should be kept in mind that defining problems, setting agendas, and formulating proposals, together with adoption of policies, are functional categories. Although they can be analytically separated, in actuality they frequently are interrelated and smudged together. For instance, those who want action on a problem may try to define it broadly, as affecting large numbers of people, to help ensure that it gets on a legislative agenda. Again, those formulating a policy proposal will often be at least partly guided in their efforts by the need to build support for the adoption of their proposal. Particular provisions may be included, modified, or excluded in an attempt to win the support or reduce the opposition of some groups or officials.



Policy Problems

Older studies of policy formation devoted little attention to the nature and definition of public problems. Instead, problems were taken as "givens," and analysis moved on from there. However, it is now conventional wisdom that if policy study does not consider the characteristics and dimensions of the problems that stimulate government action, it is incomplete.⁶ It is important to know both why some problems are acted on and others are neglected and why a problem is defined in one way rather than another. This helps one determine where power lies in the political system. Moreover, whether a problem is foreign or domestic, a new item or the outgrowth of an existing policy, or specific or broad in scope helps to determine the nature of the ensuing policymaking process. Evaluating a policy also requires information on the substance and dimensions of the target problem in order to appraise the policy's effectiveness.

For our purposes, a *policy problem* can be defined as a condition or situation that produces needs or dissatisfaction among people and for which relief or redress by governmental action is sought. All problems are not public problems. What characteristics or qualities make a problem public? Most people would agree that John Smith's car's being out of gasoline is a private problem, however irritating it might be to Smith and his passengers. In contrast, the widespread and continued shortage of gasoline in a city or region is likely to be perceived as a public problem. What distinguishes the two situations? Essentially, public problems are those affecting a substantial number of people and having broad effects, including consequences for persons not directly involved.⁷ They are also likely to be difficult or impossible to resolve by individual action.

Such occurrences as dirty air, unwholesome food, the practice of abortion, urban traffic congestion, crowded prisons, and global warming are conditions that may become public problems if they produce sufficient anxiety, discontent,

or dissatisfaction to cause many people to seek governmental remedies. Conditions abound in society.

For a condition to be converted into a problem, people must have some criterion or standard by which the troubling condition is judged to be unreasonable or unacceptable and appropriate for government to handle. Something needs to lead people to the conclusion that they do not need to put up with polluted streams, free-roaming dogs in the city, or a rapidly increasing price level. If, however, people believe that a condition, such as substantial income inequality, is normal, inevitable, or desirable, then nothing is likely to happen because it will not be perceived as a problem.

Conditions thus do not become problems unless they are defined as such, articulated, and then brought to the attention of government. This action can be, and frequently is, taken by public officials who are often scouting around for problems that they can claim credit for solving. Problem definition can be either a top-down or a bottom-up process.

As stated, to be converted into a problem, a condition must also be seen as an appropriate topic for governmental action and, further, as something for which there is a possible governmental remedy or solution. Those who oppose governmental action to ban smoking in public places may argue that tobacco smoke is not harmful or that smoking is a matter of individual choice and should not be regulated. Such argumentation is variously designed to prevent the controversial condition from being viewed as a problem, to keep it off a governmental agenda, or, failing that, to prevent adoption of a smoking regulation. Professor Aaron Wildavsky contends that officials are unlikely to deal with a problem unless it is coupled with a solution. As he states, "A problem is a problem only if something can be done about it."⁸

Hurricanes and earthquakes as such are not likely to become public problems because government can do nothing to prevent them. However, the conditions of human distress and property destruction caused by hurricanes do become public problems. Relief programs, building regulations, and early-warning systems are devised to prevent or reduce hurricanes' adverse consequences. Quite a few conditions will not be transformed into problems because they do not qualify as matters that government can handle appropriately and effectively. "Putting a man on the moon became a problem for policy-makers only after it became technically possible to do so in the late 1950s."⁹

Conditions can be defined as problems, and redress for them can be sought by persons other than those who are directly affected.¹⁰ In the mid-1960s, poverty was identified as a public problem, and the Johnson administration declared a War on Poverty more because of the actions of public officials and publicists than those of the poor themselves. Legislators are frequently looking for problems that they can mitigate or solve so as to enhance their reputations and/or help themselves win reelection. Of course, there is always the possibility that others will define a problem differently than those directly affected.

Indeed, problems frequently are defined or perceived differently by various persons and groups. One's perceptions will be shaped by one's values, information, and experiences. Put differently, how a problem is defined depends not

only on its objective dimensions but also on how it is socially constructed.¹¹ A wealthy person who has never lacked a good job may see little to worry about when unemployment rates rise and, in fact, may regard an increase in unemployment as good, as necessary to prevent inflation, which he/she sees as the real cause for alarm. However, industrial workers for whom unemployment is an omnipresent fear may perceive increasing joblessness as a major threat to their well-being. There is no single correct way to assess a condition and define a problem, although many people will have strong views and preferences on some matters. Problem definitions compete for acceptance.

To amplify this point, currently some 40 million Americans are not covered by health insurance. How is this condition perceived? Many portray it as a private problem resulting from how people choose to spend their income. Some people view the lack of health insurance by so many people as a public problem but disagree about its cause. Explanations include the lack of national health insurance, the inadequacies of private insurance companies, the excessively high costs of medical care and health insurance, and the existence of extensive poverty and income inequality in American society. There is also disagreement as to the form a policy solution should take. Conflicting perceptions or definitions of a problem, and disagreement over remedies, reduce the likelihood of action.

Although many problems are persistent, how they are defined may change as values and conditions change. We can use alcoholism (drunkenness) as an illustration. In the nineteenth century, drunkenness was viewed as a personal problem, as the product of one's evil, wicked, or sinful ways, and therefore as one's just punishment. In the early decades of the twentieth century, it became more common to view drunkenness as a social problem that arose from the response by some individuals to the social, family, and other pressures that played upon them. Counseling and other social services were seen as appropriate responses. More recently, alcoholism (no longer called drunkenness) has been defined as an illness (i.e., a pathological condition) requiring medical treatment and deserving health-insurance coverage, whatever its immediate social causes. This medical definition reduces the individual's responsibility and the stigma attached to the condition. Public policy, however, has not fully caught up with the modern definition, and many problem drinkers continue to be dealt with through the regular law-enforcement processes, especially if they combine drinking and driving. Mothers Against Drunk Driving (MADD) takes a tough enforcement stance on this issue.

Conditions that in one era are accepted as the normal order of things may later, because of social change, be treated as problems.¹² For centuries, wife-beating, child abuse, and other forms of family violence were thought to be private matters except, perhaps, when the regular criminal laws, as against homicide, were violated. They are no longer so treated. Changes in public attitudes, media attention, the women's movement, and other factors changed our notions about acceptable conduct in family matters. A variety of national and state laws pertaining to family violence now are on the statute books. There is still uncertainty as to the pervasiveness of family violence, however.

The definition of problems is often a political process whose outcome will help determine appropriate solutions. Is access to public transportation for the physically handicapped a transportation problem or a civil-rights problem? Identifying it as a transportation problem means that the handicapped should have adequate transportation available to them, by regular modes or any practical means, such as special van service. Defining it as a civil-rights problem, however, means that the handicapped should have equal access to regular transportation facilities, which might require installing elevators at subway stations, fitting buses with loading ramps for wheelchairs, and making other expensive modifications in transportation facilities. After some wavering between the two alternatives, public policy moved toward the availability-of-transportation solution in the 1980s under the Reagan administration.¹³

An important part of problem definition is causation. A condition may be defined as a problem, but what causes the condition? Many problems—crime, poverty, inflation, and air pollution—have multiple causes. For example, inflation, the upward movement of prices at an unacceptable rate as measured by the consumer price index, is a public problem. But what is its cause? Is it the underproduction of goods and services? Excess demand for goods and services (i.e., too many dollars chasing too few goods)? Too much money in circulation? The product of inflationary psychology, where people expect prices to continue to climb? To deal effectively with a problem, one must treat its causes rather than its symptoms. For many problems, the underlying causes are not easy to diagnose or evaluate. Identifying the causes of a problem and getting agreement on them may be a hard task for policy-makers. Defining the problem then itself becomes a problem.

The nature and scope of some public problems may be difficult to specify because they are diffuse or "invisible." Because measurement may be quite imprecise, policy-makers may be uncertain about the magnitude of the problem and in turn about effective solutions, or even whether there is a need for governmental action. In the 1980s, growing numbers of homeless people were sleeping in public and private shelters, in the streets, under bridges, and in other places not suitable for human habitation. Estimates of the number of homeless people in the United States ranged from 250,000 to 3 million.¹⁴ Anywhere from 10 to 47 percent of them were thought to be chronically mentally ill. These wide ranges reflect the difficulty in getting an accurate count of the homeless and their characteristics. The causes of homelessness are also poorly understood. The Stewart B. McKinney Homeless Assistance Act of 1987 called for better collection of data on the homeless by the states while also expanding federal assistance for services to this group. Other problems that are difficult to define or measure include child abuse, learning disabilities among schoolchildren, illegal immigration, and the amount of income not reported on federal income-tax returns.

Another dimension of public problems is their tractability, or amenability to solution. Some problems, for instance, require much less behavioral change than others. Thus, the elimination of discrimination in voting registration in southern states was fairly quickly accomplished under the Voting Rights Act.

Essentially, what was required to correct the problem was either altering the behavior of a comparatively small number of voting registrars or bypassing them by the appointment of federal registrars. School desegregation was much more difficult because it involved large numbers of people and strongly established social patterns. Desegregation was strongly resisted, sometimes in violent ways. Five decades after *Brown v. Board of Education* (1954), some public schools continue to have manifestations of racial discrimination.¹⁵

Tractability is also affected by whether problems are tangible or intangible. Tangible problems, such as scarce jobs, poorly managed public-housing projects, or an overburdened criminal-justice system, can be eased by improving the incentives and resources available to people and agencies. Other inner-city problems—racism, inadequate job skills, or despair—are intangible, involving values. According to Professor James Q. Wilson, such problems “are hard to address by money alone because they make whites less likely to invest or extend opportunities and blacks less likely to take advantage of opportunities.”¹⁶

The tractability of a problem is further affected by its magnitude and complexity. Terrorism is a prime example here. Broadly defined, terrorism involves the use of violence, sabotage, and intimidation by extremist groups against civilian populations to achieve their goals. Following the September 11, 2001, terrorist attack, the George W. Bush administration declared “war” on world terrorism. Some simple questions, which defy easy answers, indicate the enormity of the task confronting the administration. Who are the terrorists? Where are they located? Who supports them? Where are their targets? What means will they use? How long will the terrorists persist? Other problems, such as the farm problem and the energy problem, which have troubled policy-makers for years, pale in comparison to the world terrorism problem.

Many of the problems that are acted on by governments are really private problems. To a large extent, the micropolitical level of politics discussed in the chapter “The Policy-Makers and Their Environment” focuses on private problems. Private bills passed by Congress that apply only to the persons named in them deal with private problems, such as immigration-law difficulties. Much of the time of many members of Congress and their staffs is also devoted to “casework,” providing assistance to individual constituents in their personal problems with administrative agencies. This activity does help “humanize” government by making it more responsive to the problems of private citizens.

This review leads to the question “Why are some matters, apart from their scope or effect on society, seen as public problems requiring governmental action while others are not?” Some answers to this question are provided in the following discussion of the policy agenda and the process of agenda setting.



The Policy Agenda

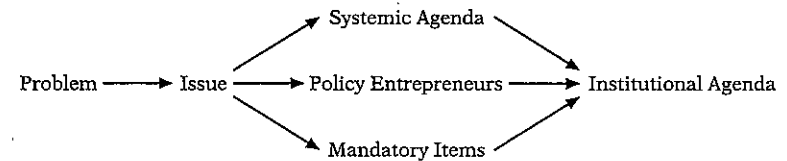
One frequently reads about demands being made by this group or that individual or some public official for action by a governmental body on some problem, whether it be rough streets or crime therein, disintegration of the

family, or waste and fraud in defense contracting. Of the thousands and thousands of demands made upon government, only a small number will receive serious consideration at any given time by public policy-makers. In other words, each problem must compete for official attention because legislators and executives have limited time and resources. Decisions to consider some problems mean that others will not be taken up, at least for the time being. The demands that policy-makers choose to or feel compelled to act on, or at least appear to be acting on, constitute the policy agenda,¹⁷ which is thus distinguishable from political demands generally. It should also be distinguished from the term *political* (or *policy*) *priorities*, which designates a ranking of agenda items, with some matters being considered more urgent or pressing than others. Sometimes a problem will be labeled as a “crisis,” as in “the health-care crisis,” in an effort to secure higher agenda status and help ensure action. *Crisis* conveys notions of importance and urgency.

To achieve agenda status, a public problem must be converted into an issue, or a matter requiring governmental attention (see Figure 3.1). Political scientist Robert Eyestone states, “An issue arises when a public with a problem seeks or demands governmental action, and there is public disagreement over the best solution to the problem.”¹⁸ A rising crime rate may be defined as a public problem, but disagreement over what, if anything, government should do about it creates an issue. In recent years important public issues have included such matters as prayer in public schools, illegal drug traffic, illegal immigration, research on and treatment of AIDS, and how the United States should deal with terrorism. Many stands may be taken or alternatives proposed on such issues, thereby demonstrating the inadequacy of the old saw that there are two sides to every issue.

Of the number of policy agendas that can be identified in a political system, Professors Roger W. Cobb and Charles D. Elder specify two basic types: the systemic agenda and the institutional, or governmental, agenda. The systemic agenda as they define it “consists of all issues that are commonly perceived by members of the political community as meriting public attention and as involving matters within the legitimate jurisdiction of existing governmental authority.”¹⁹ A systemic agenda will exist for every national, state, and local political system. Some items may appear simultaneously on many systemic agendas, such as environmental protection, drug abuse, and crime in the

FIGURE 3.1
The Agenda-Setting Process



streets. Other issues, such as the international trade deficit or the building of a new convention center in a city, will appear only on the national and a local agenda, respectively.

The systemic agenda is essentially a discussion agenda. Most of the items on it will be general or abstract rather than specific or detailed. Many of these items will "go nowhere," so far as governmental action is concerned. To have a chance to be acted upon, a problem will have to be moved to an institutional or governmental agenda.

An institutional or governmental agenda includes the problems to which legislators or other public officials feel obliged to give active and serious attention. Many of the issues or problems that draw the attention of legislative or administrative policy-makers are not likely to be widely discussed by the general public. The public's cognizance of policy issues is often rather low; awareness and information are mostly confined to a narrow segment of the public, that is, to the "attentive public." The latter may have strong interests in particular issues and access to specialized sources of information. Many of the issues that are handled by legislatures involve minor legislation or make technical or incremental changes in current laws, and are essentially unknown to rank-and-file citizens. They are likely to go unreported by the general news media.

Because policy decisions can be made at a variety of points in the political system, there are also several institutional agendas. At the national level one can identify legislative, executive, administrative, and judicial agendas. An institutional agenda is basically an action agenda and thus will be more specific and concrete in content than a systemic agenda. Whereas crime in the streets may be of systemic concern, Congress will be confronted with more fully developed proposals for action in this policy area, such as a program of financial aid to local law-enforcement agencies or a proposal for constructing additional prisons. Appearance on an institutional agenda does not guarantee that a topic will be acted upon, although it clearly increases its chances. Professor John W. Kingdon makes a useful distinction between subjects on the governmental (or institutional) agenda that are getting attention and those on the "decision" agenda, which "are up for an active decision."²⁰

Institutional agenda items range from mandatory to discretionary.²¹ Much congressional time is devoted to considering matters it is required (or strongly expected) to handle, including the reauthorization of current public programs (such as the foreign-aid and Head Start programs); the president's budget requests; and, for the Senate, approval of treaties and presidential appointments. Other items, notably proposals for new legislation, whether originating with members, pressure groups, administrative agencies, or other sources, are more discretionary. Congressional leaders and members exercise more control over whether these will be taken up for consideration and decision.

Discretionary items are classifiable as minor and major. Many bills passed by Congress make technical or incremental changes in existing policies. Some of them emerge from policy subsystems. Most receive little coverage by the media. Readers likely are not familiar with the Sonny Bono Copyright Term

Extension Act. Passed by Congress in 1998, it extends the length of copyrights for books, songs, motion pictures, and other creations for an additional twenty years. Materials copyrighted by an individual are now protected for the life of the author or artist plus seventy years; copyrights held by corporations extend for ninety-five years. The act resulted from the intense lobbying efforts of a group of large entertainment corporations led by the Walt Disney Company. Disney faced losing its valuable exclusive rights to Mickey Mouse, Pluto, Goofy, Donald Duck, and other cartoon characters.²² Although often thought of as "minor," legislation of this sort can be very important and valuable to its proponents.

Major discretionary items on the congressional agenda can include such matters as tax increases or reductions, disaster relief, new consumer-protection measures, or significant alterations in environmental policies. Such items, although technically discretionary, may take on a mandatory image because of presidential or societal pressures, or the appearance of "crisis" conditions. This was the case with Social Security reform in the early 1980s and again in the late 1990s. Members of Congress felt compelled to act.

The number of people affected and the intensity of their interest will vary across the issues on an agenda. Some matters will attract much interest from the broad range of citizens and officials; others will attract the attention primarily of policy specialists and those who have a direct stake in them. Professor Barbara Sinclair suggests that an agenda "is best conceptualized as roughly pyramidal" in form. A "limited number of highly salient issues" will be at the top; as one moves toward the base, there will be "an increasing number of progressively less and less salient issues."²³ Those at the top would likely qualify for Kingdon's decision agenda, although many of them will attract little attention from the public or the media.

To conclude, a policy agenda is not a thing of precision or fixed content. It would probably not be possible to secure complete agreement on the content of any policy agenda, at least if it is somewhat complex, whether it is that of Congress or a city council. Clues to the content of the congressional agenda, for example, are provided by presidential messages, legislation singled out by party leaders for attention, issues discussed in the communications media, and the like. Inability to enumerate readily all the items on a policy agenda does not destroy the usefulness of the concept for studying policy.



The Agenda-Setting Process

How, then, do problems reach the agendas of governmental organizations such as Congress? A prominent answer to this query has been supplied by Professor John Kingdon.²⁴ In an analysis that has captivated many political scientists, he holds that agenda setting can be viewed as comprising three mostly independent streams of activity (problems, proposals, and politics), which occasionally converge, opening a "policy window" and permitting some matters to reach a governmental agenda.

The problems stream consists of matters on which policy players, either inside or outside of the government, would like to secure action. In the health area, for instance, people may be worried about the cost of health care, access to care, the adequacy of disease-prevention programs, or the need for more biomedical research.

The policy-proposals stream comprises possible solutions for problems. Public officials, congressional committee staffs, bureaucrats, academics, group representatives, and others develop proposals. "They each have their pet ideas or axes to grind; they float their ideas up and the ideas bubble around in . . . policy communities. In a selection process, some ideas or proposals are taken seriously and others are discarded."²⁵ Solutions that survive await problems to which to attach themselves. Sometimes, according to Kingdon, those with "pet" solutions look for problems that can be solved with them. Mass transit has been proposed to redress several problems, including energy supply, traffic congestion, and air pollution.

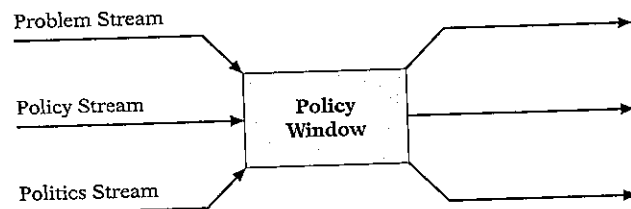
The politics stream includes such items as election results, changes in presidential administrations, swings in public moods, and pressure-group campaigns. Occasionally, these three streams converge, and for a short time, a policy window is open, that is, "an opportunity for advocates of proposals to push their pet solutions, or to push attention to their special problems" will become available. Sometimes the window opens predictably, as when a law comes up for renewal; in other instances, it happens unpredictably.²⁶

Kingdon's theory appears to make agenda setting a rather random or chancy process; much depends upon timing and luck. Without denying that timing and luck play a part in agenda setting, especially for large or basic changes in public policy, the process is more predictable, manipulable, and orderly than he implies. Following is an alternative view of agenda setting.²⁷

At any given time, many problems and issues will be competing for the attention of public officials, who will also have their own preferred ideas to push. Only a portion of these problems will succeed in securing agenda status, however, because officials lack the time, resources, interest, information, or will to consider many of them. Agenda building is thus a competitive process, and a number of factors can determine whether an issue gets on an agenda, including how the problem at issue is defined.

FIGURE 3.2

Kingdon's Agenda-Setting Model



One factor is suggested by political scientist David B. Truman, who says that interest groups seek to maintain themselves in a state of reasonable equilibrium and that if anything threatens this condition, they react accordingly.

When the equilibrium of a group (and the equilibrium of its participant individuals) is seriously disturbed, various kinds of behavior may ensue. If the disturbance is not too great, the group's leaders will make an effort to restore the previous balance. . . . This effort may immediately necessitate recourse to the government. Other behaviors may occur if the disturbance is serious to the point of disruption.²⁸

Thus, American steel producers and shoe manufacturers, seeing cheaper imported steel and shoes as contrary to a satisfactory price and profit situation, seek limitations on imports. Companies threatened by unfriendly takeovers have likewise sought governmental restrictions on corporate acquisitions. Moreover, when one group gets what it wants from government, this gain may cause a reaction by other groups, as with organized labor's continued efforts to secure first the repeal of and then modifications to some of the restrictions in employee relations and collective bargaining imposed on them by the Taft-Hartley Act of 1947. For years, automobile manufacturers were similarly successful in delaying imposition of fuel-economy standards set by legislation on energy conservation. Interest groups thus successfully strive to place issues on an institutional agenda, but by no means do they account for all issues achieving agenda status.

Political leadership is another important factor in setting agendas. Political leaders, whether motivated by thoughts of political advantage, the public interest, or their political reputations, may seize upon problems, publicize them, and propose solutions. Of particular importance here is the president because of his prominent role as an agenda setter in American politics. Presidents can use the State of the Union, the budget, and special messages to set the congressional agenda. Media events may accompany these messages and bring them to the attention of the general public as well. Presidential initiative here tends to be limited by the notion that Congress can handle only a few major initiatives at a time. Jimmy Carter was criticized for flooding Congress with legislative proposals and thereby reducing his effectiveness as a legislative leader. In contrast, Ronald Reagan successfully focused on tax cuts and expenditure reductions during his initial year in office.

In his study of presidential agenda setting, Professor Paul Light found that in selecting major domestic issues on which to advocate action, presidents are motivated by three primary considerations.²⁹ The first is electoral benefits, which are especially important during a president's first term. Certain issues are seen as critical to electoral success and as vital in building and maintaining electoral coalitions. There is also a feeling that issues stressed during a campaign should be acted on. The second concern is historical achievement. Because history surrounds the office, and the Washington community and others constantly compare presidents, a president often becomes mindful of greatness, of his place in history. Issues are singled out that the presidents want

to "mark" their administration. The third consideration is good policy. Presidents enter office with ideological leanings and personal commitments that may dispose them to act on some matters even in the face of congressional hostility and bureaucratic resistance. The importance of some issues, moreover, makes such action imperative. Light concludes, "Presidents do have notions of what constitutes good public policy." This was certainly true for Ronald Reagan, although many people did not agree with what he considered good policy.

Presidents are successful in getting nearly all of their major policy proposals placed on the congressional agenda.³⁰ Presidential proposals, however, have to compete with congressional proposals for agenda space. In their study of presidential agenda setting, Professors George Edwards and Andrew Barrett found that for the 1953–1996 period, presidential proposals made up a third of the congressional agenda. Fewer than half of the presidential proposals were eventually enacted into law, although presidential proposals fared better than those of Congress in this regard. By no means, then, does securing agenda status guarantee enactment. Presidents are more likely to get action on what they want when the government is unified.

The president's role as an agenda setter for Congress is diminished when it is controlled by the opposition party.³¹ The majority party leaders are then reluctant to accept the president's agenda as the "starting point for policy dialogue." They take on more responsibility for agenda setting, drawing issues from the complex of matters under examination in committees and elsewhere in Congress. In selecting issues, they are influenced by public opinion, congressional support, triggering events, and other criteria.

Members of Congress also may serve as agenda setters. In a study of agenda setting in the U.S. Senate, Professor Jack L. Walker concludes that there are some "activist legislators, motivated by a desire to promote social change, and anxious to gain reputations as reformers [who] constantly search for issues that might be transformed into new items on the Senate's discretionary agenda."³² Senator Alan Simpson (R, Wyoming) was instrumental in putting immigration-reform legislation on the congressional agenda and securing its enactment. In the House, Representative Henry Waxman (D, California) has been a strong proponent of legislation to control acid rain and other forms of air pollution.

Members of Congress, interest-group representatives, agency officials, and citizens who push policy proposals are often referred to as *policy entrepreneurs*. Much time, energy, and resources may be devoted by entrepreneurs to keeping an issue alive, building support for it, getting it on an agenda, and securing action on it. Alfred Kahn, an economist who became head of the Civil Aeronautics Board, used his position successfully to generate support for airline deregulation. The role of Ralph Nader in bringing about automobile-safety legislation is familiar history. Professor John Kingdon observes that policy entrepreneurs may be motivated by "their straightforward concern about certain problems, their pursuit of such self-serving benefits as protecting or expanding their bureaucracy's budget or claiming credit for accomplishment, their promotion of their policy values, . . . their simple pleasure in participating," or some combination of these.³³

Governmental entities often serve as agenda setters for one another. The case of highway speed limits is a good example. In 1974, as an energy-saving measure, Congress adopted the National Maximum Speed Law, which stipulated that states would lose some federal highway funds if they did not reduce their speed limits to 55 miles per hour. This put the speed-limit issues on the agendas of state legislatures; 55-miles-an-hour speed limits sprung up across the nation. More agenda setting on speed limits occurred in the late 1980s, when Congress permitted the speed limit on rural interstate highways to rise to 65, and again in 1995, when the maximum speed law was repealed.

Supreme Court decisions have often helped put items on the congressional agenda.³⁴ Congress has tried (unsuccessfully) to overcome the Court's decision that prayer in public schools is unconstitutional by proposing a constitutional amendment. Several provisions have also been included in legislation to restrict use of federal funds to pay for abortions as a consequence of the Court's decision in *Roe v. Wade* (see the Budget Execution section in the "Budgeting and Public Policy" chapter). More frequently, Court decisions interpreting and applying legislation trigger congressional responses to overcome their effects. The Civil Rights Act of 1991 offset several Court decisions that had made it more difficult for job discrimination victims to successfully sue for damages.

Items may achieve agenda status and be acted upon as a result of some sort of crisis, natural disaster, or sensational event, such as a hurricane or an airplane disaster.³⁵ Such an event serves to dramatize an issue and attract wide attention, causing public officials to feel compelled to respond. There may be awareness, discussion, and continuing advocacy of action on some matter, but without broad interest being stirred, some sort of "triggering" event seems needed to push the matter onto a policy agenda for decision.³⁶

Thus, the Soviet launching of the first Sputnik into orbit in 1957 helped push space research and exploration onto the policy agenda in the United States, notwithstanding the Eisenhower administration's initial professed lack of concern about this accomplishment. The attack by Islamic terrorists on the World Trade Center towers in New York City and the Pentagon in Washington, DC, elevated terrorism to the top of the national agenda. For a time domestic issues—immigration, health care, bankruptcy, energy—were shouldered aside as national officials enacted legislation on terrorism and its consequences. Events of the magnitude of the terrorist attack that cause concern to intensify are rare.

Protest activity, which may include actual or threatened violence, is another means by which problems may be brought to the attention of policy-makers and put on a policy agenda.³⁷ During the 1960s, such actions as the sit-in movement, the voters' rights march in Selma, Alabama (and the brutal reaction by the Selma police), and the 1963 march on Washington helped keep civil-rights issues at the top of the national policy agenda. Riots in many northern cities were also contributory. In more recent years, groups concerned with women's rights have utilized various kinds of demonstrations in their efforts to move their concerns onto policy agendas, and with some success. Gays, lesbians, and antiabortion protesters have also taken to the streets and engaged in protest activities to call attention to their problems.

Some problems or issues attract the attention of the communications media and, through their reportage, either can be converted into agenda items or, the more likely result, if already on an agenda, be given more salience. A classic example is the highly colored and often inaccurate reporting of the Pulitzer and Hearst newspapers in the 1890s in making Spain's treatment of its colonies, particularly Cuba, a major issue and thus doing much to cause the United States eventually to declare war on Spain.³⁸ More recently, the media helped make nuclear safety a continuing concern by extensive coverage of such major events as the meltdown at the Three Mile Island nuclear-power plant in Pennsylvania in 1979 and the explosion of a nuclear reactor at Chernobyl in the Soviet Ukraine in 1986, as well as lesser nuclear-safety incidents.

Whether the news media are motivated by a desire to "create" news, report all that is newsworthy, stimulate sales, or serve the public interest is not the question here. Whatever their motives, as important opinion shapers they help structure policy agendas. Although notions about proper news-media operations and the compelling force of some events limit somewhat the discretion the media have in selecting the events (the "news") they bring to the public's attention, they nonetheless do have much leeway. The media do not so much tell people and policy-makers what to think as they do what to think about.

Changes in statistical indicators also produce awareness of problems and help move them onto agendas.³⁹ Governmental agencies and others regularly collect data on many activities and events, such as consumer prices, the foreign-trade balance, highway deaths, disease rates, infant-mortality rates, and industrial-accident rates. Health-care cost containment has been an important issue in Washington because statistics indicate that the costs of health care are rising rapidly. Conversely, as the rate of increase in the consumer price index remained low in the 1990s, so, too, did public concern about inflation. Although the Federal Reserve Board continued to worry about inflation (reflecting its policy orientation), most Washington officials became more interested in other problems.

Political changes, including election results, changes in administrations, and shifts in the public mood, may make possible moving onto an agenda items that previously were unlikely candidates for inclusion.⁴⁰ Lyndon Johnson's landslide election in 1964, together with the election of favorable majorities in both houses of Congress, opened the doors for enacting a flood of social-welfare legislation. These doors partly closed two years later when the voters, reacting negatively to the administration's ventures in Vietnam, turned many of Johnson's supporters out of office. Political change can also reduce the agenda opportunities for some items. The Reagan administration's preference for cutbacks in the government's role in society made major new spending and regulatory programs difficult to obtain, and few were proposed. The Republican takeover of Congress in 1995 brought to the fore many proposals for reducing or eliminating national government programs.

Finally, items may gain agenda status in rather arcane or peculiar ways. Take the instance of occupational safety and health. Robert Hardesty, one of President Lyndon Johnson's speechwriters, had a brother who worked in

the Department of Health, Education, and Welfare's Bureau of Occupational Safety and Health, a research unit. At his urging, Hardesty would occasionally insert references to occupational safety and health in the president's speeches. Although HEW and the labor movement were indifferent to occupational safety, the Department of Labor saw in the speech references an opportunity to propose a program that would win presidential approval. A draft occupational safety and health bill was included in a package of legislative ideas that Labor sent to the White House in late 1967. With little urging from Labor, it was accepted and became part of the Johnson administration's 1968 legislative program. It did not win congressional approval that year, but it stayed on the agenda and became law as the Occupational Safety and Health Act of 1970.⁴¹

Although all the possibilities have not been sketched here, my purpose has been to show that problems can follow a variety of routes in reaching a policy agenda.⁴² Moreover, a number of factors may be instrumental in a given instance. Thus, political leadership, media coverage, and statistical analysis converged to place Social Security solvency on the national agenda in the late 1990s. Of course, all problems do not find a place, or a prominent place, on a policy agenda. Those opposing action on a problem typically strive to block its consideration so as to deny it agenda status.

Agenda Denial The competition for agenda space occurs not only among those pushing favored proposals but also between those favoring and opposing action on a problem. Those opposing action and wanting to maintain the status quo—business groups are often involved here—tend to be advantaged in the agenda-status struggle. They have ample resources, and time is on their side. Also, public officials may be risk averse or more concerned with other matters.

A variety of tactics may be employed by the opponents of agenda status for a problem.⁴³ They may deny that a problem exists, as the tobacco companies did for decades concerning the health consequences for cigarette smoking. Secondly, the argument may be made that the problem is not appropriate for government action. Some opponents of sex education argue that it has no place in the public school curriculum, being a topic properly reserved for church or family. Third, fears may be expressed (and created) about the societal consequences of proposed government action. Opponents depicted the Clinton administration's health-care reform plan as excessively costly, productive of red tape, and unduly bureaucratic.

Fourth, it is sometimes argued that a problem can adequately be treated by non-governmental means. Opponents of boating-safety legislation have often argued effectively that most people do not need to be told by government to wear life jackets and not to drink while boating. Fifth, another ploy is the advocacy of a commission to further study a problem, such as pornography or traffic congestion. At least for a time this can delay action. Sixth, recourse may be directed to electoral activity. The National Rifle Association, by supporting those opposed to gun control and opposing its proponents, has been pretty

effective in keeping gun control off legislative agendas, even though public-opinion surveys indicate widespread public support for gun control.

Also of use in understanding why some problems, or potential problems, such as increasing income inequality in the United States, do not achieve agenda status is the concept of nondecision. This is discussed in the following section.



Nondecisions

Nondecision-making is defined by Professors Peter Bachrach and Morton S. Baratz as "a means by which demands for change in the existing allocation of benefits and privileges in the community can be suffocated before they are even voiced; or kept covert; or killed before they gain access to the relevant decision-making arena; or failing all these things, maimed or destroyed in the decision-implementing stage of the policy process."⁴⁴ Problems may be kept off a systemic or institutional agenda in various ways. At the local level, particularly, force may be utilized, as in the South during the 1950s and 1960s by white groups to stifle black demands for equal rights. Another possibility is that prevailing values and beliefs—political culture—may also operate to deny agenda status to problems or policy alternatives. Our beliefs about private property and capitalism kept railroad nationalization from ever becoming a real agenda item—even late in the nineteenth and early in the twentieth centuries, when railroad policy was being developed—except when facets of railroad operations, such as passenger service (witness Amtrak), became unprofitable for private enterprise.

A third possibility is suggested by Professor E. E. Schattschneider. "The crucial problem in politics," he states, "is the management of conflict. No regime could endure that did not cope with this problem. All politics, all leadership, all organization involves the management of conflict. All conflict allocates space in the political universe. The consequences of conflict are so important that it is inconceivable that any regime would survive without making an attempt to shape the system." To survive, then, political leaders and organizations must prevent problems or issues that would threaten their existence from reaching the political arena (that is, from achieving agenda status). The kinds of problems that they resist will depend upon what kinds of leaders and organizations they are—whether, for example, they are conservative Republicans or independent commissions. They will, in any case, resist considering some problems, for, as Schattschneider contends, "all forms of political organization have a bias in favor of the exploitation of some kinds of conflicts and the suppression of others because organization is the mobilization of bias. Some issues are organized into politics while others are organized out."⁴⁵

In studying public policymaking it is important to know why some problems are dealt with and others are neglected or suppressed. Recall that public policy is determined not only by what government does do but also by what it

deliberately does not do. Take the situation of migratory farm workers, whose problems usually receive short shrift from public officials. Why? What does an answer to this question tell us about who gets what and why from the policy process? Is the neglect of migrant workers at least partly due to nondecision-making? Notwithstanding the somewhat imprecise nature of the concept of nondecision, it has utility for analyzing the policy process.



The Loss of Agenda Status

Problems that may reach agendas may also, of course, disappear from agendas. Action may be taken on a problem, or a decision may be made not to act, not to have a law on a matter. Policy-makers may then feel that the problem has been taken care of and turn their attention to other issues. In the late 1970s, whether to impose charges on commercial users of inland waterways, such as the Mississippi and Ohio Rivers, was briefly a hot issue.⁴⁶ Once legislation imposing user charges was enacted, however, the issue quickly fell from sight. Another example is silicosis, a respiratory ailment that afflicts workers in stone quarries, foundries, and other dusty places. It received much attention in the early decades of the twentieth century. After World War II, however, silicosis became defined "as a disease of the past that could be adequately addressed by medical researchers and engineers working with an enlightened business community."⁴⁷

Factors that may push items off an agenda include changes in the conditions that give rise to a problem, the appearance of new and more pressing problems, or people becoming accustomed to a condition and no longer labeling it a problem (as happened in the case of noise caused by the landing of Concorde airplanes around Washington, DC).

Policy analyst Anthony Downs suggests that an "issue-attention cycle" causes some public problems to fade from public view.⁴⁸ The cycle has five stages that vary in duration:

1. The pre-problem stage. At this time a quite undesirable social condition exists but has not received much public notice. Some specialists and interest groups may have become concerned about it.
2. Alarmed discovery and euphoric enthusiasm. Something causes the public to become aware of and alarmed about the problem. There is a strong desire to quickly solve the problem, which reflects the notion that most obstacles to improvement are external. Hence, the solution does not appear to necessitate fundamental change in society.
3. Realization of the cost of significant progress. Awareness spreads that solving the problem will entail high costs. People realize that part of the problem stems from arrangements, such as the millions of cars that cause traffic congestion, that benefit many people. The nation's most pressing social problems usually involve intended or unconscious exploitation of one social group by another.

4. Gradual decline in the intensity of public interest. As people realize how difficult and costly it will be to solve the problem, many become discouraged, others feel threatened, and some become bored. Attention to the issue wanes, and moreover, by now another issue may be reaching stage 2.
5. The post-problem stage. The issue moves into a "twilight realm" of less attention. The agencies, policies, and programs created to help solve it persist and usually have some impact. A supportive subsystem may develop.

Not all major problems go through the "issue-attention cycle." Those which do likely possess three qualities in some degree: First, they affect a numerical minority, as in poverty and unemployment. Second, they involve social arrangements beneficial to a majority or a powerful minority. Thus, car owners and highway lobbies benefit from the ban on using motor-fuel taxes for mass-transit systems that would aid the urban poor. Third, there are no longer exciting events associated with problems, such as television coverage of race riots or NASA space shots. The space program, the War on Poverty, the farm program, and labor-management relations policy all seem to have experienced this cycle. Downs predicted that environmental protection was an issue unlikely to fade quickly because its support was constantly being renewed. Time appears to have validated his opinion. What will happen to the "war on drugs"? To reduction of the national budget deficit? To the imposition of term limits on elected public officials?



Two Cases in Agenda Setting

To provide further perspective on the agenda-setting process, we can consider how two regulatory problems of quite different scope, content, and societal impact achieved agenda status. The first is coal-mine safety, which today directly affects only a small segment of the workforce and is likely to be unfamiliar to many readers. Annually, hundreds of workers are killed or severely injured in coal-mine accidents. Many more suffer from the ravages of black-lung disease.⁴⁹ The second is environmental-pollution control, which has been an important item on government agendas since the early 1970s.

CASE STUDY

Coal-mine Safety

Coal mining has long been a highly hazardous occupation marked by high rates of accidental injury and death. Coal-mine fatalities averaged more than 1,000 annually in the 1930s and the 1940s. Underground (or shaft) coal mines, which until after World War II produced most of the nation's coal, tend to be deep, dark, dusty, and dangerous. Regulatory activity to protect miners was first undertaken by the state governments early in the twentieth century.⁵⁰ Because of dissatisfaction with

the ineffectiveness of state regulation, however, federal regulation was sought by miners and their supporters. After decades of struggle, Congress enacted the Coal Mine Safety Act of 1952.

Enforcement of the act was entrusted to the Bureau of Mines (this agency was abolished in 1996) in the Department of the Interior. The bureau, which also had responsibility for promoting the economic well-being of the mining industry, was often criticized as being too responsive to the mine owners' interests. Frequent accidents and deaths continued to occur in the coal mines. For nearly two decades nothing really effective was done to strengthen policy on mine safety, even though technology was available to improve safety conditions without a major decline in production. One reason for the inactivity was that underground coal mining is concentrated in a few areas of the country, such as West Virginia and southern Illinois, and most people are both relatively unaffected by and unaware of the miners' problems. Also, mine union leaders were more interested in economic issues.

This situation changed, however, on November 20, 1968, when an explosion occurred at the Consolidation Coal Company's No. 9 mine in Farmington, West Virginia. Seventy-nine miners were trapped below the surface, and all died before rescue workers could reach them. This major tragedy, well reported by the national news media, focused the nation's attention on the miners' plight, including not only explosions and other accidents but also black-lung disease, caused by continued inhalation of coal dust. Demanding remedies, the miners staged protest meetings, engaged in wildcat strikes, and conducted other activities, including a march on the West Virginia state capitol. In March 1969, the West Virginia legislature enacted legislation providing compensation for victims of black-lung disease.

The miners and their leaders continued to press for national legislation as well, repeatedly threatening a nationwide coal strike if action was not forthcoming. President Nixon responded by sending Congress a special message, along with a draft bill, on coal-mine safety. The bill was stronger than one proposed a year earlier, prior to the explosion, by President Johnson. In October 1969, the Senate passed a mine-safety bill by a 73 to 0 vote, and a few weeks later the House did so by a 389 to 4 vote. Signed into law by President Nixon, the federal Mine Safety and Health Act of 1969 provided for health standards and stronger safety standards for mines and authorized a black-lung compensation program. The Bureau of Mines continued to have responsibility for enforcing the health and safety standards.⁵¹

Mine safety did not drop off the congressional agenda with the adoption of the new law, however, as frequently happens in such matters, although it did become less salient. Interested members of Congress continued to monitor the mine-safety act's enforcement by the Bureau of Mines, which was criticized as being too responsive to the mining industry, too willing to trade safety for more production, and generally lax in enforcing the law. Early in 1973, several bills providing for transfer of mine safety away from the Bureau of Mines were introduced in Congress. Before action could be

The spread of the drug culture in the 1960s, especially among the middle class, led to reduction in the penalties for the possession and use of marijuana. Many people, including some prominent conservatives, advocated its legalization. The 1980s saw a revival of strong antidrug sentiment, however, partly because of the highly publicized drug-induced death of a college basketball star. Stiff penalties were imposed for marijuana usage, and a vigorous enforcement campaign was launched. Strong value conflicts exist on issues like these, and public officials find themselves hard-pressed to craft acceptable policy responses.

Many scientific and technological developments enable people to live longer, more satisfactory lives; at the same time they produce opportunities for economic gain, ethical or moral dilemmas, and demands for government to provide support or impose restraints. Human cloning and the production of genetically modified agricultural plants is an illustration.

In 1997, Scottish cloning researchers created Dolly the sheep. Soon after, President Bill Clinton issued an executive order banning federal funding of research on human cloning. The next year a bill to prohibit human cloning failed in the Senate because opponents believed its terms were too sweeping. A distinction is often made between therapeutic cloning, intended to produce embryos for medical research, and cloning for reproductive purposes.²² Medical researchers and their supporters believe that therapeutic cloning can contribute to the development of new treatments for diseases. Right-to-life groups, who have been joined by some environmental groups, favor an across-the-board ban on human cloning. The controversy continues.

Genetically modified farm plants, made possible by recombinant DNA research and experimentation, became commercially available in the mid-1990s. Resistant to plant diseases, adverse weather conditions, and pesticides, these transgenic plants such as corn and soy beans grow faster and yield more. They promise large profits to the companies developing and distributing them and to farmers growing them. Supporters say they have great potential for increasing the world's food supply. Others, however, see a dark side to bioengineered crops, fearing they may have unanticipated adverse ecological and human consequences, sometimes referring to products made from them as " Frankenfoods." European countries have banned their importation. In the United States, the Department of Agriculture, the Food and Drug Administration, and the Environmental Protection Agency share jurisdiction to ensure the safety of transgenic crops. Critics, including the National Academy of Sciences, question the adequacy of the agencies' efforts.²³



The Official Policy-Makers

Official policy-makers have the legal authority to engage in the formation of public policy. (Of course, some who have the legal authority to act may in fact be significantly influenced by others, such as important constituents or pressure groups.) These include legislators, executives, administrators, and

judges. Each performs policymaking tasks that are at least somewhat functionally different from those of the others.

It is useful to differentiate between primary and supplementary policy-makers. Primary policy-makers have direct constitutional authority to act; for example, Congress does not have to depend upon other government units for authorization to enact legislation. Supplementary policy-makers, such as national administrative agencies, however, operate on the basis of authority granted by others (primary policy-makers). This puts secondary policy-makers in a dependency relationship. Administrative agencies, such as the Federal Trade Commission and the Bureau of Land Management, that derive their operating authority from congressional legislation will typically need to be responsive to congressional interests and requests. Congress may retaliate against unresponsive agencies by imposing restrictions on their authority or reducing their budgets. On the other hand, Congress has little need to be solicitous about agency interests.

The following survey of official policy-makers is intended to convey a notion of their general role in policy formation, not to catalogue all their powers, activities, and impacts.

Legislatures

The easy response to the question "What do legislatures do?" is that they legislate—that is, they are engaged in the central political tasks of lawmaking and policy formation in a political system. It cannot be assumed, however, that a legislature, merely because it bears that formal designation, actually has independent decision-making functions. This is a matter to be determined by empirical investigation rather than by recourse to definition.

Unlike those in most other countries, legislatures at all levels in the United States do typically legislate in an independent decisional sense. At the national level, policies on such matters as taxation, civil rights, social welfare, consumer protection, economic regulation, and environmental protection tend to be shaped in substantial degree by Congress through the enactment of substantive and appropriations legislation. The committee and subcommittee system and legislative norms (accepted rules of conduct) encouraging members to concentrate on particular policy areas have provided Congress with its own policy specialists. Specialization, in turn, gives members more opportunity to influence policy in their areas of expertise, whether tax policy, welfare programs, or banking regulation.

The capacity of Congress to engage effectively in policymaking has been much enhanced by its expanded staff assistance. As the issues that members are called upon to resolve become more complex, so their need for technical and expert assistance becomes greater. Congressional staff assistance falls into three categories:

1. *Personal staff:* These people work for the individual members of Congress, either in Washington or in their home districts and states. More than 11,000 persons serve as staff aides to members. The average House member has a full-time staff of fourteen; senators' staffs are

typically larger. Some staffers handle routine office duties and constituency matters; others have important legislative responsibilities. Legislative assistants, for instance, write speeches, draft bills, monitor committee hearings, negotiate with other staffs and lobbyists, suggest policy initiatives, and otherwise assist members in handling their policymaking responsibilities.

2. *Committee and subcommittee staffs:* Members of these staffs proliferated in the past two or three decades and now number in the thousands. The professional members of committee staffs, usually subject-matter experts, often have much influence on the development of legislation—drafting bills, developing political support, working with agency officials, fashioning compromises on disputed provisions, and the like. A committee's staff is divided between the majority and minority members, with the majority getting the lion's share. Complaints that committee staffs had become too large and were contributing to congressional inefficiency culminated in action in 1995 by the new Republican majority to reduce by one-third the size of House committee staffs.
3. *Institutional staff:* Agencies providing information services to Congress include the Congressional Research Service (part of the Library of Congress), the Government Accountability Office, and the Congressional Budget Office. These agencies, which are expected to perform in a nonpartisan and objective manner, provide members of Congress with research studies, policy evaluations, and budgetary data. Another agency, the Office of Technology Assessment, was abolished in 1995 by Congress.

This extensive staff assistance strengthens the policymaking capacity of Congress and reduces its dependency upon others—the executive, administrative agencies, and interest groups—for information. Also, some staff members may act as policy entrepreneurs, scouting for matters on which Congress could legislate or problems that might be investigated, or working to hinder proposals with which they disagree. Some members of Congress, especially senators, overburdened with committee and subcommittee assignments or other duties, may become overly dependent upon staff and become their captives.

Democratic government in modern societies is representative government. Only in small communities can people directly govern themselves. Consequently, at the national level, democratic theory assigns to Congress the task of representing the people in the governing process.²⁴ People expect their representatives to allocate benefits (public buildings, highways, research facilities) to their districts and states; to assist them in resolving their difficulties with Social Security, veterans' benefits, and regulatory and other government programs; and to represent their interests in the course of making policy on matters both large and small. It is this third aspect of representation that is of concern to us in this book.

In enacting legislation, the members of Congress try to take care of state and local interests as well as promote broad national or public interests.

Former Speaker of the House Thomas ("Tip") O'Neill often said that "all politics are local." Some critics allege that many of the members of Congress are much too caught up in local, or parochial, interests, acting more as local ambassadors than national legislators. Certainly, many members of Congress do experience many demands and pressure from some of their constituents and narrowly based interests. However, they are also under pressure from the White House and from congressional leaders to act on behalf of more general and national interests. As a result, members find themselves squeezed between conflicting demands. Professor Walter A. Rosenbaum portrayed the effects of this condition on energy policymaking in this manner: "Thus, representatives and Senators must fashion a national energy policy within a vortex of competing political powers and pressures: national interest versus local interests, and commitments to party or congressional leaders versus loyalty to local power centers."²⁵ Legislators, of course, also have their own values and policy preferences to think about in making decisions.

Congressional representation of the people on the whole is uneven. The politically active, the powerful, and the well-to-do are more likely to have their needs and interests responded to than are the politically quiescent, the weak, and the poor or disadvantaged. These and other factors—such as the pounding Congress has taken on radio and television talk shows and the perception that it has not dealt adequately with major problems such as medical care and the drug traffic—have generated cynicism and distrust toward Congress and the government. In a nationwide opinion survey taken in 1999, 75 percent of the respondents agreed with the statement that the government "is run by a few big interests looking out for themselves." Only 43 percent believed that the government paid at least some attention "to what the people think when it decides what to do."²⁶

In the states, the legislature's role often varies with the type of issue. Many state legislatures, because of their limited sessions, rather "amateur" membership, and inadequate staff assistance, often cannot act with much independence on complex, technical legislative matters. They may simply enact bills agreed upon elsewhere. In a fairly typical case several years ago, the Texas legislature passed a law on pooling (or unitization) for the common development of oil fields. It was introduced after being agreed to and drafted by representatives of the major and independent petroleum producers' organizations and enacted with little change; the legislature did not really have the capacity to do otherwise. On other issues, such as criminal legislation, the legislature clearly does "legislate." It does not require any special skills to make decisions, for example, on the penalty for embezzlement or automobile theft. Such questions do not admit of scientific or technical determination.

The British Parliament has been said merely to consent to laws that are originated by political parties and interest groups, drafted by civil servants, and steered through the House of Commons by "the government" (the prime minister and the cabinet). This view, however, is oversimplified. The government usually gets what it wants from Commons partly because it knows what Commons will accept and requests only measures that are acceptable.

Conversely, what is recommended by the government helps make it acceptable to its members in Commons. In the course of approving legislation, Commons performs the vital functions of deliberating, scrutinizing, criticizing, and publicizing governmental policies and activities and their implications for the public. The legislative process in Congress also performs these functions.

To conclude, legislators are more important in policy formation in democratic than in authoritarian countries. In the latter, the legislature may simply be a form of political theater used to convey the impression of public representation in policymaking. In the democratic category, legislatures generally have a larger role in presidential systems (like the United States) than in parliamentary systems (like Great Britain). Some countries, such as Oman and Saudi Arabia, have no legislature; public policies are executive or monarchic products handed down to the people.

The Executive

We continue to live in an "executive-centered era," in which the effectiveness of government substantially depends upon executive leadership and action in both the formation and execution of policy. This is clearly true for the United States. Our attention now turns to the president.

The president's authority to exercise legislative leadership is both clearly established by the Constitution and legislation, and accepted as a practical and political necessity. The fragmentation of authority in Congress stemming from the committee system and the lack of strong party leadership generally renders that body incapable of developing a comprehensive legislative program. In the twentieth century, Congress came to expect the president to present to it a program of proposed legislation. Whether the Congress does what the president recommends is another matter. The president cannot command Congress; he can urge and persuade and appeal to the public for support, but he cannot compel.

Presidents have varied in their success in dealing with Congress. A standard measure of success is the percentage of votes won on issues in Congress on which the president has taken a stand.²⁷ This does not necessarily mean that the legislation involved was enacted into law. In the past half-century, Lyndon Johnson was most successful, winning 82 percent of the issues on which he took a stand. Jimmy Carter, in contrast, had difficulty getting what he wanted from Congress, even though his party controlled both houses. After getting much of what he wanted during his initial year in office, Ronald Reagan's success rate declined to less than 50 percent in 1987-1988, when the Democrats controlled both houses. This was the poorest presidential performance on this measure in four decades.

In his single term in office, George Bush managed to prevail in 51 percent of the issues on which he took a stand. Bill Clinton's relationship with Congress, which was largely successful during his first two years in office, took a nosedive in 1995 after the Republicans gained control of both houses of Congress for the first time since 1954. Subsequently, Clinton's relationship with Congress recovered somewhat, hovering in the 50 percent range.

TABLE 2.1

Executive Office of the President

White House Office
Council of Economic Advisers
Council on Environmental Quality
National Security Council
Office of Administration
Office of Management and Budget
Office of National Drug Control Policy
Office of Policy Development
Domestic Policy Council
National Economic Council
Office of Science and Technology Policy
Office of the United States Trade Representative

Source: *United States Government Manual*.

George W. Bush took over the presidency following an election campaign in which he said much about being "a uniter, not a divider" and a bipartisan leader. During his first three years, he won on some 80 percent of the issues on which his position was apparent. Some of his victories were bipartisan, but more were due to a high degree of unity among congressional Republicans. In a Congress that became more polarized, and in which the Senate was under Democratic control for part or all of his first two years, Bush did well.

Although the presidency may be a lonely place, the president does not act alone on policy matters. The Executive Office of the President (EOP) comprises several staff agencies whose *raison d'être* is advising and assisting the president in handling his responsibilities, including development and implementation of policy (see Table 2.1). The White House Office includes many personal aides and advisers, such as the chief of staff, the special assistant on national security affairs, the press secretary, and the counsel to the president. The Office of Management and Budget assists the president in preparing the annual budget, supervising expenditures, and managing the executive branch. Set up in 1947 to help the president coordinate foreign, military, and domestic policies relating to national security, the National Security Council has become a major player in developing and conducting foreign policy. The Council of Economic Advisers, staffed by a handful of professional economists, provides the president with information and advice on issues of micro- and macroeconomic policy. These agencies and other EOP units have taken shape in response to expanded presidential duties and responsibilities in recent decades. Collectively, they have enhanced the president's capacity to act, and frequently to act effectively, as a policy-maker.²⁸ They help ensure that the president will make informed decisions, if not always wise decisions.

Congress has delegated a substantial amount of policymaking authority to the president. Foreign-trade legislation gives the president discretionary authority to raise or lower tariff rates on imported goods. Presidents have used this authority to significantly lower rates on most imports. The Taft-Hartley

Act authorizes the president to intervene in labor-management disputes that threaten the national health and safety. Such presidential interventions have been infrequent, however, because they tend to be both controversial and unwelcome.

Perhaps the most extensive delegation of power came with the Economic Stabilization Act of 1970, which gave the president a blank check to impose wage and price controls for combating inflation. President Nixon said he did not want this authority and would not use it if it were granted. Concerned about the state of the economy and its importance for his reelection, he subsequently changed his mind and surprised the nation with a ninety-day price-wage freeze in August 1971. This decree was followed by systems for mandatory and voluntary controls until the whole effort was abandoned in 1974. Congress repealed the statute.

In foreign and military policy, which often merge, the president has greater constitutional authority and operating freedom than in domestic policy. Foreign policy of the United States is largely a product of presidential leadership and action. American policy toward Vietnam, as we well know, was shaped by the presidents in office between 1950 and 1975. The decision to seek more open and friendly relations with the People's Republic of China in the early 1970s was President Nixon's, and the decision to go to war with Iraq in 2003 was President George W. Bush's. Much of foreign policy is the domain of the executive, not only in the United States but also elsewhere in the world, as events in the Middle East demonstrate.

In recent decades, though, Congress has sought to expand its role in foreign policy. One manifestation was the War Powers Resolution of 1973, which was stimulated by the Vietnam War. Enacted over President Nixon's veto, the resolution requires the president to consult with Congress in "every possible instance" involving use of American armed forces in hostile situations. The president must report to Congress within forty-eight hours after using the forces. Unless Congress provides otherwise, military action must be halted within sixty to ninety days. Presidents have been highly critical of the resolution as an improper intrusion in their constitutional domain, and their compliance with it has been spotty at best.²⁹ Congress was also the source of much opposition to the Reagan administration's military and financial involvements in Central America. No longer can presidents count on bipartisan support for military and foreign-policy actions as they could in the first decade or two after World War II. By no means is Congress simply a rubber stamp for presidential initiatives. The following Somali case is illustrative.

In early December 1992, shortly before he left office, President George Bush sent several thousand U.S. troops to Somalia as part of a multinational humanitarian effort to relieve famine in that nation.³⁰ He explained that the troops were being sent only to ensure that food supplies were moved to the starving people; the troops would not be used to "dictate political outcomes" or to "engage in hostilities." Subsequently, the conduct of the Somali operation became the responsibility of the Clinton administration. Unfortunately, hostilities did erupt. In June 1993, twenty-three Pakistani peacemakers were killed.

Four U.S. soldiers were killed in August when their vehicle struck a land mine. Then, early in October, eighteen U.S. soldiers died and scores more were wounded during a botched raid on a Somali warlord. (This was the basis for the movie *Black Hawk Down*.)

As these events occurred, Congressional support for the Somali mission dissipated and Congress, with strong bipartisan support, began to consider legislation calling for the withdrawal of the American troops. So pressured, President Clinton announced that the troops would be withdrawn by March 31, 1994. He and Congress were then able to agree on a compromise that was enacted into law. The legislation provided that no funds could be used for military operations in Somalia after March 31, 1994, unless authorized by Congress. However, funds could be used after that date to support protection of American diplomatic facilities and citizens. All troops were to be under U.S. rather than United Nations control. Several days before the March 31 deadline, almost all of the U.S. troops departed from Somalia.

Reflective of the important policymaking role of the American executive is that in evaluating an executive—whether the president, a governor, or a mayor—our emphasis is on policymaking rather than administrative accomplishments. Presidents, for their part, are more interested in policy initiation and adoption rather than administration because policies enable presidents to build policies more visible and measurable records of achievement.

Administrative Agencies

Administrative systems throughout the world differ in such characteristics as size, complexity, hierarchic organization, and degree of autonomy from the other branches of government. Although it was once common doctrine in political science that administrative agencies only carried into effect, more or less automatically, policies determined by the "political" branches of government, now it is axiomatic that politics and administration are inseparable, and that administrative agencies are often significantly involved in the formation of public policies. This is particularly apparent, given the concept of policy as encompassing what government actually does over time concerning a problem or situation.

Administration can make or break a law or policy that was made elsewhere. In the eighteenth century, Catherine II of Russia decreed that a large part of the institution of serfdom was to be abolished. However, the landowning aristocracy, which really controlled the administration of the government, was largely able to prevent this decision's implementation. In the United States, the effectiveness of state and national pollution-control laws has often been blunted by heel-dragging and inadequate enforcement by the administering agencies.

Especially in complex, industrial societies, the technicality and complexity of many policy matters, the need for continuing control of matters, and legislators' lack of time and information have caused the delegation of much discretionary authority, which often includes extensive rule-making power, to administrative agencies. Consequently, agencies make many decisions and

issue many rules that have far-reaching political and policy consequences. Illustrations include the choice of most weapons systems by the Department of Defense, the development of air-safety regulations by the Federal Aviation Agency, the location of highways by state highway departments, and the regulation of motor vehicles by the National Highway Traffic Safety Administration and the Environmental Protection Agency. Professor Norman C. Thomas comments, "It is doubtful that any modern industrial society could manage the daily operation of its public affairs without bureaucratic organizations in which officials play a major policymaking role."³¹

Administrative agencies are an important source of legislative proposals and ideas in the American political system. Because of their experience and specialized knowledge, agency officials are able to identify needed changes in existing policies, perhaps to eliminate loopholes, as well as new problems, that, in their view, are appropriate targets for legislation. Specific proposals to deal with such matters, including statutory language, may either be conveyed directly to Congress or channeled through the White House as part of the president's legislative program.

Agencies also actively lobby and otherwise strive to win acceptance of legislation they favor or kill that which they oppose.³² Officials frequently testify before congressional committees on legislative and budgetary issues. They provide requested information to members and help them prepare speeches. Projects and federal grants-in-aid may be allocated to states and districts with an eye to building support for the agency. Many agencies have congressional liaison offices to regularize contacts with Congress. The Department of State, for example, has an assistant secretary for legislative affairs; the Environmental Protection Agency has an associate administrator for congressional and intergovernmental relations.

There are also myriad informal contracts between the agencies and Congress. Much of this can accurately be called *lobbying*: "the stimulation and transmission of a communication, by someone other than a citizen acting on his own behalf, directed to a governmental decision-maker with the hope of influencing his decision."³³ In years past, the Congress has occasionally become irritated about administrative lobbying and has adopted legislation banning it.³⁴ This ban essentially has been ignored. Extensive administrative-congressional communication has become accepted as a legitimate part of the policymaking process.

The Courts

Nowhere do the courts play a greater role in policy formation than in the United States. The courts, notably the national and state appellate courts, have often greatly affected the nature and content of public policy by exercising the powers of judicial review and statutory interpretation in cases brought before them.

Judges are sometimes thought to be nonpolitical, merely "following the law" or previous decisions, but in fact they are often deeply and willingly involved in policy politics (as distinguished from party or partisan politics). Their selection, whether by appointment or election, typically hinges on their

party affiliation and their policy preferences and values. Once in office, values and preferences deeply affect their decisions.

Professors Robert Carp and Claude Rowland, in their exhaustive study of federal district judges, found that judges appointed by President Lyndon Johnson, who deliberately appointed civil-rights supporters to the bench, in actuality were considerably more likely to render pro-civil-rights decisions than were judges appointed by Presidents Dwight Eisenhower and Richard Nixon.³⁵ That the Ronald Reagan and George Bush administrations took great care to appoint staunch Republican conservatives to federal judgeships is familiar recent history.³⁶

Essentially, judicial review is the power of courts to determine the constitutionality of actions by the legislative and executive branches, and to declare them null and void if they are found to be in conflict with the Constitution. Clearly, the Supreme Court was making policy when, in various cases before 1937, it held that no legislature, state or national, had constitutional authority to regulate minimum wages. After 1937, the Constitution was found (i.e., interpreted) to permit such legislation. Clearly, too, the Court has helped shape public policy by holding that segregated school systems, official prayers in public schools, and malapportionment of state legislatures are unconstitutional. The course of policy is strongly affected by such decisions.

Although the Court has used its power of judicial review somewhat sparingly, the very fact that it has such power may affect the policymaking activities of the other branches. Congress may hesitate to act on a matter if there is expectation that its action will be found unconstitutional. State supreme courts also have the power of judicial review but frequently have less discretion in its exercise because most state constitutions are detailed and specific.

The courts are often called upon to interpret and decide the meaning of statutory provisions that are ambiguously or unclearly stated and open to conflicting interpretations. When a court accepts one interpretation rather than another, it gives effect to the policy preference of the winning party. In 1984, in the *Grove City* case, the meaning or intent of Title IX of the 1972 Education Act Amendments was at issue.³⁷ This provision prohibited discrimination on the basis of sex by educational institutions receiving federal aid "for any program or activity." Did this ban on discrimination apply to the entire institution being aided, as many members of Congress and civil-rights groups contended? Or did it apply only to the specific "program or activity" receiving funding, as the Reagan administration argued? A majority on the Supreme Court took the latter position, much restricting the effect of the 1972 statute and three other civil-rights laws with similar provisions.

After this ruling, a legislative campaign was initiated to correct what many critics thought was an improper interpretation of the 1972 law. It culminated in the Civil Rights Restoration Act of 1988, enacted into law over President Reagan's veto.³⁸ The act overcame the Court's *Grove City* decision by clearly specifying that if one part of an institution received federal funds, then the ban on sex discrimination applied to the entire institution. This was the view of the 1972 law's scope that had prevailed prior to the Court's decision.

The judiciary has also played a major role in forming economic policy in the United States. A substantial portion of the law relating to such matters as property ownership, contracts, corporations, and employer-employee relationships has been developed and applied by the courts in the form of common law and equity. These are systems of judge-made law fashioned over the years on a case-to-case basis. They originated in England, but American judges have adapted them to American needs and conditions. Much of this law was developed by the state courts, and much of it is still applied by them.³⁹

Today the courts are not only becoming more involved in policy formation; they are also playing a more positive role, specifying not only what government cannot do but also what it must do to meet legal or constitutional requirements. For instance, in *Roe v. Wade* (1973), the Supreme Court declared unconstitutional a Texas statute prohibiting abortion as a violation of the privacy protected by the First and Fourteenth Amendments.⁴⁰ The right to an abortion was held to be a "fundamental right," one that could not be readily regulated or limited by governments. The majority went on to specify the standards future abortion laws would have to meet to comply with the Constitution. During the first trimester of pregnancy, abortion was left to the decision of a woman and her physician. During the second trimester, abortion could be regulated to protect the mother's health. During the third trimester, however, after the fetus gained viability, abortion could be prohibited except when necessary to protect the mother's life or health. This ruling clearly had a legislative-like quality. It also touched off a major, continuing political controversy.

In 1989, the Court, which had become more conservative because of three Reagan appointees, partially overruled *Roe v. Wade*. In *Webster v. Reproductive Health Services*, the Court upheld a Missouri state law that prohibited the performance of abortions in public hospitals and clinics and the use of state funds for counseling women about abortion.⁴¹ Also, testing was required before performing an abortion after twenty weeks to determine whether the fetus was viable outside the womb. This decision, by giving state legislatures more authority to regulate abortions, made the abortion issue even more contentious and thrust it back into the legislative arena in the fifty states.

The Supreme Court came to grips with abortion again in 1992 in *Planned Parenthood of Southeastern Pennsylvania v. Casey*. At issue was state law imposing various restrictions on a woman's right to end a pregnancy. The five-justice majority reaffirmed a woman's right to have an abortion in the early stages of pregnancy but upheld all provisions of the state law except one requiring spousal notification. Only two justices, however, continued to view abortion as a fundamental right.⁴² The Court's 1992 decision did nothing to reduce the intensity of the abortion issue.

In more recent cases the Court has upheld some state laws requiring a minor to notify parents of a planned abortion unless a judge grants a waiver. The Court has also upheld some restrictions on the actions of antiabortion protesters, such as congregating, picketing, or demonstrating within thirty-six feet of the property line of an abortion clinic.⁴³ The judicial struggle over abortion rights is unlikely to soon abate. Moral issues of this sort are not easy to resolve.

Several factors guarantee continued judicial involvement in policy formation: the growing influence of government on people's lives, the failure or refusal of the legislative branches to act on some problems, the dissatisfaction that often arises when they do act, the willingness of the courts to become involved, and the increasing litigiousness in at least some segments of the population. Americans have become quite adept at converting political issues into legal issues that the courts are then called on to decide. Judicial activism more than judicial restraint characterizes the response of the courts.

Although courts in such other Western countries as Canada, Australia, and Germany have some power of judicial review, they have had less influence on policy than American courts. In the developing countries the courts appear to have no meaningful role. The American practice of settling through judicial action many important policy issues, including such technical matters as standards for clean air and industrial health and safety, remains unique.



Nongovernmental Participants

The official policy-makers are joined by many other participants in the policy process, including interest groups, political parties, research organizations, communications media, and individual citizens. They are designated here as nongovernmental participants because however important or dominant they may be in various situations, they themselves do not usually have legal authority to make binding policy decisions. They provide information, they exert pressure, they seek to persuade, but they do not decide. That is the prerogative of official policy-makers.

Interest Groups Interest groups appear to take an important part in policy-making in practically all countries. Depending upon whether they are democratic or dictatorial, modern or developing, countries may differ in how groups are constituted and how legitimate they are. Thus, groups appear to be more numerous and to operate much more openly and freely in the United States or Great Britain than in Austria or Nigeria. In all systems, however, groups may perform an interest-articulation function; that is, they express demands and present alternatives for policy action. They may also supply public officials with much information, often technical, and perhaps not available from other sources, about the nature and possible consequences of policy proposals. In doing so they contribute to the rationality of policymaking.

Interest groups representing labor, agriculture, business, education, health, and other areas of society are a major source of demands for public-policy action in the United States. Because American society is pluralist, pressure groups are many and diverse in their interests, organization, size, and modes of operation. Their numbers have expanded greatly in recent decades. The *Encyclopedia of Associations* (a standard source) listed 5,843 associations in 1959; this number had grown to 23,298 by 1995.⁴⁴ One major growth area has been health. In 1975, there were 90 health groups, whereas currently there are

around 750. "You name a disease, there's probably a Washington lobby for it," says an official of the American Heart Association.⁴⁵ The explosion in the size of the group system does not mean, however, that some societal interests are not poorly represented by groups. Poor people, migrant workers, and the homeless are cases in point.

Typically, although most groups have a variety of interests, they want to influence policy on specific subjects, such as minimum wages, derivatives trading, or health-care financing. Because groups often have conflicting desires on policy issues, public officials confront the need to choose from, or reconcile, conflicting demands. Groups that are well organized, large in size, and skillfully led are likely to fare better than those that are poorly organized, poorly financed, and low in social status. The group struggle is not a contest among equals.⁴⁶

"Single-issue" interest groups have proliferated in recent years. They focus on one issue or set of related issues such as gun control, milk prices, or legislation on abortion. The National Rifle Association and the National Abortion and Reproductive Rights Action League are illustrative. The proliferation of subcommittees in Congress with narrow jurisdictions stimulated the development of such groups and contributed to their importance by permitting concentration of their efforts. Among the single-issue groups that substantially affected public policy in the past were those advocating abolition of slavery, suffrage for women, and nationwide prohibition.

Public-interest groups also are important players in the policy process. Whereas most pressure groups represent interests of direct, material benefit to their members, public-interest groups usually represent interests that in their absence would go unrepresented, such as those of consumers, nature lovers, environmentalists, and "good-government" proponents. Frequently these interests involve intangible matters such as honesty, beauty, and safety.⁴⁷ The members of public-interest groups usually do not benefit selectively and materially from the interests they advocate, and indeed may not benefit at all in an immediate sense. Members of groups advocating the abolition of the death penalty do not expect to be in personal jeopardy. Public-interest groups include the Sierra Club and the National Wildlife Federation, which support environmental protection and wilderness programs; Common Cause, which advocates more open and accountable government; and the Pacific Legal Foundation (PLF), which engages in litigation supporting free enterprise and economic development. Not all public-interest groups are liberal in their policy inclinations, as is sometimes assumed, and as the PLF indicates.

At the national level, many associations of state and local governmental officials routinely seek to influence the content of national policies. Three factors seem to have been especially significant in generating this "intergovernmental lobby."⁴⁸ One is the increasing professionalism in state and local governments. The second is growth in federal grants-in-aid to state and local governments, which amounted to \$418 billion in 2004, or approximately a quarter of their expenditures. Third are the many regulations and requirements that these and other federal programs impose on the states and localities and that are open to modification.

Some of these associations represent elected or appointed officials with executive and legislative duties, such as the National Conference of State Legislators, the U.S. Conference of Mayors, and the National Association of Counties. Others involve functional specialists in highways, education, recreation, and other matters, such as the American Association of State Highway and Transportation Officials, the Council of Chief State School Officers, and the National Association of County Park and Recreation Officials. They gain influence from their expertise and the support of state and local politicians. Many individual states, cities, counties, and public universities also have their own Washington lobbyists or representatives. As with other interest groups, the intergovernmental lobby is not a monolithic force: its component groups frequently disagree among themselves. Thus, the highway officials want more funding for interurban highways, and city officials see a need for more spending on mass-transit systems.

The amount of influence that interest groups have upon decisions depends on a number of factors, including (subject to the rule of *ceteris paribus*—other things being equal) the size of the membership, its monetary and other resources, its cohesiveness, the skill of its leadership, its social status, the presence or absence of competing organizations, the attitudes of public officials, and the site of decision-making in the political system. (On this last item, recall the discussion of institutionalism in the chapter "The Study of Public Policy.") With other things again being equal, a large, well-regarded group (e.g., the American Legion) will have more influence than a smaller, less well-regarded group (e.g., Friends of the Earth), and a labor union with a large membership will have more influence than one with few members. Also, as a consequence of the factors enumerated here, a group may have strong or controlling influence on decisions in one policy area and little in another. Whereas the National Association of Manufacturers has much influence on some economic issues, it has little impact in the area of civil rights.

Much of the work in promoting pressure-group interests in the policy process is performed by group representatives, or lobbyists. Although *lobbyist* is the more popular term, *group representative* seems more descriptive, given the many and varied activities in which these people engage. Table 2.2, which is based on a survey of more than 700 group representatives, conveys a notion of both the array of activities undertaken by group representatives and the relative importance they attribute to the various activities. Once a group makes a decision to try to influence government on some matter, it is then confronted with deciding how it can best accomplish that goal. Should emphasis be on lobbying—directly seeking to inform and persuade officials? Should emphasis be on providing written information and testimony to officials? How should the efforts of competing groups be countered? Typically, there is no clear road to success.

In recent years, groups have made considerable use of "outside lobbying" techniques, which try to persuade ordinary citizens to serve as their front-line advocates.⁴⁹ Prominent here are "grass-roots" and "grass-tops" lobbying. Grass-roots lobbying strives to mobilize legislators' constituents to call, write,

TABLE 2.2

Importance Rating of Group Representatives' Tasks

Task description	% reporting task was of great or considerable importance
Government regulations	
1 Monitoring changes in rules, regulations, or laws	62
2 Providing written information to officials	52
3 Maintaining general relations with officials	64
4 Maintaining informal, substantive contacts with officials	62
5 Drafting legislation or rules	27
6 Alerting client organization about issues	84
Interest-group networks	
7 Mobilizing grass-roots support	41
8 Maintaining contacts with allies	50
9 Monitoring interest groups	29
10 Political fund-raising (PACs)	19
11 Maintaining contacts with adversaries	18
12 Resolving conflicts within organization	23
Public presentation	
13 Testifying at official proceedings	27
14 Preparing official testimony	47
15 Commenting for press, publications, or speeches	44
16 Developing policy positions or strategies	83
Litigation	
17 Pursuing litigation aimed at changing policy	17
18 Working on and filing amicus briefs	5

Source: From "Lawyers and the Structure of Influence in Washington," *Law and Society Review*, vol. 22, no. 2, 1998, pp. 237-300. As found in John P. Heinz, Edward O. Laumann, Robert L. Nelson, and Robert H. Salisbury, *The Hollow Core: Private Interests in National Policymaking* (Cambridge, MA: Harvard University Press, 1993), p. 99. Reprinted by permission of the Law and Society Association.

e-mail, and otherwise deluge them with communications. Some groups, such as the Sierra Club and the NRA, have genuine grass-roots memberships. In other instances professional lobbyists may be hired to create grass-roots movements, or at least their semblance. These mobilization efforts may be done in conjunction with televised advertising campaigns.

Grass-tops lobbying strives to favorably energize an elite rather than the masses. People who are likely to be influential with a member of Congress are identified and then persuaded to convey the preferred message to the member. These forms of lobbying are important because, except for elections, they are the means by which "elite policymakers . . . experience pressure in the form of popular participation. Were it not for outside lobbying from interest groups, many policy decisions would take place among a relatively insulated group of Washington insiders."

The relatively open and fluid pressure system in the United States is markedly different from the neocorporatist pattern of group relationships in

some Western European countries, such as Austria, Norway, Sweden, and the Netherlands, which combine democratic politics with a formally structured group system.⁵⁰ In the neocorporate scheme of things, access to policy-makers is controlled by the government. Policies are adopted after close consultation, bargaining, and compromise between the government and groups that are the officially recognized representatives of farmers, labor unions, and employers. Groups can withdraw from this partnership with the government, but they may lose influence as a consequence. Some groups, such as those representing consumer and environmental interests, find it difficult to gain access to the government. Neocorporatism has found little support in the United States.

Political Parties In the United States, political parties are organizations interested primarily in contesting elections in order to control the personnel of government. They care more, in short, about power than about policy. Elections are contested more on the basis of constituency, service, media imagery, and negative attacks on opponents rather than on policy differences. This situation has often led to the complaint that the Republican and Democratic Parties do not present a meaningful choice for the voters and consequently, that for public-policy formation, it makes little difference which party is in office. Although the parties are not highly policy-oriented, such complaints ignore both the fact that many people do believe that the parties are different and the substantial impact that the parties do have on policy. Moreover, in the 1990s, the parties in Congress became more united and policy-oriented. This was especially true for the House of Representatives.

Clearly, the parties appeal to different segments of society. The Democratic Party draws disproportionately from big-city, labor, minority, and ethnic voters; the Republican Party draws disproportionately from rural, small-town, and suburban areas, fundamental religious groups, and businesspeople and professionals. In the South, where for many decades it was the heavily dominant party, the Democratic Party has yielded much ground to the Republican Party in national elections since the 1960s.

The parties often come into conflict on such issues as welfare programs, labor legislation, business regulation, public housing, taxation, and agricultural price-support legislation. The reader should not have much difficulty in differentiating between the parties on these issues. Given such policy inclinations and the fact that party members in Congress often vote in accordance with party policy positions, which party controls Congress or the presidency has important policy implications.

In the American state legislatures, political parties vary greatly in importance from one state to another. In some states, it is obvious that parties exercise little discipline over legislative voting, and the party has little, if any, effect on policymaking, as in the Alabama and Louisiana legislatures. In such states, factions within the dominant party may be more important. By contrast, in states such as Connecticut and Michigan, both parties are active and cohesive and have considerable influence on legislative decision-making. When conflict over policy occurs in such states, the parties' function is to provide alternatives.

In many cities an effort has been made to eliminate political-party influence on policy by running nonpartisan elections for city officials. Policy is supposed to be made "objectively." An unintended consequence of the policy of non-partisanship in city elections is reduced interest and participation in politics.

In modern societies generally, political parties often perform the function of interest aggregation; that is, they seek to convert the particular demands of interest groups into general policy alternatives. The way in which parties "aggregate" interests is affected by the number of parties. In predominantly two-party systems, such as the United States and Great Britain, the parties' desire to gain widespread electoral support "will require both parties to include in their policy 'package' those demands which have very broad popular support and to attempt to avoid alienating the most prominent groups."⁵¹ In multiparty systems, on the other hand, parties may do less aggregating and act as the representatives of fairly narrow sets of interests, as they appear to do in Israel, France, and Spain. Generally, parties have a broader range of policy concerns than do interest groups; hence, they act more as brokers than as advocates for particular interests in policy formation. In some one-party systems, such as that of Mexico, they are the predominant force in policymaking.

Research Organizations

Private research organizations, frequently and inelegantly referred to as "think tanks," are another set of important players in policymaking. One researcher reports that there are 120 private, nonprofit research organizations in the Washington, DC, area and another 170 scattered among the American states.⁵² These organizations are staffed with full-time policy analysts and researchers, some of whom are ex-government officials, perhaps hoping to return to office once their party regains power in Washington. Their studies and reports provide basic information and data on policy issues, develop alternatives and proposals for handling problems, and evaluate the effectiveness and consequences of public policies. Their personnel testify at congressional committee hearings, communicate informally with public officials, and write articles for the op-ed pages of newspapers. Collectively, they add much substance to policy debates (see Table 2.3).

Many of these research organizations have policy biases and distinct ideological leanings. The orientations of the American Enterprise Institute and the Economic Policy Institute, for example, are widely regarded as conservative and liberal, respectively. The Brookings Institution and Resources for the Future occupy a middle-of-the-road position. In addition to their policy-analysis activities, these organizations may also engage in policy advocacy. The Heritage Foundation, which is staunchly conservative, played an important role in launching the Reagan administration and in shaping its policies on issues such as environmental protection, social welfare, and economic regulation. For a time its study *Mandate for Leadership* was a bestseller in Washington. Other research organizations, taking their cue from the Heritage Foundation, developed "policy blueprints" to influence the George Bush administration in 1988; none appeared to make much difference.

TABLE 2.3

Some Prominent Research Organizations

American Enterprise Institute
Brookings Institution
Cato Institute
Council on Foreign Relations
Economic Policy Institute
Heritage Foundation
Manhattan Institute
Progressive Policy Institute
RAND Corporation
Resources for the Future
Urban Institute
Worldwatch Institute

Research organizations provided "expert but neutral" information to policy-makers, which contrasted with the biased or self-interested information developed by pressure groups. In recent years, however, many research organizations with strong liberal, conservative, or libertarian inclinations have entered the policy lists as advocates.⁵³ Andrew Rich and Kent Weaver describe this situation:

Think tanks, especially the more ideologically focused ones, have been active and visible participants in contentious and divisive debates associated with every contemporary policy issue, from national struggles over welfare reform to regional squabbles over school finances and performance. In these policy battles, expertise has frequently been used, and viewed by many participants, more as ammunition for partisan and ideological causes than as balanced or objective information that can and should be widely acceptable among policy-makers.⁵⁴

This "politicization of expertise," according to Rich and Weaver, has "jeopardized the reputation of think tanks as sources of neutral expertise."

Many universities have policy or research centers that produce policy studies and evaluations on national, state, and local issues. Several, for instance, house groups concentrating on coastal and marine resources. Individual university researchers also occasionally produce studies of direct value to policy-makers, sometimes under contract with government agencies, and participate in issue networks comprising many researchers, officials, and others interested in particular policy areas.

The usefulness of the findings of academic researchers is reduced because it is often written in technical jargon and published in little-known journals. Research "brokers," such as think tanks and congressional staff members, may be needed to increase the accessibility of scholarly output for policy-makers.⁵⁵ One way or another, academic ideas contribute to the rationality of policy.

Communications Media

The communications media—newspapers, news magazines, radio, television, and the Internet—participate in policy-making as suppliers and transmitters of information; as agenda setters, in that they help determine what people think about; and, whether intentionally or otherwise, as shapers of attitudes.⁵⁶ For many people the evening television news is the primary source of information on public affairs. In one survey, 69 percent of the respondents said that they got most of their news information from television; 56 percent said they were inclined to believe television over other news sources. Those seeking more profound coverage and information rely more heavily on newspapers and news magazines. Complaints about bias in media coverage and reporting of public affairs are common, as are allegations that public officials are managing or manipulating the news. Whatever their validity, such complaints attest to the importance the media are thought to have in politics and policymaking.

With good reason, Washington officials are quite sensitive to what is reported by the national media, which means newspapers such as the *New York Times* and the *Washington Post* and the major television networks. A survey found that more than 70 percent of senior federal officials believed a positive press increased the likelihood that they would attain their goals and negative coverage would reduce their chances of doing so. Here the perceived power of the media does not involve changing policy but rather influences the capacity of officials to convert their ideas into policy. However, the substance of policy may also be affected.⁵⁷ Unfavorable coverage of the Reagan administration's attempts to tighten eligibility requirements for Social Security disability benefits, for example, contributed to the eventual abandonment of the effort.

For the most part, the media provide minimal coverage of policy matters.⁵⁸ The issues receiving coverage are likely to be those judged to have high public appeal—Social Security reform, some consumer-protection topics, the environment—because they are “interesting” or “relevant.” The politics of policy rather than the details of policy content receive emphasis. Except for some specialized media (such as the *National Journal*, *Congressional Quarterly*, *Weekly Report*, and trade journals), policy on such topics as labor, agriculture, housing, financial regulation, and trade relations do not get much attention. The emergence of cable network menus, talk-show radio, the Internet, and other new media has done little to remedy this situation. Persons who rely on the general media for their policy information are likely to be woefully underinformed. As for the impact of the media on the policy process, beyond helping to set the policy agenda (see the “Policy Formation” chapter), that is problematical.⁵⁹

Officials, of course, are not simply acted upon by the media but also strive to use the press for their own purposes. With interviews, press releases, and news “leaks,” they seek to use the media to test and influence the attitudes among both the general public and other officials toward particular proposals or actions. Those who oppose a decision may “leak” premature or adverse information in an effort to kill it. This tactic was applied in the George Bush administration to a proposal for securing funds to bail out bankrupt savings and loan institutions by imposing a tax on all savings and loan depositors. The

proposal was abandoned, and the costs of the bailout, which amounted to hundreds of billions of dollars, were imposed on taxpayers. Few seemed to care.

President Reagan was often referred to as the “great communicator” because of his ability to use radio and television addresses to shape public opinion in support of his purposes. He used this ability to put income-tax reform on the national agenda and build support for its enactment. Speaker of the House O'Neill, who was not personally inclined to support tax reform, felt the pressure generated by the president's speeches. “I have to have a bill, the Democratic party has to have a [tax] bill . . .,” he was quoted as saying. “If we don't we'll be clobbered over the head by the President of the United States.”⁶⁰ Used appropriately, the presidency can be a “bully pulpit,” as Theodore Roosevelt once observed.

The Individual Citizen

In discussions of policymaking, the focus typically is on legislatures, interest groups, and other prominent players; little or nothing is said about individual citizens. This bias is unfortunate, however, because individuals often do seem to make a difference. In various instances, citizens can participate directly in decision-making. In most states constitutional amendments are submitted to the voters for approval, and in many local jurisdictions bond issues and tax increases require their authorization. In some American states and in some countries (such as Switzerland), the initiative process enables citizens to vote directly on legislation.

The initiative is a policy innovation dating from the Progressive Era. Progressive reformers viewed the initiative, along with the referendum and recall, as a way of transferring power from politicians to the people. The initiative exists in half of the states and several hundred cities, especially in the western half of the United States. On the basis of a petition signed by a specified number of voters, a policy proposal is placed on the ballot. If approved by a majority of those voting on it, it becomes law without any action of the state legislature or the city council. In 1998, voters approved thirty-six of sixty-one initiatives on the ballot in several states. The successful initiatives “ended affirmative action, raised the minimum wage, banned billboards, decriminalized a wide range of hard drugs and permitted thousands of patients to obtain prescriptions for marijuana, restricted campaign spending and contributions, expanded casino gambling, banned many forms of hunting, prohibited some abortions, and allowed adopted children to obtain the names of their biological parents” in various states.⁶¹ The initiative has become a means by which many contentious social and economic issues are put on the ballot.

In actuality, the initiative process frequently departs from the image of informed and activated citizens taking charge of policymaking. In many instances the process is dominated by powerful interest groups. They hire professional organizations to solicit the needed signatures and wage expensive campaigns for and against the proposals. For example, California Indian tribes spent \$66 million in support of an initiative to expand casino gambling. Nevada gambling interests, who saw this as detrimental to their business,

spent \$25 million on their losing cause.⁶² Whether dominated by monied interests or reflecting populist action, the initiative produces a policymaking process markedly different from that featured in this book.

Whether because of inertia or indifference, most people do not take these opportunities to engage directly in shaping public policy. Moreover, many people do not vote, engage in political-party activities, join pressure groups, or otherwise display much interest in politics. Survey research tells us the voters are often little influenced by policy issues when voting for candidates for public office. Given the inaction and indifference, however, it still does not hold that citizens have no influence on policy except in the situation discussed in the preceding paragraphs. Some other possibilities for citizen impact are reviewed here.

Even in authoritarian regimes, the interests or desires of common citizens are consequential for public policies.⁶³ The old-style dictator will pay some attention to what his people want just to keep down unrest. A Latin American dictator is supposed to have said, "You can't shoot everyone." Modern authoritarian regimes such as the People's Republic of China also seem to respond to citizens preferences even as they exclude citizens from more direct participation in policy formation.

Elections in democratic countries may indirectly reinforce official responsiveness to citizen interests. Professor Charles E. Lindblom summarizes:

The most conspicuous difference between authoritarianism and democratic regimes is that in democratic regimes citizens choose their top policy-makers in genuine elections. Some political scientists speculate that voting in genuine elections may be an important method of citizen influence on policy not so much because it actually permits citizens to choose their officials and to some degree instruct these officials on policy, but because the existence of genuine elections put[s] a stamp of approval on citizen participation. Indirectly, therefore, the fact of elections enforces on proximate policy makers a rule that citizens' wishes count in policy-making.⁶⁴

The "rule" Lindblom refers to is sometimes expressed in the aphorism that citizens have a right to be heard and that officials have a duty to listen. The effect of such considerations on policy-makers is worth thinking about; although public sentiments are not amenable to rigorous measurement in the present state of political science, they do appear to have an effect on political behavior.

Some presidential elections in the United States have been classified as "critical" because they produce major realignments in voter coalitions and shifts in public policy. The presidential election of 1932 is a prime example. The Republican and Democratic candidates differed substantially on how they proposed to deal with the crisis of the Great Depression. The voters gave Franklin D. Roosevelt and the Democrats an overwhelming victory. The flood of New Deal legislation that followed produced major changes in government-economy relationships and in government's role in American society generally. In such instances, large numbers of newly elected officials,

chosen because of their stand on the critical question, enact legislation consistent with their party's stand. Through the electoral process the voters help to produce basic changes in public policy. Other critical elections were those of 1860 and 1896.⁶⁵

Initially, some observers thought the election of 1980, in which the Republican Party elected Reagan and gained control of the Senate, might have been a critical election, but it turned out not to be. The Democratic gains in the 1982 congressional elections indicated that no basic realignment in voters' allegiances had occurred. The Democratic Party remains the majority party among voters having a party preference. "Landslide" elections are thus not necessarily critical elections. Following the Republican victories in the 1994 congressional elections, speculation again arose as to whether this marked the beginning of a realignment.⁶⁶ In subsequent elections, however, the Democrats regained some of the seats that they had lost.

Some citizens, through their intellectual and agitational activities, contribute new ideas and directions to the policy process. Thus, Rachel Carson, with *Silent Spring*, and Ralph Nader, with *Unsafe at Any Speed*, considerably influenced policy on pesticide control and automobile safety, respectively. In a 1947 article in *Foreign Affairs* under the byline X, George Kennan outlined a proposal for a policy of containment to prevent expansion of the Soviet Union's influence and domination. This became the basic United States approach in dealing with the Soviet Union in the international arena. Only in the last few years before the collapse of the Soviet Union did the United States begin to develop new responses to the Soviets. The effect of Kennan's article was much greater than he had anticipated.

Others may substantially affect policy action through their political activism. Social Security legislation in the 1930s was certainly affected by the activities of Dr. Francis Townsend, who advocated that every person over sixty should be paid a monthly pension of \$200, and the large following he gathered. In the 1960s, Reverend Martin Luther King Jr. provided leadership for the civil-rights movement and impetus for civil-rights legislation. A small group of women whose husbands were killed in the terrorist attack on the World Trade Center towers was instrumental in causing Congress to create in 2002 the National Commission on Terrorist Attacks upon the United States. The commission investigated and reported on intelligence failures preceding the attacks.



Levels of Politics

All the participants in policymaking discussed in this chapter are not involved in every policymaking or decision-making situation. Some matters create much attention and attract a wide range of participants. Others are less visible or affect only a few people and consequently stir little attention and participation. Professor Emmette S. Redford identifies three levels of policies based on the scope of participation normally characteristic of each and, to a lesser extent, the kind of issue involved: micropolitics, subsystem policies, and macropolitics.⁶⁷ These merit some attention.