DISSERTATION

POLICY CHANGE IN RESOURCES PROTECTION STATUTES FOR FEDERAL PUBLIC LANDS: TESTING THE PUNCTUATED EQUILIBRIUM MODEL

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WE HEREBY RECOMMEND THAT THE DISSERTATION PREPARED UNDER OUR SUPERVISION BY RICK S. KURTZ ENTITLED "POLICY CHANGE IN RESOURCES PROTECTION STATUTES FOR FEDERAL PUBLIC LANDS: TESTING THE PUNCTUATED EQUILIBRIUM MODEL" BE ACCEPTED AS FULFILLING IN PART REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

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ABSTRACT OF DISSERTATION

POLICY CHANGE IN RESOURCES PROTECTION STATUTES FOR FEDERAL PUBLIC LANDS: TESTING THE PUNCTUATED EQUILIBRIUM MODEL

The national government constitutes the largest land holder within the United States. Federal land holdings exceed one-third of the nation's land mass. Despite federal ownership, these land parcels are often managed in a disparate manner. Multiple policy mandates, competing agency missions, federalism dynamics, interest group prerogatives, and conflicting political agendas lead to policy confrontations. If sufficiently disruptive, these factors can result in policy instability, turbulence, and statutory change. Questions, however, have arisen over why the magnitude of change varies across issue arenas; and how certain factors absence, presence, or relative vigor affects policy change?

Several models have been developed as a means of providing a robust explanation to these types of questions. Most intriguing among these, for purposes of this dissertation, is the punctuated equilibrium model of policy change. Preliminary testing of the model has exhibited positive explanatory results. In this dissertation the model is rigorously applied as a device for explaining change in federal statutory outputs. Three federal lands issue arenas are addressed: 1) concessioner operations, 2) coastal oil pollution, and 3) historic preservation. This analysis of the three case studies provides opportunities for testing the model's theoretical propositions as well as understanding the influences of policy change and stability in selected federal lands issue arenas. Findings suggest that while the model provides a robust mechanism for explaining policy change, revisions are needed. Primary in this regard is the need for addressing shortcomings associated with: 1) incorporation of a monopoly friendly nonincremental policy output pattern, 2) a more encompassing consideration of the role of policy entrepreneurs, 3) policy outputs associated with the prolonged absence of an issue monopoly, and 4) the role of dramatic events as agents of policy change. Case study analysis also disclosed two major policy implications. First, was the discovery that the policy perspectives of federal land managers is often at odds with their statutorily defined resources protection mandates. Second, was the discovery that economic concerns continue to conflict with resources protection preferences, within the policy arena, despite recent attempts to fashion win-win policy outputs.

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TABLE OF CONTENTS

Signature Page ii

Abstract iii

List of Tables and Figures vii

Chapter 1. Trends in Federal Public Lands Policy 1
Introduction 1
Impetus for a Policy of Conservation 3
Equity and Efficiency Tenets 6
Implications of Equity and Efficiency 8
Esthetics: Scenic Vistas and Recreation Set Asides 9
Esthetics and Wilderness Preservation 13
Refocusing Conservation Policy 16
The Rise of Environmental Stewardship 19
Policy Change Concepts 30
Final Remarks

Chapter 2. Theoretical Foundations of Policy Change 33
Policy Change Models 33
The Punctuated Equilibrium Model of Policy Change 38
Variables in the Punctuated Equilibrium Model 42
Research Design 48
Case Study Selection 53
Final Remarks

Chapter 3. Concessions Policy Case Study 60
Concessions, Big Business in America 60
Impetus for Concessioner Operations on Federal Lands 62
Concessions Policy and the NPS 64
Solidifying the Policy Monopoly 67
Post-war Visitor Growth and Policy Turbulence 76
Issue Nationalization and Policy Change 80
Renewed Turbulence in the Policy Arena 86
Policy Change and Retrenchment 92

Equilibrium and Turbulence During the 1970s and 1980s 99
Nonincremental Policy Change in the Making 113
Final Remarks 128

Chapter 4. Coastal Oil Pollution Policy 136
Linkages Between Coastal Spills and Federal Public Lands 136
Evolution of Oil Pollution Control as Regulatory Policy 138
From Equilibrium to Turbulence 141
A Re-escalation of Turbulence 154
Incremental Policy Change and No Change 165
The *Exxon Valdez* Spill 171
The Oil Pollution Act of 1990 174
Post-OPA 90 Policy Actions 182
Final Remarks 185

Chapter 5. Historic Preservation Case Study 193
The Emergence of Historic Preservation Policy in the U.S. 193
New Deal Era Policy Change 196
Competing Agendas and Policy Turbulence 200
Statutory Change in the Policy Arena 206
Turbulence and Change in the 1970s 216
Equilibrium in the Policy Arena 230
Policy Turbulence and Incremental Change Propositions 232
Dramatic Turbulence and Nonincremental Change 234
Final Remarks 240

Chapter 6. Conclusion 248
Policy Change: Comparing the Three Case Studies 248
Assessing the Punctuated Equilibrium Model 260
Implications and Opportunities for Future Research 265

Appendix A. Case Study Policy Time Lines 269

Bibliography 274

LIST OF TABLES AND FIGURES

Table 3.1. Rate of Federal Government Return on Concessions Agreements Initiated or Extended in FY 1994 61
Table 3.2. CCC Camps on Interior Department Lands 74
Table 3.3. National Park Visitor Numbers for Select Years 77
Table 3.4. NPS Funding 1956-1965 85
Table 3.5. Longitudinal Overview of Data Set 1968-1996 For Gauging Concessions Policy Turbulence 103
Table 3.6a. Tone of Media Coverage for Concessions Policy 106
Table 3.6b. Tone of Media Coverage for Concessions Policy 107
Table 3.7. Participation of Interest Groups in Concessions Congressional Hearings 1968-1996 123
Table 3.8. Participation of Government Agencies in Concessions Congressional Hearings 1968-1996 125
Table 4.1. Longitudinal Overview of Data Set 1968-1996 for Gauging Coastal Oil Policy Turbulence 147
Table 4.2. Participation of Interest Groups in Coastal Oil Congressional Hearings 1968-1996 156
Table 4.3a. Tone of Media Coverage for Coastal Oil Policy 160
Table 4.3b. Tone of Media Coverage for Coastal Oil Policy 161
Table 4.4. Participation of Government Agencies in Coastal Oil Congressional Hearings 1968-1996 170
Table 4.5. House and Senate Committees/subcommittees Conducting Hearings in 1989 175
Table 5.1. Longitudinal Overview of Data Set 1968-1996 for Gauging Historic Preservation Policy Turbulence 217
Table 5.2. Participation of Government Agencies in Historic Preservation Congressional Hearings 1968-1996 220
Table 5.3. Participation of Interest Groups in Historic Preservation Hearings 1968-1996 223
Table 5.4a. Tone of Media Coverage for Historic Preservation Policy 225
Table 5.4b. Tone of Media Coverage for Historic Preservation Policy 226

Figure A.1. Concessioner Policy Time Line 270
Figure A.2. Coastal Oil Pollution Policy Time Line 272
Figure A.3. Historic Preservation Policy Time Line 273

CHAPTER ONE: TRENDS IN FEDERAL PUBLIC LANDS POLICY

INTRODUCTION

Today, in the United States (U.S.), the national government constitutes the country's largest land holder. Federal parcels total nearly one-third of the country's land mass. Federal holdings west of the Mississippi River exceed 50 percent or more of many states' total acreage. Traditionally placed under the all encompassing label of federal public lands, these parcels are under the administration of a number of federal agencies. Most notable among these are U.S. military properties, Department of Agriculture lands under management of the Forest Service, and Department of the Interior properties administered through the National Park Service, Bureau of Land Management, and the Fish and Wildlife Service.

Despite having the commonality of being under federal management, these parcels are often managed in a manner that can best be described as disparate. For example, the Interior Department is charged with trustee responsibilities for over 549 million acres of public land. The department has been given management authority for natural resources, cultural resources, and environmental protection on these lands. Interior agencies must reconcile the management of lands classified as wilderness, restrictive use, and multiple use areas. These multiple policy mandates create a set of agency missions and agendas which lead to competition and conflict.

Federal public land management is likewise influenced through a number of external factors. Our federal system of power dispersion between the national and state governments has virtually guaranteed ongoing jurisdictional rivalries and competition. This is particularly true in the West where the utilization of federal land has been closely linked to the economic well being of many states. The authority of federal agencies must likewise contend with citizen input guaranteed through the basic rights of petition, expression, and assembly (Rosenbaum 1985, 31-34). These rights have contributed to the formation of organized publics or interest groups capable of accessing the system at numerous points in the policy process. Agency decision makers must consider and often times reconcile differences with vested interests prior to taking action.

Finally, and of greatest interest for the purposes of this dissertation, are the influences that changes in federal statutes have had upon the management of federal public lands. Change, in this context, refers to the replacement of existing policy with one or more other policies (Lester and Stewart 1996, 134). Beginning with the passage of conservation statutes in the late 19th and early 20th century, to the environmentally friendly statutes of today, federal land management statutes have undergone an evolution. Rather than an unbroken progression of incremental change, these statutes have experienced non-incremental leaps encompassing significant statutory change. Several leading policy scholars have provided evidence to help explain the driving forces behind these statutory policy leaps.[1] Many of these explanations incorporate the above discussed influences, as well as introducing a host of new considerations which will be discussed in this dissertation.

IMPETUS FOR A POLICY OF CONSERVATION

It is first necessary to provide the reader with an overview of federal lands policy change over the past 100 years. Prior to the late 19th century federal management policy for the public domain was largely limited to the conveyance of land into private hands. Through the provisions of such statutes as the Land Ordinance Act of 1785, 1862 Homestead Act, a series of railroad land grants and the 1872 Mining Act, Congress initiated the disposal of hundreds of millions of acres of public domain. Ostensibly these lands were to benefit settlers and stimulate the creation of a stable market economy. National land policy was formulated upon the belief that conversion of public land to private ownership would serve as the catalyst for creative entrepreneurship and economic growth. Cheap land became the lynch pin for enterprising individuals who were willing to turn unclaimed land into an economically viable product (White 1991, 137-147; Koppes 1988, 232-233).

The disposal of federal lands was likewise envisioned as a device for furthering the republican spirit. A common opinion among many of the nation's founders was that land ownership, especially as encompassed in an agricultural lifestyle, contributed to political stability and good citizenship. Perhaps the best proponent of such thinking was Thomas Jefferson. Jefferson wanted the United States to remain a society of small independent landholders. In a 1787 letter to James Madison, Jefferson wrote, "When we get piled upon one another in large cities, as in Europe... we shall become as corrupt as in Europe... and go to eating one another as they do there." He distrusted most city dwellers as property-less vagabonds, having no stake in orderly government. Jefferson's agrarian idealism held that farmers were the "chosen people of God." They were the moral fiber of the nation encompassing the traditions and values of the real America. Subsequently, by the late 19th century, there emerged a common agrarian mythology. Americans perceived federal land disposal as promoting civilization, democracy, and progress (Garraty 1983, 137; Koppes 1988, 230).

The outcome of federal land distribution policies was often much different from stated intent. Disposal programs were plagued with rampant speculation and unbridled exploitation. Resources became concentrated in the hands of large corporations, contrasting with the democratic ideal of widely distributed ownership. By the late 19th century, unrestrained capitalism created conditions that threatened the continued viability of the nation's resources base. For example, timber companies operating in the North Central border states, the Inter-Mountain West and Pacific Northwest indiscriminately clearcut vast tracts of wilderness. Public domain, consisting of open range land, was devastated through overgrazing (Hays 1969, 66-68; Koppes 1988, 230-233).

Such rampant abuse did not go unchallenged. Among the first people to call for a new direction in federal land policy were proponents of western urban growth. Growth proponents realized that continued expansion was dependent upon adequate sources of potable water. In the semi-arid West streams fed from mountain snowpacks were the primary source of supply. Clear cutting on mountain slopes led to significant erosion, threatening urban water sources. Urban proponents lobbied Congress to create a system of forest reserves whereby timber harvesting on federal land would be controlled in order to protect the integrity of urban water supplies. Farmers desiring adequate and inexpensive supplies of water also supported a more expansive federal role. Farmers sought federal help after numerous private ventures and state sponsored irrigation districts met with failure.

One seemingly unanticipated source in support of these more aggressive federal land management policies was the corporate sector. Self serving eastern based corporations saw federally subsidized irrigation as contributing to an expanded agrarian West. New farms, made possible through a homestead provision contained in the 1901 National Reclamation Act, would serve as a market for eastern manufactured goods. More far sighted business proponents called for national policies that reduced waste and assured a viable resources base into the future. Federal resources regulations could also help to smooth out fluctuations between supply and demand. Overproduction, coupled with cutthroat competition, had contributed to huge financial losses and bankruptcy in prior decades. This was especially the case for small western based operators. Regional corporations, based in the West, were generally cash poor. Without price stability and protection from eastern conglomerates, there existed little hope of financial success. Subsequently, western based corporations viewed federal control as a means of offsetting the monopolistic practices of eastern competitors. Western companies called for federal retention and ownership of the remaining public domain in order to curtail wasteful overproduction, prevent ruinous competition, and instill market stability (White 1991, 401-406; Koppes 1988, 233).

EQUITY AND EFFICIENCY TENETS

Calls from various policy reform advocates did not go unheeded. By the 1890s the federal government had begun the transformation from a disposer of public domain to public lands manager. While this process encompassed several variations, the leading tenets of what was to become conservation were based upon premises of equity, efficiency, and esthetics. The turn of the century conservation movement included leading proponents who envisioned federal control as a means for instilling greater equity, or more broadly termed democracy. Accordingly, the prevention of waste needed to be coupled with economic justice and democratic principles. Advocates asserted that the nation's commonly held land heritage had been siphoned off into the hands of an elite few. Included among the equity advocates were such individuals as Gifford Pinchot, William McGee, James Garfield, and Theodore Roosevelt. These proponents believed that federal land ownership and resources management would help assure equal economic footing for the little guy. Coupled with this was the perceived need to make homestead land available to the common man, and assure success through such projects as the federally backed irrigation program. This broader federal role would help guarantee that profit went to its rightful owners, the American citizenry, not a select few. Finally, creating opportunities of this type carried the appeal of restoring the yeoman spirit contained within Jeffersonian democracy. (McGee 1990, 81-82; Koppes 1988, 234-235; Bates 1990, 99).

Closely linked to equity was the efficiency argument. Significant overlap existed between the rhetoric and individuals within the equity and efficiency camps. For example, in a 1910 essay, McGee noted the shared goal of managing resources to provide the greatest good for the greatest number for the longest time. However, this was a partnership in which equity played the junior role. Efficiency's preeminence was greatly facilitated through its compatibility with previously discussed economic justifications for a broader federal role. In addition, it was furthered through the emergence of a cadre of bureaucratic experts. Men the likes of John Wesley Powell, William Mulholland, Gifford Pinchot, and countless disciples sought to ensure the efficient development of western lands through government intervention.[2] They deplored the development boondoggles, waste and inefficiency which had often resulted from unrestricted private development of the public domain. This new bureaucratic cadre called for a system of restricted access, use permits, and management plans in order to assure efficient utilization of public lands resources (White 1991, 400, 409; Koppes 1988, 235-237).

Efficient conservation coupled the above reform tenets with a process of scientifically based rational decision making. Such a perspective left little room for politics as a decision making tool. Rather, scientific experts would make policy decisions based upon knowledge and long-term public interests. Augmenting this would be a bureaucratic structure providing protection against the corrupting influence of politicians. That bureaucratic reformers should adopt this position is not surprising. Many of the new conservationists were trained in the leading American and European universities where scientific based management was emphasized (Hays 1969, 69-72). The scientific and efficiency components of conservation policy likewise dovetailed well with new thinking in public administration. In 1878 future president Woodrow Wilson published "The Study of Administration." Wilson's essay contained many of what were to become principle underpinnings of bureaucratic management. Wilson called for a separation between politics and administration. He perceived politics as the process for determining societal value ends. In contrast, administration was seen as the achievement of political value ends through the utilization of efficient, rational based decision making. These concepts found further adherence through the writings of such pre-Second World War analysts as Frank Goodnow, Max Weber, Frederick Taylor, and Luther Gullick. Thus the policy features of public lands management, based on conservation, can be viewed within the broader context of American bureaucratic reform.

IMPLICATIONS OF EQUITY AND EFFICIENCY

When the conservation movement fully emerged in the early 20th century, the federal government still controlled hundreds of millions of acres of public domain. How to ensure the management of these lands in an efficient manner was an unanswered question. Reform minded private interests and their bureaucratic partners looked to Congress to initiate the process of revising federal land management policy. Many early proposals focused on the need to close loopholes in existing legislation. Coupled with this were the bureaucratic efforts of Pinchot and others to professionalize federal lands management. Within the forest service, Pinchot recruited a corps of young professionals trained at Yale's forestry school and other leading universities. These young professionals shared Pinchot's vision of efficient, scientific management free from political corruption and unbridled laissez-faire economics (White 1991, 406-407; Langston 1995, 97-98).

As such, these tenets of conservation had policy ramifications which extended beyond federal lands management. For example, during the late 19th century, the efficient utilization of navigable waterways emerged as a major concern. This concern resulted in Congressional funding for the construction of more coastal navigation aids. It likewise contributed to passage of the 1899 Rivers and Harbors Act (33 U.S.C. 401). The act prohibited dumping trash in navigable waterways. This was out of concern for the threats that garbage posed to efficient navigation, not because of environmental concerns. Following the 1899 act was the first federal statute to address the issue of coastal oil pollution, The Oil Pollution Act of 1924 (33 U.S.C. 431-437). The 1924 act made it unlawful to discharge oil into coastal, navigable waters of the U.S. As with the 1899 act, the 1924 act was primarily concerned with the hazards that oil discharges posed to navigation. Any direct benefits resulting from this policy went primarily to the shipping industry. This emphasis on efficient navigation would dominate thinking for the next 40 years. However, it must be acknowledged that sections three and nine of the 1924 act did address the protection of commercial fisheries and human health which would result from statutory enforcement. Such benefits, unfortunately, were considered by-products rather than policy goals.

ESTHETICS: SCENIC VISTAS AND RECREATION SET ASIDES

A final tenet of conservation was the perceived need to retain federal land ownership for esthetic reasons. The esthetic ideal was primarily based upon the belief that protection should be given to parcels exhibiting natural beauty or of scientific importance. While conservation efficiency and equity arguments provided justification for the passage of numerous resources management statutes, the establishment of restrictive use policies based on esthetic factors was more problematic. As the leading voice of conservation, Pinchot acknowledged recreation as a viable byproduct of forestry management. However, Pinchot made clear his belief that establishing nonexploitable land tracts was senseless. To Pinchot, and like-minded conservationists, wilderness was equated with waste (Caulfield 1989, 20-21; White 1991, 410). Nevertheless, the setting aside of federal land parcels for non-utilitarian purposes did take place. In 1872 Congress established Yellowstone as the nation's first federally administered national park. While the establishment of Yellowstone represented preservation in the literal sense, it was not driven through ecological concerns. Rather justifications for the creation of Yellowstone, as well as other early park units, were based upon other factors. Chief among these was the preservation of Yellowstone's scenic wonders. In fact, it was the monumental scenic vistas of the West which served as the primary catalyst for creating many of the early national parks (Runte 1987, 33-34; White 1991, 410).

The American penchant for preserving monumental vistas had its origins in a national inferiority complex. As a young nation, the U.S. lacked the many cultural icons of European antiquity. For a country obsessed with presenting manifestations of its own national greatness, this remained a source of continual irritation. The grandeur of the wild untamed West provided Americans with a source of natural icons equal in stature to the cultural manifestations of Europe. Imbued with a sense of scenic nationalism a diverse lot of artists, media publicists, philanthropists and explorers pressed Congress to protect the grandest of these national treasures. Appeals to scenic nationalism alone were not enough. Proponents had to also demonstrate the economic worthlessness of a parcel. Those parcels deemed to have economic benefit were incorporated into national forests to be managed according to efficiency policy tenets. Consequently, in order to secure Congressional approval for the creation of the early national parks, proponents were forced to utilize the "worthless" lands tactic. The success of this tactic contributed to the establishment of such crown jewels as Yosemite, Tetons, Sequoia, Mount Rainier and Glacier National Parks (Runte 1987, 45; White 1991, 411).

Augmenting these natural icons was the establishment of "true" cultural icons following the passage of the 1906 Lacey Act, or Antiquities Act as it is commonly referred. Building upon the precedent of the Forest Reserve Act, the Antiquities Act contained provisions granting the President the authority to create national monuments. Of primary concern was the preservation of objects of historic or scientific value to the nation. However, competing motives drove the passage and utilization of the act's provisions. Some federal land proponents felt primary attention should be given to the setting aside of parcels of scientific interest. For example, in 1925 the Ecological Society of American succeeded in getting President Coolidge to sign an executive order establishing Glacier Bay National Monument in Southeast Alaska. Principal among the justifications for the executive order was the region's importance as a scientific laboratory. Historic considerations were of minor importance. Efficiency proponents sought to utilize monument designation as a tool for bringing scarce resources under the federal umbrella. In many respects, the Antiquities Act became a catchall; utilized as the justification for federal set asides that did not fit under other statutes (Cooper 1953, 5-9; Rothman 1989, 53-54, 57-58). Still, the act was successfully utilized to establish a number of historically significant monuments. Theodore Roosevelt, armed with this new tool, designated a series of national monuments. Among these were prehistoric properties in the Southwest and several geologic wonders. Although limited in number, the protection of historic and prehistoric properties through federal intervention was a pivotal step. These set asides demonstrated a national willingness to protect significant historic properties. Subsequent Congressional legislation in the 1930s and 1960s sought to build upon the 1906 policy precedent.

Economic considerations also contributed to the expansion of the national park system. One of the primary backers for the establishment of Yellowstone was the Northern Pacific Railroad. Railroaders envisioned large numbers of Easterners and Europeans traveling west to view natural American wonders. Thus in 1883, the Northern Pacific established a spur line to Yellowstone. In the first decade of the 20th century Louis W. Hill, President of the Great Northern Railroad, succeeded in establishing a line serving Glacier National Park (Runte 1987, 71-75; White 1991, 411; Sellars 1997, 9-10). Not to be outdone steamship operators, many of which were tied to railroad owners, began offering adventure cruises. Starting from San Francisco, or some other major west coast port, steamers plied the Inside Passage to Southeast Alaska. Stops included visits to natural and historic wonders, many of which were located on federal lands (Scidmore 1885, 4-5). This relationship between transportation companies and federal land managers served as the impetus for future concessions operations, particularly in national park units. With time concessioners would come to play an intricate role in helping the National Park Service (NPS) fulfill its 1916 enabling mandate to provide for visitor enjoyment (NPS

1988, 1.1). This role would only come under significant scrutiny with the emergence of the environmental movement during the 1960s.

In essence, this discussion about parks is illustrative of the alliances which sometimes form between bureaucratic agencies and vested external interests. Whether forced or willingly sought out, such relationships in the public lands policy arena are not uncommon. A variety of scholarly works focus on the emergence of various alliances during the first half of the 20th century.[3] Several speak of issues being locked up for extended periods within the confines of tripartite alliances consisting of Congressional committees, interest groups and government agencies. Clarke and McCool assert that, during this period, non-western Congress members generally exhibited interest in the budgetary aspects of land management policy. In contrast, other salient policy matters were left to western Congress members, vested private interests and relevant agencies to decide (1996, 162-163).

ESTHETICS AND WILDERNESS PRESERVATION

The establishment of national parks and monuments while generally accommodating, did raise a challenge to the equity and more so, the efficiency segments of the conservation movement. The equity and efficiency schools of thought coexisted in what was often times a precarious alliance with esthetics advocates. The esthetics' embracing of wilderness preservation became a focal point of contention (Koppes 1988, 237-238). The concept of American wilderness preservation predated the conservation movement. Mid-19th century writers such as Henry David Thoreau and George Marsh espoused the value of wilderness. In 1832 the artist, George Catlin, proposed creating national parks that would offer formal protection to the vanishing American wilderness (Catlin 1990, 31-35). Following an 1864 visit to Yosemite, Frederick Law Olmstead wrote an official report extolling the virtues of wilderness preservation. Olmstead gave particular attention to the rejuvenating values wilderness experiences would have for urban dwellers. Wilderness, he argued, was a positive form of mental therapy. Public ownership was the only way of assuring that the average citizen had access to what would otherwise be a mental remedy available only to the rich. Olmstead's concept found little sympathy with utilitarian minded decision makers (Olmstead 1990, 45, 47-49).

During the early 20th century, fractures became openly evident when efficiency proponents made repeated attempts to recapture scenic parcels deemed worthy of exploitation. Perhaps the most infamous of the battles associated with this effort was the Hetch Hetchy affair. The battle stemmed from efforts to dam Yosemite National Park's spectacular Hetch Hetchy Valley. It pitted the City of San Francisco, allied with Pinchot, against preservationists under the leadership of John Muir. A self taught naturalist and prolific writer, Muir envisioned conservation as the setting aside of wilderness tracts for purposes of preservation and appreciation. It must be acknowledged, however, that he tempered this passion for unspoiled wilderness with a degree of pragmatism. Muir, and like-minded thinkers, favored infrastructure for making wilderness areas more accessible. It was only after the Second World War, when visitor numbers to national parks dramatically increased, that access and preservation came into major conflict. Muir pushed the concept of preservation through articles appearing in leading magazines and newspapers of the period. His perspectives provided the underlying foundation for much of the early American preservation movement (Nash 129, 279-281; Caulfield 1989, 17-18; Koppes 1988, 238).

The damming of the Hetch Hetchy Valley highlighted unreconcilable differences with the utilitarian minded conservationists. It also invigorated an influx of new support for wilderness preservation. Much of this support came from the nation's emerging affluent urban class. In 1908, Theodore Roosevelt had utilized his bully pulpit to advocate conservation to the American public. This effort stemmed from a perceived need to overcome Congressional reluctance to fund Roosevelt's National Conservation Commission. Many Congressional members saw the commission as an executive attempt to dictate resources management policy (Hays 1969, 133-134).

While the rallying of public opinion failed to sway Congress, it did succeed in gaining new adherents to the conservation movement. However, most of these new urban conservationists were more favorably disposed to a federal policy of esthetics rather than efficient exploitation. Much of this attitude was based in socio-political attitudes of the early 20th century. A majority of urban proponents had political roots in the progressive movement. They belonged to a diverse lot of civic groups bent upon cleaning up government and making their communities a clean, healthy, and wholesome place to live. This attitude manifested in agreement with efficiency advocates on the need to replace rampant exploitation with bureaucratic oversight of public lands. However, coupled with this was a growing consensus on the need to preserve scenic and historic set asides for public enjoyment. This new attitude was perhaps best expressed through writings of *Century* editor, Robert Underwood Johnson. In a 1910 article, Johnson roundly chastised

Pinchot and his colleagues for their obsession with efficient exploitation. He accused the efficiency camp of being little better than the exploiters they replaced: a utilitarian focus on lumbering, grazing, and mining unjustly ignored the spiritual values of nature (Johnson 1990, 90-93). To Johnson and like-minded urban dwellers, the preservation of land tracts for purposes of recreation and outdoor pleasure took precedent, or at the very least, needed to be balanced with utilitarian concerns. These urbanites were not interested in a policy which stressed rational efficient exploitation to the exclusion of non-material matters. Many expressed a sentiment that the creation of national parks and other federal recreation parcels, was essential to the maintenance of the nation's moral fiber (Hays 1969, 135, 141-145; Runte 1987, 85-88).

REFOCUSING CONSERVATION POLICY

While the early preservation efforts did succeed in helping to establish numerous national parks, monuments, and wildlife refuges during the first part of the 20th century, utilitarian policies continued to take precedent. Grazing, lumbering and other exploitive practices were widely tolerated. Mineral exploitation was also a continual threat, particularly in national monuments where protection was less assured than in national parks (Clarke and McCool 1996, 69-70; 36 CFR 7.65). Furthermore, proponents of efficiency succeeded in adapting to preservationist pressures. For example, after 1915 the Forest Service, with Congressional authorization, revised policy to include recreation opportunities. Concessioner agreements leading to the construction of hotels and related visitor facilities were pursued. The development of suitable sites for picnicking and camping also took place (Hardt 1994, 359-360). During the 1920s the Forest Service further altered its management policies through the inclusion of wilderness tracts. This new emphasis was partly because of changing philosophy resulting from Pinchot's dismissal as forest chief. More importantly, these actions were a response to expansionist competition from the upstart NPS. For its wilderness model the Forest Service adopted the prescription of dissident forester Aldo Leopold. Leopold's wilderness land ethic was premised on the belief that nature consisted of complex interrelationships which to be fully understood, needed to be studied and preserved in an undisturbed setting.[4] This scientific justification, one which rational bureaucrats could latch onto if not fully embrace, became the raison d'etre for Forest Service wilderness management (Allin 1987, 131-134; Leopold 1990, 171-174).

By the 1930s, the NPS was likewise reformulating its policy. From 1916 until the early 1930s, NPS Directors Horace M. Albright and Stephen Mather had eagerly courted concessioners in an attempt to expand park unit visitations. This strategy was adopted in the belief that visitors would provide the NPS with an expanded constituency. However, beginning in the 1930s the NPS attempted to place greater emphasis on the preservation component of its 1916 statutory mandate. The shift was part of an overt attempt to wrest wilderness parcels from the Forest Service. NPS Director Arno B. Cammerer highlighted the park service's shift in management emphasis in an article he wrote in 1938. Cammerer's article portrayed the NPS as the nation's premier wilderness preservation agency and served as an impetus to the expansion of wilderness set asides as a policy mandate. The subsequent establishment of Everglades National Park was hailed as a milestone in the shift to true preservation (Allin 1987, 131-134; NPS 1988, 1.2; Runte 1987, 128).

The policy reorientation towards preservation, as evidenced in the Forest Service and NPS, was not a complete conversion. In his 1938 address, Cammerer rightly noted that the rival Forest Service's mission maintained an economic bias. Clarke and McCool note that for much of the post-1945 period, the Forest Service preserved its ideological ties to efficient exploitation through scientific management (1996, 51-52). More ominous are historian Paul Hirt's assertions that, by the 1950s, the Forest Service had become a willing partner in a policy that emphasized "getting out the cut." Balanced, sustainable yield, and multiple use gave way to a policy of dominant use. Hirt presents convincing evidence that the combined pressures of post-war economic growth and cold war resources demands contributed to this change (Hirt 1994).

Further scholarly evidence suggests that such pressure was not limited to traditional commodity focused land managers. Demands came from exploitive proponents to make park units more utilitarian (Hays 1982, 16). For example, during the latter 1930s, an effort was spearheaded to open up Glacier Bay National Monument to mining. The resulting battle reached all the way to the White House, involving Interior Secretary Harold Ickes and President Franklin Roosevelt. The effort culminated in Roosevelt's signing of a statute which opened the previously off limits monument to mining (36 CFR 7.65; NPS Classified Files 1936). Perhaps more trying then these exploitive demands were pressures evidenced through the growing popularity of national park units. In the immediate post-1945 era, visitor use increased dramatically. The NPS responded to this pressure with a renewed emphasis on accommodating visitors in the form of Mission 66. Mission 66 was a ten year plan emphasizing infrastructure upgrades and the new construction of visitor facilities. The plan also created opportunities for increased concessioner operations within park units in order to meet public demand for better services (Hays 1987, 131; Wirth 1980, 237, 261). According to Samuel Hays, agency decision makers generally played a willing role in these transformations. Scientific findings and policy recommendations reflected the biases of vested external interests and their political allies. These biases became reinforced through a system of agency enculturation and a scientific bias which demanded extensive proof of harm as a precondition for policy change (Hays 1987, 331-341, 356-360).

THE RISE OF ENVIRONMENTAL STEWARDSHIP

While utilitarianism, in its varying forms, succeeded in dominating public lands policy through the first half of the 20th century, preservation advocates continued to make their policy case. Although these advocates managed some successes, it was not until the 1960s, with the advent of environmentalism, that a viable policy challenge occurred. The roots of modern American environmentalism can be traced, in part, to such wilderness advocates as John Muir and the before mentioned progressive movement. However, evidence suggests that the explosive growth of the environmental movement in the 1960s was predominantly fed through other factors. Hays notes that new demands in consumer amenities, which included an emphasis on environmental quality, emerged during the post-1945 era. These demand shifts were based in part upon advances in national prosperity and education levels. The result was a new set of higher needs, going beyond the traditional material wants of food, clothing, and shelter. Accordingly, a new set of public values began to emerge, stressing quality of the human experience and subsequently, the human environment. a growing segment of the citizenry came to value the natural environment as an integral part of their rising living standard. In addition, where as the conservation movement was predominantly a top-down effort, environmentalism's driving force was much more bottom-up. Grass roots citizens organizations, on college campuses and in middle class suburbia, formed to make demands upon all levels of government for environmentally proactive change (Hays 1982, 16-17, 20-21; Hays 1990, 144-145, 149).

In *Culture Shift* (1990), Ronald Inglehart presents empirical evidence which supports Hays. Inglehart presents time series quantitative analysis drawing from some 25 nation states, including the U.S. His evidence strongly suggests that the U.S. and other western societies underwent a "culture shift" beginning with the generation Americans refer to as baby boomers. Unlike their parents, this new generation valued quality of life issues or post-materialist values. Of particular relevance to this discussion, was the manifestation of core values espousing the protection of ecological systems, wilderness, and establishment of sustainable patterns of resources use (Paehlke 1994, 350-351).

Paralleling this generational shift was the realization among many traditional conservation advocates, that industry had coopted conservation. During the 1950s exploitation proponents touted economic efficiency as the best determiner of multiple use policy on federal lands. Accordingly, public land use should be decided based upon the optimum economic production which could be garnered from a given acreage. Industry and government supporters, including the Eisenhower Administration, asserted that such a policy produced more revenue for the government. This excess revenue could, in turn, be used to provide greater support for parks, wildlife habitat, and other recreational opportunities without draining taxpayers pockets. In reality, the new policy supplanted efficient multiple use with dominant use as the primary tenet of conservation. Outdoor groups traditionally supportive of conservation, albeit more favorably disposed toward esthetics--among these the Audubon Society, National Parks Association, Sierra Club, and American Wildlife Federation--consequently became advocates of environmentalism's more strident resources protection stipulations (Hirt 1994, 109-111, 120-121; Hays 1982, 16). The Sierra Club's role in the 1950s defeat of the proposed Echo Park Dam, at Dinosaur National Monument, was indicative of this shift. Such battles demonstrated the vulnerability of dominant use conservation and heightened public consciousness. Books like Rachel Carson's *Silent Spring*, also helped to raise public awareness to the realities of environmental concerns. So successful was this consciousness raising that, by 1970, public support of environmentalism had reached a stage of euphoria (Caulfield 1989, 18; Dunlap and Mertig 1992, 2-3). Individuals previously disinterested in environmental matters and public lands protection, subsequently became advocates of policy change.

While the shifting alliances among outdoor groups and raising of public consciousness certainly played a role in creating opportunities for changes in public lands policy, these factors alone were insufficient. Scholars note the role that the media played in the popularization of the environmental cause. By the mid 1960s, the editorial pages of such leading publications as the *New York Times* and *Washington Post* were advocating preservation and public lands protection (Dunlap and Mertig 1992, 4; Caulfield 1989, 31-

32). Also discussed in the literature is elite participation in the formulation of resources protection policy. Henry Caulfield asserts that much of the environmentally favorable policy change, evidenced during the past 30 years, can be attributed to the leadership role of various political actors. During the 1960s and 1970s, several noteworthy political appointees and elected officials assumed key entrepreneurial roles. Caulfield singles out Stewart Udall's aggressive style as Interior Secretary as one example. He credits Udall with playing an instrumental role in passage of the 1964 Wilderness Act (Caulfield 1989, 26-27, 30). Udall also played a pivotal role in terminating Mission 66 and redirecting NPS emphasis towards resources preservation.[5]

Whether because of elite leadership or a combination of factors, the 1960s introduced the onset of a wave of statutes having significant implications for resources protection policy. With the passage of the National Environmental Policy Act, Federal Land Policy and Management Act and the National Historic Preservation Act, to mention just a few, Congress invoked statutory mandates representing a dramatic shift from past public lands policy. Resources protection and preservation assumed greater policy significance. Exploitation, where allowed, became but one component in a policy refocusing which emphasized multiple use rather than a single dominant use.

Admittedly, the sustainability of this policy shift came under question during the late 1970s and early 1980s. Public interest switched to economic and energy related matters. Interest group membership likewise dropped. The entrance of the Reagan Administration in 1981, coupled with what Michael Kraft has referred to as "Congressional deferral politics," hailed the potential demise of stricter resources protection. Reagan appointees were particularly aggressive in their efforts to open federal lands to higher levels of resources exploitation (Caulfield 1989, 46-47; Durant 1992, 52-56). Rather than introduce a significant policy shift, the Reagan Administration efforts served to reinvigorate environmentalism. Citizens voiced their dismay and rejoined environmental groups in record numbers. Coupled with this was a reinvigorated Democrat controlled Congress which reasserted its concern through the passage of new and amended protection statutes (Caulfield 1989, 47; Kraft 1994, 103-105). Noteworthy among these, with respect to the focus of this dissertation, was the passage of the Oil Pollution Act of 1990. Provisions of this act included components addressing issues which had been locked up within the confines of hostile Congressional subcommittees for nearly 20 years.

POLICY CHANGE CONCEPTS

Several scholars have asserted that the policy evolution from conservation to environmentalism comprised a policy leap. Where as some of the resources policy changes introduced in the past 30 years displayed an incremental evolution, this was often not the case. Rather many of the statutes constituted dramatic shifts from previous policy. Innovative and nonincremental policy initiatives usurped the disjointed incrementalism which was said to dominate policy making in the U.S. (Ingram and Mann 1987, 688; Charles Jones 1974). Such thinking challenged conventional wisdom. Incrementalism, as perhaps best described in Charles Lindblom's 1959 essay on "muddling through"presented policy change, both normative and actual, as a series of small steps building upon the existing status-quo. This advancement through small degrees was predicated upon a belief that a paucity of sufficient information, limited resources, and value disagreements caused decision makers to adopt an incremental policy approach. Likewise, the method allowed policy makers to strive towards an approximation of what they perceived as the peoples' will, while allowing for retrenchment should the policy choice prove incorrect (Lindblom 1987, 264-265, 272).

Building upon Lindblom, pluralist proponents asserted that incremental change was the logical outcome of interest group competition. Working through the decentralized Congressional committee system, interest groups could make favorable changes at the margins without the attention of potential opposition groups. Supporters argued that this method had the advantages of avoiding policy gridlock while, in aggregate, realizing an approximation of general public will. Critics charged that this system resulted in a desegregated policy hodgepodge which favored the status quo and left little room for meaningful reform (Wise 1991, 9-10; Conlan et al 1995, 123). Still, other policy scholars spoke of issues being locked up for extended periods within the confines of tripartite alliances consisting of Congressional committees, interest groups, and government agencies. Concerned with the same substantive policy, such relationships were said to be mutually advantageous for the participants. Under these circumstances the limited change that did occur was perceived as primarily benefiting vested interests (Maass 1951; McCool 1990, 269).

However, in response to the nonincremental leaps, as witnessed in the federal public lands arena, new concepts of policy change have been proposed. Some scholars have asserted that policy change is much more dynamic than previously thought. In an article on federal air pollution, Charles Jones acknowledged that the type of impediments which Lindblom described contributed to incremental policy change from 1955-1967. By 1969, this situation began to change. Growing public demand for massive change was manifested through public opinion polls and demonstrations. Primary among these was the April 22, 1970 Earth Day which witnessed the joining of thousands of middle class suburbanites with college students across the nation. A Gallup poll conducted shortly thereafter, found reducing pollution of the air and water to be the number two public concern, behind crime reduction. These public awakenings received widespread media coverage. Media coverage was further spurred through the release of the Ralph Nader headed group report entitled "Vanishing Air." The report was a scathing indictment of government and industry. All this attention placed pressure for action on elected officials at all levels. Public officials were forced to give greater attention to environmental concerns. At the federal level, statutory proposals dramatically escalated towards stronger regulations, irrespective of existing attainment capabilities. In Congress a number of senators became actively involved in environmental issues serving as the patrons of what was, until then, an under represented constituency. This created jurisdiction expansions, which when coupled with support from the Nixon Administration, overwhelmed opponents. The result was passage of what was termed the "toughest air pollution cleanup bill ever." In sum, Jones asserts that elected officials, seeking to satisfy vocal public demand, established statutory policy extending well beyond that dictated through the confines of incrementalism (Jones 1974, 449-455; Peterson 1993, 410).

In *Pesticides and Politics* Chris Bosso adds another factor to Jones' list. Bosso maintains that critical structural changes create opportunities for the previously disenfranchised to participate. Among these were interest group expansion and Congressional reforms. Earth Day acted as a participatory catalyst, causing substantial expansion in the ranks of already growing environmental organizations. Mainstream conservation groups also experienced membership growth. Many altered their missions to incorporate and reflect members preference for a more forceful environmental mandate. Such expansion, according to some scholars, was a necessary component in the policy change equation. Interest group expansion, linked citizen preferences with government capabilities. Through this mechanisms public opinion was articulated into a coherent demand for change (Bosso 1987, 145-147; Peterson 1993, 407-408).

Interest group expansion manifested itself through a corresponding growth in the number of environmental lobbyists in Washington, D.C. During the 1950s, conservation and environmental lobbyists, on Capitol Hill, were virtually nonexistent. By 1970, 13 environmental lobbyists were registered with the federal government. This number expanded to 70 in 1971. Receiving these lobbyists was a Republican administration and Democrat controlled Congress each eager to show voters their commitment to the environment.[6] The result was a dramatic expansion of the scope of conflict or what E.E. Schattschneider called the socialization of conflict. Environmentally related policies were no longer contained as in years past. In a matter of a few years the issue transformed from one of containment within a private sphere to the public domain. Industry representatives and their Congressional supporters found themselves under intense external scrutiny. This contributed to an erosion of Congressional support. Within a short period, these forces successfully created multiple points of access thereby contributing to dynamic policy breakthroughs (Bosso 1987, 145-147; Schattschneider 1960, 5-8).

Although only in its early stage on Earth Day, Congress also experienced structural change which contributed to the establishment of new access points. Beginning in 1971 Congress, particularly in the House, embarked upon a series of changes which redistributed the traditional authority of long-standing committee chairs. Power went to a host of newly created and reinvigorated permanent subcommittees. Subcommittee chairs were selected through caucus vote rather than on the basis of seniority. Members were not allowed to chair more than one subcommittee. Subcommittee independence was furthered through the designating of permanent jurisdictions, staff, and budget allocations. Individual members also received increases in staffing allocations, further enhancing opportunities for greater participation (Quirk 1995, 229). Taking advantage of this new power, many of these subcommittees became the advocates of previously excluded sectors of society. They adopted an entrepreneurial spirit which helped stimulate innovative policy change. This spirit likewise manifested itself in issue expansion, as innovative subcommittee chairs established a stake in policy areas outside their jurisdiction. Some retrenchment did occur during the ensuing post-reform era, beginning in the late 1970s, as leadership reasserted a measure of centralizing control (Peterson 1993, 417-419; Davidson 1992, 10-15). Despite this, subcommittees have continued to maintain a substantial degree of independence. Significant decentralization maintained through the subcommittee system and opportunities for individual entrepreneurship remain hallmarks of the modern Congress (Quirk 1995, 230-232).

Bosso, in his discussion of structural change, builds upon another consideration addressed in Jones' earlier essay. Jones notes that one missing ingredient during the push to develop a comprehensive clean air bill was an aggressive agency advocate. The National Air Pollution Control Administration was viewed as weak and ineffectual. Even when given the Congressional authority to act, the agency hesitated (Jones 1974, 447-448). This situation changed with the creation of the Environmental Protection Agency (EPA). The EPA, although not always successful during ensuing years, was created as an environmental advocate. Its establishment provided environmental proponents with a permanent access point to policymaking. Creation of the EPA upset the traditional jurisdictional monopoly within the tripartite alliance. It meant that industry favorable policy stability would be more difficult to achieve and maintain in the future.

Structure of demand, the structure of decision making, and the structure of impacts also affect policy making alliances (Ingram and Mann 1987, 700). Structure of demand refers to the degree of unity among the various policy interests. Structure of decision making has to do with policy fragmentation or integration among decision makers; and structure of impacts refers to the composition of society that feels the decision outcome. When these political components are in congruence there exists a stable subsystem displaying attributes of a tripartite alliance. Conservation policy during the first half of the 20th century evidenced such congruence. Congressional subcommittees worked closely with vested external interests and federal agencies to formulate meaningful public lands legislation.

In contrast, the issues surrounding today's ecosystem management, wilderness preservation, and public lands management are typically much more diverse and conflictual. Issues are often defined in terms of the economy and jobs versus resources preservation and environmental protection. Political costs tied to decision making are high as are the direct costs to target groups. To overcome these impediments, lawmakers have sometimes been forced to adopt a variety of devices which lessens the actual and perceived levels of the policy impact. One much used device has been the offering of government side payments in the form of federal grants and tax breaks, thereby lessening the economic costs associated with resources protection on federal land (Ingram and Mann 1987, 700-701, 706-707).

In addition to what has just been said, the specter of policy change has called into question assumptions about the progression of policy through a predictable cycle. For many years it was assumed that an issues progressed through a set of policy stages. After first emerging on the policy agenda, an issue then progressed through formulation, implementation and evaluation, followed with either policy termination or change. In the event of change, the entire cycle would be repeated again (Lester and Stewart 1996, 135). This cycle meshed well with perceptions of incrementalism. It assumed a top-down unilinear process of policy progression largely free from turbulent upheaval. This textbook approach, likewise represented a broadly shared means of thinking about public policy. It provided a useful method for conceptualizing a complex policy process into manageable segments.

By the mid-1980s, however, numerous challenges were being raised to the stages approach. Some scholars noted a growing dissatisfaction. Critics asserted that while the stages approach had made important contributions, it had outlived its usefulness. In a critical analysis of the stages approach, Hank Jenkins-Smith and Paul Sabatier identified what they perceived to be the primary shortcomings of the method. Among these criticisms was a recognition that the stages approach, in asserting a sequential progression, suffered from descriptive inaccuracy. In culling the literature they found much scholarly evidence suggesting that frequent deviations occurred. Rather policy progression was often much more turbulent, evidencing multi-layered and overlapping competition as participants sometimes preserved the status quo or introduced major policy change. Subsequently Jenkins-Smith and Sabatier called for the development of an alternative model to explain non-incremental policy change (Jenkins-Smith and Sabatier 1993, 1-5).

FINAL REMARKS

Based on the discussion in this chapter, it can be asserted that federal lands statutory policy has experienced change. Likewise, this discussion suggests that some of the changes have evidenced a nonincremental break with past statutes. Stable alliances between policy insiders became disrupted as new pressures and demands were placed upon the system. When successful, these disruptions resulted in statutory changes having attributes of a policy leap. As to why some disruptions were more successful than others in bringing about substantive change, the chapter provides tantalizing suggestions but also raises several questions. First, what are the primary factors that lead to policy instability and turbulence? Questions also arise over the degree of influence and importance that various components have in maintaining stability or invoking statutory change. Third, are there certain factors, such as a dramatic event or entrepreneurial leadership, whose absence can make the difference between minor change and achieving a policy leap? Or is the degree of change more a matter of the political skill of institutional participants who, despite external pressure and disruption, are able to persevere through the use of distinctive policy strategies? To this end, several models have been invoked as a means of providing a more robust explanation to these questions. Most intriguing among these, for the purposes of this dissertation, is the punctuated equilibrium model of Frank Baumgartner and Bryan Jones. This model has been positively applied in preliminary studies of statutory change. In this dissertation, the model is applied to three issue areas: 1) concessioner operations, 2) coastal oil pollution, and 3) historic preservation. This application to the three issue arenas provides the means for deriving a more robust explanation to the above questions.

END NOTES

1. Among these scholars, to be discussed in subsequent sections, are Helen Ingram and Dean Mann, Charles Jones, Chris Bosso, Paul Sabatier and Hank Jenkins-Smith.

2. Such calls for government intervention did not preclude self-seeking motivations. For example, in Los Angeles, William Mulholland used threats of imminent water shortages and other questionable means to fashion a powerful water bureaucracy under his directorship (White 1991, 423-245).

3. For further readings on public lands alliances see Paul Culhane, *Public Lands Politics*; Phillip Foss, *Politics and Grass*; Jeanne Clarke and Daniel McCool, *Staking Out the Terrain*; Donald Worster, *Rivers of Empire*; and Arthur Maass, *Muddy Waters*.

4.Leopold's pioneering work on development of an understanding of complex relationships between life forms and their environment helped serve as the foundation for the science of ecology.

5. Udall was criticized in some circles as being overly supportive of resources exploitation. Evidence supporting this perspective can be found in President Kennedy's February 23, 1961 "Special Message to the Congress on Natural Resources," which Udall helped to prepare.

6. In a recent analysis of policy change in the federal tax arena, Timothy Conlan et al., (1995) likewise found evidence of a bidding war between the Reagan administration and Democrats in Congress. This interparty competition was spurred through the efforts of each faction to take public credit for enacting tax decreases.

CHAPTER TWO: THEORETICAL FOUNDATIONS OF POLICY CHANGE

POLICY CHANGE MODELS

In the previous chapter evidence was provided asserting that federal lands policy has undergone statutory change. This change saw federal lands statutes progress from tenets of disposal and exploitation, to conservation, and most recently to environmental stewardship. Still, the question remains how meaningful policy changes, particularly policy leaps, are brought about? To this end several models of change have been offered.

First among these is Arthur Schlesinger's cyclical model.[1] Beginning in the mid-19th century, scholars had identified discernible and recurring cycles in American politics. One early theory asserted cycles alternating between conservatism and innovation. The former was associated with preservation of the status quo and the latter bent upon policy change. Another observer described alternating twelve year cycles between the centralization and diffusion of national power. This proposition was based primarily upon tenets of federalism. Building upon these earlier propositions, Schlesinger argues that public policy exhibits cyclical or generational shifts about every thirty years. These cycles alternate between preferences for policy which is either more conservative or liberal. Schlesinger further defines this as cycles evidencing shifts in national policy favoring private interests or broader public purposes (Schlesinger 1986, 22-25, 27). Dissatisfied with previous policy trends each new generation, upon attaining political consciousness, looks to reinvigorate and propel government in a new policy direction. Commonly held view points and experiences within age cohorts create a unified social body. In each case the generation in power became attuned to a new message for resolving societal problems. In fact, Schlesinger asserts, it is the very failure of present policy direction to solve new problems that serves as the impetus for the citizenry's demand for change. Thus the first decade of the 20th century witnessed the progressive era, followed with New Deal liberalism, post-1945 conservatism and the 1960s Great Society.

With each swing of the cycle, a new President is propelled into office to carry the banner of generational change. These Presidents, sometimes even against their own personal inclinations, act as policy entrepreneurs. They carry forward the new generational mandate, adopting it as their own. And while Schlesinger acknowledges a participatory role for political parties, groups, and Congress, these are merely supporting roles (Schlesinger 1986 28-31, 34-37). It is at this point where Schlesinger's proposition fails. Conlan et al., argue that while Schlesinger's, as well as similar Presidential-majoritarian models have merit, they fail to adequately explain many instances of nonincremental change. The honeymoon period when Presidents enjoy a unity of one voice is brief. Too brief to dispose of a legislative backlog encompassing the pent up demands of an entire political generation. In examining tax reform during the early 1980s, Conlan et al., found that Reagan never mobilized the necessary popular majority predicted in a Schlesinger type model (1995, 126-127).

Kingdon provides evidence that other political actors, aside from the President, often play critical roles as policy entrepreneurs. Included among these are Congressional members, think tanks, lobbyists, and agency officials. Likewise, Kingdon asserts the need for the confluence of various policy making streams, and subsequent creation of policy windows. These windows create opportunities for redefining the agenda and potentially bringing about policy change (Kingdon 1995). The discussion on policy concepts presented in the previous chapter, further argues against Schlesinger. It suggests a policy dynamism that draws on actors and considerations well beyond anything envisioned in the cyclical thesis. Therefore it appears that Schlesinger's model is insufficient for this analysis.

Edwin Amenta and Theda Skocpol offer a competing model of policy change. They assert that policy change displays an erratic or zigzag pattern. For example, in the late 19th century the U.S. was an activist leader in basic social welfare policy. During a second phase from 1900-1930, earlier advances were phased out. The period from 1930-1950 witnessed a resurgence in social welfare policy innovation. Many of these accomplishments were rolled back or eliminated during the 1950s only to be replaced with a brief revival in social welfare reform during the 1960s and early 1970s. In essence, a pattern emerges whereby the public policies dominant in one era provide the stimulus for a policy backlash during the subsequent era (Amenta and Skocpol 1989, 293-294).

These policy shifts are in part a result of competition between conservatives and liberals as well as class struggle. However, more important to Amenta and Skocpol are the roles of the state, political parties, and crises. State institutions are said to have a mediating effect upon policy. In particular, the separation of powers, absence of a professional bureaucracy, and traditional system of suffrage created a pattern of

Congressional patronage favorable to white males. This status quo was effectively disrupted during periods of sustained party dominance. Most notable were extended periods of Democrat dominance, epitomized through party control of Congress and the Presidency. During these periods party reform coalitions representing minorities, emigrants, women, and others among the disenfranchised were able to disrupt the status quo. Change was enhanced through the occurrence of crises. Consequently, policy reform was made possible during the turbulent upheaval of the Great Depression. Lacking this congruence, policy falls once again under a system of institutional control in which a patronage oriented Congress reigns supreme (Amenta and Skocpol 1989, 312-313, 319, 323).

While more encompassing than the cyclical model, the zigzag model suffers from an overt emphasis upon state authority, particularly Congress, and a deemphasis of other institutions. Congressional members are portrayed as single dimensional patronage brokers. The model assumes a relatively autonomous state free from the diversity of internal and external interests typical of the U.S. system (Sabatier and Jenkins-Smith 1993, 37). Only the periodic emergence of single party dominance coupled with crises can break this pattern. Largely ignored are the roles of interest groups, the media, majority public outcry, and policy entrepreneurs. Likewise, the model suffers from an obsession with distributive social welfare policy. Other policy arenas are only discussed in passing based upon a relevance to this single arena. As with the cyclical proposal, the zigzag approach is found wanting.

More complex than either of the previous explanations is Paul Sabatier's and Hank Jenkins-Smith's policy learning thesis, or advocacy coalition framework (ACF) as it is sometimes referred. Policy learning conceptualizes change as a function of three factors: 1) the interaction of competing advocacy coalitions within an issue arena, 2) changes external to the subsystem, and 3) the effects of stable system parameters. The model assumes that understanding change requires a perspective of at least a decade, so as to observe a more complete policy cycle. Within this context focus must be upon the policy subsystem composed of participating advocacy coalitions. Advocacy coalitions consist of competing groups of like minded participants. Shared beliefs provide the unifying force for group affiliation. Therefore, preferred policies can be conceptualized as belief systems; sets of value priorities, and shared assumptions for achieving them. Significant change, when it does occur, follows at least a decade of stability and results from external pressure upon the subsystem. This could be the product of large-scale socio-economic disruptions or changes in system wide governing coalitions. Change that is more incremental in nature occurs as a result of policy learning among various coalitions and policy brokers (Sabatier and Jenkins-Smith 1993).

The ACF, like the punctuated equilibrium model, is a recent policy change model. Preliminary testing has produced some promising results, especially in the areas of energy and environmental policy. Questions, however, have been raised regarding whether external shocks or learning is the primary path to paradigm shift (Lertzman, et. al. 1996, 131). Finally, with respect to statutory change, the model deemphasizes the role of traditional tripartite alliances. Instead, focus is placed upon exogenous sociopolitical developments. While this expansion beyond the traditional alliance is deemed useful, critics have cautioned against alliance deemphasis (McCool 1990, 271, 275, 290-291). Therefore it would seem necessary, when analyzing statutory change, to select a model that meaningfully considers the role of committees, subcommittees, interest groups, and government agencies. Subsequently, while each of the above models provides suggestive explanations of policy change, it is the punctuated equilibrium model of Frank Baumgartner and Bryan Jones which appears best suited to examining federal statutory change.

THE PUNCTUATED EQUILIBRIUM MODEL OF POLICY CHANGE

In order to understand the components of the punctuated equilibrium model, one must first place the model within its proper context. This requires a brief digression to the matter of tripartite alliances. In past years, the processes of policy making and subsequent implementation were often described as being controlled through iron triangles. Iron triangles were thought to manifest themselves within Congress as cozy relationships consisting of a subcommittee, vested outside interests, and a federal agency. Success was often predicated upon an issue having low salience with the broader public. Left to their own devices, the participants of these iron triangles monopolized a policy area to the general satisfaction of the participants (McCool 1990, 269; Ripley 1994, 338-340). Such policy dominance effectively prevented proponents of countervailing views from gaining access to the policy process. Resulting policy outputs and policy outcomes reflected the desires of participants within the iron triangle.

Subsequent interpretations of iron triangles have disputed the limited scope of these alliances. Hugh Heclo (1978, 88, 94-105) argued that policy alliances consist of broader issue networks which sometimes disagree about policy development. Heclo faults traditional alliance notions for failure to account for the complexity and broader integration of policy making. He argues that policy arenas are often integrated into a larger network of participants. These participants have varying degrees of interest, influence, and dependence upon arena decision outputs. Their participation will fluctuate depending upon relevance to individual network members. Building upon Heclo, later analysis found that dramatic policy shifts occurred when groups outside the issue network penetrated the policy arena (Jones 1974, 449-455; Bosso 1987, 146-147). Other evidence, however, has suggested that clusters of policy insiders are able to reassert policy dominance or fend off these external challenges. Much of this success has been attributed to the ability to frame policies in such image provoking terms as patriotism, fairness, or positive economic growth (Baumgartner and Jones 1993, 6-7).

Coupled with this is a recognition that the intensity of external interests and pressure does fluctuate. Protracted conflict and continual competition grows wearisome. External interest shifts to new and more pressing matters of concern. Insiders are thus able to retreat into a comfortable policy alliance. However, it must be recognized that preceding shifts may leave the alliance irrevocably altered. New participants gain a permanent seat at the table thereby causing the old alliance to accommodate different perspectives (Kraft 1994, 102; Baumgartner and Jones 1993, 6-9).

Unfortunately, much of this analysis while intriguing, provided little in the way of testable models of policy change. The punctuated equilibrium model was designed to remedy such shortcomings. According to Baumgartner and Jones, policy making in the U. S. consists of long periods of stability punctuated with intermittent upheavals. Stability in this case should not be confused with perfect equilibrium. As Baumgartner and Jones acknowledge, few policies are ever in a state of perfect equilibrium. Rather equilibrium, as used in this model, typically denotes periods of stability where in policy change occurs incrementally if at all (Baumgartner and Jones 1993, 14, 18-19).

During periods of equilibrium vested elite interests monopolize a given policy arena. Jurisdictional boundaries are clearly delineated with single subcommittees usually having exclusive jurisdiction over an issue. Baumgartner and Jones refer to this as a jurisdictional monopoly (Jones et al 1993, 660). This dominance comes under challenge as new interests seek to influence the agenda within an issue area and any subsequent policy outputs. A period of turbulence ensues which upsets the stability of the existing issue monopoly. Such episodes of turbulence are not merely one-sided engagements between economic haves and have-nots. Competition to redefine policy issues often involves the intrusion of powerful outside groups. Subcommittee policy dominance likewise diminishes as other subcommittees, at the prodding of their constituent interests, take up the issue. Additional turbulence is created as the media, political entrepreneurs, and political parties become involved in the fray. These pressures result in an expansion of the number of subcommittee hearings within the issue area. In the ensuing upheaval, old elites are supplanted or forced to compete with outside groups (Baumgartner and Jones

1993, 3-4, 8-9; Jones et al 1993). This turbulence can result in the breakdown of the existing issue monopoly and an alteration of the policy agenda. It likewise creates windows of opportunity for changing policy outputs and the direction of existing program implementation (Kingdon 1995).

In order to identify and understand the above described trends in issue monopolies, it is necessary to analyze a policy area over an extended period. Baumgartner and Jones suggest tracking an issue over several decades. By engaging in such longitudinal analysis, researchers can capture trends which are often overlooked in cross-sectional analysis (Baumgartner and Jones 1993, 40-42, 47). This method does not preclude the use of cross-sectional analysis. The design can be used to empirically test turbulent episodes identified during the longitudinal analysis.

Baumgartner and Jones have applied punctuated equilibrium to a number of issue areas. However, while the two scholars acknowledge the robustness of their model as applicable to explaining policy change, much of there work has been limited to explaining redefinition of the policy agenda. Redefinition occurs when new ideas become the prevailing wisdom within an issue arena. Typically these ideas are introduced from outside the existing policy alliance. When successfully introduced, these alternative perceptions change the accepted understanding of an issue. This emphasis on the policy agenda is premised upon the belief that redefinition is imperative to bringing about dramatic policy reversals. Without this, any change that occurs will involve only marginal adjustments to the status quo (Baumgartner and Jones 1993, 4, 11-12). Admittedly agenda redefinition is a necessary condition for achieving meaningful statutory change.

But, it must likewise be recognized that agenda redefinition is not always sufficient to ensure statutory change. Other evidence suggests the need for issue nationalization to assure statutory change. Thus in addition to agenda redefinition, an issue must be scheduled for active and serious deliberation through a decision making body. More specifically, an issue is defined as being on the national agenda, once it has been placed on the legislative calendar of either house of Congress in the form of a proposed public law (Lester and Stewart 1996, 62-64).

VARIABLES IN THE PUNCTUATED EQUILIBRIUM MODEL

While Baumgarnter and Jones provide a rich descriptive discussion of the various components of their model, no where do they diagram their model. What follows is a simplified diagram of the punctuated equilibrium model.

Equilibrium----->	**Turbulence---->**	**Strategies----->**	**Policy Change**
Stability	External Interest	Devices of Change	Statutory Output
Policy Monopoly	Pressure		Policy Leap

Equilibrium and Turbulence

Equilibrium denotes periods of stability where changes in statutory outputs occur incrementally if at all. Stability is preserved through the maintenance of issue dominance and jurisdictional control. This control, termed a policy monopoly, is generally not in the form of an iron triangle. Most scholars agree that iron triangles are increasingly difficult to maintain. Rather a policy monopoly consists of interests groups, institutions, individuals and advocacy coalitions linked together in a mutually interdependent manner through shared interests and congruent policy demands (Baumgartner and Jones 1993, 43). A period of turbulence begins as pressure from external interests is exerted upon the policy monopoly. Such external interests include those participants whose concerns were not incorporated as a part of the agenda during the interval of equilibrium. In this research it is crucial to identify the change from equilibrium to turbulence. Such change is operationalized as the following types of increased activities.

1) An increase in Congressional committee and subcommittee hearings (Baumgartner and Jones 1993, 8-9, 52; Jones et al 1993; Talbert et al 1995): refers to the actual number of issue related hearings and the number of committees/subcommittees holding hearings. A distinction is made between the number of hearings and number of committees/subcommittees holding hearings in acknowledgment that turbulence is evidenced through expansion of both factors. The measurement of this indicator will consist of two counts. The first count labeled "number of hearings," identifies the number of issue related Congressional hearings for a given calendar year. The second count labeled "subcommittees," refers to the actual number of committees and subcommittees within both houses holding hearings during a calendar year.

2) Greater participation of agency officials (Baumgartner and Jones 1993, 52, 87-88; Talbert et al 1995): reflected through the number of representatives from federal, state, and local level bureaucratic agencies submitting hearing testimony on the behalf of their respective agency. The counts for this indicator are derived from Congressional hearings records per calendar year. The designation F-federal, S-state, L-local, and O-other are coded in the dissertation data set to distinguish between participating levels of government.

3) More interest groups participating (Baumgartner and Jones 1993, 7-8, 35-36): official testimony submitted by representatives of a formal organization pursuing policy goals on behalf of its members. Interest group testimony is distinguished in the data set coded as E-pro-exploitation/industry, P-pro-resources protection and O-other. Annual Congressional hearing records serve as the data source.

4) More citizen activists (Baumgartner and Jones 1993, 34, 87-88; Talbert et al 1995): individuals submitting testimony during hearings who are not officially aligned with any of the above indicators. Typical among these are concerned citizens, former agency personnel, or individual business persons. The diversity of citizen activists is too great to allow categorization. Therefore this index item does not have any additional coding breakdown beyond a total count for each issue. However, this does not prevent the inclusion of a rich supporting qualitative discussion of individual citizen actors as relevant. Annual Congressional hearing records serve as the data source for quantitative tabulation. Hearing records combined with interviews and media coverage provide qualitative information.

5) Increased media coverage (Baumgartner and Jones 1993, 49-51): consists of issue relevant articles appearing in the *Readers' Guide to Periodic Literature* and the IAC National Newspaper Index. The *Readers' Guide* is the broadest index of popular periodicals and specialized publications in the U.S. The IAC provides indexing of all articles appearing in five major U.S. newspapers as well as five other major news publications.[2] Tabulated counts are presented for discreet calendar years with a distinction made between the two media sources.

Baumgartner and Jones likewise make reference to the role of policy entrepreneurs. John Kingdon defines policy entrepreneurs as proposal advocates who willingly make significant personal investment in hope of a future return (Kingdon 1995, 122-123, 179). Such individuals are represented in all of the above indicators. Therefore, to maintain mutual exclusiveness, relevant policy entrepreneurs are identified and discussed in a qualitative rather than a quantitative manner.

Strategies

In their quest to institute policy change, external interests make use of a number of varying strategies. These strategies serve as the means for redefining the agenda and formulating a new set of policy outputs. Likewise utilizing these strategies are existing members of the policy monopoly striving to maintain the status quo. The identification and success or failure of these political strategies to influence policy constitutes a critical component of the punctuated equilibrium model. These strategies are operationalized as the following types of indicators.

1) Image: the policy monopoly tries to portray an issue in such favorable terms as patriotism, fairness, or positive economic growth. Image relies upon a combination of empirical findings and emotive appeals to garner support. Accordingly, policy monopoly participants use image to buttress concepts favorable to the existing monopoly. External interests, in contrast, seek to generate turbulence through image portrayals which mobilize the previously disinterested (Baumgartner and Jones 1993, 25-26). This indicator is

qualitatively measured through evidence gathered from hearing records, media accounts, and interviews.

2) Persuasion through experts: today's issue experts, be they from the policy community or the scientific community no longer speak publicly with a single unified voice. Experts today make public their significant disparity and conflict in professional opinion. Faced with such open dissent, on a variety of resources protection issues, political leaders must make decisions on issues where once they may have chosen to simply ratify unified expert opinion (Baumgartner and Jones 1993, 43; Hays 1987, 329-343). Congressional hearing records, coupled with relevant reports, journal articles, and general media accounts are used to qualitatively measure this indicator.

3) Issue venue: refers to the institutional locations where authoritative decisions are made on a particular issue. The generation or avoidance of turbulence is closely related to the venue within which an issue is addressed. Therefore outsiders may seek to have an issue moved to a venue more favorable to change (Baumgartner and Jones 1993, 32-35). Given that the focus of this dissertation is on Congressional policy outputs, changes in venue will be measured quantitatively based upon an expansion in the number of committees/subcommittees holding hearings for a given calendar year. Hearing records coupled with media accounts and interviews provide a wealth of qualitative data.

4) Federalism: creates a number of distinct and partially autonomous venues for policy action. This overlaps with issue venue. However, federalism is sufficiently different and complex as to constitute a separate indicator. First, federalism can promote change simply because no group can control all parts of the policy system. Second, the role of states and localities as policy laboratories has also contributed to change. Successful policy innovations developed at the subnational level, are often times later adopted at the national level. Third, federalism can inhibit change as issues become accepted as being within the jurisdictional sphere of a particular level of government (Baumgartner and Jones 1993, 216-217, Lowry 1992). Media accounts, journal articles, and government documents provide qualitative data to examine the role that federalism plays.

5) Tone: refers to the favorability or unfavorability of publicity surrounding an issue. External interests will have greater opportunities for success when media coverage is shifted to an issue perspective disfavorable to tenets of the monopoly. Media accounts from the *Readers' Guide* and IAC are coded and quantified by calendar year as P-positive, N-negative or U-neutral/uncodable. Replicating Baumgartner and Jones, tone is determined through a reading of the title of an article (1993, 255-257). An article was judged positive if it reflects a tone favorable to vested industry interests; negative if disfavorable to vested industry interests; and neutral/uncodable if deemed inappropriate for either of the other two categories.

6) Nationalization: issue nationalization is said to occur when an issue becomes part of the institutional--sometimes referred to as national or Congressional--agenda. The issue thus comes up for active and serious consideration before a decision making body, such as placement on the legislative calendar of either house of Congress in the form of a proposed public law (Lester and Stewart 1996, 62-64; Baumgartner and Jones 1993, 40, 43, 84, 93). Quantitative data from Congressional records provides verification of appropriate legislative consideration. Qualitative data evidencing action on the institutional agenda was secured from hearing records, other government documents, and various media sources.

Policy Change: Dependent Variable

The dependent variable in this analysis is policy output change. Such change is evidenced through the formulation and passage of new statutes or the amendment of existing statutes. As suggested earlier, the degree of change in statutory outputs can and will vary. In cases where the policy monopoly was able to maintain cohesion, despite external pressure, two things can happen. First, any changes in policy outputs are hypothesized to be incremental or merely symbolic. Lindblom defines incremental change as building out from the current status quo, step-by-step, progressing in small degrees. Change is considered in terms of adjustment at the margins or what Lindblom refers to as successive limited comparisons. Numerous scholars have asserted that, under these circumstances, the limited statutory change that does occur is perceived as primarily benefiting vested interests (Lindblom 1987, 265-268; McCool 1990, 269). Symbolism, likewise implies limited change. A commonly accepted definition, adopted in this dissertation, describes symbolic change as the devising of statutes that appeal to cherished values, not tangible benefits or action. Some examples of these policies are statutes honoring individuals, events, or a general expression of support for an ideal (Lester and Stewart 1996, 10). Second, sufficient policy monopoly cohesion in the face of external pressure could result in no statutory change what-so-ever, as evidenced through the failure to produce a new or amended statutory output. The inability to transform a new legislative proposal or amend an existing statute into law provides visible evidence of no statutory change.

Finally, change could be dramatic resulting in the production of a statutory output that is nonincremental or exhibits a policy leap. In discussing clean air policy Jones describes a policy leap as the dramatic escalation of stronger statutes, irrespective of existing attainment capabilities.[3] Such statutes extend well beyond the policy change dictated through the confines of incrementalism (Jones 1974, 449-455). Ingram and Mann cite the technology forcing mechanisms contained in the 1970 Clean Air Act and 1972 Clean Water Act as examples of a nonincremental policy leap. The technology contained in the statutory provisions went well beyond what anyone would have generally expected the regulatory system to handle. Accompanying this were new budgetary allocations at levels deemed sufficient to implement the new statutory provisions (Ingram and Mann 1987, 688-689). James Lester and Joseph Stewart discuss nonincremental change in terms of consolidation and splitting, or what is referred to as nonlinear action. Such actions involve either the merging or splitting apart of previous statutes thereby creating an entirely new policy. The resulting statutory action likewise creates new programs and agency responsibilities, or witnesses the emergence of a new administrative entity (Lester and Stewart 1996, 136-137).

A number of data sources are analyzed to discern the above levels of policy output change. The qualitative analysis of these sources will result in each statute or amendment being coded as: 1) incremental, 2) symbolic, 3) no change, and 4) nonincremental or policy leap. Primary among the data sources utilized are Congressional reports, an examination of the content of the statute, relevant excerpts from the *Congressional Quarterly Almanac*, and interviews.

Propositions

Having said this, it is now time to suggest a set of policy output change propositions:

1) Policy change is more likely to occur when external interests are able to generate turbulence through image portrayals which mobilize the previously disinterested.

2) Policy change is more likely to occur when external interests are able to produce experts who publicly challenge and question the prevailing perspectives of experts operating within the established policy monopoly.

3) Policy change is more likely to occur when issues are switched or expanded to venues not associated with the established policy monopoly.

4) Policy change is more likely to occur where federalism creates more distinct and partially autonomous venues for policy action.

5) Policy change is more likely to occur when subnational units of government successfully invoke policy innovations suitable for adoption at the national level.

6) Policy change is more likely to occur when the tone of media coverage is deemed to be generally more disfavorable than favorable of established policy monopoly interests.

7) Policy change is more likely to occur when an issue becomes nationalized.

RESEARCH DESIGN

This dissertation relies upon the case study research design method. The use of the case study as an analytical tool of theory building has a long tradition within the social sciences. Ascendency of the behavioralist method during the post-1945 era, however, cast doubts upon the applicability of case studies. Case studies became viewed as a descriptive tool having little explanatory power. Critics pointed to the method's lack of representativeness; that is to say its inability to generalize to a broader population. It was also suggested that case studies allowed researcher subjectivity to easily play into conclusions. By the 1970s, however, researchers were reassessing the case study method thereby determining it to be a valuable tool for theory building (Yin 1984, 21; Lincoln and Guba 1985, 37-38; Torgerson 1986, 40–41; Lester and Stewart 1996, 37).

Of the research methods available, the case study method best supports the depth of analysis and produces the richness of information conducive to testing the punctuated equilibrium model. The punctuated equilibrium model is premised upon the need to analyze trends longitudinally. Only through an indepth analysis, covering several decades, is it possible to identify such components as: 1) factors contributing to policy stability and turbulence, 2) periods of stability and turbulence, and 3) meaningful shifts in policy outputs.

The case study method is defined as: an empirical inquiry that investigates contemporary phenomenon within a real life context, when boundaries between the phenomenon and context are not clearly evident and in which multiple sources of evidence are utilized. Like a single experiment, the case study is generalizable to a theoretical proposition. However, it is not generalizable to a population or universe. Thus the use of case studies in this analysis ascertains external validity in terms of analytical generalizability to propositions contained within the punctuated equilibrium model. This point is made in acknowledgment that a case study is not a sample, and therefore provides analytical but not frequency generalizability (Yin 1984, 21-23, 39; Johnson and Joslyn

1995, 116). By adhering to these defining concepts it is possible to avoid many of the traditional criticisms of the case study method. In addition, the research design needs to include: 1) the study's basic questions and propositions, 2) specify the units of analysis, 3) the logic linking the data to propositions, and 4) establish a criteria for interpreting findings (Yin 1984, 32-35).

While the use of a single case is often justified, there are several advantages to utilizing multiple cases or conducting what political scientists refer to as comparative case studies. Comparative case study evidence is considered to be more robust and compelling than a single case study. It is important that every case serve a specific purpose within the overall scope of inquiry. However, multiple cases should not be considered a sample. Cases are selected so as to predict results similar to the theoretical proposition or to produce contrary results for predictable reasons. Conditions under which the phenomenon is likely or not likely to occur must be specified. If findings do not work as predicted this may necessitate the need for revisions to the theoretical proposition (Yin 1984, 49; Johnson and Joslyn 1995, 146).

In order to fully test a theoretical proposition it is important to draw upon multiple sources of evidence. This provides several measures of a phenomenon thereby supporting construct validity. Construct validity may be thought of as development of a sufficiently operational set of measures. For example, a researcher could theoretically specify that two concepts ought to be related. The researcher would next develop measures of each concept and examine the relationship between them. If the measures are related then one measure has construct validity for the other measure.[4] If the measures are unrelated, than construct validity is absent (Yin 1984, 37, 91; Johnson and Joslyn 1995, 85).

A previous section described the numerous sources of evidence to be employed in developing this dissertation. In gathering evidence it is also important to develop a formal retrievable data base so others can easily access and review the evidence. This increases the reliability associated with data gathering and analysis. Reliability refers to the extent to which the measuring procedures utilized yield the same results on repeated trials. The more consistent the results of repeated measurements, then the higher the reliability of the measuring procedure. (Johnson and Joslyn 1995, 82-83). In addition, the dissertation incorporates a set of explanatory data tables. This provides sufficient information for others to replicate the case study data collection procedures. The reliability of case study data collection is further enhanced through the maintenance of a chain of evidence as follows:

1) The final product makes sufficient citations of relevant portions of the case study data.

2) The data base reveals actual evidence and indicates circumstances under which it was collected.

3) The dissertation conclusions relate back to the data through a chain of evidence logically linking the operationalized data to interpretations and conclusions.

Analytical Strategy

The general analytical strategy for this dissertation is based upon reliance on the theoretical propositions about causal relationships contained in the punctuated equilibrium model. These relationships are best analyzed through pattern-matching. Pattern-matching provides a comparison of an empirically based pattern with the predicted pattern.

Patterns that coincide strengthen internal validity--establishing a causal relationship whereby condition A leads to condition B. Pattern-matching helps to filter out the possibility that some third factor "C" may have actually caused condition B. In this dissertation two basic patterns are possible as formulated in the previous propositions section. Turbulent periods in which the existing issue monopoly dominates will result in minimal to no policy output change. Turbulent periods in which external interests succeed in breaking down the existing issue monopoly and redefining the agenda stand a greater likelihood of realizing nonincremental policy output change.

Such pattern-matching need not involve a statistical criteria. However, under these conditions it is important to guard against a bias use of interpretive discretion. Of particular concern to internal validity is the making of inferences. Researchers conducting case studies often use interviews and documentation to infer that a given event resulted from a previous occurrence. Internal validity raises questions of whether the inference is correct; and whether all rival explanations have been considered (Yin 1984, 38-39, 101-106). The quantification of variables in the dissertation, presented as raw scores, will help in guarding against interpretive bias. Likewise this quantification, when coupled with qualitative pattern-matching, ascertains external validity in terms of analytical generalizability to propositions contained within the punctuated equilibrium model. In sum, the analytical strategy employed shall allow for explanation building sufficient to: 1) explain phenomenon based upon a set of causal links, and 2) determine whether explanations support theoretical propositions or identify deficiencies and the need for proposition revisions.

In this dissertation, Congressional hearing records, media coverage from the *Readers' Guide to Periodic Literature* and IAC National Newspaper Index, serve as the primary sources for the quantification of variables. Congressional hearing records are an excellent source for measuring turbulence. With respect to media coverage, it is recognized that there exist a multitude of sources from which to draw. In their analysis, Baumgartner and Jones found that the *Readers' Guide* was representative of the general tone of other media sources. Media coverage trends were similar among the various media they tested (Baumgartner and Jones 1993, 257-259). The use of the IAC was chosen to serve as a check for verifiability. IAC tracks trends in national and regional newspaper coverage, as well as wire services, from across the nation. The quantification process is augmented through evidence collected from books, journal articles, and government reports. Coupled with this are interviews with individuals representing relevant government agencies, industry, interest groups, and elected officials. These sources, in combination with information gained through the quantification process, provide the context for a rich qualitative discussion of various strategies employed during periods of stability and turbulence.

CASE STUDY SELECTION

A set of three issues having implications for the protection of resources on federal land have been selected as cases for comparison. These are: 1) concessioner operations, 2) coastal oil pollution, and 3) historic preservation. The justification for the selection of these issues is based upon their relationship to the theoretical propositions of the punctuated equilibrium model. Each of these issues has, at various times, undergone period of stability and turbulence. In addition, they have all reached national proportions, as previously defined.

Concessions Policy

This case study was chosen as an example of turbulence resulting in little to no policy output change. The process of concessioner operations refers to the public/private contractual agreements for providing a variety of visitor services on federal public lands. Typical of the more infrastructure intensive services provided are ski resorts, lodging accommodations, restaurants, gas stations, and convenience stores. Less infrastructure intensive services include excursion operations ranging from eco-tours to cultural heritage tours. White water rafting trips, and guided fishing and hunting operators likewise have contractual arrangements with federal land managers. More recently, the U.S. Forest Service has spearheaded efforts to arrange public/private contractual agreements for the management of picnic areas and campgrounds in national forests.

Concessioner policy has experienced several decades of varying levels of issue dominance and jurisdictional monopoly. Prior to the 1960s, this relationship exhibited attributes typically associated with an iron triangle. Beginning in the 1960s, the issue began experiencing more intervals of turbulence than in prior decades. Conservation and environmental groups, as well as policy entrepreneurs, called for changes in concessioner arrangements. Typical criticisms asserted that federal land managers, in particular the NPS, were neglecting their protection mandates. Instead, unwarranted priority was being placed upon visitor enjoyment through the provision of more extensive concession operations. Coupled with this was the continuation of sweetheart agreements between concessioners and park unit officials. Accompanying this external agitation has been issue nationalization. In 1965 the Concession Policy Act became federal law. Despite this, change in the policy arena can be described as incremental at most.

Coastal Oil Pollution

Coastal oil pollution exemplifies a pattern of decades of incremental change followed with a single nonincremental policy output leap. Coastal oil pollution was first addressed in the early 1920s. Primary focus during this and subsequent decades focused attention upon the threat oil pollution posed to navigation. However, legislative language did note the protection of commercial fisheries and human health which would result from statutory enforcement. It was not until 1966, with the passage of the Clean Water Restoration Act (P.L. 89-753), that steps were taken to amend the 1920s legislation. This act and subsequent legislation passed in the 1970s managed to incorporate language pertinent to overall water quality. Although much improved over the years, these statutes suffered from inadequacies. Most significant was the failure to incorporate stipulations concerning liability and compensation for spill damage and removal costs. Members of the oil industry, insurers, and the shipping industry colluded with key members of relevant subcommittees, effectively bottling up such matters despite a series of nationally publicized spill occurrences. Most notable among these were the 1969 Santa Barbara well blowout, the 1971 San Francisco Bay tanker collision, and the 1976 tanker grounding off Cape Cod. This pattern persisted until the Oil Pollution Act of 1990 (OPA 90), became law, resulting in a significantly more substantive statute.

Historic Preservation

In contrast to the other case studies, historic preservation presents an example of turbulence and change coupled with a decisive venue shift. In 1906 Congress passed the Antiquities Act, granting the President authority to set aside cultural and natural wonders as national monuments. The act was instrumental in preserving numerous pre-historic and historic treasures, particularly in the western U.S. (Runte 1987). Historic preservation received a further boost when, in 1933, President Franklin Roosevelt transferred management of historic battlefields and forts to the NPS. The Roosevelt Administration also initiated restoration projects under the direction of the Civilian Conservation Corps which significantly enhanced historic preservation. These actions, coupled with a growing public interest, spurred Congress to pass the 1935 Historic Sites Act. The act authorized the NPS to begin surveys of nationally important historic sites for potential inclusion in the national park system. The statute likewise contained provisions for developing cooperative preservation arrangements with other units of government and private citizens (Glass 1990, xiii-xiv; Johnson and Schene 1987, 6-9).

As beneficial as these actions were, they remained insufficient to the needs of historic preservation. Little protection was provided for historic properties on parcels outside of national park units. Roosevelt's New Deal had introduced a massive program of federal public works projects. Dam building, highway construction, and related projects destroyed irreplaceable pre-historic and historic properties. This process of federally sponsored development accelerated during the post-1945 era. Congressional committees overseeing public works saw to it that historic preservation concerns did not stand in the way of progress. It was not until the late 1950s that this issue monopoly came under challenge as private organizations and localities, coupled with measured support from the NPS, pressed Congress to formulate historic preservation reform. Of particular concern was destruction caused through highway construction, urban renewal and the refurbishment of federally owned buildings. These efforts, however, were unsuccessful. It was not until Lady Bird Johnson took up the mantle of historic preservation that the movement became nationalized. With the President's backing, Lady Bird initiated a number of actions which helped facilitate passage of the 1966 National Historic Preservation Act (NHPA) (Glass 1990, 8-12, 17-21). While national in scope, the 1966 statute incorporated a significant state and local component. This increased role for states and localities is examined to see whether it exhibits evidence of a sustainable venue shift, as well as its policy implications.

FINAL REMARKS

This chapter provides a discussion of the features of the punctuated equilibrium model. Likewise discussed is the model's methodological components and their utilization in analyzing policy change. In subsequent chapters the punctuated equilibrium model is applied to each of the above case studies. A longitudinal discussion of each case study is provided in order to identify policy trends and shifts in a given policy arena, as called for in the model. These narratives further allow for the identification of various policy participants, as well as their perspectives and actions relevant to the issue under discussion. Finally, the case studies incorporate a rigorous application of the punctuated equilibrium model to a data set spanning the years 1968 to 1996. This section of the analysis provides a quantitative component which augments qualitative evidence derived in the respective case study examinations.

END NOTES

1. In *Public Policy: An Evolutionary Approach* (1996, 138-143), James Lester and Joseph Stewart summarize the cyclical, zigzag, and policy learning models of policy change. They likewise develop change propositions based upon concepts imbedded in each model.

2. The IAC National Newspaper Index provides front to back indexing (1979+) of the *Christian Science Monitor, Los Angeles Times, New York Times, Wall Street Journal, Washington Post, PR Newswire, Japan Economic Newswire, Reuters Financial Report, New York Times Book Review,* and the *New York Times Magazine*.

3. It is likewise probable that a policy leap could be achieved through the dramatic weakening or elimination of an existing statute.

4. Johnson and Joslyn cite the General Record Exams (GRE) as an example of construct validity. GRE scores supposedly provide an accurate measure of a person's aptitude for graduate school. Construct validity would be evident if GRE scores accurately predicted performance in graduate school. Research has shown that GRE scores are a poor indicator of performance in graduate school. Thus it has been difficult to demonstrate construct validity for the GRE.

CHAPTER THREE: CONCESSIONS POLICY CASE STUDY

CONCESSIONS, BIG BUSINESS IN AMERICA

On March 12, 1998 the U.S. General Accounting Office (GAO) issued a report on concessions operations on federal lands. This report, the most recent document of more than 30 GAO reports and testimonies, presented ample evidence that concessions operations on federal lands was big business. Critics charge that this business is one that federal land managers engage in quite poorly. Among the common problems cited is a lack of competition on federal lands, sweetheart deals, inexperienced government contracting officers, and concessioner preferential rights of renewal. Agency policies, rather than reflect the best interest of the resources and the public's interest, unduly benefit members of the visitor industry.

For example, in target year 1994, the GAO found that some 42 federal agencies had entered into 11,263 separate concessioner agreements. These agreements generated approximately $2.2 billion in gross revenues. Of this amount the federal government received $65 million in fees and about $23 million in other forms of compensation. By far, the greatest portion of these concessions activities were tied to six federal land management agencies, with a majority of the largest concessioners operating on NPS managed parcels.[1] Together, the six land managers accounted for over 90 percent of concessions agreements and gross revenues (GAO 1998, 1-3).

Evidence presented in Table 3.1—gathered from a 1994 GAO survey--indicates that out of a more than $454 million sample of gross receipts generated on federal land, the government's rate of return was only 2.84 percent. In contrast, of a $64.4 million sample generated from non-land manager concessioners, the government's return was 9.18 percent.

How was it that the return on federal public lands was so low? Critics charge that this example is typical of the blatant favoritism federal land management policies defer upon concessioners. In response, concessioner supporters counter that concessioners provide a much needed service. One which citizens demand and one for which policies generally have been appropriate. Therefore, little change is needed in concessions policy. Utilizing the analytical tools provided through the punctuated equilibrium model, this chapter analyzes concessions policy trends, and determines who the primary participants have been, their motivations, and the beneficiaries of concessions policy change or its obstruction.

TABLE 3.1 RATE OF FEDERAL GOVERNMENT RETURN ON CONCESSIONS AGREEMENTS INITIATED OR EXTENDED IN FY 1994

Entity Type	Concessioners Gross Revenue	Rate of Return	Fees Collected
Land management agencies	$454,773, 955	2.84%	$12,933,537
Nonland management agencies	$64,419,891	9.18%	$5,914,176
All agencies	$519,193,846	3.63%	$18,847,713

Source: GAO survey questionnaire data for 1994

IMPETUS FOR CONCESSIONER OPERATIONS ON FEDERAL LANDS

The national park genesis myth is a well known piece of venerated folklore among NPS careerists.[2] The story is told how members of the Washburne-Doane expedition conceived of the idea during a September 1870 exploration of the Yellowstone region. One night while relaxing around the campfire, the explorers recalled the many wonders that Yellowstone held. The discussion turned to the numerous opportunities for private profit Yellowstone offered, particularly tourism related. Rejecting the notion of private ownership, the explorers agreed that steps should be taken to ensure that Yellowstone's wonders were readily available to all Americans. Accordingly, Yellowstone would have to remain in public ownership. From this inception a drive was ultimately launched to press Congress into making Yellowstone a national park. The subsequent success of Yellowstone's creation provided a model for developing national parks throughout the U.S. and elsewhere across the globe.

Such a myth fits well with the selflessness and sacrifice that national parks proponents have made to preserve the nation's natural and historic wonders. It instills a spirit of organizational altruism and values extending beyond self serving economic motivations. Myths of this type serve an additional role. They are powerful factors in the formation of a policy image. Proponents of a particular government program or policy go to great lengths in order to develop a favorable image. Often this involves the use of emotive and empirical devices to create a well accepted or dominant understanding of an issue. Implicit in this understanding is the rejection of possible competing images (Baumgartner and Jones 1993, 25-26).

Consequently, image can be an effective device in drawing attention away from more controversial aspects of a policy. For example, NPS historian Richard Sellars succinctly argues, in *Preserving Nature in the National Parks*, that private economic considerations were a primary contributor toYellowstone's creation. In 1870, the Northern Pacific Railroad was already making plans to extend its tracks across Montana Territory. Jay Cooke, one the railroad's financial backers, played an instrumental role in promoting the Washburne-Doane expedition. He believed that the railroad had an unparalleled opportunity to monopolize the tourist trade in the Yellowstone region. However, to assure this monopoly, the Northern Pacific would first have to prevent squatters and other claimants from establishing domicile. Cooke saw government creation of a park-like reservation as the quickest route to this end. Thus the Northern Pacific became the main lobbyist in the effort to establish Yellowstone Park. These lobbying efforts were rewarded when the Yellowstone enabling legislation was enacted into law in March of 1872. The statute was a milestone in the establishment of federal set asides based on esthetics. Its passage likewise sealed the beginning of a long-term relationship between those desiring to profit from tourism and those promoting the preservation of unspoiled America (Sellars 1997, 8-10; Runte 1987, 39, 45).

In 1883, the Northern Pacific established a spur line to Yellowstone. Railroaders envisioned the spur as a conduit for large numbers of Easterners and Europeans desiring to view natural American wonders. In the first decade of the 20th century Louis W. Hill, President of the Great Northern Railroad, succeeded in establishing a line serving Glacier National Park (Runte 1987, 71-75; White 1991, 411). Not to be outdone steamship operators, many of which were subsidiaries of major railroads, began offering adventure cruises. Starting from San Francisco, or some other major west coast port, steamers plied the Inside Passage to Southeast Alaska. Stops included visits to natural and historic wonders, many located on federal lands (Scidmore 1885, 4-5). One favorite stop, Southeast Alaska's Glacier Bay, was designated a national monument in 1925.

These relationships between transportation companies and federal land managers served as the impetus for the provision of concessions operations on numerous public recreation parcels. The very remoteness of early national parks necessitated a need for overnight facilities. Hotels, restaurants, and accompanying support infrastructure became an indispensable part of an extended park visit. While some of the early tourist facilities were fairly primitive, many were quite grand in design. Evidence suggests that European mountain resorts served as a basic prototype for the more upscale park unit facilities. With railroad financial backing, a number of luxurious rustic lodges were constructed to serve the traveling public. These facilities became the gold standard for visitor accommodations on federal recreation parcels. By day tourists could travel through the rugged wilderness of the breathtaking American West. While at night, they could anticipate accommodations on a par with the civilized pleasures of the East (Sellars 1997, 17-20).

CONCESSIONS POLICY AND THE NPS

In 1916, esthetics proponents, after an extended period of aggressive politicking, were rewarded when Congress created the NPS. Reflecting the duality that contributed to the establishment of the first national parks, the 1916 "organic act" charged the NPS with the twin missions of preservation and visitor access. This language remains the heart of the NPS management philosophy and policy according to the service's *Management Policies* book. Further articulation of these mandates was expressed in a 1918 letter from Secretary of the Interior Franklin K. Lane to the first NPS Director, Stephen T. Mather. Lane said NPS administrative policy should be based upon three principles:

> First, that the national parks be maintained in absolutely unimpaired form for the use of future generations as well as those of our own time; second, that they are set apart for the use, observation, health, and pleasure of the people; and third, that the national interest must dictate all decisions affecting public or private enterprises in the parks (*Management Policies* 1988, 1, 4).

While the 1916 act projected a balance between preservation and visitor enjoyment, evidence indicates that providing for visitor enjoyment took precedence. This precedence was in keeping with national park policy priorities established in earlier years. It provided policy continuity or what Baumgartner and Jones (1993) refer to as policy equilibrium. Several justifications have been provided to explain why this has been the case in the concessioner issue arena. First, however, it must be acknowledged that the 1872 Yellowstone precedent did not provide a carte blanch for concessioners. The act specifically forbade the "wanton destruction of fish and game." It likewise called for the preservation of scenic wonders and resources in their natural condition (Tolson 1933, 26-27). During the 1880s Congress defeated a proposal to allow the Northern Pacific the right to construct a line across the north end of the park. Such concerns for the preservation of resources were reflected in the enabling legislation formulated for many other of the early national park units. Among these were such notables as Glacier, Grand Tetons, Grand Canyon, and Yosemite (Sellars 1997, 14-15; Runte 1987).

While laudable, such protection provisions were generally overshadowed through other concerns. Yellowstone's enabling statute declared that the park was to be a public pleasuring ground dedicated to "public use, resort, and recreation." Additional factors intrinsic to the creation of national parks likewise de-emphasized the service's preservation mandate. For example, Congressional approval for early parks was often predicated upon creating an image of a parcel's worthlessness for resources exploitation. The worthless lands thesis holds that park proponents utilized the twin arguments of scenic beauty coupled with a paucity of exploitable resources as justification for the creation of numerous parks (Runte 1987).[3]

Reinforcing these tactics was the before mentioned boosterism coming from the railroads and fledgling concessioners. During the late 19th century tourism provided an acceptable economic justification for the preservation of scenery. Government support came in the form of creating protected set asides as well as a commitment for the provision of basic infrastructure. Accordingly, the federal government embarked upon the process of designing and building access roads, trails, administrative facilities, and campgrounds. By 1906 the federal government had invested nearly $1 million on road construction in national parks (Sellars 1997, 10-11, 20). Government participation was also emphasized when, between 1910 and 1916, the Interior Department sponsored three national park conferences. A primary theme during these conferences was the depiction of park units as scenic places for public recreation and enjoyment. In opening remarks at the

1911 conference, Interior Secretary, Walter Fisher devoted the meeting to concession and transportation matters. Key participants at the conferences included persons representing railroad companies, gateway communities, and fledgling concessioners operating within the parks (Sellars 1997, 32-33).

SOLIDIFYING THE POLICY MONOPOLY

Positive Image Building

National park supporters reliance upon the positive image provoking contrivances of worthless lands, economic justification, and scenic beauty, in retrospect, may seem simplistic. However, simplicity and symbolism have been identified as common mechanisms the politically sophisticated utilize to create a dominant policy image. A dominant policy image helps to solidify support for the preferences of the policy monopoly (Baumgartner and Jones 1993, 26-27). It can be asserted that upon the establishment of the NPS in 1916, there existed a dominant image emphasizing visitor access and enjoyment. Concessioners lobbied to assure that statutory stipulations accommodated this image. Accordingly, section three of the NPS organic act provided for the leasing of park land to provide visitor services.

The significance of the acceptance of this pro-visitor image became evident during the formative years of the NPS. Director Mather decided to place primary emphasis on providing for the public's enjoyment. Tourists became the agency's main clientele. Mather built upon earlier comprehensive planning efforts emphasizing controlled tourism development. Mather's entrepreneurship was not, however, a solitary affair. Instrumental in this endeavor was the contribution of the service's first landscape engineer, Mark

Daniels. Daniels asserted the inevitableness of constructing tourist villages in national parks as a component of national park well being. His philosophy was based upon the belief that further construction of quality visitor accommodations would increase attendance. Daniels' assertions reflected the inherent biases of his profession. Daniels, and his fellow landscape engineers within the NPS, shared a common consensus that a well planned built environment enhanced the natural setting (Sellars 1997, 21, 49-51).

Expert opinion served as a persuasive tool in the furthering of concessions development. These experts carried significant influence in successfully promoting visitor friendly policy images to nonspecialists in Congress. Their general agreement on the direction of visitor policy served to further solidify the concessioner policy monopoly. In the absence of significant policy challenge from opposing experts, Congressional members found it easy to defer to the visitor alliance (Baumgartner and Jones 1993, 25, 43). The result was more visitor accommodations and increased attendance at national parks. The policy was also credited with garnering the NPS additional budget appropriations and growth (Ise 1961, 209-210; Sellars 1997, 21-22).[4]

Policy Reinforcement

NPS emphasis on tourism received reinforcement from other monopoly participants. Such participation was critical to dominant image development and acceptance of a single policy understanding. Visitor industry cooperation played a primary role in guaranteeing strategy success. Mather openly courted the large railroad owners, enticing them to provide both transportation and lodging facilities for the traveling public. Railroad interests were more than willing to cooperate, expressing a steadfast belief that grandly constructed rustic lodges were needed to accommodate affluent travelers. Travel writers of the period provided an image building boost to this priority given to visitor accommodation. Their writings assumed a positive tone, assuring readers of both the high quality and aesthetic attributes of concessioner facilities. Such a tone is said to be typical of situations where in the policy agenda is in equilibrium or enjoying a surge of popular support (Baumgartner and Jones 1993,104-105).

Mather took additional steps to reinforce policy monopoly preferences. Among these was encouraging travel organizations and concessioners in advertising the visitor attributes of America's parks.[5] In 1920 Mather organized a junket for members of the House Committee on Appropriations to crown jewel parks of the American West. Several western cities chipped in to pay for the costs of this image building endeavor. Park concessioners provided free lodging while top level railroad officials accompanied committee members on their respective lines (Secretary 1920, 17; Ise 1961, 197). Elected officials, as predicted in the punctuated equilibrium model, reacted positively to alliance enthusiasm. Congressional members wanted to be viewed as facilitating not hindering constituent preferences. NPS policy experts were given the go ahead for developing accommodations appropriate to visitor needs. These included roads, trails, administrative infrastructure, and concessioner facilities (Baumgartner and Jones 1993, 84-85; Sellars 1997, 59-60).

Seeds of Turbulence

Accordingly, it can be argued, that the first decade of NPS administration reinforced the policy preferences of an emerging policy monopoly. NPS emphasis on visitor growth complemented concessioners expansion goals. Western state Congressional members and gateway communities welcomed the economic boost garnered from increased visitors. All of this is not to say that Mather completely ignored the NPS preservation mandate. In 1919, just three years after the Park Service's formation, the National Parks and Conservation Association (NPCA) was founded at the behest of Mather. This private nonprofit organization, first known as the National Parks Association, was founded as an organization dedicated to promoting the educational and scientific use of America's national parks. Its membership included a diverse cross-section of scientists, educators, preservationists, and idealists. Group members were linked together in the common belief that it was their duty to prevent destructive pork barrel politics and economic opportunism.

At first glance, such goals did not appear to threaten the priorities of visitor advocates. Many of the groups original signatories were men of science, dedicated to the tenets of conservation and rational decision making. However, upon further scrutiny, it becomes evident that the seeds of turbulence were contained within the NPCA. NPCA's creation mobilized numerous individuals previously excluded or disinterested in the policy issue. Its founding created a repository of experts potentially able and willing to challenge prevailing views. The NPCA included numerous individuals who perceived national parks as one of the few vestiges of American wilderness. These were sacred places where humanity could commune with unspoiled nature, thereby discovering the true relationship between humankind and their surroundings. In later decades the NPCA would become one of the staunchest critics of concessioner operations within national parks (Miles 1995, xiv-xv, 1-3; Lowry 1994, 35).

In addition, turbulence emerged within the NPS during the 1920s over what was proper development and what constituted over-development. This potential policy disruption, however, proved to be short-lived. An acceptable understanding was that a well developed park provided visitor accessibility and pleasing accommodations. Acceptance of this common understanding was important. It diffused internal bickering within the monopoly, thereby enhancing cohesion. Mather fought to shutdown the fly-by-nighters and other concessioners who did not measure up to the accepted standard. In 1928, Mather secured Congressional approval to enter into non-competitive contractual agreements. This authority, it was believed, would contribute to the provision of quality services within national parks (Ise 1961, 210-211; Sellars 1997, 63-65). Its effect was to introduce a further degree of stability conducive to equilibrium with in the policy arena. The NPS and fellow monopoly participants, through this provision, were given further autonomy to implement policy according to their preferences. This helped to inhibit any challenges to the policy monopoly.

POLICY MONOPOLY CHALLENGES AND OPPORTUNITIES IN THE 1930S

A Changing Policy Image

A series of events, beginning in the 1920s, sparked modest policy change within the NPS. During the 1920s, the U.S. Forest Service altered its management policies through the inclusion of tracts designated as wilderness.[6] Responding to this action the NPS, during the 1930s, decided to reformulate its land management policies. Greater emphasis would be placed upon the preservation component of the service's 1916 mandate. Park unit additions during the 1920s had added greatly to the service's image as the protector of places of natural beauty (Sellars 1997, 68). The NPS attempted to build upon this image, portraying itself as the nation's premier wilderness preservation agency. The subsequent establishment of Everglades National Park was hailed as a milestone in the service's shift to true preservation (Allin 1987, 131-134; NPS 1.2; Runte 1987, 128).

This shift in policy emphasis had potential negative ramifications for the concessioner policy monopoly. Scenic beauty, as previously noted, had been one of the devices visitor alliance members utilized to promote the creation of national parks. However, the use of this device was utilized in tandem with an economic justification. Scenic beauty and fine accommodations were portrayed as complementary necessities of the national park experience. The introduction of a wilderness mandate challenged this image portrayal. Wilderness evoked an image of a land lightly touched. This image precluded the presence of extensive concessioner facilities and their accompanying infrastructure.

Continued Policy Dominance

The competing image evoked in wilderness preservation, created opportunities for diluting the dominant policy image. It opened the door to new understandings and subsequent turbulence within the issue arena. If carried forward, the result could be agenda redefinition and nonincremental policy change. However, NPS policy reorientation did not result in the displacement of the service's visitor enjoyment emphasis. Rather, it created an internal tension that would divide service personnel in future years.

For example, during the early 1930s NPS biologists published the first of the service's *Fauna Series* reports. The report identified numerous internal and adjacent external uses threatening the integrity of park unit resources. The report's authors noted that other parks were threatened because they failed to encompass surrounding natural boundaries. The report proposed taking steps to restore park resources to a pristine state and take other actions to ensure the perpetuation of natural conditions (*Fauna Series 1* 1933, 4-5, 19-22).

This assessment, from biological experts, questioned the priority conferred upon visitor services. It raised the specter of redefining national park policy in terms of preservation, not tourism. However, this opportunity for redefining the policy agenda never materialized. The first report's authors, even while calling for management that emphasized greater resources protection, still gave deference to tourists (Sellars 1997, 96-97). The report clearly stated that public use "transcends all other considerations." This statement had implications beyond deference to the obvious strength of the concessioner monopoly. Biologists muted criticisms of other NPS experts and decision makers stymied opportunities for dilution of the policy monopoly. Internal bickering between experts can cause disruptions in internal cohesion. If sufficiently disruptive, it can spillover, becoming vocalized in the public forum. Such vocal criticism could have caused political leaders to question prior delegations of power to monopoly experts. This may have effected a venue shift whereby concessioner policy was addressed in the broader political arena instead of the confines of the issue monopoly (Baumgartner and Jones 1993, 84).

Such a progression did not, however, occur during the 1930s. Instead the visitor alliance continued to dominate concessioner policy. Evidence of this was provided through service utilization of the federal government's Civilian Conservation Corps (CCC) program.[7] Between 1933 and 1940 CCC funding directed towards national parks added some $218 million to park programs. This compared with $132 million in regular appropriations during the same period (Rothman 1989, 165). CCC camps operating on NPS parcels represented a significant portion of total Interior Department base camps (Table 3.2).

TABLE 3.2 CCC CAMPS ON INTERIOR DEPARTMENT LANDS

Fiscal Year	National Parks	Other Interior Agencies
1933	70	73
1934	102	75
1935	115	104
1936	92	94
1937	83	85
1938	77	82
1939	83	131
1940	109	175

Source: CCC Director's Final Report to the President 1942

The CCC made improvements which significantly enhanced greater visitor accessibility. This, in turn, stimulated construction of new visitor accommodations in gateway communities and within parks. CCC personnel constructed hiking trails, foot bridges, visitor facilities, and administration offices within national parks (Wirth 1980, 120-126). The CCC also engaged in an extensive road building program within national parks. Congress provided millions of dollars to support this construction.

This ability of the NPS to successfully utilize the CCC program represented a positive issue expansion for the concessioner monopoly. The CCC program was one of many New Deal experiments designed to create jobs, stimulate the general economy, and enhance the public's general welfare. The visitor alliance's image portrayal of national parks as places of economic benefit and recreation fit nicely within the context of New Deal goals. These positive understandings manifested in a broader agency role and discretion to implement the CCC program within national parks. In taking advantage of this expansion the NPS helped to strengthen the tourism preferences of the policy monopoly (Baumgartner and Jones 1993, 59).

Turbulence and Attempted Policy Change

Opportunities for nonincremental policy change seemed remote during this period of monopoly dominance. However, this does not imply that the broader political arena was devoid of opposition. The NPCA, which had become the self appointed watchdog of park protection, expressed alarm over monopoly expansion. The organization mobilized to institute changes within national parks management. Much of this effort focused on first undoing the positive image of the concessioner monopoly. If successful, this effort could result in projection of a countervailing image. This in turn could provide opportunities for agenda redefinition and policy change. NPCA spokes persons asserted that road building and the ensuing greater accessibility to automobiles turned parks into little more than recreation byways for viewing scenery. Entertainment rather than management for education and inspiration was becoming the Park Service's modus operandi (Miles 1995, 124-125). NPS biologists provided expert support. These biologists questioned the advisability of CCC financed park upgrades. They provided empirical evidence needed to decouple the dominant policy image (Baumgartner and Jones 1993, 26). For example, a 1938 NPS biological report entitled "Losing the Wilderness Which We Set Out to Preserve," warned that the construction of roads, trails, and visitor accommodations was causing some parks to reach their recreational saturation point.

The tactics of NPCA and their biologist allies, however, failed to mobilize broader support. Their perspectives constituted a minority opinion within the policy framework. Park superintendents, landscape engineers, and other key decision makers chastised the nay sayers for going out of their way to find something to criticize. Visitor proponents cited the service's 1916 statutory obligation to make parks available to the citizenry. In addition, they correctly pointed out that the public was much less likely to support parks that were undeveloped and inaccessible (Ise 1961, 326-327; Sellars 1997, 101-107). These emotive arguments, in conjunction with support from service policy experts, stymied efforts to develop a productive countervailing image. They preserved the image of the NPS as an agency dedicated to recreational tourism. Change advocates utilization of such strategies as imagery, tone, and experts failed to generate sufficient turbulence and issue expansion. As suggested in the change propositions in chapter two, failures of this sort stymie the development of nonincremental policy outputs. Accordingly, a pattern of continued pro-visitor emphasis prevailed in the policy arena.

POST-WAR VISITOR GROWTH AND POLICY TURBULENCE

The onset of war in 1941 thrusts concessions policy into a state of benign neglect. War time needs took precedent over recreational improvement projects on federal lands.

Reductions in government funding, personnel layoffs, and fewer visitors contributed to a maintenance backlog and facility deterioration. Private concessioner operations likewise stagnated. The NPS assumed a management philosophy which former service wartime Director Newton Drury referred to as a caretaker role (Sellars 1997, 150-151).

Precursors to Turbulence

War time neglect created circumstances ripe for turbulence during the immediate post-war period. A 1947 report identified numerous system-wide problems relevant to concessioner operations. Among these were poorly equipped and crowded campgrounds, pitifully inadequate utilities, hotel and other accommodations vastly in need of enlargement and modernization (Secretary 1947, 327-328; Secretary 1949, 302). The onset of the Cold War, however, meant that funding continued at dismal levels as treasury dollars were diverted to combat this new military threat. For example, between 1950 and 1955 annual NPS appropriations only increased from $30.1 million to $32.9 million. Contrasting with this were dramatic increases in visitor growth. By 1950, the number of annual visitors to national parks topped 33 million. This was double the number of visitors in 1940 (Table 3.3). Annual visitor numbers increased to 56.5 million in 1955. Twenty one new parks were also added during the period (Wirth 1980, 234).

TABLE 3.3 NATIONAL PARK VISITOR NUMBERS FOR SELECT YEARS

Calendar Year	Number of Visitors
1940	16.5 million
1945	11.7 million
1947	25.5 million
1950	33.2 million
1955	56.5 million

Sources: Wirth 1980, 234; Sellars 1997, 173

One solution to this dilemma involved in kind payments from concessioners. NPS superintendents granted low cost concessions fees in exchange for concessioners agreement to underwrite capital improvements at host parks. Through this mechanism, superintendents were able to improve park facilities despite stingy Congressional appropriations (Wirth 1980, 255; Lowry 1994, 47-48). In exchange, concessioners demanded and often received low cost, long term contracts with preferential rights of renewal. Such win-win agreements served to enhance and further strengthen the pattern of visitor alliance cooperation.

Blemishes on the Visitor Alliance Image

In kind payments were insufficient to meet visitor demands for adequate services. This had potential serious repercussions for the monopoly's image. Concessioners could no longer offer the amenities of prior decades. Overtaxed physical plants, dilapidated facilities, and a shortage of employees were commonplace (Ise 1961, 534; Wirth 1980, 237). During one day in August 1954, over 16,000 tourists entered Yellowstone. Of these 6,000 were forced to either sleep in their cars or leave the park because of insufficient lodging. A 1955 NPS sponsored poll of 718 visitors, registered complaints from 69 percent of the visitors. Nearly half of these complaints were in regard to inadequate overnight accommodations (Ise 1961, 537; Wirth 1980, 244).

Part of the concessioners' problem stemmed from the simple fact of dramatic increases in visitor numbers. Existing facilities were inadequate to the demand. Outspoken critics pointed to other reasons. In a May, 1955 *American Forests* commentary, Anthony Netboy asserted that concessioners at Yellowstone and Yosemite were netting a 10 percent return on their investment. Little money, however, was being dedicated to much needed improvements. In a more biting article appearing in *Readers Digest* (1955), Charles Stevenson described some of the accommodations as "approaching rural slums." Stevenson went on to say that, "We actually get scared when we think of the bad health conditions."

The disapproving tone of such articles, in conjunction with visitor discontent, triggered a negative image of the visitor alliance. Concessioners were portrayed as profiteers only interested in fattening their own pockets at the public's expense. This onslaught presaged a possible broader mobilization. It likewise had the potential to generate enough turbulence to lead Congressional lawmakers to question their prior deference to policy experts operating within the issue monopoly.

Members of the visitor alliance felt compelled to publicly respond to this onslaught of image damaging criticism. This had the unwanted effect of further expanding the scope of conflict, from the more easily monopoly controlled private, to the public forum. In these circumstances, it became possible for concession reform advocates to generate more turbulence and mobilize new participants (Schattschneider, 1960; Baumgartner and Jones 26, 36). In a strongly worded rebuttal H. Oehlmann, chairman for the Western Conference of National Park Concessioners, attacked critics (*American Forests* 1955). Oehlmann denied that concessioners were responsible for the present circumstances. He stated that in general, most concessions operations were not very profitable. Poor profits caused several concessioners to place their operations up for sale. At Mount Rainier, poor profits forced Congress to authorize the purchase of the concessioner's operation in order to prevent facility closure. Oehlmann further charged that constant threats of government ownership, during the tenures of Interior Secretaries Ickes and Krug, had served as a deterrent to much needed long term concessioner improvement and expansion.

Support for Oehlmann's defensive tone and emotive imagery came from the NPS. NPS personnel provided empirical evidence to help bolster Oehlmann's case. Service records indicated that in 1953, the average rate of return for concessioners was 6.87 percent. Other records indicated evidence of failure similar to the Rainier situation. In 1953, the nonprofit National Park Concessions Inc., was asked to manage operations at Mount McKinley on an emergency basis. For profit operators had been unable to make ends meet, despite the government's paying for construction of a hotel and other facilities in 1938. Similarly, the nonprofit operator took over concessions management of government owned facilities at Isle Royale. Other turnover in concessions operations occurred at Big Bend, Lake Mead, and Grand Canyon. The inability to make a reasonable profit was cited as a primary reason for "getting out." Many of these concessioners acknowledged the potential for profit, given the dramatic increases in visitors. Most, however, mentioned the uncertainties of short renewal contracts, of one to five years, as reason for their failure to take advantaged of these increases (Ise 1961, 538). From the perspective of concessioners, and their allies, further protections not dismantling of system was needed.

ISSUE NATIONALIZATION AND POLICY CHANGE

Given these publicly expressed competing images, it was inevitable that the concessions debate would experience issue expansion. Critics saw the growing public debate and subsequent negative alliance portrayal as an opportunity for change. They wanted Congress to act to undo concessioner excesses at national parks. Issue monopoly proponents likewise wanted Congress to act. They appealed to public land subcommittees to assist in countering these unwarranted external intrusions. In 1953 the issue became nationalized when an appropriation bill section was added requiring the Interior Secretary to review and report, to the President of the Senate and Speaker of the House, all pending concessioner contractual arrangements sixty days prior to their award. In requiring this Congress sent a message chastising the NPS for delinquency in managing concessions arrangements. This incremental change also represented a potential venue shift whereby Congress usurped the Park Service's contractual authority. Consequently, political judgement, not bureaucratic expertise could become the decisive factor in concessioner arrangements. The NPS, with alliance support, immediately set to work lobbying Interior subcommittees for a modification of this seemingly onerous provision. Subsequently, in 1956, Congress altered this requirement. The NPS was only required to report on concessioner agreements involving an anticipated gross revenue of at least $100,000 or contracts of five or more years duration.

Further Congressional debates demonstrated the conflictual nature of the concessions issue. Members of the Wyoming delegation, reflecting the desires of their constituents, called for greater contractual security. This, they argued, would serve as an impetus for facility improvements and new construction. Members from other western states echoed these sentiments. One proposal, from the Montana delegation, went so far as to suggest extending the standard lease agreement to 30 years (Ise 1961, 539-540).

Redefining the Problem

In effect, this debate was indicative of the resilience of the concessioner policy monopoly. Change proponents utilized image, tone, and expert opinion to generate turbulence and issue expansion. As proposed in chapter two, proper utilization of these strategies can generate a nonincremental policy output. However, advocates of change, while able to elicit turbulence and temporary incremental change, were unable to invoke nonincremental change. This failure had much to do with the policy monopoly's effective use of strategies to thwart change. Visitor alliance advocates coupled the effective use of strategies with a show of unity and singleness of purpose which failed to crack under external pressure. Such internal unity (Baumgartner and Jones 1993, 176) is an essential component in maintaining a policy monopoly. Monopoly members who are able to maintain a united front are better able to protect themselves against external pressure. Ultimately, these factors inhibited the issue expansion and venue shifts needed to bring about policy change.

This failure to introduce nonincremental policy change did not dissuade preservation advocates. However, it did cause them to rethink their approach to the visitor problem. In prior years, change advocates had focused most of their efforts on controlling the supply of visitor facilities. This was done with the understanding that a robust visitor infrastructure served as a magnet for tourists. Recent trends, however, disputed this notion. In the post-1945 era, visitor numbers were increasing independent of concessioner growth. New thinking suggested that a better tactic might be to redefine the problem as one of too many visitors pursuing a limited resource. The limited resource in this case was not concessioner facilities, but rather national parks. This effort, to be successful required manipulation of the problem. Thus, preservationists engaged in the creation of a causal story. Such stories identify a condition as a problem and likewise suggest a solution (Stone 1989, 299).

Preservationists cited dramatic increases in visitors as the basic problem at national parks. Too many visitors were simply loving the parks to death. The identification of this dilemma did not automatically generate policy action. Debra Stone notes that before a problem is likely to attract government attention, there must be an image that links the problem with a government solution. Accordingly, preservationists portrayed national park degradation as a result of excessive visitor use. They suggested three courses of government action for solving this dilemma: 1) increase the number of national parks, 2) disperse visitor use to other federal recreation lands, and 3) reinvigorate the existing national parks (Ise 1961, 540-545; Miles 1995, 185).[8] This linking of problem with necessary government action was valuable. It had the potential of pushing the issue high on the institutional agenda, making nonincremental policy change possible (Stone 1989, 299; Baumgartner and Jones 27-28, 43-44).

Mission 66, Reasserting Policy Dominance

The preservationists causal story, while effective, failed to introduce the desired nonincremental change. This was due to the ability of the concessioner monopoly to co-opt national park reinvigoration. In 1951 Conrad Wirth assumed directorship of the NPS. Wirth saw his job in terms of restoring the positive policy image national parks had enjoyed with visitors during the 1920s and 1930s (Wirth 1980, 244, 249). Titled "Mission

66," Wirth's revitalization effort emerged in 1955 as a 10 year improvement master plan. The basic premise of the plan, as Wirth envisioned it, was to secure funding and implement improvements capable of obliging anticipated visitor growth beyond 1966 (Miles 1995, 187; Wirth 1980 249-250).

While supportive of the resources protection goals of Mission 66, NPCA spokespersons voiced concern over anticipated development in national parks. Of particular concern were such infrastructure intensive operations as downhill ski resorts in national parks. An NPCA follow up reported stated that:

> This resort development trend is a threat to the integrity of the entire park and monument system. Unless we hold the line... it will be but a matter of time before we have reduced the system to the level of commercialized playgrounds, and that we will then have a national park system in name only (NPCA 1955).

NPCA representatives, as well as other preservation proponents, feared that Wirth's civil service careerism might hamper his independence. Likewise they feared his professional background as an NPS landscape architect, a service division noted for its support of visitor accommodation, would cause Wirth to favor recreation over scenic preservation (Miles 1995, 186).

Mission 66 received strong support from the Eisenhower Administration and western state Congressional members (Ise 1961, 547; Miles 1995, 187). Eisenhower, went so far as to promote Mission 66 in his 1956 State of the Union Address. In a subsequent White House cabinet meeting NPS personnel discussed matters of visitor use fees and park development. Considerable attention was given to the integral role that concessioners would play in furthering Mission 66 and the overall park experience. Wirth saw Mission 66 as an opportunity for a continued partnership between the NPS and concessioners (Wirth 1980, 249, 255).

The positive White House tone supporting Mission 66 was mirrored through issue nationalization in Congress. Within a matter of days of the cabinet meeting, NPS officials found themselves testifying on Mission 66 before the House Subcommittee on Interior Appropriations. Chairman Mike Kirwan noted in his opening remarks that he had heard about Mission 66, but that he saw nothing in the budget about it. Kirwan offered to augment the NPS budget with $5 million to get Mission 66 started. Kirwan later added another $12 million. Thus, beginning in 1956, (Table 3.4), Congress provided significant increases to the NPS budget which were to last through 1965 (Wirth 1980, 260-262; Miles 195, 187).

TABLE 3.4 NPS FUNDING 1956-1965

Fiscal Year	**Funding** (Millions of dollars)
1955	$32,915
1956	$48,860
1957	$68,032
1958	$76,005
1959	$79,963
1960	$79,682
1961	$89,404
1962	$110,200
1963	$120,793
1964	$113,083
1965	$128,186

Source: Wirth 1980, 261

RENEWED TURBULENCE IN THE POLICY ARENA

The passage of Mission 66 was a policy coup for the concessioner monopoly and a major defeat for protection advocates. Several factors contributed to this successful policy output. First, is the recognition that counter-mobilization was weak. The NPCA was largely alone in combating the proposal. The organization was unable to mobilize broader criticism and support. Second, the concessioner monopoly was able to deflate opposition through the incorporation of symbolic language in Mission 66. One of the proposal's stated goals was to preserve resources and undeveloped tracts of wilderness under NPS management. Subsequent NPS program guidelines stated that in wilderness areas only limited back-country use facilities should be established. Concessioner and other public facilities that encroached upon important historic and natural features should be eliminated or relocated to more suitable locations, within or outside park boundaries (Wirth 1980, 258-259). In practice, however, this goal became secondary to another Mission 66 priority; providing adequate and appropriate development for public use and appreciation of the nation's parks. Concession-type services were to be provided in areas where services could not be satisfactorily supplied in neighboring communities. When necessary, exclusive franchises would be granted to ensure the dependability of concessioner services. Finally, Mission 66's success can be contributed to the wave of enthusiasm generated in support of the proposal. This wave reverberated through the visitor alliance, the White House, and relevant subcommittees. These enthusiasts encouraged the enactment of government solutions favorable to the issue monopoly.

Under these conditions, Congress willingly took steps to delegate discretionary authority and resources to the NPS.

Counter Strategies and Issue Expansion

Despite their loss over the passage of Mission 66, preservation advocates did not simply collapse in defeat. Rather preservation advocates, in the aftermath of Mission 66, pursued the alternative venue of going public to make their case. Venue switching is a common tactic policy losers utilize (Baumgartner and Jones 1993, 34-35). In this particular case, protection advocates hoped that expanding the issue to the macropolitical system would place pressure on the policy monopoly. Specifically, preservationists wanted to mobilize sufficient public criticism, so as to influence the direction of NPS policy implementation. This strategy had merit. Significant public outcry could persuade Congressional overseers to be more critical of Mission 66's concessioner bias. Instrumental in this strategy was the use of media devices to create an image critical of the policy monopoly. Reiterating statements made in a 1954 *National Parks Magazine* editorial, NPCA representative Devereux Butcher invoked a tone highly critical of Mission 66. Butcher said he feared that termites were at work undermining NPS policy. He believed that commercial concessioner interests had found sympathetic listeners, particularly in the Eisenhower administration. Butcher further believed that Wirth had hoodwinked NPCA board members into silence on critical protection issues. A Butcher published January 1957 *National Parks Magazine* article, stated that commercial activity in national parks was inappropriate, as were amusement attractions, and mechanical intrusion. Any infraction of these principles was a threat to all national parks and monuments (Miles 1995, 188-189, 191).

Evidence suggests that the negative tone of Butcher's laments were not unfounded. Concessions improvements during the Mission 66 era were extensive. At Mount Rainier proposals were introduced for concession upgrades which included construction of a new 250 to 300 room hotel. The estimated $4 million to $6.8 million project was to be funded through a government subsidy. The development of Yellowstone's 500 room Canyon Village received infrastructure support through a $44 million Mission 66 allocation. A $9 million allotment for Everglades funded construction of a 60 room motel, restaurant, cafeteria, service station, and marina. Similar improvements were made at such well known parks as Grand Tetons, Yosemite, Glacier, Great Smoky, and Isle Royale (Sellars 1997 186-187; Ise 1961, 548-549).

Such improvements received high acclaim from the traveling public. This support ran counter to the envisioned criticism preservationists had hoped to mobilize. It resulted in a positive feedback which only served to increase the trepidation of resources protection advocates. Still, the scope of conflict was becoming more multifaceted. An emerging coalition of environmental interests was mobilizing to challenge the policy monopoly. The potential ramifications from this were enormous. The organization of competing groups can alter the one-sided mobilization of bias that issue monopolies enjoy. The external challenges such groups raise can expand the issue debate beyond traditional parameters. Likewise, these groups often contain experts who openly challenge the opinions of monopoly experts. These publicly proclaimed challenges can force elected officials to reassess prior deference given to the policy monopoly (Baumgartner and Jones 1993, 175-176).

In 1957, the NPS in an effort to dispel this external pressure, published *The National Park Wilderness*. The glossy color brochure provided a positive image of the service's wilderness preservation program. However, a recurring theme of the brochure stressed the need to preserve wilderness while improving the parks to better serve millions of new visitors. Upgrading facilities to encourage more visitors, it was argued, could serve as a vehicle for better preservation. The more a park was used for recreational purposes, the less vulnerable it was to natural resources exploitation (1957, 9-10, 22-25). This strategic policy argument was not without merit. Park visitors overwhelmingly opposed commercial resources exploitation within national parks. Furthermore, this argument was difficult for protection advocates to rebuke. During the recent Echo Dam controversy, the Sierra Club and other conservation groups, had promoted increased river rafting trips as a mechanism for calling attention to Dinosaur National Monument's plight. Utilitarian tourism became a strategic tool to protect park resources (Sellars 1997, 188).

The Park Service's attempts to pacify critics had little success. Joining the NPCA's outspoken Butcher were the Sierra Club's David Brower, and photographer Ansel Adams. In a 1958 *National Parks Magazine* article, Adams provided an image of park degradation through unwarranted destruction. He stated that a slow but irresistible tide of development was forever changing Yosemite (167-172, 190). Such critics labeled Mission 66 as little more than poorly planned development which failed to advance park preservation (Sellars 1997, 191). These criticisms had their intended effect. The issue debate was expanded into a broader public venue. The image of concessioner operations as a positive aspect of national parks was being questioned. Competing images of national parks as something more than just recreational facilities was capturing the public's imagination. The implications of this for the issue monopoly were not good. The ability of the monopoly to maintain its independence was in jeopardy (Baumgartner and Jones 1993, 178-179). The time seemed ripe for introducing nonincremental change in concessions policy.

A New Protectionist Entrepreneur

Writing in the early 1960s on concessions operations, historian John Ise mused over the impact that Mission 66 and other recent changes were having upon the national parks. Several noteworthy problems still plagued concessions arrangements. The five and ten year lease agreements of some parks were seen as too short a period to attract quality business investments. In contrast the 20 and 30 year lease arrangements, coupled with generous allowances for returns on investments which some parks entered into, were viewed as questionable. Questions arose over what was the best mix of public - private concessioner arrangements. Proposals ranged from wholly owned private in holder operations, to government ownership with private management, to complete government ownership and facility operation (Ise 1961, 612-613). Finally, there remained the perplexing question of how much development was enough? When did visitor driven concessions development become a threat to the very resources national parks were designed to protect?

It was during the 1960s, that overt attempts were made to resolve these perplexing policy issues. These efforts in large part constituted an acknowledgment that, despite countervailing efforts, the visitor accommodation alliance continued to dictate concessioner management policy. The alliances' successful use of image, tone, expertise, and entrepreneurial actions had thwarted challenges to the status quo. Coupled with this was a unity of cohesion which further offset turbulence threats during the 1930s and 1950s. Thus, as predicted in chapter two, a pattern emerged whereby no policy change, or at most, only incremental change was possible.

Preservation advocates hoped to break this pattern, thereby introducing a policy shift emphasizing preservation. One early impetus for change came with the Kennedy administration's appointment of Stewart Udall to the position of Interior Secretary in 1961. Udall, an ardent supporter of the emerging environmental movement, assumed an aggressive entrepreneurial role in promoting resources protection. He openly stressed the need for preserving unspoiled tracts of public land as wilderness. His philosophy was evident in President Kennedy's call for a wilderness bill. This proposition, while bold and entrepreneurial, placed Udall in direct confrontation with the NPS (Caulfield 1989, 26, 28). During the 1950s the NPS, as well as the Forest Service, had opposed a Wilderness Society push for wilderness legislation. The NPS opposed any policy venue shift that would usurp bureaucratic expertise through Congressional political judgement. The NPS wanted discretion to properly manage its back country without additional, burdensome regulations and oversight. Coupled with this was the continued service commitment to place primary emphasis upon providing for the public's enjoyment (Sellars 1997, 192-193).[9]

Emerging distrust and animosity between Udall and Wirth widened the philosophical gulf between the two men. On August 15, 1962, Udall sent Wirth a memo stressing his chagrin over a recent Wirth interview appearing in *U.S. News & World Report*. Udall did not like the tone of the article. He noted that nowhere in the article did Wirth acknowledge the administration's wilderness proposal pending before Congress (Wirth 1980, 297-298). Wirth was accused of playing politics. He was portrayed as a Republican holdover, bent upon embarrassing the present Democrat administration (Wirth 1980, 300). Not surprisingly, Wirth already considering retirement, decided to make it official ending his tenure in December 1963.

POLICY CHANGE AND RETRENCHMENT

Wirth's retirement was one of several circumstances providing an opportunity for the dilution of the concessioner monopoly. Wirth had epitomized much of the "old guard" attitude within the NPS emphasizing visitor enjoyment and accommodation. Augmenting this was growing mobilization among environmental groups. In 1950 there were 75 environmental and conservation groups in the U.S. By 1969 this number had grown to 219 (Baumgartner and Jones 1993, 186-187, 190). Complementing this growth was an increase in expertise and professionalism which dwarfed previous years. These experts openly challenged the opinions of experts within the visitor alliance. They provided countervailing views that effectively questioned the tenets of the concession monopoly's image portrayal. These groups were likewise instrumental in formulating questions affecting public opinion and expanding the parameters of the debate. Such external group challenges created opportunities for restructuring the policy choices available to lawmakers as well as public understanding of what was at stake.

Udall, with environmentalists' support, pushed to get wilderness preservation on the institutional agenda. In 1964, he stumped the nation in favor of a national wilderness bill. Coupled with this was a Udall proposition calling for the doubling of national park acreage over the next eight years. A groundswell of Congressional and public support bolstered Udall's efforts. This wave of enthusiasm was so extensive that on September 4, 1964, President Johnson signed the Wilderness Act into law (Caulfield 1989, 29-31). This act, while not formulated as a concessions proposal, had potential implications for concessioner operations. Final wordings in the act assumed a symbolic tone, expressing misgivings over NPS management emphasis during Mission 66 and in prior years. The act stated the need for protecting and preserving federal parcels in their natural condition. Wilderness areas were to be managed for the American peoples' use and enjoyment in such a manner as to leave them "unimpaired for future use as wilderness." In making this statement, the Wilderness Act expounded upon the Park Service's 1916 organic act. The Wilderness Act's language made it clear that while visitor enjoyment was to be provided for, the preservation of land in its natural condition was to take precedence (Sellars 1997, 194).

Implications of Issue Alliance Stability

National parks subjugation to the preferences of the visitor alliance appeared to be over. A new policy equilibrium in federal lands protection had finally been achieved. Speaking in 1965, NPCA representative Tony Smith stated that a new epoch in national parks protection and enjoyment had emerged (Miles 1995, 234-235). However, in reality, these events were insufficient to seriously alter the concessioner monopoly's dominance of national park visitor policy for two reasons. First, the Wilderness Act did not void the visitor enjoyment mandate of the 1916 statute. Rather it sought to refocus agency attention, placing renewed emphasis upon compliance within the preservation side of the NPS mandate. Accordingly, the 1964 statute still allowed significant room for agency discretion. Wirth's successor, George Hartzog was not enthusiastic about implementing the Wilderness Act's preservation stipulations. Historian, John Miles, asserts that the NPS did not eagerly carry out the will of Congress. The service and its alliance partners, continued to emphasize accommodating visitor needs to the exclusion of wilderness priorities (Miles 1995, 248-249). To simply forsake or radically alter tourism priorities during the 1960s, would have meant an abandonment of attributes imbedded within the NPS organizational culture.

Second, the emphasis on accommodating visitors persisted because of significant political support. The political alliance between NPS decision makers, concessioners, gateway communities, and western state Congress members had its roots in the establishment of the first national parks. This political unity assured that the 1916 organic act codified visitor enjoyment as a Park Service mandate. It served the NPS well during subsequent phases of agency expansion. Political support of the visitor mandate provided major economic benefits for other monopoly members. From the perspective of concessioners and gateway communities, any shift away from tourism could have serious economic ramifications. Consequently, monopoly political focus, during the 1960s, remained fixated on economic matters. This focus on economic considerations had advantages as an emotive appeal. It established an image of preservation at the expense of lost jobs. Likewise, western state Congressional members, sitting on public lands subcommittees, remained overall steadfast in their political support of tourism as a top priority. This support had negative implications for any attempts at forcing NPS compliance to the 1964 act through aggressive subcommittee oversight.

In sum, the visitor alliance demonstrated an ability to maintain internal cohesion in the face of external challenge. Such cohesion is a vital asset in maintaining independence from the broader political system. The concessioner monopoly's ability to maintain a united front towards the outside world, facilitated its ability to get and keep what it gained from the political system. The relative newness of the environmental movement may have further contributed to the ability of the concessioner monopoly to maintain issue dominance. Baumgartner and Jones note that the mobilization of bias for or against a policy issue requires a period of growth. During the period of mobilization, an issue moves from the private to the public agenda. During the 1960s, the one-sided dominance that concessioners and other economic interests enjoyed came under challenge from environmental advocates (1993, 176, 190-191). However, this mobilization was far from complete in the mid-1960s.[10] Several scholars have asserted that it was not until the late

1960s and early 1970s that environmental advocates were able to sufficiently mobilize and break into policy making monopolies (Baumgartner and Jones 187; Lester and Costain 1995, 31).

Given what has just been said, a predictable series of events unfolded as Congress considered a concessioner proposal in the mid-1960s. In 1964 the concessions issue became nationalized. The policy monopoly demonstrated formidable political savvy in responding to challenges to their preferred policy output. In February, the House Subcommittee on National Parks heard testimony on a monopoly friendly concessions policy proposal. The proposal received strong support from the NPS, western state subcommittee members, and tourism trade associations. Objections to the bill came principally from environmental groups. Environmentalists raised concerns over the bill's lack of attention to resources protection. Some House members objected to lack of provisions for periodic GAO fiscal review. This latter objection reflected negative media images of concessioner profiteering dating back to the 1950s. Finally, in the waning days of the session, other land management matters on the institutional agenda took subcommittee priority.[11] The concessions bill was tabled, having never received final consideration on the House floor.

As reformulated in 1965, the Concessions Policy Act (PL 89-249) was portrayed as a compromise between the ever growing environmental community and concessioners. This was a wise strategic decision on the part of concessions proponents. Incorporating resources protection language helped to soften the negative image of concessioners. It provided a conciliatory tone of concessioners as willing to instill constraints on economic development in order to preserve park resources. The NPS twin missions of conservation and visitor enjoyment were both recognized. In order to meet these objectives, the development and provision of visitor services was to be limited to locations necessary and appropriate for public use and enjoyment of national parks. Such locations were to be consistent, to the highest practicable degree, with the preservation and conservation of national parks. These provisions were augmented to ensure adequate protection to concessioners against loss of investment.[12] Finally, the Secretary was granted authority to extend or renew the contracts of concessioners who had performed their contractual obligations to the satisfaction of the Secretary (*Statutes at Large* 1965, 969-970).

While protection provisions helped to satisfy environmentalists, resistance came from some members of Congress. Principal among these were members of the House Government Operations Committee. Committee members such as Representative Jack Brooks (D-Texas), and Harold Gross (R-Iowa), wanted any bill to apply uniformly to all federal land managers. They also wanted provisions for routine GAO review written into the legislation. They declared that the 1965 proposal was insufficient to meet committee goals of uniformity and financial accountability. This onslaught represented a breach of the jurisdictional monopoly concessioner proponents had traditionally enjoyed. In effect, entrepreneurs within government operations, successfully expanded the boundaries of their authority to incorporate concessioner policy. This issue expansion resulted in a venue shift disruptive to the hegemony of the dominant subcommittee. It forced concessioner proponents to address matters they would have preferred to avoid. Issue expansion also provided an opportunity for concessioner disfavorable agenda redefinition (Talbert, et al. 1995, 384-386).

The 1965 proposal ultimately succeeded, despite the jurisdictional challenges of other Congressional actors. Much of this success was attributable to the political expertise of committee leadership and bipartisan unity of western state Representatives. Wayne Aspinall (D-Colo.), Chairman of the House Interior and Insular Affairs Committee, successfully maneuvered the proposal to the House floor for debate. Once on the House floor, the bill received strong support from other westerners, in particular Morris Udall (D-Ariz.), a representative known for his conservation advocacy (Hummel 1987, 237, 240-241). This support, coupled with deference from the Democrat House leadership, contributed to the bill's passage. Matters of uniformity and GAO oversight were left out of the final policy output.

In practical effect, the 1965 act codified many of the decades long preferences and practices of the visitor alliance. Time soon showed that stipulations in the statute calling for limiting development to what was necessary and appropriate for public use, as well as being consistent with the highest practicable degree of conservation, were being loosely interpreted (Sellars 1997, 282). Protection language proved to be more symbolic than substantive. So long as the policy monopoly dominated concessioner matters this would remain the case.

EQUILIBRIUM AND TURBULENCE DURING THE 1970s AND 1980s

Incorporation of a Statistical Criteria

The pattern presented to this point in the analysis is congruent with those hypothesized in chapter two. During periods of equilibrium (see Figure A.1), the concessioner monopoly dictated policy in a manner favorable to monopoly interests. Furthermore, during each of the turbulent periods the concessioner monopoly also succeeded in dominating the issue arena. External interests, while able to create turbulence, failed to redefine the institutional agenda. This negated their ability to formulate comprehensive resources protection provisions. The result, as predicted, were minimal to no policy output changes. However, it must be acknowledged that the criteria utilized was largely qualitative. This makes for the possibility of interpretive bias. In the following sections both qualitative and quantitative criteria are incorporated to assess concessioner policy during the years 1968 through 1996. This second method of analysis, validating qualitative derived conclusions, is added as the necessary data becomes available.

A Policy Shift Within the NPS

While the NPS tourism perspectives of the mid-1960s, remained in general congruence with other visitor alliance members, new thinking soon inculcated the service. Specifically, between the late 1960s and early 1980s, perceptions of NPS policy priorities underwent a change in attitude. Service personnel began to seriously reassess prior adherence to the visitor mandate. This philosophical change carried potentially negative ramifications for the concessioner policy monopoly. As previously noted, monopoly cohesion is considered a vital component in maintaining policy dominance. Constant internal bickering reduces the ability of a monopoly to remain independent from the broader political system. Such arguments often spill over into the public sector. The monopoly's image becomes tarnished, subjecting it to a host of potential challenges in the public arena. The weakened monopoly may be unable to fend off challenges under these circumstances (Baumgartner and Jones 1993, 176).

Former superintendent Bob Howe, described the influence changing attitudes had at Southeast Alaska's Glacier Bay. During the 1960s Howe spearheaded an effort to invigorate cruise ship traffic at the monument. He believed that resulting visitor increases would provide a constituency to help offset the numerous exploitation proponents who were attempting, once again, to reopen the monument to mining. Cruise ships would provide a means for allowing large numbers of tourists to visit the monument while producing minimal impact to resources (Howe 1994). The strategy succeeded in bringing notoriety to Glacier Bay, contributing to a subsequent boundary expansion and elevation to national park status in 1980. Coupled with this was a decision to manage most of the 3.3 million acre park as wilderness.

However, in the late 1970s, the NPS began questioning the value of ever increasing cruise ship traffic at Glacier Bay. During the late 1970s and 1980s NPS scientists began to accumulate evidence linking decreases in endangered humpback whales in Glacier Bay, to increased cruise ship traffic. The scientists called for a freeze on cruise ship visits. Citing this scientific evidence, ardent environmental proponents demanded significant cuts in cruise ship visits. This was easier said than done. Major operators included Princess Tours and Holland America, two of the biggest names in the industry. In 1977 cruise ships made some 143 summer visits to Glacier Bay. This was in contrast to only four visits in 1970. Furthermore, such operators had, by the late 1970s, developed a system which favored several local spinoff vendors. These vendors provided services ranging from flight seeing, to guided boat tours, to fishing trips. With support from the Alaska Congressional delegation, these operators provided a united front against the NPS and their environmental supporters. This coalition succeeded in blocking attempts to rollback the number of cruise ship visits at Glacier Bay.

This example, while noteworthy for providing evidence of the persisting policy dominance of the visitor alliance, calls attention to changes within NPS management philosophy. An early 1980s survey of NPS employees provides further evidence of this shift. Of the employees surveyed, 84 percent rated preservation as the principal mandate of the NPS. Furthermore, 68 percent believed establishing visitor quotas was necessary and 76 percent felt that an increase in park visitors did not justify the expansion of visitor accommodations. Only 9 percent of those surveyed felt that the service's main responsibility was to provide recreational opportunities for visitors. In subsequent interviews, Ronald Foresta found an acceptance and general preference, among NPS decision makers, for incorporating environmental principles into park management. Among the points respondents stressed was the need for aligning Park Service policy with environmental group preferences (Foresta 1984, 104-105).

In expressing these perspectives, several NPS respondents acknowledged the legitimacy of preservation demands from the environmental community. In contrast, service respondents generally failed to extend this same legitimacy to visitor demands for increases in overnight accommodations and related concessioner services. In summing up this attitude one superintendent stated that it was their job to modify visitor behavior in a positive way, not simply give in to visitors expressed preferences (Foresta 1984, 105).

The threat to internal cohesion from such NPS attitude changes were not, however, universal. Many current and former NPS personnel still defined the NPS mission in terms of visitor enjoyment. For example, in a 1976 *American Forests* article, former NPS Director Albright raised his concerns over the emerging trend to limit visitor access and accommodation.

> There is an insistent demand that concessions be located outside park boundaries, and the park areas themselves turned back as completely as possible to the condition they were in when discovered, thus making them usable only by hikers, backpackers and horse or mule riders, and preferably few, if any, of the latter.

Albright likewise questioned the emerging consensus among NPS scientists that visitor use would have to be limited in order to prevent environmental degradation. He asserted that the degradation argument was merely a red herring, used as an excuse to justify changing management preferences within the Park Service (1976, 50).

Jurisdictional Expansion and Turbulence During the 1970s

Additional threats emerged as new political actors began to seriously challenge the concessioner monopoly during the 1970s. In a series of Congressional oversight hearings, from 1974 to 1975 (Table 3.5), a coalition of Congressional members, environmental groups, and prominent citizens besieged concessioners demanding change. In contrast to the 1950s, investigative media scrutiny did not play a primary role in bringing the issue to

TABLE 3.5 LONGITUDINAL OVERVIEW OF DATA SET 1968-1996 FOR GAUGING CONCESSIONS POLICY TURBULENCE

Year	Number of Hearings	Subcommittees	Agencies	Groups	Citizens	Media
1996	1	1	2	1	3	2
1995	1	1	4	9	9	3
1994					1	
1993	4	3	13	15	17	1
1992	2	2	4	3	4	4
1991	4	2	13	9	6	2
1990	3	2	3	7	4	1
1989						
1988						
1987						2
1986						1
1985						
1984						
1983						
1982						1
1981						2
1980						3
1979	3	1	2	3	12	1
1978						1
1977						2
1976	3	3	4	10	18	5
1975	1	2	2	2	4	1
1974	1	2	2	7	43	3
1973						1
1972						1
1971						1

Year	Number of Hearings	Subcommittees	Agencies	Groups	Citizens	Media
1970						1
1969						
1968						

Sources: Congress. House and Senate Hearings; *Readers' Guide to Periodic Literature*
Coding Scheme: Hearings refer to number of hearings focusing on concessioner policy. Subcommittees refers to number of committees/subcommittees holding concessioner policy hearings during a calendar year. Agencies, groups, and citizens participation measures the number of organizations and activists testifying at respective hearings. Media counts are the number of concessioner policy articles found through a *Readers' Guide* subject search.

national attention. Negative media coverage prior to 1974 was minimal (Table 3.6a). Most relevant articles appeared in the concessioner friendly *Parks and Recreation* magazine. Instead, it was the MCA Recreation Inc. 1973 takeover and subsequent expansion plans at Yosemite National Park, that sparked a heated December 20th, 1974 joint House oversight hearing. In opening statements, House Conservation and Natural Resources Subcommittee Chairman Henry Ruess (D-Wis.) stated that General Accounting Office (GAO) research indicated that concessioners, not the NPS, was running the national parks.[13] This negative tone, from the entrepreneurial Ruess, did not bode well for concessioners.

The tone of most other hearing testimony was also anti-concessioner. The Sierra Club, Wilderness Society, and charter bus operators from outside the park, decried the shoddy service offered through MCA. Coupled with this was criticism from members of the California State Legislature, university professors, and Mrs. William Milliken, wife of Michigan's governor. Criticisms included the Disneyfication of the park under the guise of improved services, the high rates concessioners charged, and unwarranted environmental degradation (House 12/20/74, 216, 231, 479-481, 486-489).

At a subsequent July 1975 oversight hearing, House Subcommittee on Energy and Environment Chairman, John Dingell (D-Mich.), complained that understaffed park personnel were ill equipped to deal with the high pressure politics and expertise of large concessioners. Contract renewals favored existing operations, and in some cases large concessioners were allowed to swallow up their smaller competitors despite worthy bids

TABLE 3.6a TONE OF MEDIA COVERAGE FOR CONCESSIONS POLICY

Year	Industry Positive	Industry Negative	Neutral/Uncodable
1996			2
1995		2	1
1994		1	
1993		1	
1992		3	1
1991		2	
1990		1	
1989			
1988			
1987	1	1	
1986		1	
1985			
1984			1
1983			1
1982		1	
1981		1	1
1980		3	
1979		1	
1978		1	
1977		2	
1976	1	3	1
1975		1	
1974		2	1
1973	1		
1972			1
1971	1		
1970	1		
1969			
1968			

Source: *Readers' Guide to Periodic Literature*
Coding Scheme: Articles coded based on tone of title.

TABLE 3.6b TONE OF MEDIA COVERAGE FOR CONCESSIONS POLICY

Year	Industry Positive	Industry Negative	Neutral/Uncodable
1996			2
1995	1		3
1994		1	
1993		1	1
1992	1	1	3
1991		4	2
1990		9	1
1989			1
1988		1	1
1987			
1986			
1985			
1984			
1983			
1982			
1981		1	1
1980		1	
1979		1	

Source: IAC National Newspaper Index
Coding Scheme: Articles coded based on tone of title.

from rival firms (House 7/25/75, 2-5). Citizens also weighed in, complaining that recent public workshops, at Yosemite, were only for show (House 7/25/75, 1031-1033).

Such criticisms had seldom been expressed in the jurisdictional dominant parks and public lands subcommittees. Previous testimony within these subcommittees favored the interests of the visitor alliance. Oversight hearings outside of these traditional venues represented an unwanted jurisdictional expansion. It provided opportunities for subcommittees, outside the issue monopoly, to establish a claim in the policy arena. The oversight hearings likewise introduced potential issue expansions. They created opportunities for the previously disenfranchised to express their opinions. This ability to mobilize interest from a broader cross-section of the citizenry, bode well for the possibility of nonincremental policy change. As previously mentioned, the maintenance of issue dominance coincides with the ability to continue one-sided mobilization. The expansion of hearings to include opposing views increased the likelihood of multi-sided issue mobilization. It could result in additional expansion and venue shifts. Such circumstances would make it increasingly difficult for the policy monopoly to maintain jurisdictional control (Baumgartner and Jones 1993, 176-179; Talbert, et al. 1995, 392-393).

However, as critical as these hearings were in their assessment of concessioner operations, they never moved beyond the parameters of oversight. Attention remained primarily focused on internal service policy decisions at Yosemite. Because of this the issue never became nationalized. No amendments or alternative proposals were ever offered for system-wide reform. Still, these oversight hearings had important implications for future legislative proposals. New subcommittee participation, in oversight hearings, justified a jurisdictional claim in future legislative hearings. Expansion of this sort is often a contributing factor to ongoing declines in jurisdictional dominance and the eventual break up of a subcommittee's issue monopoly. It creates the likelihood that future legislative proposals will be considered in venues other than the traditionally dominant subcommittee (Talbert, et al. 1995, 393-394).

Reasserting Policy Monopoly Preferences

Despite these new jurisdictional challenges, the visitor alliance rallied to preserve the status quo. In May and June of 1976, the National Parks and Recreation House Subcommittee held concessioner oversight hearings. These hearings provided an opportunity for the reassertion of traditional jurisdictional control. The tone of these hearings was much more subdued in criticisms of concessioners. Typical of the tone of this input were comments from Kansas Congressman, Joe Skubitz. Skubitz acknowledged that yes there had been some evidence of problems disclosed in previous hearings. However, protecting the parks from harm and providing for visitor enjoyment could both be achieved. Numerous individuals giving testimony at hearings in 1974 and 1975, were known for their antagonism towards concessioners. Skubitz countered with survey results from the Stanford Research Institute, a well respected think tank. They indicated a clear preference among visitors for greater park accessibility and accommodations. This expert evidence was in marked contrast to citizen letters submitted during prior hearings (House 5/21/76, 2-5). It provided empirical support bolstering arguments in favor of a tourism emphasis at national parks.

A prodigious amount of testimony from concessioner supportive interest groups further bolstered Skubitz' statements (Table 3.7). Don Hummel, who was now serving as board chairman of the Conference of National Park Concessioners, asserted that concessioners, in contrast to recent criticisms, considered themselves to be environmentalists. This assertion represented a furthering of the image depiction that concessioners had projected in 1965. Hummel noted that in past years, NPS in cooperation with concessioners, had achieved a credible balance between visitor enjoyment and preservation. He chided recent extremists within the environmental movement for ignoring the visitor side of the NPS mandate (House 5/21/76, 134-135).

Following Hummel was testimony from James Broder, an attorney representing viewpoints of the National Council of Senior Citizens, American Association of Retired Persons (AARP), and the National Retired Teachers Association, having total membership of nearly 12 million. Broder's presence represented a situation whereby the visitor alliance was able to favorably exploit externally generated policy turbulence. To the detriment of change advocates, a previously uninterested, but readily mobilized concessioner friendly constituency had jumped into the fray. This was not the type of issue expansion environmentalists had anticipated. According to Broder, environmentalist propositions to limit accessibility and accommodations at many national parks would prove unduly burdensome to senior citizens. Broder depicted an image of environmentalists as uncompassionate zealots bent upon curtailing access at any cost; even if it meant discriminating against senior citizens. Broder insisted that vehicle accessibility and suitable overnight accommodations were necessary to prevent unwarranted discrimination against older Americans. In addition, Broder criticized the NPS for failing to adequately notify seniors and other interested visitors of pending policy hearings. Rather, the NPS notified the public through announcements in the Federal Register and special invitations to environmental groups (House 5/21/76, 413-415). Accordingly, service personnel were cast in the image of uncaring bureaucrats who willingly colluded in discriminating against older Americans.

The tone of the 1976 oversight hearings had their desired outcome. The hearings brought about a visible shift in the concessioner policy debate. No longer were concessioners on the defensive as they had been in 1974 and 1975. A traditional alliance friendly House subcommittee had reinstated control over the policy debate. Image depictions of environmentalists and the NPS as uncaring, and possibly discriminatory towards seniors, provided a highly effective boost to concessioners. And although the majority tone of media coverage remained negative, the scope of coverage was limited (Tables 3.6a). This media disinterest dampened further issue expansion and opportunities for attacking the existing policy arrangement.

When revived again in March and April 1979, oversight hearings in the Senate Subcommittee on Parks, Recreation, and Renewable Resources, continued a largely conciliatory tone and favorable image depiction of concessioners. Testimony was typical of the boosterism jurisdictionally dominant subcommittees are said to undertake. Subcommittee testimony was packed with individuals favorable to the policy monopoly (Talbert, et al. 1995, 388-389). Among those testifying were numerous independent concessioners, industry lobbyists, and western state Senators. These individuals called for the continuation of preferential contract renewals as a means for ensuring the viability of visitor services. Bolstering this testimony were numerous reports from financial analysts and investment consultants. These expert reports provided evidence of the difficulty concessioners would have in obtaining credit if preferential renewal and long term contract agreements were abolished (Senate 4/27/79). Such testimony served to overwhelm the meager opposition coming from environmental groups and media pundits (Tables 3.6a, 3.6b and 3.7). It also helped to define the policy debate in terms favorable to the issue monopoly. Finally, this redefinition process could assist concessioner friendly subcommittees in maintaining jurisdictional control in any future legislative battles.

Equilibrium in the 1980s

The period from 1980 to 1989 represented a quiescent time in the concessioner controversy. Not a single committee hearing occurred during this period. Media coverage during the period was sparse (Tables 3.5 and 3.6a, 3.6b). Other, more pressing matters eclipsed concessions on the policy forefront. The passage of the 1980 Alaska National Interest Lands Conservation Act (ANILCA), nearly doubled the national park system, adding some 43.6 million acres. Wilderness overlay protections affected 32.4 million acres of these new park lands (PL 96-487). The challenges and opportunities presented in this new mandate absorbed much of the attention of the NPS, as well as that of major environmental groups. Likewise, the NPS and environmental groups found their attention diverted as challenges emerged from the Reagan administration. During the Reagan years, administration appointees sought to institutionalize a pro-development philosophy throughout the Interior Department (Durant 1992, 51-52). Such challenges left little time for addressing concessioner matters. With the exception of a couple of nationally publicized articles in the late 1980s, concessions policy faded from the national agenda (Tables 3.6a, 3.6b).[14] Concessioners, and their alliance partners, enjoyed a period of undisputed issue dominance reminiscent of earlier decades.

NONINCREMENTAL POLICY CHANGE IN THE MAKING

Change Strategies

It was not until the 1990s that concessions reemerged on the institutional agenda. In January 1990 a task force--established under the direction of Interior Secretary Manuel Lujan-- disclosed that entertainment giant MCA Inc., owner of Yosemite concessioner Curry Company, took in over $76 million while paying less than $600,000 in fees to the government. This revelation coincided with news of Japanese based Matsushita Electric Industrial Company's bid to purchase concessions operations at Yosemite. The resulting media storm (Table 3.6b) presented Lujan with a window of opportunity to spotlight the issue of below market concession fees. Lujan said that while he was generally satisfied with the system, reforms were needed to put an end to excessive profits. This emphasis on profit, recalled previous fiscal criticisms made against concessioners during the 1950s and 1960s. He stated that the NPS would push for higher fees as long term contracts came up for renewal during the next few years. Lujan also suggested the possibility of the federal government purchasing existing operations from concessioners. He noted that at such operations as Yellowstone, where the government actually owned the facilities, the government's return on gross revenues averaged 22 percent. This was in marked contrast to the 2.5 percent fee rate average the government received from other operations (Hall 1990; Hebert 1990; S.208, 11).

Lujan's actions signaled a rift in the unity of the concessions monopoly. Not since the days of Stuart Udall, had such an Interior led challenge been raised. Concessioner representatives publicly vowed to fight Lujan's proposal that the federal government purchase facilities at their actual construction cost rather than their appreciated value (Hall 1990). This public bickering fractured the image of a "one best way" to manage concessioner operations in national parks. This elevation to the institutional agenda, in an atmosphere of criticism, made conditions favorable for the dilution or breakdown of the issue monopoly (Baumgartner and Jones 1993, 84). Furthering this threat was the resurgence of environmentalism during the late 1980s. This period marked a reinvigoration of environmental groups and citizen awareness.[15] Coupled with this was a renewed willingness from Democrats within Congress to pass environmentally favorable legislative outputs (Kraft 1994, 104-105).

Divisiveness within the NPS further fueled the publicly displayed rift within the concessioner monopoly. The NPS personnel shift favoring resources protection over visitors continued into the 1990s. This shift was publicly expressed as the need for the service to place its primary emphasis on the protection of park resources (*Vail Agenda* 1992, 3). Such policy preferences placed service personnel at odds with concessioners. Instead of attempting to patch things up between the NPS and concessioners, Director James Ridenour focused his attention on perceived inaccuracies and shortcomings in the 1990 taskforce report. This was done in an effort to protect the service's image against external criticism. In hearings before the Senate Subcommittee on Public Lands, National Parks and Forests, Ridenour called cost accounting methods in the report misleading. Because of this, Secretary Lujan, Congress, and the American people were being mislead into thinking the NPS was not doing its job (Senate 7/25, 31/90, 4-5). Seizing upon this input, Senator James McClure (R-Idaho), stated that it was impossible under the present circumstances of misinformation and media hype to rationally assess the situation. McClure further noted that the system invoked in 1965, had undergone numerous reviews from Congress, the executive branch, and private groups. While some shortcomings and criticisms emerged, the basic system was found to be both wise and efficient (Senate 7/25, 31/90, 6-7). Consequently, there was no need for radically revising the existing statute.

Such calls for maintaining the status quo were ineffective. The turbulence generated in 1990 nationalized concessions policy at an unprecedented level. In 1991 the House Subcommittee on National Parks and Public Lands, conducted legislative hearings on four concessions bills and two resolutions. The general tone of these various proposals was disfavorable towards the interests of the policy monopoly. Proposals called for restricting the number and location of facilities, repeal of preferential rights of renewal, and a more competitive bidding process.

The elevation of Bruce Vento (D-Minn.), a known supporter of preservation, as National Parks and Public Lands Subcommittee chair raised the level of concessioner apprehension. During previous decades this subcommittee had acted as protector of the visitor alliance. Western state Representatives, previously used the subcommittee's jurisdictional monopoly to favor concessioners. In opening statements, at a June 21 hearing, Vento noted that the national park system was not meant to be run for the benefit of Wall Street investors. Nor was it supposed to provide corporations with windfall profits at taxpayers expense. The system had been founded to protect, in perpetuity, the nation's natural and cultural crown jewels (House 6/11/91).

In retrospect it appears that Vento's leadership stimulated a set of internal disruptions. No longer were the dominant subcommittee and other members of the monopoly speaking with one voice. Elected officials were openly defying visitor alliance preferences and the decades long deference given to NPS professional expertise. Bureaucratic decision making autonomy was giving way to political judgement. This recourse to political judgement represented a venue shift. Paralleling this venue shift was an internal shift within the subcommittee. Changes in subcommittee policy thinking seldom comes as a result of changes of heart among legislators. Instead, changes in the way a subcommittee views a problem often result from jurisdictional battles or from significant change in the composition of membership. The Democrat majority elected to Congress after 1986, was a more environmentally oriented group. These legislators passed environmental statutes that had been bottled up for several years (Baumgartner and Jones 1993, 31, 200-201; Kraft 104-105).

This enthusiasm for environmental protection had negative ramifications for the concessioner monopoly. Concessioners found themselves caught in the midst of an unfamiliar subcommittee. While the subcommittee still contained some friendly western state faces, many subcommittee members represented environmentally friendly constituencies. Among these were such vocal environmental advocates as George Miller, a Democrat from California. Miller was part of a new cadre of western state Representatives favoring environmental activism. Nor did it seem likely that concessioners would find a more favorable venue elsewhere in the House. Oversight hearings in the House Subcommittee on Government Operations and Environment, were similarly critical of concessioner operations. Chairman Bruce Synar (D-Okla.) stated that the time had come for eliminating preferential rights of renewal and opening contracts up to competitive market forces (House 6/11/91, 38).

Further Issue Expansion

Disruptions within Congress coincided with issue expansion in the early 1990s. In 1991 and 1992, unfavorable coverage appeared in such widely read publications as the *San Francisco Chronicle*, *New York Times*, *Washington Post*, *Wall Street Journal*, *Los Angeles Times*, and *Christian Science Monitor* (Tables 3.6a and 3.6b). It was disclosed that the NPS was charging concessioners rates well below market in the use of service facilities. In one particularly egregious example, the NPS charged Mount Vernon Inn $115 a month rent on operations grossing $4.3 million in revenue (Associated Press 1992). This negative coverage evoked images of an industry in need of drastic reform. It cracked the concessioner friendly mobilization of bias that had typified the 1980s. Media coverage, in conjunction with policy monopoly bickering, raised the awareness of the previously disinterested.

The resulting turbulence also produced issue expansion embracing other federal land managers (Table 3.8). Speaking in 1991 oversight hearings before the House Subcommittee on Government Operations and Environment, GAO investigators noted that neither the NPS or Forest Service provided close oversight of concessioners. This created opportunities for widespread fraud and abuse. The potential existed for the government to receive even less than the 2.5 percent of gross receipts it was currently garnering. Speaking for the NPS, Associate Director Jack Morehead agreed that returns from concessioners were too low.[16] The GAO called for the need to develop a more effective and comprehensive concessions policy for all major land management agencies (GAO 1993, 1-5).

This proposition, to fashion a comprehensive policy for all federal land managers, had negative implications for the concessioner monopoly. With the exception of subcommittee proposals in the 1960s, concessions policy had always been deferred to individual agencies. GAO scrutiny called into question the expertise of federal land managers. This created an opportunity for shifting concessions policy from the bureaucratic to the political arena. A single uniform policy would make it easier for hostile subcommittees to micromanage concessioners. Rather than stand passively on the sidelines and see their autonomy diminished, federal land managers chose to become actively involved in the hearing process (Table 3.8). They provided testimony which refuted the need for a single comprehensive statutory output.

Issue Nationalization and Nonincremental Failure

In 1994 Congress took what appeared to be final steps towards a nonincremental policy output. The year also marked the 78th anniversary celebration of the NPS. In a speech delivered from Independence Hall, Interior Secretary Bruce Babbitt, asserting a more protectionist position than his predecessor, vowed to block the construction of new roads and hotels within park boundaries. Babbitt noted the promising developments in Congress which would raise concessioner fees and return a portion of the revenue to national parks (Kenworthy 1994). Such proclamations made for good press. They kept the concessioner controversy in the public spotlight. This helped to assure that the scope of conflict would remain expanded beyond the traditional policy monopoly (Schattschneider 1960; Baumgartner and Jones 1993, 89).

This continued relevance on the agenda reinforced the potential for dramatic policy change. Action was moving ahead in the Senate on S 208; a proposal incorporating many of the reform features that Vento had been pushing for in the House. In 1993, Public Lands, National Parks and Forests Subcommittee Chairman Dale Bumpers (D-Ark.), had successfully persuaded fiscally conservative Republicans to work with him in fashioning a new concessions bill. To gain the support of these new allies, Bumpers portrayed concessions operations as fraught with fiscal waste and abuse, akin to corporate welfare. This overt manipulation of the policy image was an effective device. It redefined the problem in terms which many fiscal conservatives, not necessarily supportive of protectionist arguments, could readily accept (Stone 1989, 299; Baumgartner and Jones 1993, 28). Accordingly, S 208 placed greater emphasis on competition through the phasing out of concessioners' preferential rights of renewal, set franchising fee contract minimums, and establishment of uniform contracting guidelines. The statute, however, did not alienate environmental advocates. S 208 contained language reemphasizing the maintenance of only those operations "necessary and appropriate for the accommodation of visitors." According to the bill's language such a requirement would prevent indiscriminate facility development thereby assuring the preservation and conservation of park resources (Senate 6/24/93, 12-14; CQ 1994, 244, 727-728).

The 1994 concessions proposal appeared destined for passage following overwhelming House approval of an amended version of S 208 on July 28. During the floor debate supporters turned back several amendments designed to weaken the bill. House and Senate versions differed little.[17] The Clinton administration likewise gave its assurances that the President would sign the act into law. However, powerful opposition from key committee members within the Senate--in particular Malcolm Wallop (R-Wyo.), Alan Simpson (R-Wyo.), and Frank Murkowksi (R-Alaska)--foreshadowed a prolonged battle in conference committee. Coupled with this was the increasing difficulty election year partisan politics created. The perceived need for party solidarity caused many Republicans to rethink their earlier support of the bill (Hebert 1994; CQ 1994, 2132; CQ Almanac 1994, 249). The Senate ultimately failed to consider reconciling differences between the two proposals.

The Failed Proposal

Members of the visitor alliance welcomed the defeat of the 1994 concessions act. They congratulated friendly western Senators and Representatives for killing the bill. Many concessioner advocates, particularly in rural western communities, had considered the 1994 proposal a direct threat to their way of life. The perspectives of two Wyoming lawmakers helps to illustrate such attitudes. Speaking retrospectively about the 1994 bill's failure, Wyoming State Legislators Clarene Law and Randall Luthi, both said they supported the efforts of Wallop and Simpson. Law noted that many of her Tetons County constituents were particularly upset with the phasing out of preferential rights of renewal. While much of the hearing testimony focused on advantages renewal rights provided to large, wealthy operators, left unsaid was the protection provided to small concessioners. According to Law, the elimination of preferential renewal would have provided the opportunity large conglomerates needed to leverage out small operators. Ambiguities over the purchase of concessioner facility investments, should a contract be terminated, also created opposition to the proposal.

Luthi, a former Interior Department solicitor and Simpson staffer, noted that concession change proponents, as is often the case, failed to consider the bill's ramifications beyond park boundaries. Luthi cited the example of the big Yellowstone fire during the late 1980s. The Park Service's let burn policy resulted in the eventual shutdown of park entrances. This caused a severe financial loss to many of Luthi's gateway community constituents. Luthi feared the potential for similar negative impacts during the implementation of aggressive environmental language contained in the 1994 concessions proposal. Expounding on this, Law stated that overzealous superintendents could have seized on the bill's environmental language as an opportunity for downsizing concessions operations (Luthi 1998; Law 1998). This last point may have been particularly relevant given the previously discussed philosophical changes within the NPS.

Such perspectives paint a markedly different image of concessions policy. They provide a perspective which, based on the qualitative evidence presented, appears to have been shared among vested constituents and their representatives in Congress. Such congruence, when coupled with industry support, provided little incentive for western state Congressional members to support a radical departure from the status quo. Furthermore, these perspectives called into question criticisms labeling current policy as little more than sweet heart deals for well heeled corporate entities. These matters heightened concerns over fairness and the economic well being of rural western communities dependent upon tourism. They provided western state Congressional members with favorable images justifying their opposition to the 1994 proposal.

Still, one wonders how the 1994 proposal failed to pass. The heightened attention and turbulence generated in the concessions policy arena, during the early 1990s, resulted in a significant level of issue expansion. Quantified evidence of this is readily apparent (Table 3.5). This expansion resulted in mobilization that was generally disfavorable to the issue monopoly (Tables 3.6a, 3.6b, 3.7). Taking advantage of this mobilization, change proponents within relevant subcommittees pressed for legislative change. However, further scrutiny of this evidence leads one to question the degree of this expansion. With respect to interest groups, familiar faces represented both sides of the controversy. Lobbyists from the Conference of National Parks Concessioners and the National Tour Association argued in favor of the status quo. Aligned against them were representatives from such national environmental groups as the NPCA and the Wilderness Society. The number of groups testifying slightly favored reform advocates (Table 3.7). With the possible exception of environmental groups bringing in Hollywood celebrity types such as Robert Redford, to testify on their behalf, presentations from both sides constituted well worn refrains (House 3/24/93).

TABLE 3.7 PARTICIPATION OF INTEREST GROUPS IN CONCESSIONS CONGRESSIONAL HEARINGS 1968-1996

Year	Pro-Exploitation/Industry	Pro-Resources Protection	Other
1996		1	
1995	5	2	2
1994			
1993	6	9	
1992	2	1	
1991	3	5	1
1990	3	3	1
1989			
1988			
1987			
1986			
1985			
1984			
1983			
1982			
1981			
1980			
1979		3	
1978			
1977			
1976	7	3	
1975	1	1	
1974		7	
1973			
1972			
1971			
1970			
1969			
1968			

Source: Congress. House and Senate Hearings 1968-1996
Coding Scheme: Based on context of group's hearing testimony toward policy monopoly.

As for media coverage in the early 1990s, while generally negative and national in scope, it failed to mobilize a large cross-section of the citizenry. Citizens submitting written or in-person testimony at hearings between 1990 and 1993 (Table 3.5), was largely limited to individual concessioners, bankers and other lenders, and former agency personnel. Of those testifying, most had a vested interested in protecting the status quo. Broader citizen involvement and outcry, as evidenced during oversight hearings in 1974 was missing. Similar circumstances are evident in the levels of agency participation. Most of the participating agency officials were members of Interior Department bureaus or the Forest Service (Table 3.8). Most federal land managers were muted in their criticism of the existing system. Doubts have even been raised over the degree of the Park Service's commitment to reform. Some scholars question the degree to which a shift had occurred in NPS management philosophy. For example, Sellars provides convincing evidence which supports his assertions that NPS dedication, over the past decade, to resources protection has been sporadic and inconsistent (1997, 268). In addition, state and local agency participation, as in prior decades, was virtually nonexistent. Consequently, there was little potential for a federalism component in the debate.

As with federalism, the scope of turbulence was checked through limited or unfavorable venue shift. Political judgement threatened to displace bureaucratic discretion. However, with the failure of the 1994 reform proposal, this threat failed to reach fruition. Decision making authority remained with the land managers. Furthermore, a venue shift was never realized within Congress. Throughout the period from 1990 through 1993, legislative hearings were limited to respective subcommittees on parks,

TABLE 3.8 PARTICIPATION OF GOVERNMENT AGENCIES IN CONCESSIONS CONGRESSIONAL HEARINGS 1968-1996

Year	Federal	State	Local	Other
1996	2			
1995	4			
1994				
1993	11	2		
1992	4			
1991	12		1	
1990	3			
1989				
1988				
1987				
1986				
1985				
1984				
1983				
1982				
1981				
1980				
1979	2			
1978				
1977				
1976	4			
1975	2			
1974	2			
1973				
1972				
1971				
1970				
1969				
1968				

Source: Congress. House and Senate Hearings forests, and public lands. These subcommittees represented the venues where concessions policy had traditionally been addressed. Other subcommittees staked out a jurisdictional claim through oversight hearings, but they never managed to conduct legislative hearings. Despite a weakened position, concessioner friendly western state Congressional members occupied key posts within subcommittees conducting legislative hearings. These members sought to diffuse attempts at radically altering concessions policy. Failing in subcommittee they took advantage of the venue offered through election year politics. Potential conference committee hang ups and party solidarity, during an election year, sufficed where previous arguments had failed. Finally, the eagerness on the part of both parties to return home and campaign for reelection, helped stymie an end of the year policy output.

The Need for Policy Reform

The 1994 failure did not put an end to a perceived need for concessions policy reform. Speaking on behalf of themselves and many of their constituents, both Law and Luthi agreed on the need for making changes in concessions policy. Law supported the proposal for keeping the fees that concessioners paid within the park system. Concessions fees could provide a mechanism for making much needed infrastructure repairs. Citing Yellowstone and Tetons, Law also expressed the opinion that concessioner facilities should be upgraded. This was not to imply, however, support for concessioner facilities expansion. Law noted that most of her constituents did not favor the Disneyfication of Yellowstone or Tetons. Rather they favored a balance between recreational opportunities and environmental protection. Raising another concern, Luthi asserted the need for reimbursing local search and rescue teams called in to assist during concessioner caused emergencies.[18] He cited numerous times when Lincoln County Search and Rescue was called in to provide assistance to Snake River operators. Neither the permitting agency, the Forest Service, or the concessioner provide adequate compensation for the costs the county incurred (Law 1998; Luthi 1998).

Recent Congressional actions likewise indicate a perceived need for reform. These efforts, however, have been rather limited in their attempts to address broader policy concerns. Instead much attention has focused upon the fashioning of a concessions bill which opponents have said protects preferential renewal rights of long-time concessioners. Several critics have labeled these recent efforts a continuance of corporate welfare embodying biases against small operators. These criticisms have persisted despite testimony pointing out advantages provided to mom and pop operations under the current system (CQ Almanac 1994, 249-251; CQ 1995, 2892; CQ 1996, 1043; House 7/25/95). Looking at recent proposals, and past examples, a *Forbes* magazine article asserted that there existed few other opportunities in the business world where such sweetheart deals were the norm. Furthermore, most of the concessioners being protected in the proposed legislation were not mom and pop type operations, but instead were large corporate interests. Among these were such operators as transportation behemoth CSX Corporation, Aramark food service, and Chicago based JMB Realty. In conclusion, the article called for the need to break the system of business as usual through introduction of a competitive bidding system. Coupled with this was the demand for returning a fair share of the profits to the federal government (Palmeri 1995, 74-75). Accordingly, the debate over concessioner reform remains unresolved.

FINAL REMARKS

The evidence presented in this chapter provides strong support for the tenets of the punctuated equilibrium model. Qualitative and quantitative analysis identifies periods of stability in which concessioners and their allies enjoyed a policy monopoly. This dominance underwent challenge, during turbulent episodes, as various external interests attempted to alter the visitor friendly status quo. Noteworthy among these episodes were disruptions during the 1930s, 1950s, 1960s, mid-1970s, and early 1990s (see Figure A.1). However, these challenges did not readily transform into a break up of the existing monopoly or produce policy outputs constituting a nonincremental leap. The 1916 NPS organic act and 1965 Concessions Policy Act, while acknowledging the need for resources protection, reinforced preferences of the visitor alliance. The funding and policy mechanisms contained in Mission 66, provided significant means for reinforcing the emphasis upon tourism. In contrast, concessioner relevant language in the 1964 Wilderness Act was more symbolic than substantive. Likewise, NPS concessions management constraints attached to budgetary stipulations, during the 1950s, were incremental at most. The 1994 concessions Policy Reform Act, by far the most comprehensive and nonincremental of all change proposals, was ultimately defeated.

Potential reasons for this are varied. An obvious strength was the policy monopoly's ability to maintain a decades long cohesion. In chapter two it was hypothesized that in cases where the policy monopoly was able to maintain cohesion, despite external pressure, two things were likely to happen. Any changes in policy outputs would be incremental or symbolic. Second, sufficient policy cohesion in the face of external pressure could result in no change what-so-ever, as evidenced through a failure to pass a new or amended statutory output. Both types of output change have been evident within the concessions policy arena. Monopoly cohesion was maintained in large part through the shared benefits which group members received. NPS focus upon accommodating visitors resulted in positive economic payoffs for concessioners and gateway communities. The visitor strategy garnered constituent support and agency growth for the NPS, as well as gaining in kind support from concessioners for host parks. Western state Congressional support of visitors, transmitted into constituent and industry support at reelection time. It has only been in recent years that this unity was weakened through internal bickering.

Visitor alliance unity was reinforced through an ability to adapt and counter external challenges made during periods of turbulence. Many of these adaptations effectively offset reform advocates' utilization of chapter two propositions deemed conducive to change. Among these was the ability of alliance members to adapt, as necessary, and present a policy image favorable to the visitor alliance. For example, turn-of-the-century advertisements depicting sweeping vistas, geologic wonders, and cultural treasures sparked the public's imagination. When coupled with such patriotic slogans as "See America First," and the touted pleasures of first rate accommodations, public perceptions were bound to be favorable. Combined with this was the tone of the alliances' public exposure. During turbulent periods, much of the publicity surrounding concessions operations was decidedly unfavorable. Magazine journalists and the NPCA, during the 1950s, exposed a number of questionable practices and management shortcomings in concessions operations. However, visitor alliance members were able to provide the media with a countervailing view which offset, or at the very least, called into question negative allegations. NPS statistical data, showing evidence of concessioner losses, provided concessioners with empirical support. Third to be considered, is expert opinion. NPS landscape engineers and key decision makers remained advocates of tourism. During the turbulent periods of the 1930s, 1950s, and 1960s, they provide comprehensive arguments in support of concessioners. The timidity and deference of service biologists to NPS tourism advocates limited the potency of protectionist rebuttals. In the absence of sufficient challenge, elected officials simply opted to defer to the preferences of monopoly experts. It was only during the post-1945 era, beginning in the 1960s, that a viable cadre of external experts emerged to challenge monopoly expertise.

Likewise, to be considered are matters of issue expansion, venue shifts, and nationalization. Issue expansion and venue shifts appeared on a limited basis during the 1950s turbulence. Negative media coverage, coupled with visitor dissatisfaction, helped place concessions policy on the institutional agenda. However, it was not until the 1960s and 1970s that expansion and venue shift appeared to seriously threaten the concessioner monopoly. Protection advocates succeeded in expanding the policy debate through the mobilization of previously disinterested citizens. Offsetting this, however, was the visitor alliances' ability to gain support from retiree groups numbering some 12 million members. Likewise, to their credit, concessioner advocates managed to maintain sufficient control within Congress. Consequently, venue shifting was fairly limited in scope. A good example of this occurred during hearings in the mid-1970s. In 1974 and 1975 change advocates expanded the jurisdictional venue to include oversight hearings before subcommittees on government operations and small business. This expansion never manifested itself in the ability to stake a claim in future legislative hearings.

The inability to sufficiently expand or shift the policy debate had implications for issue nationalization. With the exception of reform proposals in the early 1990s, concessions change proponents never succeeded in the nationalization of a nonincremental proposal. Change focused predominantly on management practices within the NPS or the passage of incremental statutory provisions. In the 1965 legislation, protection advocates had to settle for inclusion of language that was more symbolic than substantive. Matters of leasing uniformity provisions and GAO oversight, were excluded from the final statutory output.

Finally, there is the matter of entrepreneurship. During the early formative years, and again during the period of dramatic visitor growth after 1945, individuals within the NPS acted as policy entrepreneurs. Service decision makers such as Mather and Wirth seized windows of opportunity to influence the direction of concessions policy. These changes, when successful, were largely the result of cooperative efforts between NPS personnel and other members of the visitor alliance. Such individual efforts were perceived as being to the mutual benefit of all members of the visitor alliance. Accordingly, they contributed to the reinforcement rather than the breaking up of the existing policy monopoly. This situation became threatened during the latter 1950s and

1960s as Interior Secretary Udall, with support from environmental groups. became a leading entrepreneur in advocating significant policy change. Other entrepreneurs, during the early 1990s, also pushed the cause of policy change. Such advocacy, however, failed to destroy the concessioner monopoly. The monopoly continued to maintain sufficient cohesion and control so as to deflect these entrepreneurial challenges.

In sum, it can be concluded that while policy change advocates were able to generate turbulence, at no time did this result in a nonincremental policy leap. Visitor alliance cohesion, coupled with impressive strategy utilization, effectively offset attempts to introduce a nonincremental policy output. Furthermore, the level of effectiveness was such that the monopoly managed to realize some concessioner favorable outputs during periods of externally generated turbulence. Thus it can be asserted that turbulence maybe a two edged sword. Policy turbulence creates opportunities for output changes that may either favor the monopoly or external activists. Benefits accrue to the side which best utilizes strategies contained in the punctuated equilibrium model. The model correctly assumes that a cohesive monopoly can thwart change. The result of which is no change or change that is incremental or symbolic at most. The model also suggests turbulence provides opportunities for nonincremental change. However, the model fails to predict a monopoly's ability to utilize turbulence as a means for achieving policy outputs favorable to its preferences. This realization emphasizes the need for revising the punctuated equilibrium model to specify more precisely who will benefit from policy change. After presenting the other case studies in chapters four and five, attention will refocus on suggested revisions to the punctuated equilibrium model.

END NOTES

1. The six federal land management agencies included the NPS, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, U.S. Forest Service, and the U.S. Army Corps of Engineers.

2. During a four year tenure with the NPS, the author was privy to several conversations focusing upon the service's genesis myth.

3. Alfred Runte argues that one of the reasons the Northern Pacific failed to get a right-of-way across north Yellowstone was because of an insufficient volume of exploitable minerals in the adjacent region, not out of concern for resources preservation (1987, 55).

4. By the post-1945 era, increasing visitor numbers had become a common device for justifying NPS budgetary growth. Some superintendents gained reputations as being particularly adept at boosting their visitor counts. For example, at Glacier Bay National Park counting cruise ship visitors, even those who did not disembark onto land, became commonplace. At Alaska's Wrangell-St. Eliass National Park, tourists stopping at the gateway community visitor's center were asked to sign the guest book. These added counts were done with the implicit acknowledgment that many of these tourists were simply making a rest stop, with no intention of venturing into the park.

5. Precedent for this had been set in 1915 when the Union Pacific Railroad spent nearly $500,000 on various park promotions. The following year, 17 railroads provided $43,000 to print 275,000 copies of the free brochure *National Parks Portfolio*. Other promotional support came from the National Parks Highway Association, the Far Western Travelers' Association, and the National Park-to-Park Highway Association (Runte 1987, 94-95, 108; Ise 1961, 196-198).

6. This new emphasis was partly because of changing philosophy resulting from Gifford Pinchot's dismissal as forest chief. These actions were likewise, and more importantly, in respect to agency turf battles, a response to expansionist competition from the NPS. For example, the 1925 designation of Glacier Bay National Monument was one of numerous instances involving the taking of forest reserve lands to create a new national park unit. Other battles were fought because of proposed expansions in the Kings Canyon-Sequoia region of California, at Tetons in Wyoming, and Olympic and North Cascades in Washington State. Each of these confrontations involved parcels of several hundred thousand acres. The Forest Service responded to these intrusions through the adoption of the wilderness prescription of dissident forester Aldo Leopold. Leopold's wilderness land

ethic provided agency decision makers with a scientific justification for political choices (Allin 1987, 131-134; Leopold 1990, 171-174).

7. The CCC was formulated under auspices of the Federal Emergency Conservation Work Plan. The program provided funding and personnel for the enhancement of national and state public recreational parcels across the nation. Through NPS Director Horace M. Albright's good standing with Interior Secretary Harold Ickes, service managed lands became a primary recipient of program largesse. Program support likewise came from concessioners and gateway communities, who were anxious to stimulate tourism during this period of economic distress.

8. Increasing the number of parks was viewed as the least desirable alternative. Critics said it would stretch limited resources even farther. Dispersion was given more serious consideration. Target areas included national forests, state parks, Corps of Engineer, and Bureau of Reclamation properties (*Readers' Digest* 1955, 50; American Forests 1957, 4-5, 78; 1959, 6).

9. In contrast to the NPS leadership, historian Richard Sellars presents evidence (*Preserving Nature in the National Parks*) which suggests that many of the service's rank and file were highly supportive of a wilderness bill.

10. For example, while the number of environmental groups was at 219 in 1969, this number increased to 390 in 1979. Likewise a statistical abstraction of *New York Times* environmental coverage indicates a tripling of column inches devoted to environmental matters from the 1960s to the 1970s. According to Jim Lester and Douglas Costain, *New York Times* environmental coverage during the 1960s was 284.5 column inches. During the 1970s column inches of coverage jumped to 944.7 (1995, 31).

11. Among these was the Wilderness Act and the Land and Water Conservation Fund Act (Hummel 1987, 225-227; 236-237).

12. Concessioners were also given a possessory interest in any tangible property they provided for purposes of fulfilling a contract. This interest would not be extinguished through contract expiration or termination. Under such conditions the U.S. government was required to compensate the concessioner at fair market value. Furthermore, the Secretary was required to fashion contracts so as to assure concessioners of a profit consistent with similar private sector operations (*Statutes at Large* 1965, 969-970).

13. Ruess cited an example where MCA pressured Yosemite officials to agree to a 150 room motel-type expansion. The NPS Regional Director, Howard Chapman, placed a halt on the expansion until an environmental impact statement was completed. NPS Director Ronald Walker, however, sent a letter of apology to MCA saying that all necessary documents would be completed in a timely fashion and a decision rendered. Furthermore,

a July 29, 1974 service directorate memo to Yosemite's superintendent indicated that the MCA would definitely be allowed to proceed with the expansion (House 12/20/74, 1-3).

14. Of the limited media coverage in 1988 and 1989 only one article, a Wilderness Society commentary appearing in the *New York Times* in 1988, was markedly unfavorable towards concessioners.

15. Environmental groups praised Lujan's entrepreneurial actions. They were particularly pleased with his suggestion that government receipts from concessioners be spent on park improvements. Wilderness Society President, George Frampton, called for the need to move beyond Lujan's concerns and examine the larger picture of federal concessions policy. Frampton pushed for the nationalization of the concessions policy debate. The time had come, he said, for comprehensive reform of the 1965 Concessions Policy Act (Frampton 1991)

16. In contrast, the Forest Service felt that current rates of return were fair. Charging concessioners a higher rate would discourage future operator investment (GAO 1991, 1-3; Margasak 1991). Follow up GAO testimony before the House Committee on Environment, Energy, and Natural Resources singled out the Forest Service and Bureau of Reclamation (BOR) for criticism. The GAO noted that both agencies lacked the mechanisms necessary to effectively manage concessioners. The current system appeared to prevent the federal government from receiving a fair return on large ski operations. Likewise, the BOR received no compensation on recreation operations averaging $8 million a year in gross revenues near Scottsdale, Arizona.

17. The House version required competitive bidding for outfitter and guide services, while the Senate proposal gave the Interior Secretary authority to set rates for those types of concessions.

18. Reimbursement for search and rescue assistance stemming from concessioner operations has become a highly contentious matter. In addition to white water rafting, guided back country trips, and climbing expeditions have placed a drain on search and rescue resources. Several advocates have invoked the need for requiring insurance or nonrefundable rescue bonds as a remedy.

CHAPTER FOUR: COASTAL OIL POLLUTION POLICY

LINKAGES BETWEEN COASTAL SPILLS AND FEDERAL PUBLIC LANDS

On March 24, 1989, at 12:04 a.m. the 987 foot Tanker Vessel *Exxon Valdez* ran aground on Bligh Reef, 25 miles out of Valdez, Alaska on a heading for Long Beach, California. The impact tore open eight of the ship's eleven cargo tanks and spewed out 10.8 million gallons of North Slope crude into Prince William Sound. The oil inundated hundreds of miles of pristine shoreline contained within the Chugach National Forest. Oil struck three national park units--Kenai Fjords National Park, Katmai National Park and Preserve, and Aniakchak National Monument and Preserve--impacting resources along some 400 miles of coastline. The spilled oil wreaked havoc among coastal ecosystems, killing thousands of waterfowl and other wildlife. By the fall of 1989 the U.S. Fish and Wildlife Service had recovered 980 sea otters, 138 bald eagles, and 33,126 various seabirds. A follow up report estimated that nearly 400,000 birds died as a result of direct exposure to spilled oil (Trustee Council 1992, 20, 26). The affected federal properties also contained significant historic properties. Among these were Alaska Native occupation sites, historic remains from 18th and 19th century Russian and American activities, and properties from the Second World War era. Coastal archeological sites were particularly vulnerable to spill impact as well as subsequent cleanup efforts.

The 1989 *Exxon Valdez* spill was the most dramatic example of the devastation oil spills have wrought upon federal public lands. Other major spills which have directly threatened and impacted federal coastal lands included a 1996 barge grounding at Narragansett, Rhode Island, a 1988 spill off the shore of Olympic National Park, the 1976 *Argo Merchant* tanker disaster near Cape Cod, and the 1969 Santa Barbara oil well blow out. Coupled with these have been numerous spills resulting from fuel transportation systems along inland waterways and on the Great Lakes.

Taking steps to mitigate the threats from oil spills has generally been difficult. More than 80 federal departments and agencies have some type of responsibilities in environmental affairs. Each has its own distinct traditions and values. These traditions and values, in conjunction with basic statutory mandates, define the collective conception of what a land management agency perceives as its resources protection obligations (Henning and Mangun 1989, 50-53). Likewise, many federal land management agencies fulfill missions which are more multiple use oriented than protection oriented. For example, the Interior Department's Minerals Management Service's (MMS) primary mission includes responsibility for offshore oil leases. Many of these lease sites--off the coasts of Alaska, California, the Gulf Coast, and Northeast Atlantic Coast--have had the potential to impact federal coastal marine sanctuaries, national seashores, national wildlife refuges, and wilderness tracts.

Such conflictual circumstances play an integral part in the agency decision making process, helping to shape, define, and assign urgency to the various environmental challenges federal land managers encounter. Furthermore, most spill calamities cross the jurisdictional lines of state, local, and private concerns. Getting things done when facing the possibility or actuality of an oil spill catastrophe, often requires unity of action among these various groups. Politics, conflicting agency missions, and strict adherence to jurisdictional lines of responsibility all serve to prevent unity of action.

The *Exxon Valdez* spill emphasized, in glaring fashion, the need for improvements in the coordination of spill planning and preparedness. Just as importantly, however, post-spill assessments called attention to inadequacies in existing federal oil pollution control statutes. Matters of adequate spill prevention, liability, and compensation mechanisms had languished for decades within the confines of a few select Congressional subcommittees. Identification of the reasons for this cannot be readily explained. Rather, it requires a closer examination of coastal oil pollution policy, the circumstances associated with spill incidents, as well as the participants operating within the issue arena. To this end, this chapter applies the punctuated equilibrium model to coastal oil pollution policy.

EVOLUTION OF OIL POLLUTION CONTROL AS REGULATORY POLICY

As is the case with environmental protection in general, oil pollution control fits within the rubric of regulatory policy. In his seminal 1963 work, Theodore Lowi describes regulatory policies as being stated in general terms of "thou shall not." Thus directives contained within this policy type involve direct choices between who will be indulged and who will be deprived. Expanding upon Lowi, Robert Spitzer noted that regulatory policy involves the implementation of statutes which explicitly manipulate one's conduct through the use of sanctions, penalties, and prohibitions (Lowi 1963, 691-692; Spitzer 1987, 676).

The first federal statute to address the issue of coastal oil pollution was The Oil Pollution Act of 1924 (33 U.S.C. 431-437). Justification for the act was based in large part upon the earlier 1899 Rivers and Harbors Act (33 U.S.C. 401). Water pollution control specifications contained within the 1899 act authorized the Corps of Engineers to regulate the disposal of offshore refuse. This authority was justified as a delegation of Congressional power to regulate navigation and interstate commerce as defined in the 1824 Supreme Court decision *Gibbons v. Ogden*. The 1924 act made it unlawful to discharge oil into coastal, navigable waters of the U.S. Navigable waters were defined as "the sea within the territorial jurisdiction of the U.S., and all inland waters, navigable in fact, where the tide ebbs and flows. Penalties for violation of the act included a fine of $500 - $2,500, one year imprisonment, or both.

The 1924 act was primarily concerned with the hazards that oil discharges posed to navigation. Any direct benefits resulting from this policy went primarily to the shipping industry. However, sections three and nine of the act did note the protection of commercial fisheries and human health which would result from statutory enforcement. It was not until 1966, with the passage of the Clean Water Restoration Act (P.L. 89-753) that steps were taken to amend the 1924 act. The 1966 act extended the earlier prohibitions on oil discharge to include all "inland" waterways navigable in fact rather than simply those waterways subject to tidal flow. In 1970 Congress repealed the 1924 Oil Pollution Act and chose instead to address the issue within the broader provisions of the 1970 Water Quality Improvement Act (P.L. 91-224). The new statute prohibited the discharge of harmful quantities of oil into navigable waters. It likewise established penalties for failure to report discharges and directed the executive to publish an oil discharge National Contingency Plan. Subsequent provisions of the 1972 Federal Water Pollution Control Act (FWPCA) and its 1977 amended version superseded the 1970 statute. Perhaps most striking were stricter definitional concepts contained within the legislation. EPA regulations deriving from the legislation defined harmful quantities as an amount which violated applicable water quality standards or caused a film, sheen, or discoloration of the water surface. Any spill resulting in the sludging of an adjacent shoreline or beneath the surface also constituted a harmful quantity (40 CFR 110.4). Included within this were any natural resources belonging to or under the exclusive management authority of the U.S.[1] The term water surface was expanded to incorporate virtually all surface waters regardless of their navigability. Subsequent federal regulations (40 CFR 300) prescribed appropriate civil and criminal penalties. Among these were civil discharge penalties of not more than $5,000 for each offense and civil action caps ranging from $50,000 to $250,000 for willful negligence or misconduct. A potential one year prison term and $10,000 fine faced individuals charged with criminal offenses.

In sum, it was this body of law, as expanded and modified over the decades, which provided the regulatory framework for oil pollution control prior to passage of the Oil Pollution Act of 1990. Although much improved over the years, these pre-1990 statutes suffered from inadequacies. Most significant was the failure to incorporate stipulations concerning liability and compensation for spill damage and removal costs. These issues remained effectively bottled up within the confines of an industry friendly alliance, despite a series of nationally publicized spill occurrences. Numerous spill events would also show that prevention and response mandates contained in these statutes, and related provisions, were more symbolic than functional.

FROM EQUILIBRIUM TO TURBULENCE

A Change in National Mood

Between 1924 and the mid-1960s, oil pollution control policy was in a state of equilibrium. The 1924 act established the need for maintaining navigable waterways as the basic criteria for determining coastal spill policy. Policy was based upon the preferences of the oil industry, shippers, insurers, financiers, and their Congressional supporters. Spill matters remained irrelevant to a disinterested public. So long as the issue remained firmly under the dominance of the policy monopoly, countervailing images and understandings of oil pollution policy remained suppressed. Under these conditions, little opportunities existed for the utilization of strategies conducive to policy change (Baumgartner and Jones 1993, 26, 59).

This status quo began to come under scrutiny in the 1960s as environmentalism came to the forefront of national concerns. Riley Dunlap and Angela Mertig note that the 20 million strong participants in the first Earth Day celebration testified to the level of citizen support for greater environmental protection. This support evoked a wave of enthusiasm, encouraging government undertakings to curb environmental degradation. Coupled with this citizen support was the emergence of newly formed and reinvigorated nationally based environmental groups. These groups, with their emphasis on resources protection and preservation, provided a mechanism for challenging vested industry interests and expertise on environmental issues (Dunlap and Mertig 1992, 2-3; Baumgartner and Jones 1993, 85).

Such emerging circumstances, made conditions ripe for the dilution or destruction of the existing issue monopoly. Euphoric public support, as evidenced during the late 1960s, opened the door for elected officials to act. If so, political judgement could replace the prior deference given to the industry alliance. Such action might also stimulate a venue shift within Congress. Competing subcommittees, often at the instigation of a policy entrepreneur, could attempt to carve out a niche within the issue arena. Media pundits, already tuned into the environmental movement, might easily seize upon oil pollution as a problem in need of fixing (Baumgartner and Jones 1993, 26, 84-86,). A simple attention grabbing event could be all that was needed to skyrocket the matter onto the public agenda. Unfortunately for the policy monopoly, a series of attention grabbing events, plagued the oil industry during the late 1960s and early 1970s. The potential resulting implications for policy change were enormous.

External Expert Challenges

The 1969 Santa Barbara oil spill initiated the series of crises imperiling the policy monopoly. On January 29, a Union Oil Company well lying six miles off the coast of Santa Barbara, California ruptured. The ensuing spill gushed unimpeded for 11 days, layering some 400 square miles of ocean in crude oil. Estimates placed the total discharge in excess of three million gallons. Numerous nearby beaches were inundated and an estimated 4,000 seabirds perished in the spill's aftermath. The spill threatened the site of a proposed national marine sanctuary, spreading fears of irreversible devastation to a sensitive ecosystem (Senate 3/13-14/70, 151). Former Interior Secretary Stewart Udall, who had authorized the $603 million federal lease sale, expressed remorse over the tragedy (*Time* 1971, 37). Udall termed the spill, "my Bay of Pigs."

Union and its partners spent an estimated $5 million in cleaning up the mess. Still, many wondered whether the effort did much good. To answer this question the Western Oil & Gas Association, in cooperation with the federal government, embarked upon a 12 month $240,000 study to determine the spill's impact. Findings from the study, released in 1971, were surprisingly optimistic. Scientists from the University of Southern California's Allan Hancock Foundation, hired to conduct the study, concluded that damage to beaches, flora, and fauna was much less than anticipated. Several species escaped unharmed. Study scientists attributed much of their positive assessment to two circumstances. In 1969 the Santa Barbara area experienced its heaviest rains in 40 years. Silt washing into the channel bonded with oil causing it to settle to the bottom. This minimized further spill harm. Second, the spilled oil floated for several days before striking the shore. This allowed harmful toxins, the lightest components of oil, to float to the surface and evaporate. Less optimistic were those who questioned the expert opinions of the study's authors. Several ocean researchers and spokespersons for environmental groups expressed concern about quantities of oil that had settled to the bottom of Santa Barbara Channel. They questioned what the long term effects of this oil might be. Likewise, research undertaken at the highly respected Woods Hole Oceanographic Institute, contradicted the toxicity findings of the Santa Barbara study. Other researchers questioned the survey techniques used to gauge ecosystem change. They charged the methods utilized as being too insensitive to anything but massive changes in the environment (*Time* 1971, 37).

The discrepancies between experts within the scientific community was a blow to the dominance of the industry alliance. A unity among experts had helped to preserve the alliances' preferred image of coastal oil pollution. This unity likewise contributed to the ability to portray oil policy in simplified and symbolic terms (Baumgartner and Jones 1993, 26). For decades, sophisticated challenges requiring a more rigorous defense of industry image portrayals, had been absent. In these circumstances, political officials had found it expeditious to simply defer to industry expertise when making policy. The negative tone of external expert challenges opened the door to policy reevaluation and a potential change within the statutory environment.

This lack of consensus within the scientific community would not go away. Subcommittee hearing evidence presented during the aftermath of the Santa Barbara spill was replete with testimony and opinions from competing experts. Competing experts represented federal and state agencies, local governments, the oil industry, and environmental groups. Likewise, among these witnesses were numerous university researchers, called upon to provide expert testimony. Citing concurring expert opinion, Senator Alan Cranston (D-Calif.), with the support of national and local environmental groups (Tables 4.1 and 4.2), introduced legislation (S 1219) in 1969 directing the Interior Department to suspend drilling and terminate oil leases off the California coast. This involvement of environmental groups, was in distinct contrast to the one-sided mobilization previously witnessed within the issue arena. Their participation in hearings represented a more multi-faceted degree of issue mobilization (Baumgartner and Jones 1993, 178, 184). It expanded the scope of conflict providing opportunities for entrepreneurs, like Cranston, to introduce policy change.

Cranston's justifications for policy change focused on damage to the ecosystem resulting from spills as well as inadequacies in offshore drilling technology. Cranston called for an indepth study to develop enhanced spill prevention and cleanup capabilities (Senate 5/19-20/69, 1-2, 35). In making these demands, Cranston asserted that his proposal focused Congressional attention on a decades long problem. For too long the routine occurrences of tanker spills, oil rig blowouts, and related spills had been largely ignored (Senate 3/13-14/70, 9-10).

Media Tone

Cranston's overall assessment was correct. Sudden media interest in the spill's level of environmental degradation, however, was about to disrupt this status quo. Prior to the 1969 Santa Barbara blowout, coastal oil pollution had generally been off the institutional agenda.[2] The issue had been bottled up within the consensual confines of an industry friendly policy monopoly. This reality was evident as recently as the mid-1960s. The 1966 Clean Water Restoration Act merely extended provisions of the previous 1924 act to include all navigable waters. Coastal oil pollution was assessed in terms of navigation and related disruptions to economic productivity, not environmental harm. The publicity surrounding the Santa Barbara incident created issue turbulence and portrayed the problem in terms previously absent. Environmental degradation, a consideration previously kept out of the alliances' preferred image projection, had come to the forefront of debate. Leading newspapers and news magazines including the *New York Times, Time, Newsweek,* and *U.S. News and World Reports* all carried stories on the Santa Barbara blowout. The enormity of the spill coupled with ensuing scientific controversy over levels of damage made for "good press."

The tone of the coverage, while negative, was not universal in its condemnations of the industry (Table 4.3a). Many articles reported the conflictual opinions of scientific experts. This diluted the impact of negative publicity. It also had implications for issue expansion. According to Baumgartner and Jones, mass media criticism presages image changes and is instrumental in the mobilization of the previously disinterested (1993, 26, 103). This lack of media consensus created room for doubt, thereby softening the image blow to the industry alliance. A subsequent January 18, 1971 tanker collision in San Francisco Bay, however, offset the doubt numerous individuals harbored. Coupled with this were statements from President Nixon saying that the time to save the environment was now or never (Senate 3/13-14/70, 9). This had the effect of accelerating issue expansion and the possibility of policy change.

Issue Expansion at the Subcommittee Level

Issue expansion was soon apparent as a result of jurisdictional contention within Congress. Between 1969 and 1973, a series of seven subcommittee hearings were conducted (Table 4.1). In the House, the traditionally industry friendly Merchant Marine and Fisheries Committee maintained jurisdictional control. However, hearings in the Senate were more robust in their diversity; split between industry friendly and adversarial subcommittees. Senate subcommittees holding hearings included Minerals, Materials and

TABLE 4.1 LONGITUDINAL OVERVIEW OF DATA SET 1968-1996 FOR GAUGING COASTAL OIL POLICY TURBULENCE

Year	Number of Hearings	Subcommittees	Agencies	Groups	Citizens	Media
1996	4	2	15	25	10	13
1995	1	2	4	4	3	12
1994						50
1993	4	3	15	10	16	56
1992	1	1	3	1		25
1991	6	6	18	12	10	48
1990	5	3	29	9	7	66
1989	27	14	137	85	70	127
1988	2	2	7		8	10
1987	2	2	9	15	1	1
1986	2	1	7	5	3	6
1985	1	1	10	11	4	7
1984						5
1983	1	1	3	10	7	4
1982						23
1981						10
1980	1	1	6	10	2	18
1979	2	3	13	10	9	17
1978	1	1	4	4	4	29
1977	6	4	20	22	19	31
1976	5	2	38	18	6	16
1975	*					16
1974						9
1973	1	1	9	7	2	14
1972						13
1971	1	1	8	11	32	24

Year	Number of Hearings	Subcommittees	Agencies	Groups	Citizens	Media
1970	4	2	52	18	26	35
1969	1	1	6	6	11	39
1968						9

*A single hearing was initiated in 1975 and continued in 1976. Hearing data was included in 1976.

Source: Congress. House and Senate hearings 1968-1996
Coding Scheme: Hearings refer to number of hearings focusing on coastal oil pollution policy. Subcommittees refers to number of committees/subcommittees holding coastal oil pollution policy hearings during a calendar year. Agencies, groups, and citizens participation measures the number of organizations and activists testifying at respective hearings. Media counts are the number of coastal oil pollution policy articles found through a *Readers' Guide* subject search.

Fuels; Air and Water Pollution, and; Oceans and International Environment. Two other factors offset the industry alliances' attempts to dominate hearings. First, were the entrepreneurial roles of Senators Cranston and Edmund Muskie (D-Maine). Both senators seized the window of opportunity to introduce legislative proposals constitution policy leaps. Second, in order to maintain an appearance of objectivity, legislative hearings allowed greater testimony from opponents (Talbert, et al. 1995, 392). This contributed to the development of policy images contrary to alliance image preferences. It led Congressional members to question their prior deference to the industry alliance.

The Senate hearings stimulated unparalleled levels of issue nationalization within the policy arena. During hearings on March 13 and 14, 1970, the Senate Subcommittee on Minerals, Materials, and Fuels considered five different proposals directed at coastal oil spills. This high level of nationalization, as could be expected, was not all directed toward change. Particularly given that this subcommittee had a past history of favorable disposition towards the oil industry. Industry alliance supporters, within the subcommittee, countered Cranston's 1969 proposal with a number of industry friendly propositions. Industry representatives acknowledged that while there was always room for improvement, scientific evidence and the industry's safety record refuted the need for the stricter controls contained in S 1219. Expert testimony coming from the Interior Department reinforced the industry's image depiction. This support, according to Historian Richard White, reflected a policy disposition dating back to the late 19th century. During this period the Department initiated a policy focusing upon the efficient exploitation of oil and gas resources on public land (White 1991, 398-401). This policy emphasis continued to persist during the 1960s. Consequently, the Interior Department held fast to the opinion that S 1219 was unnecessary. To say otherwise would have violated the unity of purpose the Department shared with the oil industry. Department spokespersons noted that following the Santa Barbara incident, Interior had ordered a review of all pertinent regulations and executive orders. Cooperation had come from the oil industry, State of California agencies, and a distinguished panel of Nixon appointed policy experts. This resulted in a series of tighter regulations and safety procedures, and development of new technologies. These adopted improvements served as a model for coastal drilling operations. Their implementation precluded the need for passage of stricter statutes, despite issue nationalization (Senate 5/19-20/69, 2-3; Senate 3/13-14/70, 9, 156-157).

Not everyone agreed with the industry and Interior Department assertions. Opponents refused to allow the oil industry to define the debate. Sierra Club representatives roundly criticized this industry supportive position. They alleged the presence of a distinct void between Interior Secretary Walter Hickel's rhetoric and actions taken.[3] The Sierra Club, along with California state and local agency officials, and local environmental groups, overwhelmingly supported either Cranston's bill or the proposal (S 3576) of Senator Muskie. The majority of citizen written and oral testimony, submitted to the subcommittee, was of a similar mind. These advocates were particularly pleased with drilling and leasing moratoriums contained in the Cranston and Muskie bills, as well as creation of a national marine reserve or sanctuary near Santa Barbara (Senate 3/13-14/70, 148-150, 156-157, 54-56).

In contrast, key subcommittees voiced concerns over these proposals. Subcommittee Chairman, Frank Moss (D-Utah), acknowledged that while he considered himself a conservationist, and supported the spirit of S 1219, he still had reservations. Drawing upon the expert legal opinion of the U.S. Attorney General's Office, Moss noted the possible loss of $600 million in lease payments to the federal government, should termination take place. Likewise, the cancellation of existing leases could constitute a taking for which the federal government might be financially liable. Finally, under an amendment to the Land and Water Conservation Fund (PL 90-401), nearly $500 million had been directed towards federal and state outdoor recreation programs. Future funding from this source would be lost should the federal government's offshore oil leasing program be terminated (Senate 5/19-20/69, 7-8; Senate 3/13-14/70, 9).

This reference to economic considerations, whether overt or otherwise, played into the hands of industry proponents. Economic concerns have been cited repeatedly as a tool used to stymie environmentally favorable policy change (Baumgartner and Jones 1993, 190). Playing the economic card helped to reinforce the preferences of the policy monopoly. It bolstered the chances that the policy agenda would be defined in terms of economic considerations, not environmental protection. In the coming years, as the nation struggled through two Arab oil embargoes and an accompanying energy crisis, economic considerations would likewise influence the parameters of the policy agenda. This had a positive effect on preserving the decades old status quo.

Despite economic provoked setbacks, issue expansion continued. On February 8-9, 1971, the House Committee on Merchant Marine and Fisheries heard testimony in San

Francisco.[4] This oversight hearing assessed the causes as well as the consequences of the January 18 tanker vessel collision between *Oregon Standard* and *Arizona Standard*, both under the ownership of Standard Oil Company. The spill was the first real test of National Contingency Plan components fashioned under the Water Quality Act of 1970. Both critics and industry supporters commented that resources to combat the spill were quickly mobilized. Critics, in an attempt to broaden the policy agenda, focused upon slip shod safety procedures which contributed to the collision. Principal among these were inadequate ship to ship radio contact and radar monitoring (House 2/8-9/71, 1-5).

Issue expansion also occurred when Representative Don Edwards (D-Calif.), seized the opportunity to introduce another factor which had long been kept off the agenda. Expressing the sentiment of many citizens and environmental groups present, he stated that the spill illustrated the inadequacies of liability and compensation provisions contained in the 1970 act. He decried the act's maximum penalty of $10,000 as a limited deterrent to the continuation of poor safety practices. Edward's wanted to invoke a significantly more regressive sliding fee liability penalty scale containing no maximum cap for the spiller (House 2/8-9/71, 6).[5] This represented a significant threat to the industry. Members of the industry alliance were particularly hostile to any statutory output which would have saddled them with the burden of unlimited liability.

Another issue of contention focused on the appropriate locale for regulatory authority. In a follow up written statement, Standard Oil said it supported hearing proponents' calls for greater navigational safety. The company suggested that the Coast Guard be provided with enough latitude to develop a set of "sufficient" safety guidelines.

Such statements were well within monopoly insistence that spill prevention was primarily a navigational matter. Standard portrayed Edwards' proposal as excessive and unnecessary. Speaking for the industry alliance, Standard said that reasonable liability and clean up cost caps were essential to economic stability. Likewise, Standard did not support the State of California's demand that certified pilot escorts be provided for all tanker vessels negotiating state coastal channels. Standard further expressed an industry-wide sentiment when it stated the need for a set of uniform federal regulations which superseded state and local regulations. This was particularly disturbing news to the many state and local agencies participating in the hearing process. Many states and localities were of the opinion that the potential impact to their coasts, weaknesses in federal regulations, and prerogatives of federalism necessitated state participation.[6] Standard countered, noting that resulting overlapping regulations were often confusing and conflictual. Likewise, they hampered recent U.S. involvement in the development of international oil pollution protocols. Thus it was necessary to keep coastal spill policy within the venue of the federal government (House 2/8-9/71, 244-246).

The matter of overlapping regulations, resulting from federalism, was to become a recurring issue. Evidence shows that the industry depicted image of concern for regulatory uniformity masked a hidden agenda. Federalism introduced a number of distinct and semi-autonomous venues for policy action. These venues inhibited the ability of the policy monopoly to maintain issue control. Many of the state and local spill statutes were more stringent than the proposed or existing federal regulations. This was both with regards to safety restrictions, and spill liability and compensation. These provisions, if successful, could cause government at the national level to adopt similar statutory provisions. The nationalization of oil spill policy, in the early 1970s, heightened this possibility. During periods of heightened issue nationalization federal and state policies often become more intertwined as solutions are sought for vexing problems. Successful state policy innovations may diffuse to other states as well as to the national government. With regards to clashes between economic and environmental matters, the period from the late-1960s through the mid-1970s, appears to have been particularly robust in such diffusion (Baumgartner and Jones 1993, 216, 217, 228; Lowry 1996).

A RE-ESCALATION OF TURBULENCE

The turbulence of the early 1970s (Table 4.1), concluded with a failure to invoke nonincremental policy change. Members of the industry alliance, while not dominating the agenda, as in prior decades, still managed to deflect most external challenges. Major issues such as increased spill liability and compensation died in subcommittee. Neither S 1219 or S 3576 made it to the Senate floor for a vote. Much of this success had to do with the ability of alliance friendly experts and lobbyists to portray the industry as self-initiators in the matter of greater safety. Coupled with this was the ability to cast doubt on matters of actual spill damage as well as the negative economic ramifications from stricter liability and compensation provisions. Still, the industry alliance did meet with some failures. The negative tone of press coverage, during the period, mobilized previously disinterested citizen advocates and environmental interest groups. Likewise, the industry friendly monopoly failed to defederalize the issue. State and local ordinances remained in place.

Issue Expansion and Nationalization

Beginning in the mid-1970s, a new window of opportunity was created for potential policy change. Issue nationalization was spurred through a series of discharge incidents between 1975 and 1976. During this two year period over 10,000 spill incidents occurred in American waters. This resulted in 27.4 million gallons of spilled oil (GAO 1978, 1). The cumulative enormity of these spills captured the attention of key policy actors. It spurred aggressive entrepreneurship, venue expansion, and media coverage which attacked the existing policy arrangement. This resulted in a reescalation of turbulence in the issue arena (Table 4.1).

Of these spills, the most memorable was the December 15, 1976 *Argo Merchant* grounding off Nantucket Sound, Massachusetts. The 7.6 million gallon spill was in close proximity to the NPS managed national seashore at Cape Cod. The sea shore provides habitat for endangered insects and shore birds, and incorporates sensitive coastal salt marshes. These revelations helped to mobilize environmental groups at the national, regional, and local level (Table 4.2). The spill likewise mobilized attention from another direction. The spill threatened the Georges Bank fishing grounds, which provided jobs for nearly 32,000 people.[7] This reality brought into question the entire matter of economic considerations. Commercial fishermen became starkly aware of the economic ramifications coastal spill policies had for their industry. These fishermen, and their industry representatives, became vocal allies in support of policy reform.

This mobilization of environmentalists and the fishing industry had potentially grave consequences for the oil policy monopoly. When an issue emerges on the agenda in

TABLE 4.2 PARTICIPATION OF INTEREST GROUPS IN COASTAL OIL CONGRESSIONAL HEARINGS 1968-1996

Year	Pro-Exploitation/Industry	Pro-Resources Protection	Other
1996	16	8	1
1995		3	1
1994			
1993	1	9	
1992		1	
1991	10	2	
1990		9	
1989	25	39	21
1988			
1987	12	2	1
1986	3	2	
1985	9	1	1
1984			
1983	8	1	1
1982			
1981			
1980	7		3
1979	5	5	
1978	3	1	
1977	15	4	3
1976	6	9	3
1975			
1974			
1973	2	5	
1972			
1971	1	7	3
1970	2	9	7
1969	1	3	2
1968			

Source: Congress. House and Senate hearings 1968-1996
Coding Scheme: Based on context of group's hearing testimony toward policy monopoly.

an atmosphere of public criticism, conditions are conducive for the dilution or destruction of an issue monopoly. This criticism, particularly when mixed with contrary expert opinions, causes elected officials to give detailed attention to the issue arena (Baumgartner and Jones 1993, 84). Such was the case following *Argo Merchant's* grounding. On December 22, U.S. Senator Ted Kennedy (D-Mass.), Chair of the Subcommittee on Administrative Practice and Procedure, conducted oversight hearings concerning the recent disaster. This position as head of a powerful subcommittee, in combination with name recognition, made Kennedy a significant threat to the policy monopoly. Likewise, his foray exposed the policy monopoly to jurisdictional expansion beyond the industry friendly confines of the Coast Guard and Navigation Subcommittee. As a result, items that the policy monopoly would have preferred to keep off the agenda were addressed.

For example, Kennedy aggressively broached the issue of compensation for the many fisherman and other individuals who stood to suffer economic hardship because of the spill. Increasing this concern, was the ambiguity of *Argo Merchant's* ownership. The Liberian flagged tanker was linked to a series of dummy corporations, thereby making financial responsibility difficult to trace. Coupled with this problem was the matter of liability. Spokespersons for the State of Massachusetts, whom Kennedy had invited, called for the adoption of unlimited tanker liability. This state level involvement was the very type of mischief industry proponents feared from federalism. State level personnel asserted the need for stricter federal, as well as state, liability standards. As to why such provisions had not been adopted earlier, state proponents noted the strength of the shipping industry and its supporters to block the enactment of stricter statutes (Senate hearing 12/22/76, 1-2, 6-7, 17; Reiger 1977).

Negative Tone and Image

Aggressive state level participation on December 22, threatened to significantly expand the issue venue. During testimony in June 1977, before the Senate Committee on Commerce, science and Transportation, several states reiterated the need for both federal and state level statutes. States stressed the concern that some of the five bills pending before the committee, provided for the preemption of state coastal oil pollution statutes. Coastal states stressed the need for flexibility to fashion regulations reflective of their diverse coasts (Senate 6/9, 10, 20/77, 299-319). Members of the industry alliance saw this as a direct threat to their hegemony. State primacy could greatly weakened or destroy the industry monopoly.

Federalism, however, was not the only threat the industry alliance had to combat. The tone of media coverage following *Argo Merchant's* grounding was especially harsh (Tables 4.3a). An article appearing in *Audubonn Magazine* noted that the Clean Atlantic Association, a consortium of 16 industry companies, had predicted an operational response time of 12 hours. This had not happened. Storm racked winter seas prevented any viable response from taking place during the six days it took for *Argo Merchant* to break apart and spill its oily cargo into the Atlantic Ocean (Reiger 1977, 141-142). A Coast Guard official, cited in the *New York Times*, acknowledged that response mechanisms and technology were insufficient to deal with such a large spill in rough seas (Kifner 12/27/76). Follow up coverage identified other inadequacies made apparent during the spill. On board navigational equipment was either not being correctly utilized or was malfunctioning during the hours prior to the spill (Lubasch 12/29/76; 12/30/76). It was also revealed that the tanker's captain hesitated to call for assistance in a timely manner. News accounts speculated that this was related to insurance considerations. Standard policy among insurance companies was to raise a shipper's deductible $60,000 for each reported incident. Faced with these circumstances, tanker captains were under instructions to dump enough oil to refloat their vessel and make for the nearest repair facility.

The tone of media coverage did not improve during the following weeks. Rather a subsequent series of six major tanker spills along the U.S. coast, between December 17th and December 30th, caused further embarrassment for the industry. News articles reflected demands for stricter standards both within U.S. waters, and for international protocols. In one account Senator Kennedy was quoted as calling for a delay in planned drilling leases in the Georges Bank area (Reiger 1977, 142, 144; Kifner 1976). Oil industry representatives, responding to the negative attention, stated that many of the spill incidents occurring in 1976 were "insignificant." Most of the spills, they said, only made news because of the hullabaloo over *Argo Merchant*. Industry critics counter-charged that even without *Argo Merchant* 1976 was a record year for tanker disasters.

All of this negative media attention was damaging to the policy monopoly's image (Table 4.3a). Self depicted images of the oil industry as efficient and safety minded corporate citizens no longer rang true. Instead, revelations of inadequate safety and response capabilities called into question the professionalism of Coast Guard and industry

TABLE 4.3a TONE OF MEDIA COVERAGE FOR COASTAL OIL POLICY

Year	Industry Positive	Industry Negative	Neutral/Uncodable
1996		11	2
1995		3	9
1994	2	36	12
1993		26	30
1992	1	9	15
1991	1	18	29
1990	1	40	25
1989	3	81	43
1988		10	
1987			1
1986		3	3
1985		3	4
1984	1	2	2
1983		3	1
1982	3	13	7
1981		4	6
1980		15	3
1979		15	2
1978		23	6
1977		15	16
1976		10	6
1975		8	8
1974		4	5
1973		9	5
1972		10	3
1971		20	4
1970		31	4
1969		35	4
1968		8	1

Source: *Readers' Guide to Periodic Literature*
Coding Scheme: Articles coded based on tone of title.

TABLE 4.3b TONE OF MEDIA COVERAGE FOR COASTAL OIL POLICY

Year	Industry Positive	Industry Negative	Neutral/Uncodable
1996	1	10	10
1995		1	
1994	4	33	13
1993	1	15	11
1992		8	11
1991	10	48	61
1990	19	69	102
1989	26	313	218
1988			
1987			
1986			
1985			
1984			
1983			
1982			
1981			
1980			
1979		3	1

Source: IAC National Newspaper Index
Coding Scheme: Articles coded based on tone of title.

personnel. Subsequent GAO investigations, asserted that Coast Guard and industry coastal spill management expertise was insufficient (GAO 1978, I-iii).[8] This had negative implications for the continued willingness of elected officials to defer to monopoly experts (Baumgartner and Jones 1993, 26, 84).

The industry's image was further eroded through bickering between members of the oil industry alliance. During the aftermath of *Argo Merchant* industry alliance members lodged a series of lawsuits and counter-lawsuits against each other. Continental Insurance Company, insurer for the tanker's cargo, filed suit to recover costs of $2 million against the vessel's operating agent, Amership Agency Incorporated. Continental attempted to show that Amership knew the tanker was not seaworthy. This occurred after Thebes Shipping Company, the tanker's listed owner, filed a petition in federal court to limit the company's liability to the ship's post-spill value (Lusbach 12/30/76). These suits and counter suits had serious ramifications. They caused a disruption in internal unity at a time when the policy monopoly was experience significant external pressure. Matters, were made worse through the publicly displayed airing of these differences. The monopoly no longer presented a united front to the outside world. This threatened the monopoly's ability to insulate itself against broader policy debate and change (Baumgartner and Jones 1993, 176).

Turbulence Repercussions

Ultimately, the turbulence generated (Tables 4.1, 4.2, 4.3a) through all the negative attention prompted President Jimmy Carter, in 1977, to seize the entrepreneurial initiative. Carter called for development of a comprehensive legislative and executive coastal spill program. This announcement coincided with a series of oversight and legislative hearings occurring in Congress (Table 4.1). Carter outlined a program which would "prevent oil spills, combat them effectively when they occur, and compensate those suffering damages or loss from such spills". Intrinsic to this proposal were subsequent efforts to improve federal spill contingency planning and response capabilities. In effect, Carter was acting to ensure that his preferred solutions became linked to the spill problem.

In 1978 Congress, espousing adherence to Carter's prevention mandate, passed the Port and Tanker Safety Act. The statute mandated specific navigational equipment and safety procedural requirements for vessels calling upon U.S. ports. The act was an incremental adjustment in coastal spill policy. It adhered to monopoly images of coastal oil pollution as a navigation and safety matter. Coast Guard testimony, during 1979 joint hearings before the Senate Committees on Commerce, Science, and Transportation; and Energy and Natural Resources, likewise reflected monopoly preferences. Officials identified several improvements in keeping with the spirit of the President's program (House 9/26/79, 60-61). As an example they cited the June 6, 1979 Campache oil well blowout. Coast Guard officials testified that, had the well been located in U.S. rather than Mexican waters, the Coast Guard administered national contingency plan contained sufficient prevention and control mechanisms to suppress such a spill. This last assertion implied that bureaucratic experts were, once again, in control of coastal spill management. However, experts from the Woods Hole Oceanographic Institute, Massachusetts Institute of Technology, and Texas A&M University, countered this positive image. They stated that numerous recent spills had demonstrated the inadequacies of the Coast Guard's and oil industry's prevention and response mechanisms. The potential negative ecosystem threats were simply too great to warrant drilling on the U.S. outer-continental shelf (Senate 12/5/79, 88, 178, 206). This testimony diminished the prospects that elected officials would simply defer to monopoly expertise.

Less favorable to change advocates was the failure in 1979, despite issue nationalization, to pass a comprehensive spill liability and compensation package. During hearings in 1975 and 1976, four proposals had been submitted before the House Subcommittee on Coast Guard and Navigation. Reworked variations of these bills were still pending in 1979. There were several reasons for their stagnation. One hold up resulted from questions over the use of a proposed three cent a barrel fee for creation of a spill liability and compensation contingency fund. Coast Guard and EPA representatives argued that the anticipated $150 million fund could serve as a means for effectively compensating spill victims. This was particularly applicable in cases where the spiller was unknown or engaged in prolonged litigation with the government. The proposal was also in keeping with Carter's call for an appropriate damage compensation mechanism.

Congressman Mario Biaggi (D-N.Y.), an outspoken advocate of policy reform, noted that efforts to create the fund were being torpedoed. A major problem stemmed from matters of issue expansion. Environmental proponents worked to expand the fund's use for the cleanup of other types of hazardous spills. Biaggi argued that representatives for the oil industry and shippers were adamantly opposed to any attempts to extend the three cent fee to non-oil cleanups (House 9/26/79, 53-54, 61-62). Resistance to the passage of a comprehensive package also came from banking and vessel management groups. These alliance proponents argued that under the proposed legislation financial lending institutions and vessel management groups, who leased out ships, could be held liable for an operator's misconduct. Therefore any bill, to gain their support, would need to include an exemption for such "unfair" liability (House 9/26/79, 65-66).

Concerns about fairness became an effective tool in the monopoly's ability to combat legislative proposals. Oil companies, effectively conveyed an image of fund extension to non-oil cleanups as unfair. Congressional sentiments supported industry assertions that they should not be forced to pay for non-oil related spills. Likewise, the depiction of financiers and vessel management groups being held liable for operators actions, ran counter to Congressional notions of fairness.

INCREMENTAL POLICY CHANGE AND NO CHANGE

In 1980 an incremental policy change was realized through the passage of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). CERCLA was a blanket statute addressing issues of hazardous spills, abandoned waste disposal site cleanup, and oil spills. With respect to oil spills, CERCLA was limited predominantly to issues of spill reporting and the fashioning of natural resources damage assessment regulations. The need for the creation of an oil spill liability fund, although acknowledged, was not included in the statute. Reasons for this hinged on the above discussed attempts to utilize the fund for purposes other than oil spill cleanup. Speaking in subcommittee hearings in 1980, members of the American Petroleum Institute made clear their intention to fight any bill which extended oil fees to non-oil cleanups. The institute likewise asserted its support of the need to exempt bankers, insurance carriers, and vessel management groups from liability for third party actions (House 6/2/80, 261-266). This alliance solidarity ultimately contributed to the exclusion of oil spill liability and compensation from CERCLA (P.L. 96-510).

In retrospect CERCLA's passage was indicative of the incremental progression of coastal oil pollution policy during the 1970s. Issues where the industry alliance was willing to compromise were incrementally adopted. Among these were stricter safety stipulations, improved preparedness, and utilization of enhanced cleanup technology. More controversial matters, such as higher or unlimited liability and compensation caps, failed to make it out of committee. Industry's ability to reunite, following internal disruption of 1976 and 1977, contributed to this success. During subcommittee hearings in 1979 and 1980, Industry representatives banded together to combat perceived threats. Threats to any one member of the alliance were portrayed as a threat to all. These efforts were bolstered through the cooperation of Interior Department and Coast Guard officials. Experts from these agencies generally portrayed coastal spill policy in terms of more adequate safety, prevention, and response mechanisms. With these mechanisms in place, concerns over liability and compensation were depicted as moot points. Likewise, working in the favor of the industry alliance was the seldom mentioned, but ever present, energy crisis. During hearings throughout the 1970s, alliance officials and their Congressional supporters, repeatedly expressed the need for the industry to remain competitive. Competitiveness in this respect was defined as industry freedom from onerous regulations placing limits on their ability to extract and transport product to an oil starved nation. Two Arab oil embargoes, and President Carter's proclaimed war on the energy crisis, kept much of the nation's attention focused on energy needs. Negative media coverage during the period repeatedly mentions the linkage between stricter regulations and the energy crisis.

Maintaining the Status Quo

Despite turbulence (Table 4.1), the policy status quo established in 1980 persisted for most of the decade. Industry opponents made several attempts to reintroduce a comprehensive federal spill liability and compensation statute. In 1983 the matter became nationalized when industry opponents managed to place three bills before the House Subcommittee on Coast Guard and Navigation. A legislative hearing through this industry friendly venue did note bode well for policy change. Representatives from oil companies, industry associations, shipping organizations, and insurers made a major showing during the hearing (Table 4.2). They lambasted stricter provisions, from prior years, as unwarranted attacks upon the industry. Inadequate protections against unlimited liability and compensation was a repeated theme among industry supporters (House 4/20/83). This show of unified force succeeded in overwhelming the opposition. Spill liability and compensation became a dead issue.

It was not until 1985 that spill liability and compensation proponents managed to regroup. On March 27, hearings again took place in the House Subcommittee on Coast Guard and Navigation. During opening statements, Chairman Gerry Studds (D-Mass.), noted that for 10 years attempts had been made to produce a comprehensive spill liability and compensation statute. Numerous proposals had languished despite their popularity. Studds credited the pending proposal, HR 1232, with benefitting both taxpayers and industry. Responsible parties, not taxpayers, would have to bear the full costs of cleanup and damages. Studds' remarks cast doubts over subcommittee allegiance to industry preferences. With Studds in the leadership position, it appeared that the subcommittee was poised to invoke changes detrimental to the alliance. However, in retrospect it appears that Studds acted in an entrepreneurial capacity to achieve a policy compromise. In exchange for stricter liability and compensation , Studds said industry would be provided with a single set of federal statutory guidelines offering predictability and uniformity (House 3/27/85, 1-2).

Despite Studds expressed optimism over the possibility of reaching a compromise, passage of a comprehensive statute remained elusive. Members of the industry alliance, reinvigorated from recent victories, presented a unified front in defiance of many of the proposal's key provisions (Table 4.2). Robert Lagattolla, lobbyist for the American Institute of Marine Underwriters, expressed the common industry sentiment. Lagattolla stated that each reintroduction had been epitomized through an escalation of liability and compensation limits. The bill's financial responsibility provisions would leave industry officials with little protection against unlimited costs. In effect, Lagattolla was invoking the well played image depiction of threats to industry economic stability.

In contrast, the industry alliance was quite supportive of state preemption provisions contained in the pending bill. If passed, HR 1232 would effectively preempt more encompassing state spill control and liability statutes already in existence. Alliance members hailed preemption as a means of establishing uniformity and eradicating the existing patchwork of conflictual statutes (House 3/27/85, 146-149). The industry received addition support when, in 1987, the U.S. State Department expressed agreement with the need for a comprehensive federal provision which preempted state law. Such a law would make it easier for the U.S. to participate in and implement international oil spill protocols. Concerns over international protocols had been raised, but never fully expressed, during domestic spill hearings in the 1970s. This sudden linkage between domestic and international policy provided the industry monopoly with a new favorable venue for pleading their case. The international venue devised means for a new image depiction; one in which federalism was portrayed as an impediment to stricter spill control measures. In contrast, this depiction if successful, would close the door on the multiple venues offered through federalism (Baumgartner and Jones 1993, 31, 217).

State governments reacted aggressively to this new onslaught. Several coastal states mobilized to make their case before Congress (Table 4.4). State officials testified that while they were generally supportive of HR 1232, they objected to the proposal's preemption clause. State officials implied that such provisions constituted a usurpation of state authority. Rather than engage in preemption, state officials advocated a federal statute that would complement existing state provisions. Such actions would be more in keeping with the Constitutional doctrines of federalism. Several environmental groups, as well as the National Governors' Association, National Conference of State Legislators, and League of Women Voters expressed support for the states' position (House 3/27/85, 103-106; House 3/31/87, 4-5, 9-11, 19-23, 96-98).

The mobilization of state governments and other change advocates, between 1985 and 1988, succeeded in generating turbulence (Table 4.1) However, it failed to convert

TABLE 4.4 PARTICIPATION OF GOVERNMENT AGENCIES IN COASTAL OIL CONGRESSIONAL HEARINGS 1968-1996

Year	Federal	State	Local	Other
1996	10	4	1	
1995	4			
1994				
1993	7	2	2	4
1992	2	1		
1991	16	2		
1990	14	10	4	1
1989	78	42	11	6
1988	5	2		
1987	3	4		2
1986	2	4		1
1985	2	8		
1984				
1983	2	1		
1982				
1981				
1980	2	4		
1979	11	2		
1978	4			
1977	14	6		
1976	20	17		1
1975				
1974				
1973	5	4		
1972				
1971	1	4	3	
1970	11	6	32	3
1969	2	2	2	
1968				

Source: Congress. House and Senate hearings 1968-1996 into agenda redefinition and an nonincremental policy output. It appeared as if coastal oil pollution policy would remain deadlocked for the foreseeable future. Neither the industry alliance or reform proponents were willing to engage in further compromise. While not fully satisfactory, this stalemate was beneficial to both sides. Oil industry proponents succeeded in preserving ineffectual spill liability and compensation regulations. This assured protection against unacceptable economic sacrifices. States maintained regulatory primacy in their coastal waters. And although this primacy only extended out to a three mile limit, states felt it provided greater protection than what was afforded under federal statutes. It was only with the 1989 grounding of the Tanker Vessel *Exxon Valdez*, that these seemingly intractable differences became incorporated in a dramatically redefined oil pollution policy arena.

THE *EXXON VALDEZ* SPILL

To fully understand the dramatic impact that *Exxon Valdez* had on coastal oil pollution policy, it is necessary to place the spill within its broader context. Alaska is the nation's leading oil producer. The state provides 25 percent of America's domestic oil supply. Much of Alaska's oil comes from two major fields, Prudhoe Bay and Kuparuk, lying on the state's arctic North Slope. To reach market North Slope crude is transported via the 800-mile-long Trans Alaska Pipeline System (TAPS). The system begins at Prudhoe Bay and terminates at the Port of Valdez, Alaska. Since the first oil began to flow through the pipeline on June 20, 1977, an average of 82 million gallons a day has passed through the pipeline. By 1988 this amounted to over 252 billion total gallons and 8,000 tanker loads going out of Valdez (*TAPS Facts* 13-14).

Alaska, while the largest domestic oil producer, is also one of the nation's, and even the world's, last vestiges of wilderness preserves. Just the mentioning of Alaska conjures up images of pristine wilderness available few other places on earth. Alaska has the largest state park system in the U.S. The state contains over 123 million acres of federal land set asides in conservation zones ranging from multiple use to wilderness (*Spill Packet* 1989, 2). Alaska's duality has not been lost upon environmentalists or those concerned with preserving wilderness. In the years leading up to the laying of the first pipe in 1975, an alliance of Alaska Natives, environmental groups, and the state and federal governments pressed for assurances that spill prevention and rapid response would be top priories of oil transport operations. Alyeska Pipeline Service Company, operator of the TAPS for the North Slope producers, took aggressive steps to assure a wary public of its commitment to the minimization of risks and environmental protection.[9] The company assumed a tone which was favorably disposed towards Alaska's wilderness image. Company officials expounded upon their abilities, as industry experts, to extract and transport oil in an environmentally sound manner. For example, in a 1972 newspaper article addressing tanker traffic Alyeska's President was quoted as saying that, "We are aiming for zero spillage, and we have every reason to believe that our efforts will be successful" (*Fairbanks News-Miner*). Similar assurances were given during environmental impact hearings (Lawn 1994, 9-10). Included in these were tanker routing patterns which accommodated changing traffic and weather conditions, updated navigational charts, certified pilots, the use of a continuous communication system, and strict enforcement of relevant safety regulations (*Matter of Proposed TAPS* 1971, 489).

These prevention mechanisms would be complemented through the development and implementation of detailed spill response measures. During Congressional hearings in the late 1960s and early 1970s, Alyeska representatives asserted their commitment to the utilization of cutting edge spill response technology. Items that were addressed included spill containment, chemical treatment of spilled oil, and crew member training. Industry officials assured Congress that these components would remain part of a comprehensive contingency plan for immediately responding to marine spills (Senate 10/16/69, 94; Lawn 1994, 16-17). In effect, all of these assurances, helped to instill an image of an industry willing and able to use its vast resources and expertise to preserve the Alaskan wilderness. Industry officials utilized their expertise to provide a set of simplistic and symbolic portrayals which effectively countered much of the public's apprehension (Baumgartner and Jones 1993, 26).

Reinforcing this industry image were assurances from the federal and state governments. Federal and state officials provided assurances that they would make sure the industry complied with its prevention and response commitments. During a 1972 Joint Economic Committee hearing, Interior Secretary Rogers C.B. Morton supplied members with a list of key industry compliance provisions the government would enforce. State officials also publicly proclaimed their commitment to state of the art navigational equipment, the utilization of best available response mechanisms, and environmental protection (Lawn 1994, 53, 57-58). Accordingly, it seems that the federal and state governments were willing to engage in cooperative federalism, when it suited their mutual purposes. Mutual purposes in this respect had to do with extracting oil from Alaska's vast North Slope field.

From the evidence just presented it would appear that the industry alliance was well placed to prevent, and if necessary, combat any spill contingency in Prince William Sound. Industry expertise and government assurances bolstered this image. Further assurance came from the thousands of tanker vessels which safely traversed the Sound throughout the 1980s. Many citizens supported the image that oil exploitation and wilderness preservation could safely co-exist. Closer examination, however, shows that this accepting complacency was not warranted. By the mid-1980s, previous commitments to marine safety, spill prevention, and response had begun to erode. Neither the industry or federal and state governments were living up to their image depictions (*FOSC Report* 1993, 13; Commission Final Report 1990, 11). These shortcomings came into glaring focus when *Exxon Valdez* ran aground on Bligh Reef.

THE OIL POLLUTION ACT OF 1990 (OPA 90)

Agents of Change

The policy repercussions stemming from failures made evident during the aftermath of *Exxon Valdez* were dramatic. The tanker's fateful grounding effectively shattered previously held policy images. Turbulence was generated at an unprecedented level. In 1989, 14 different committees and subcommittees held a combined 27 oversight and legislative hearings (Tables 4.1 and 4.5). This expansion in the number of Congressional bodies holding hearings was especially telling. One sure sign that a policy monopoly has lost jurisdictional control is an escalation in the number of Congressional bodies holding hearings (Talbert, et al. 1995, 395).

TABLE 4.5 HOUSE AND SENATE COMMITTEES/SUBCOMMITTEES CONDUCTING HEARINGS IN 1989

House	**Number of Hearings**
Subcommittee on Natural Resources, Agriculture Research and Environment	1
Subcommittee on Human Rights and International Organizations	1
Subcommittee on Coast Guard and Navigation	6
Subcommittee on Water, Power and Offshore Energy Resources	3
Subcommittee on Water Resources	1
Subcommittee on Oversight and Investigations	2
Subcommittee on National Parks and Public Lands	1
Subcommittee on Oceanography and the Great Lakes	1
Committee on Interior and Insular Affairs	3
Senate	
Committee on Energy and Natural Resources	2
Committee on Government Affairs	1
Subcommittee on Environmental Protection	2
Subcommittee on Merchant Marine	1
Committee on Commerce, Science and Transportation	2
Committee on Finance	1

Source: Congressional Information Services, Congressional Universe

This sudden jurisdictional expansion overwhelmed the industry monopoly. Industry officials found themselves testifying in venues with which they were unfamiliar. Rather than navigation, many of these committees and subcommittees were dedicated to matters of public lands, natural resources, water, and environmental protection. These Congressional members were foremost concerned with discovering the reasons behind the grounding and subsequent inadequate response. They conducted investigative oversight hearings in Washington, D.C. and Alaska. These hearings contributed to dilution and breakdown of prior subcommittee jurisdictional control. Furthermore, the jurisdictional expansion evidenced in these hearings was not limited to oversight. As Talbert, et al. suggest, jurisdictional expansion of oversight hearings often precedes an expansion of legislative hearings (1995, 399-400). This appears to have been the case in the aftermath of *Exxon Valdez*. The new Congressional participants went on to expand their jurisdiction to the legislative arena. They fashioned comprehensive spill statutes that were referred to their respective bodies, instead of traditional subcommittee venues. These actions had significant implications for long term jurisdictional control. Such turf poaching has been identified as a primary factor in the creation of a new jurisdictional equilibrium that is more competitive in nature. Often times it can result in the partitioning of the prior jurisdictional monopoly (Talbert, et al. 1995 399-400).

The jurisdictional expansion and venue shifts evidenced in Congress were facilitated through several factors. State and federal government agencies participated in the hearing process at unprecedented levels. In 1989, 41 state and 77 federal agencies provided hearing testimony (Table 4.4). Joining the State of Alaska were numerous coastal states as well as states bordering on the Great Lakes. They agitated for the passage of provisions rejected during the 1970s. Primary among these were matters of spill prevention, response, liability and compensation (Senate 9/6/89; Senate 7/21/89; House 8/10/89; House 6/16/89). Augmenting this state input was supporting testimony from several regional government entities as well as local governments (Table 4.4).[10] The breadth of this non-federal government participation had disruptive implications for the policy monopoly. The multiple semi-autonomous venues opened through state, and other agency participation, added a significant degree of unpredictability to coastal oil policy. It implied the potential for numerous independent actors to instigate relevant policy outputs, should the federal government fail to act. Given the high level of turmoil, the passage of a stricter policy output in one state could easily trigger a diffusion of similar outputs in other states. This was the very type of scenario oil industry advocates had fought to contain during the 1970s (Baumgartner and Jones 1993, 217-218, 228).

The expansion in federal agency participation had a similarly disruptive effect. Federal agency expansion caused shifts to a number of venues previously muted in their criticism of the oil policy monopoly.[11] For example, prior to 1989, Interior Department land management agencies had generally deferred to the Department's pro-monopoly biases. Following *Exxon Valdez*, agencies such as the NPS began agitating for change. According to former Interior Department Solicitor Randall Luthi, several land management agencies were very aggressive in their demands. They demanded action in the form of improved industry cleanup capabilities, spill prevention, mechanisms for reimbursement of agency cost outlays, and resources damages restitution. Augmenting these efforts was significantly more active participation from the U.S. Department of Justice (DOJ) and EPA. This contrasted with the pre-1989 setting. Prior to 1989, there was little external agency interest in the protection of federal coastal lands (Luthi 1998).

Federal, as well as state agency agitation, further manifested itself through demands upon the Bush administration for decisive policy leadership. Luthi expressed the opinion that the Bush administration was under considerable pressure to take a leadership role in promoting spill prevention and cleanup regulations (Luthi 1998). The administration, however, was reluctant to act as a policy entrepreneur. Speculation had it that the administration believed any aggressive action on its part would negate recent attempts to open the Arctic National Wildlife Refuge to drilling.

Despite administration reluctance, turbulence continued to grow. The spill initiated a tremendous nationwide public outcry for change. In public displays of disapproval, citizens cut-up their Exxon gas cards in front of corporate offices. Dismayed stockholders demanded a public accounting of the company's spill response. Citizens showed up in record numbers at hearings in Alaska and Washington, D.C., to chastise Exxon and government for their failure to protect public resources (Table 4.1). The critical tone of citizen hearing comments was reinforced through environmental groups mobilization and media coverage. Environmental groups mobilized their members, assaulting the industry monopoly for its complicity in the spill. Of the 85 groups participating in hearings during 1989, 39 were environmental groups (Table 4.2). This level of participation was significantly greater than in prior hearings. It exemplified the high degree of effort environmental groups were willing to invest in changing current statutes. Environmental groups played a major role in making subsequent passage of the Oil Pollution Act of 1990 (OPA 90) a reality (Luthi 1998). The pressure they exerted was more effective than anything federal land managers were able to muster. Environmental groups successfully exploited the turbulence generated in the aftermath of *Exxon Valdez*. They pressed friendly subcommittees to initiate hearings. These groups were instrumental in getting subcommittees involved which had previously displayed only a limited interest in coastal oil pollution (Luthi 1998).

Environmental groups were not the only groups pressing for policy change. Additional support came from other previously disinterested groups. While not specifically interested in coastal protection, these new participants raised matters which dovetailed well with environmentalists resources protection goals. For example, labor groups and pilots associations mobilized to press for more adequate safety measures, better working conditions, improved crew member training, and improvements in pilot certification training. They pointed to a number of government reports which directly linked *Exxon Valdez's* grounding to these type of inadequacies (House 5/10/89 and 7/20/89; Commission Final Report 1990; DOT/EPA Report 1989). Such mobilization had additional negative implications for the industry monopoly. Labor group and pilot association mobilization called into question prior accepted images of industry's dedication to safety. Their participation contributed to the rejection of the positive safety image industry representatives had cultivated during prior decades (Baumgartner and Jones 1993, 25-26). In turn, this provided entrepreneurial Congressional members with an opportunity to introduce stricter safety standards. These standards included a high degree of regulatory oversight, rather than the prior deference given to monopoly experts.

Finally, credit must be given to the role the media played in fueling policy change. Negative media tone was critical in issue development and the potential for nonincremental policy change. Critical media coverage provided opportunities for change advocates to attack the existing policy arrangement. It likewise helped to solidify and propel forward a mass citizen mobilization and outcry for change. Such media facilitated mobilization is critical in the willingness of elected officials to support policy change (Baumgartner and Jones 1993, 26, 84). A closer examination of news stories provides insight into the important role that the media played in issue expansion and policy change. In 1989, the IAC Index and the *Readers Guide to Periodical Literature* recorded, in total, 684 oil pollution and spill related articles (table 4.3a and 4.3b). The breadth of this coverage dwarfed anything exhibited in prior years. National news magazines, major newspapers, industry trade and professional journals provided ongoing front page coverage of the *Exxon Valdez* spill's aftermath. The tone of this coverage was overwhelmingly negative. Media attention was further stimulated through a series of subsequent spills. Among these were devastating oil spills involving the Tanker Vessel *Presidente Rivera* on the Delaware River; at Narragansett Bay, Rhode Island; and Galveston, Texas (Luthi 1998; House 7/17/89; Senate 7/13/89).

These latter spills contributed to what Larry Sabato describes as a "feeding frenzy." A situation developed whereby the media became fixated on an individual or event largely to the exclusion of other concurrent newsworthy incidents. This fixation, coupled with a desire to increase profits, fed a tendency for media pundits to engage in sensationalism and exaggeration (Sabato 1991; Baumgartner and Jones 1993, 105). Prior arguments about the need for economic stability in the oil industry were swept aside as the media focused on the environmental devastation the 1989 spills had wrought.

OPA 90 is Passed

In 1990 Congress passed OPA 90. Success was driven through the persistence of entrepreneurial subcommittees coupled with the efforts of a vocal coalition consisting of the federal government's Coast Guard headed National Response Team, the EPA, federal land management agencies, state agencies, environmental groups, a concerned citizenry, and negative media coverage. The 1990 act was a landmark piece of legislation, going well beyond the scope of previous statutes and international protocols on spill prevention, response, and liability. OPA 90 placed major emphasis on spill prevention. Title IV required the phase in of double hull tankers, by the year 2015, for all tankers operating in U.S. waters. Title V placed stricter requirements on tanker escorts and on requirements for certified pilots on the bridges of tankers when operating in restricted waterways (Optecnomics Inc. 1991; *Then and Now* 1993, 3-4). Shippers would be required to have Coast Guard approved contingency plans in place for responding to a worst case discharge. This included the prepositioning of equipment in heavily traveled shipping lanes (Environmental Law 1991, 2; *OPA 90 Update* 1993, 7).

OPA 90 also clarified the issue of spill liability. Title I raised the legally established strict liability cap nearly eight-fold. This increased the strict liability cap for an *Exxon Valdez* size super tanker from $14 million to $100 million. Under Title I the spiller's liability was extended to cleanup costs, damage assessment, loss of resources, and costs to local governments. These provisions, in particular, effectively broke concerns that the industry alliance had successfully deflected for a number of years. Finally, Title I established a $1 billion Oil Spill Liability Trust Fund. The fund would be financed and replenished through a five cent per barrel fee on oil domestically produced or imported into the U.S. The fund could be accessed if a spiller's liability cap was reached, if the spiller was unknown, or if there was a delay in the post-spill settlement (*Oil and Gas Journal* 21; Interior 25-26 CITATIONS).

POST-OPA 90 POLICY ACTIONS

The passage of OPA 90 represented a decisive defeat for the oil industry monopoly. During 1989 and 1990 the existing monopoly was broken, although the industry alliance remained intact. In its place emerged a more open issue network epitomized through subcommittee jurisdictional expansion and broader interest group participation. Furthermore, through this dismantling, the industry's preferred image was shattered. The policy agenda was redefined to focus attention on environmental protection, not merely navigational matters as in past decades. Issues that the monopoly had effectively kept off the agenda in prior years, were now given top priority.

However, as so often happens on contentious policy matters, OPA 90 did not put an end to the confrontations associated with coastal oil pollution. If anything, OPA 90 instituted a policy fluidity and turbulence which continues to persist (Table 4.1). For example, in the regulatory arena, federal land managers authority was usurped when the Interior Department's responsibility for coastal resources damage assessment was handed to the National Oceanic and Atmospheric Administration (NOAA). This venue shift was based partly upon assumptions that NOAA was a more environmentally friendly agency than Interior. Also because OPA 90 dealt primarily with the control of coastal oil pollution, it was believed that NOAA was the more appropriate venue for taking the lead in implementing this component of the statute (Luthi 1998; House 9/24/92, 1-7). In retrospect, this venue shift should not be viewed as unanticipated. When an issue emerges on the institutional agenda in an atmosphere of criticism, elected officials are prone to take away authority previously deferred to bureaucratic experts. Concurrently, enthusiasm is created for the delegation of authority to agencies perceived as capable of implementing policy solutions (Baumgartner and Jones 1993, 84-85).

Venue shifting of this sort was not limited to the Interior Department. During subcommittee oversight hearings in 1991 and 1993 (Tables 4.1 and 4.2), environmental advocates chastised the Coast Guard for not going far enough, and for not being sufficiently aggressive in implementing OPA 90. They questioned the continued implementation authority granted to the Coast Guard in matters of spill prevention, response, and safety. At one hearing, a Natural Resources Defense Council attorney accused the Coast Guard of not dealing in good faith. Coast Guard participation in rule making--which included federal, state, industry, and environmental participants--was said to be recalcitrant. This criticism was not unjustified. The Coast Guard and oil industry personnel took a minimalist perspective on the amount and types of equipment oil transporters should be required to carry aboard their vessels. Industry officials criticized agency rule making procedures stemming from OPA 90 as being too stringent (House 11/6/91; House 2/17/93, 42-44, 45-47).

This information is noteworthy for a number of reasons. First, is the realization that despite environmentalists misgivings, the Coast Guard was viewed as retaining sufficient expertise to oversee components of OPA 90 implementation. No other federal agency was viewed as having the resources needed to enact the policy solutions OPA 90 prescribed. This inhibited the delegation of Coast Guard authority to another agency venue. However, the 1989 jurisdictional expansion meant that the Coast Guard would now have to respond to new masters. No longer was oversight primarily limited to industry friendly Coast Guard and Navigation Subcommittees. Instead the Coast Guard had to accommodate such entities as the House Subcommittees on Oversight and Investigation; Forests, Family Farms and Energy; and Fisheries, Wildlife and the Environment. These subcommittees were much less inclined to defer to Coast Guard expertise. They worked with environmental advocates to assure Coast Guard compliance with the spirit of OPA 90.

In addition, it appears that the dismantling of the policy monopoly did not signal the disintegration of the oil industry alliance. Quantitative evidence from 1989 through 1993 (Table 4.2), supports hearing testimony suggesting that industry proponents remained generally steadfast in their opposition to policy change. Furthermore, having lost in the Congressional statutory arena, the alliance was sufficiently unified so as to mobilize opposition once the venue had switched to the regulatory arena.

Accordingly, it can be asserted that the post-1989 issue arena became much more conflictual. The industry alliance, while still united, was no longer able to insulate itself from broader political forces. The sphere of conflict had expanded to include actors who did not share the industry's perspectives. Because of this coastal oil pollution re-emerged relatively often on the institutional agenda, resulting in ongoing turbulence for much of the 1990s (Table 4.1). This has prevented the industry from resurrecting its decades long issue monopoly (Baumgartner and Jones 1993, 179). Furthermore, this heightened competitiveness has forced the industry to repeatedly confront the specter of regulatory uncertainty.[12]

FINAL REMARKS

In the beginning of this chapter, coastal oil pollution policy was described as being regulatory in design. Policy outputs, beginning with the 1924 Oil Pollution Act, created winners and losers. The oil industry, relevant transportation and funding networks, were indulged while pollution control advocates were denied. During the ensuing 40 years, the industry alliance maintained a dominant image of coastal oil pollution as primarily a navigational safety matter. The alliance likewise succeeded in convincing elected officials that such matters were best deferred to industry experts. This dominance, as predicted in chapter two, resulted in several decades of little to no policy change in the issue arena.

It was not until the late 1960s that this equilibrium began to experience turbulence. This turbulence was made possible through the emergence of a series of disruptive circumstances. Key among these was the mobilization of a large segment of previously disinterested citizens. These citizens, imbued with the environmental gospel, agitated their elected officials for change. Coupled with this mobilization was the reinvigoration and dramatic expansion in the number of environmental and conservation groups. These groups contained individuals possessing sufficient expertise, so as to challenge and dilute dominant policy portrayals. These challenges caused elected officials to reconsider their prior deferral to monopoly experts. Thereby opening the door for a venue shift in policy decision making from the bureaucratic to the political arena.

Additional turmoil was evoked through the media's fascination with all things environmental. The 1969 Santa Barbara blowout provided the needed catalyst to direct that fascination towards coastal oil pollution policy. The negative tone of media coverage, over this and subsequent spills, countered the image of oil pollution policy as a navigational safety matter. It helped heighten awareness of the environmental consequences of coastal spills. Turbulence was likewise fed through the actions of state governments. Utilizing the autonomy provided through the constitutional provisions of federalism, state governments acted when federal decision makers were unwilling to act. They passed statutes placing stricter requirements on spill prevention, response, liability, and compensation. These policy innovations were diffused among several states and threatened to set a precedent for federal lawmakers to follow. Such federal action was made all the more possible when Congressional entrepreneurs initiated jurisdictional expansion which brought coastal pollution under the purview of protection oriented subcommittees. These subcommittees engaged in oversight hearings, and staked out a claim in future legislative considerations.

Accordingly, it appeared that, by the 1970s, conditions were ripe for nonincremental policy change at the federal level. However, as was the case in the previous chapter, the policy monopoly proved to be highly resilient when faced with change. To its credit, the monopoly effectively utilized propositions deemed favorable to change, to their own advantage. For example, the turbulence of the late 1960s and early 1970s, mobilized Interior Department officials on behalf of the oil industry. These officials were outspoken in their assertions that spill prevention could best be invoked through industry and bureaucratic cooperation. Stricter statutes were not the answer to coastal protection. These experts likewise succeeded in taking advantage of heightened media coverage. They supplied the press with empirical study findings that questioned the degree of damage oil spills had wrought upon the coastal environment. This raised questions in minds of the citizenry and elected officials about the need to create stricter policy outputs. Finally, one must consider the matter of issue expansion. During the 1970s, industry proponents successfully expanded the issue arena to include economic considerations. Primary among these were the effects that stricter standards would have upon domestic energy prices. Images of resulting shortages and higher prices found their way into subcommittee testimony and media coverage. Already reeling from the shocks of Arab oil embargoes, the American public and elected officials were unwilling to adopt statutory provisions that would make the situation worse. Armed with such strategies, the industry maintained its dominance despite significant turbulence.

It was not until 1989, with the grounding of the Tanker Vessel *Exxon Valdez*, and a number of other tragic spills, that the policy monopoly was broken. Following these spills, change advocates invoked the same type of strategies utilized in previous years. However, the scale of utilization occurred at an unprecedented level. The policy monopoly was broken because of a number of factors. First, was the enormity of the spill. The 10.8 million gallon *Exxon Valdez* spill was the largest tanker catastrophe in North American history. Coastal wetlands, wildlife, historic sites, and economic devastation occurred at previously unimaginable levels. This dispelled prior discrepancies over the degree of spill related damage. Second, was the level of incompetency made evident through *Exxon*

Valdez and a series of subsequent spills. Post-spill government and privately generated reports debunked prior images of industry safety and preparedness capabilities. Finally, there is the matter of geographic setting. From an industry standpoint, the 1989 *Exxon Valdez* spill could not have occurred at a worse location. Public perceptions of Alaska were imbued with images of pristine coasts and untouched wilderness, under the protection of federal land management guardianship. The destructive soiling of this pristine environment created outrage of an unparalleled magnitude. The resulting policy turbulence, venue and jurisdictional expansion, media coverage, and issue nationalization change propositions were invoked at a level which effectively swept aside all opposition. Accordingly, a new nonincremental policy output was adopted at the national level. The new output reversed a decades long trend whereby regulatory policy indulged industry to the detriment of coastal protection.

This analysis of coastal oil pollution exhibits all of the elements predicted in the punctuated equilibrium model. Periods of equilibrium and turbulence are clearly evident. The policy monopoly, as predicted, repeatedly stymied policy change through internal cohesion and successful utilization of strategies identified in the model. This allowed the monopoly to maintain dominance of the policy agenda during turbulent episodes. Subsequently, coastal oil policy remained unchanged or evidenced incremental change. The model likewise contains elements necessary to help explain the nonincremental change that occurred in 1990. Change advocates capitalized on the window of opportunity *Exxon Valdez* provided. They invoked strategies that resulted in the dismantling of the policy monopoly. As predicted, this provided an avenue for redefining the policy agenda and achieving a nonincremental policy output. The model, however, while acknowledging the opportunities created through *Exxon Valdez*, does not adequately consider the role of such dramatic events. This shortcoming will be further discussed in the final chapter.

END NOTES

1. In 1983, the U.S. declared an Exclusive Economic Zone of 200 miles offshore. Subsequent to this declaration, coastal waters up to 200 miles offshore fall under the definition of natural resources under exclusive U.S. government management authority. Any oil discharge in the 200 mile zone was therefore in violation of Section 311 of the Clean Water Act. Prior to this the U.S. had on March 1, 1977 extended its fisheries jurisdiction to 200 miles offshore.

2. The 1967 *Torrey Canyon* spill had focused international attention on coastal oil pollution. However, while generating a significant response in Europe, it failed to produce a similar level of turbulence in the U.S.

3. Prior to being Nixon's Interior Secretary, Hickel had served as Governor of Alaska. In his capacity as governor, Hickel had been a vocal proponent of oil exploration and drilling within the state.

4. While ostensibly held under the direction of merchant marine, the February hearing was, in practicality, a joint effort. Hearing participants also included House members from subcommittees having oversight responsibilities for the Coast Guard, fisheries, and wildlife conservation.

5. Representatives speaking on behalf of the Save San Francisco Bay Association and the Sierra Club, said the inadequacies Edwards pointed out were particularly disturbing given the federal governments' recent decision to allow construction of the Trans Alaska Pipeline System (TAPS). TAPS completion, he asserted, would only enhance the possibilities of more spills along the entire West coast (House 2/8-9/71, 6, 248). In what was to become a self fulfilling prophesy, one speaker predicted that it would only be a matter of time before a major calamity resulted from TAPS related vessel traffic.

6. In discussing federalism, Baumgartner and Jones hypothesize that states and localities willingness to act within a policy arena is bounded through investment and consumption considerations. Subnational governments invest tax dollars in activities which attract tax generating commercial enterprises to their region. Successful investment policy innovations experience rapid diffusion to other subnational jurisdictions. In contrast, consumption policy innovations--such as redistributive welfare policies, environmental protection, and related quality of life issues--are stimulated through top-down federal participation in the form of grants and mandates. Subgovernment consumption policy, when federal involvement is minimal, is noteworthy for its limited diffusion of innovative

concepts between jurisdictions. States and localities will purposely limit their participation, believing that consumption policies interfere with economic growth (1993, 221, 225-227, 233). This conceptual framework appears to be of limited relevance in the coastal oil pollution arena, as well as in the subsequent historic preservation arena addressed in chapter five. Despite a paucity of federal funding and top-down mandates, states and localities displayed a willingness to aggressively engage in resources protection policy innovation. In addition, successful policies were actively diffused to other subnational units of government. Thus federalism, in the two case studies, is not discussed based upon the conceptual framework of investment and consumption.

7. Within a matter of weeks these choice fishing grounds would come under U.S. control as a part of a 200 mile fisheries jurisdiction expansion.

8. A 1978 GAO report noted that while Coast Guard response and oversight capabilities had been much improved, following the implementation of spill provisions contained in the 1972 and 1977 amended FWPCA, obvious gaps were still evident. Staff shortages, inadequate training, and insufficient equipment to meet agency needs were cited as common problems. The report also identified problems in the development of regional and local contingency plans (GAO 1978, I-iii). Compounding these problems was the matter of a revolving door between government and industry. One article charged that retiring Coast Guard personnel regularly found employment working for the same port authorities and shipping companies whose activities they previously monitored (Reiger 1977, 144).

9. The various North Slope producers jointly own Alyeska Pipeline Service Company.

10. Examples of regional entities included Native Tribal governments and intergovernmental port and coastal authorities.

11. The additional participation of a number of federal agencies created some friction. Federal land managers believed the EPA was using the 1989 spill as an excuse to "stake a claim" in the land management policy arena. For example, during the aftermath of *Exxon Valdez*, the EPA attempted to establish a headquarters in Alaska charged with overseeing post-spill operations on impacted federal lands. Interior Department and Forest Service land managers were intent on ensuring that any spill cleanup, statutory action, and regulatory enforcement retained full authority with the land management agencies. Federal land managers portrayed this insistence in terms of the need for ensuring effective management. Without full management control of their respective lands this was simply not possible (Hamson and Roy 1992; Luthi 1998).

12. For example, industry critics aggressively renewed efforts for stricter implementation of OPA 90 provisions following the January 19, 1996 grounding of the fuel barge *North Cape* near Narragansett, Rhode Island. The spill was the largest in state history, causing the discharge of 800,000 gallons of No. 2 diesel heating oil. Located just over 100 yards

offshore from the Trustom Pond National Wildlife Refuge, the spill inundated several salt water marshes and ponds. Thousands of sea birds perished in the spill. The region's vibrant sea food industry was also shutdown because of contamination (Senate 2/14/96, 1-2, 58-59).

CHAPTER FIVE: HISTORIC PRESERVATION CASE STUDY

THE EMERGENCE OF HISTORIC PRESERVATION POLICY IN THE U.S.

Bottom-up and Top-down Issue Expansion

The national policy foundations of historic preservation in the U.S. began in the 1850s.[1] This early effort was devoid of federal participation. Rather, the policy evolved from the bottom-up, spearheaded through the desire of societal elites to protect historic structures. In the East, local womens' societies formed to preserve significant colonial and revolutionary period structures. By the turn of the century numerous architects, collectors, and antiquaries had joined in the effort to preserve historic properties. Wealthy philanthropists provided funding to purchase and maintain many of these structures. In the West societal elites joined with archeologists and anthropologists to preserve cultural icons. Among these were numerous Spanish period structures as well as prehistoric Native American ruins (Hosmer 1987, 5-6; Rothman 1989, 5-9, 35).

This diversity of attention manifested traits associated with a dynamic federal system. Historic preservation policy was a piecemeal affair, addressed within a number of partially autonomous venues. Among these were a plethora of local organizations and governments, and in some cases state governments. This had the advantage of creating policy outputs well suited to local and regional needs. However, national level indifference negated the possibility of formulating a comprehensive policy output

(Baumgartner and Jones 1993, 216-217). Congress and federal agencies expressed only fleeting interest in historic preservation. They perceived the issue as a subnational matter, best left to states and localities. This situation began to change in the early 1900s. Theodore Roosevelt's ascendance to the Presidency brought with it progressive era scientific management policies. Roosevelt supported a top-down management philosophy whereby federal policy experts implemented uniform social programs throughout the nation. Seizing upon this opportunity a cadre of archeologists and anthropologists, representing major universities and professional societies, spearheaded an effort to fashion a historic preservation statute (Rothman 1989, 34-36). These internationally acknowledged experts called for federal management as a means of protecting the scientific and cultural integrity of historic treasures. To further their cause, these experts developed an image of the issue in terms of national pride. Historic and prehistoric icons were said to provide a record of the American experience comparable to that found in Europe and the Middle East.

The 1906 Antiquities Act

Preservation advocates' use of symbolic imagery had the desired effect (Baumgartner and Jones 1993, 26). It evoked a patriotic response from many affluent urban Americans. Congress responded to public enthusiasm with the passage of the 1906 Antiquities Act. The act enjoyed broad support from a coalition of scientists, academics, federal agency officials, and concerned citizens. This diverse breadth of support was reflected in specific provisions and applications of the act. For example, the act authorized the President, at his discretion, to declare federal land parcels of historic, prehistoric, and scientific value to be national monuments. This provision met historic preservation advocates demands for designated historic sites under federal land management protection. The statute also provided scientific management advocates with a potent new tool in their attempts to promote an agenda of rational resources management on federal lands. Theodore Roosevelt, with support from progressives, designated large tracts of federal land as national monuments. Many of these designations, while including sites of historic or scientific value, were made to protect federal parcels against uncontrolled exploitation. The Antiquities Act had additional value as a tool of Congressional pork barrel politics. The Interior Department utilized the act as a means for pacifying vocal Congressional members who were agitating for a national park in their state or district (PL 59-209; Rothman 1989, 37-48, 52-54). The act likewise included provisions at the behest of professional societies and academicians. They wanted to protect sites against "pot hunting," but still insure scientific access to historic properties. Accordingly, the 1906 statute made it a crime for anyone caught excavating, appropriating, or destroying historic properties located on federal land. However, the law did authorize federal land managers the right to provide permits for legitimate scientific activities.

Despite its success as the product of effective coalition building, the 1906 act contained the impetus for turbulence in the historic preservation arena. The policy coalition was a fragile affair. It did not exhibit sufficient policy cohesion to garner the distinction of an issue monopoly. Coalition members support for the Antiquities Act were premised upon a number of disparate agendas which were not readily compatible with historic preservation. Roosevelt was accused of using the act to bottle up exploitable lands having little historic or scientific value (Runte 1987, 72-73). Historic preservation suffered because Congress failed to designate a single agency as the manager of monument properties. Instead, Congress left the care of monuments under the direction of the agency holding original jurisdiction for a parcel. Monuments were accordingly assigned to Forest Service, War Department, and after 1916, NPS management (Runte 1998, 98). This created a number of management disparities and opportunities for turf battles. For example, the War Department was only concerned about major battlefields and cemeteries east of the Mississippi. Other historic sites were considered to be of little consequence. The fledgling NPS, given management authority over all Interior Department monuments, at first paid limited attention to this responsibility. This changed after Director Stephen Mather promoted the concept of incorporating monuments as intermediary sites along highways linking national parks. Western historic monuments could provide an effective device for entertaining tourists during lengthy trips between crown jewel parks. Mather effectively created an image of national monuments as an integral feature of the national park system. National monuments, despite the misgivings of more esthetically oriented national park advocates, became a supporting component of the dominant national park image.

NEW DEAL ERA POLICY CHANGE

Agency Turf Battles and Competing Agendas

Mather's entrepreneurial actions, in combination with the above noted concerns, had the effect of generating turbulence within the policy arena. Beginning in the late

1920s, the NPS embarked on a campaign to secure administrative authority over non-NPS monuments. The NPS accused other federal agencies of ignoring their monument protection obligations (Foresta 1984, 131-132; Rothman 1989, 103, 190-191). The service portrayed itself as the rightful custodian of all federal historic sites. NPS historians, within the service's Division of Education, argued that other agencies were unsuited for the task of promoting the broader educational functions of historic preservation. NPS historians would use their expertise to interpret and develop a set of unifying historic themes. These themes would provide the citizenry with a means of linking the past and present, and provide inspiration for the future (Runte 1987, 219; Rothman 201-202). These emotive appeals had significant merit. They effectively coupled historic preservation, American patriotism, and NPS management expertise. The image built enthusiastic support for the Park Service as the appropriate bureaucratic venue for administering federal historic properties (Baumgartner and Jones 1993, 26, 59).

This effort gained a significant boost through the entrepreneurial actions of President Franklin Roosevelt. He openly expressed support for unifying monument management under NPS control. On June 10, 1933, President Roosevelt issued Executive Order 6166. This order transferred 64 national monuments to NPS management. Among these were historic battlefields, cemeteries, and structures. The NPS hailed the order as a win for historic preservation and the American citizenry. Closer scrutiny, however, suggests that support for the dominant policy image masked a series of competing agendas. Such active manipulation of a policy image is a common strategic tool in policy battles. It provides a mechanism for linking preferred outputs to problems currently on the institutional agenda (Baumgartner and Jones 1993, 28-29; Stone 1989, 299).

Speaking for the NPS, Director Horace Albright later admitted that political considerations had dominated his efforts to effect a new policy image and subsequent monument transfers. Albright saw the transfers as a way for the NPS to realize bureaucratic expansion and offset competition from the Forest Service (Runte 1987, 220). Albright's efforts, had the added advantage of dovetailing with agendas of the administration. Monument transfers fit within Roosevelt's goal of greater bureaucratic centralization. Single agency management and policy uniformity replaced prior decentralization. Likewise, the image depiction's education component coincided with Interior Secretary Harold Ickes' attempts to make the department an agent of New Deal employment prerogatives. The Secretary utilized the CCC make work mandate and funding to develop educational programs for newly obtained NPS historic monuments. This provided the NPS with an inexpensive means for acquiring the expertise of unemployed historians, archeologists, and architects (Rothman 1989, 202).

Policy Enthusiasm, Federalism, and Policy Change

Regardless of the competing agendas that Executive Order 6166 served, it helped promote a wave of enthusiasm. This development of enthusiastic support had important policy implications. It established a window for agenda access and subsequent opportunities for policy output change (Baumgartner and Jones 1993, 29, 84-85). Enthusiasm for historic preservation also manifested itself through a number of venues. Most distinctive, among these venues, was the federalism component. At the local level city governments, most notably Charleston and New Orleans, developed innovative programs to preserve historic neighborhoods. These policy innovations were disseminated to other localities. As such, they helped promote a web of policy uniformity and support across subnational jurisdictions (Baumgartner and Jones 1993, 217, 233).

The NPS used its CCC resources to support these subnational efforts. Historic preservation professionals were put to work documenting historic structures of state and local significance. This enhanced the formulation of overlapping layers of interdependence between levels of government. Professional experts applauded the employment opportunities created through locally directed preservation efforts. They mobilized to form national groups such as the American Association for State and Local History, and Society of Architectural Historians. These groups became staunch advocates of historic preservation innovations at the state and local level, thereby furthering policy interdependence and enthusiasm. Well heeled philanthropists also contributed to the effort. They provide funding for state and local historic site acquisitions and preservation (Hosmer 1987, 7-10, Glass 1990, xiii).

All of this enthusiasm, spurred broader public interest in historic preservation. Citizens mobilized, calling upon their elected officials in Congress to support historic preservation efforts. Not wanting to seem obstructionist, Congressional members responded positively to all the enthusiasm (Baumgartner and Jones 1993, 84, 175-176, 190). In Virginia and New Jersey, local historical societies and Congressional members succeeded in getting Congress to authorize several national historic parks. Issue nationalization, however, was not limited to the creation of a few parks. Various societies and philanthropists worked with NPS officials to develop a proposal for a new federal historic preservation statute (Hosmer 1987, 7-9).

Issue nationalization culminated in 1935 with the passage of the Historic Sites Act. The act's stated policy was to "preserve for public use historic sites, buildings, and objects of national significance..." (PL 74-292). The Interior Secretary was given broad powers to develop a national historic preservation program. Significant in this authority, was the NPS mandate to document non-federal historic properties. This role officially expanded NPS resources management stewardship beyond national park boundaries. The act was likewise significant for its continued support of previously mentioned competing agendas. Secretary Ickes and NPS proponents envisioned the act's acquisition provision as an opportunity to greatly expand the national park system. In contrast, many members of Congress perceived the act in terms of its ability to stimulate employment. The documentation and preservation of historic sites was relevant only because of its ability to create jobs (Hosmer 1987, 9).

COMPETING AGENDAS AND POLICY TURBULENCE

Policy Monopoly Formation and Collapse

Policy enthusiasm and federalism were key factors in the successful passage of the Historic Sites Act. These factors likewise promoted the establishment of an issue monopoly. Positive feedback in support of change prompted Congress to delegate significant bureaucratic autonomy. This autonomy provided the NPS with programmatic discretion to implement historic preservation policy as it saw fit. Congressionally delegated autonomy also instituted circumstances whereby future agenda access could be limited to those actors who helped to establish the policy monopoly. Under these conditions, the policy arena could potentially remain independent from broader political control for decades. Subsequent policy outputs would be incremental at most, reflecting the preferences of monopoly participants (Baumgartner and Jones 1993, 83-84). This scenario, however, did not play through to fruition. As Schattschneider (1960) points out, private policy conflict can often expand into the public sphere. This is particularly apt to happen when monopoly participants are in disagreement. Disgruntled participants will attempt to expand the scope of conflict to a broader public in order to redefine the agenda and institute changes that favor their preferences (Baumgartner and Jones 1993, 89). This appears to have been the situation with historic preservation policy.

Beginning in the 1950s, irreconcilable bickering over competing agendas disrupted the policy monopoly. Flaws in the existing policy status quo and accompanying dominant policy image were publicly aired. This opened the door to formulation of new policy images, agenda redefinition, and policy change. A new round of turbulence ensued as various actors attempted influence the policy process. This furthered the disintegration and collapse of the policy monopoly. Several factors, in addition to monopoly disunity, accounted for the issue arena turbulence. Robust economic expansion precluded the need for using historic preservation as a monetary policy stimulus. American foreign trade was booming. At home, pent up war demand coupled with the baby boom to fuel the production of durable goods and home construction. In the midst of this expansion, historic preservation was ignored. Plans for new plants and housing seldom considered historic properties. In addition, physical decay occurred as people relocated from cities to newly formed suburbs. Historic urban neighborhoods and business districts lost much of their former vitality (Glass 1990, xiii-xiv; Storey 1987, 21-22).

Massive federal public works projects constituted a second factor. During the 1950s, the federal government accelerated its 1930s public works precedent. Many of these new projects were implemented to support the growing economic expansion and suburbanization of America. A coalition of developers, city and state governments, and federal public works agencies pressed Congress to fund ambitious projects. Most pernicious among these proposals were demands for a federally funded interstate highway system. Highway advocates succeeded in convincing Congress and President Eisenhower to support the concept. Subsequently, in 1956, the Federal-Aid Highway Act became law. The act authorized the Bureau of Public Roads to spend billions of dollars to develop a national network of public highways. In the cities, historic neighborhoods were leveled to make way for highways. In the West, highway construction cut swaths across federal land. This often led to the destruction of nationally important historic properties (Glass 1990, 3-4).

The Housing Act of 1956 led to further destruction of historic properties. The act authorized the Housing and Home Finance Agency, to advance federal funds to local redevelopment entities. Much of this money was dedicated to the destruction and redevelopment of historic urban areas. The government's own real estate arm contributed to this process. The General Services Administration (GSA) instituted a program of destroying federal buildings from the 19th century, and replacing them with new structures.

The NPS, in its capacity as the federal government's primary historic preservation agency, was fairly powerless to stop this destruction. No sanctions could be brought against private or public projects that destroyed historic properties. Policy monopoly destruction inhibited the service's ability to wield political influence. The best the agency could do was use provisions of the 1935 Historic Sites Act to purchase threatened properties. Once purchased, these nationally important sites could be protected through their inclusion in the national park system. Stingy Congressional funding and the large expense associated with this tactic, made acquisition a dubious proposition (Glass 1990, 4-5). Historic preservation advocates needed a more potent weapon to offset destruction.

Group Mobilization in the Policy Arena

In response to these multiple threats, historic preservation advocates turned to group mobilization. Group mobilization provided a mechanism for offsetting the void created through policy disunity and dominant image destruction. In the late 1940s, historic preservation advocates concerned about an emerging pattern of destruction, resulting from development and public lands resources exploitation, agitated for the creation of a national organization. Delegates from a number of state and local organizations, professional societies, state historic agencies, and the NPS met in 1947. They discussed the need for a federally sanctioned organization dedicated to historic preservation. A complementary goal of the organization would be to expand public support of historic preservation. The concept became nationalized in 1949 when Congress adopted a statute providing a charter for the National Trust for Historic Preservation (NTHP) (Glass 1990, 6; Mulloy 1976, 10-11).

The charter language contained within PL 81-408, although grandiose and far reaching in appearance, was largely symbolic. Symbolism as a political strategy would continually plague historic preservation in upcoming years. Congress was sympathetic to the American heritage and virtues components of the historic preservation image. However, they were unwilling to back that sympathy with tangible benefits or action. Thus, the charter charged the non-profit NTHP with a multitude of tasks. All of these tasks were to be accomplished without federal financial assistance. Among these were citizen education, historic property identification, site preservation and management through acquisition or other arrangements. Instead of giving into dismay, Trust advocates decided on a plan of action to enhance their position. Primary in this regard was membership expansion. The NTHP focused on getting like-minded associations to become charter Trust members (Mulloy 1976, 12). They also worked on recruiting individual members. This mobilization strategy served two purposes. Robust membership would strengthen the Trust's advocacy efforts in the policy arena. The NTHP would speak as a single voice for individual historic preservation experts and groups across the nation. Mobilization had the additional advantage of bringing in much needed revenue. Membership dues coupled with substantial grants from philanthropic organizations provided much needed funding. Through this funding, the NTHP engaged aggressively in public education and outreach. It likewise used funding to lobby for more energetic historic preservation statutes.

Tone as a Tool of Preservation Advocacy

Media tone facilitated NTHP efforts to place historic preservation on the institutional agenda. Favorable media tone introduced the plight of historic preservation to a wider audience. This mobilization coupled with issue expansion to build opportunities for agenda access and policy redefinition (Baumgartner and Jones 1993, 51). The NTHP acted quickly to utilize the benefits of media tone. In 1949 the Trust established a quarterly newsletter, *Historic Preservation*. By 1952, publication had evolved into a comprehensive magazine. With its exhaustive format covering everything from travel and leisure, to current legislation and job opportunities, the magazine enjoyed a wide readership. The NTHP regularly hilighted articles on threatened historic properties. Editorials alerted readers to the destructive potential of pending highway projects and urban renewal policies. They also kept readers alerted to protection efforts, or lack there of, on federal recreation lands (Mulloy 1976, 16-18; Glass 1990, 6).

Trust efforts were assisted through growing media criticism radiating from newspapers, architectural publications, and popular books. Journalists, during the latter 1950s and early 1960s, began questioning the effectiveness of urban renewal programs. Urban renewal was characterized as a tool of neighborhood destruction, not revitalization. Projects were lambasted for their lack of aesthetic sensitivity. The attractiveness that architectural landmarks provided cities, was said to be giving way to a blight of indistinct urban uniformity. The negative tone of this heightened media coverage was beneficial to historic preservation advocates. Increased attention, stemming from negative tone, can be a decisive factor in policy change (Baumgartner and Jones 1993, 51). It helped stimulate growing demand among citizens for federal intervention to protect historic properties.

Negative media coverage likewise affected the positive image of public works projects. Many public works projects became understood as causing more harm than good. The subsequent establishment of linkages between the historic and natural environments enhanced this portrayal. Implicit in many articles was the understanding that historic properties were an intricate part of the human environment. As such, they were worthy of the same preservation effort being directed toward natural resources. This image necessitated the need to conserve and protect the historic environment on public lands; an area where federal land managers were said to be lax. The theme's acceptance was epitomized through its dominance at a 1963 national historic preservation seminar held in Colonial Williamsburg, Virginia. Seminar participants developed a statement of support calling upon the federal Urban Renewal Administration, and other federal land managers, and other agencies, to direct efforts towards preservation rather than destruction (Hosmer 1987, 11; Glass 1990, 6-7).

STATUTORY CHANGE IN THE POLICY ARENA

Maintaining the Status Quo

Despite turbulence and agitation for change, a strengthened historic preservation policy output did not appear. The issue, as defined in chapter two, never became nationalized. This despite the realization that between 1957 and 1962, several historic preservation proposals were submitted in Congress. Attempts to receive a committee hearing within Interior and Insular Affairs, the best potential venue for historic preservation, failed. These failures stemmed from several factors. First, many Congressional members were simply not interested in historic preservation. Cold war threats, an economic recession and recovery took precedence. Other members described proposals requiring that federal public works undertakings consider historic preservation, overly burdensome. The Housing and Home Finance Agency cultivated this perspective. Historic preservation considerations were portrayed as little more than bureaucratic red tape, inhibiting economic expansion. This image provided an effective foil to preservation advocate portrayals.

Historic preservation likewise suffered from a lack of entrepreneurial support within the executive branch. This inhibited taking advantage of the window of opportunity that the current turbulence provided. For example, under several of the proposals, the Interior Department would have been responsible for assuring that federal agencies complied with protection stipulations as a component of their construction planning. The Secretary's office, speaking on behalf of the Eisenhower administration, emphasized its opposition to this role. Nor was the NPS active in supporting any of the proposals. Although a professed advocate of historic preservation, NPS Director Conrad Wirth, was reluctant to assume a greater role in historic preservation. Wirth emphasized the need for using current Congressional authorized Mission 66 funds for improving the existing national park system, not expanding it. Wirth also insisted that potential urban historic parks and districts, as well as the broader external program role contained within various proposals, were outside the NPS mandate (Wirth 1980, 163-165, 274-276; Glass 1990, 6-7).

The prior catalyst provided through federalism was likewise missing. Many states and localities were enthusiastic supporters of transportation improvements and urban renewal during the early 1950s. Historic preservation was perceived as an impediment to progress. This attitude persisted into the late 1950s and early 1960s, despite the growing realization that irreversible cultural disruption and devastation was being wrought in many communities (Glass 1990, 3-4, 6; Storey 1987, 21).

The opposition arrayed against historic preservation made nonincremental policy change highly unlikely. However, this opposition could not be defined as a policy monopoly. Opposition members displayed little of the unity and cooperation typical of an issue monopoly. Policy indifference, other policy priorities, and the perceived negative effects upon disparate agendas led to the defeat of historic preservation reform. Historic preservation advocates were simply unable to invoke strategies sufficiently robust to mobilize support and overcome the numerous impediments to policy change.

A Nonincremental Policy Output

In 1964 a new window of opportunity for fashioning a nonincremental output opened for historic preservation advocates. This opportunity derived in large part from the prior environmental image portrayal of historic preservation developed during the 1950s. This image found renewed vigor in the Johnson administration. Historic preservation became defined as a component of the natural human environment. The issue was incorporated as part of a broader environmental agenda; an agenda perceived as requiring government action. Thus as the environment moved up to the forefront of the agenda, so did historic preservation (Baumgartner and Jones 1993, 27-28)

This incorporation was expedited through the entrepreneurial actions of Lady Bird Johnson, wife of President Lyndon Johnson. Ladybird's advocacy on behalf of historic preservation helped assure that the issue would be defined in a manner that favored the perspectives of protection advocates. In 1964, at the behest of Lady Bird, the President appointed a task force to report on the preservation of natural beauty. Included within this definition of natural beauty were historic properties. The task force recommended that a joint federal-state program be established for historic preservation. Advocacy for such a program was based upon the premise that cooperative federalism was needed to combat the numerous threats to historic preservation. It was also recommended that the NPS coordinate efforts for the protection of federal sites, and act as liaison with states and localities. The President forwarded these recommendations in a letter to Congress in 1965. He also announced that Lady Bird would chair a White House Conference on Natural Beauty in spring 1965. Invitees included the NTHP, numerous historic preservation organizations, professional practitioners, and government agencies at all levels. An important concluding recommendation of the conference, was a significantly enhanced national historic preservation statute (Hosmer 1987, 11-12; Glass 1990, 8).

This statutory recommendation was not a haphazard affair. Rather it was the product of a well devised plan to introduce a nonincremental policy output. Placement on the institutional agenda, did not assure that subsequent actions favored historic preservation change advocates. Lady Bird's entrepreneurial action had helped guarantee that the issue was defined from the perspective of preservation advocates. However, it did not assure that any subsequent policy outputs would favor historic preservation. Success, in this respect, demanded that preservation advocates develop and link their solution to the problem as currently defined (Baumgartner and Jones 1993, 28-29). Consequently, prior to the 1965 conference, historic sites advocates had embarked on the development of a solution which could serve as the basis for a new statute. Participating members included the NTHP, historic architects, the Joint Council on Housing and Urban Development, the U.S. Conference of Mayors, and Representative Albert Rains, Chairman of the Housing Subcommittee.

One common consensus among these participants was the need for greater federal intervention in historic preservation. The delegation of historic preservation to the subnational level had led to much policy innovation. These innovations, however, were insufficient for tackling problems resulting from federal actions. Federal funding for local development projects in the 1950s, had not contained stipulations requiring the protection of historic properties. Nor did the 1935 Historic Sites Act contain sufficient protections. These shortcomings necessitated the need for a uniform federal statute assuring that federal largesse would not be used to destroy the historic fabric of local communities. The solution coming from the Rains Committee--as the pre-conference effort became known--focused attention on the need for federal agencies to mitigate actions that threatened historic properties. This applied to both federally managed lands as well as federally financed projects on non-federal properties. The committee also supported creation of a National Register of Historic Properties. The register would provide a national repository of important state and local historic properties (Hosmer 1987, 11-12; Glass 1990 8-9, 12).

In making these recommendations the Rains Committee was not advocating the usurpation of state and local primacy through federal preemption. The exercising of autonomy garnered through federalism was perceived as a positive asset. State and local governments, with the assistance of historic preservation organizations, had a decades long record of developing successful historic preservation programs. Committee members felt that states and localities were the best venue for continued protection of many historic treasures. Instead they wanted the federal government to initiate decisive action which would curb the excesses of federally funded infrastructure development.

Perhaps not unexpectedly, all this high level issue attention coincided with renewed policy interest from the NPS. In 1964 George Hartzog succeeded Wirth as NPS Director. Hartzog was keenly interested in expanding the Park Service's bureaucratic authority. He latched onto the concept of historic preservation as a means for promoting this other agenda. Historic preservation facilitated bureaucratic expansion in two ways. First, it would make possible the acquisition of new sites for inclusion in the national park system. This could serve as justification for personnel increases and greater agency funding. Similar bureaucratic expansion could be realized if the NPS were given primary administrative responsibility for the National Register and related external programs. Hartzog therefore insisted that any external historic preservation programs, targeting states and localities, be administered through the NPS (Glass 1990, 9, 12).

In 1966 historic preservation finally became nationalized with the introduction of six proposals in the House and Senate. Among these proposals was an NPS drafted administration endorsed bill, and the Rains proposition. These proposals addressed the

NPS role in historic preservation, aid to states, and curbing federal agency destruction of historic sites. Another proposal dealt with the subject of making local urban renewal aid contingent upon favorable treatment of historic properties. The urban renewal bill received rapid consideration in the Housing Subcommittees of both chambers. However, bills dealing with NPS involvement and historic preservation on public lands were held up in House and Senate Interior Committees. Key members of these committees said historic preservation was not a vital issue in federal public lands management. Therefore they would not schedule hearings on the matter. This changed when NTHP member Gordon Gray made a personal plea to his good friend Henry Jackson (D-Wash.), Chairman of the Senate Interior Committee. Jackson scheduled a June 8 hearing date (Glass 1990, 17-19).

The opposition of vested interests to policy change became apparent during subsequent hearings. Economic development advocates objected to proposed section 106 provisions requiring a 60 day review of federal projects which threatened National Register sites. During this review period, conducted through an independent Advisory Council, no project funding would be released. Bureau of the Budget personnel said the provision could seriously interfere with the execution of federal programs. The bureau suggested that federal agencies be allowed to use their own expertise in mitigating threats. Alternatively, it was suggested that federal agencies simply consult the Advisory Council on an as needed basis. Military spokespersons, citing national defense considerations, wanted an exemption for all military properties. Western states development advocates feared potential threats to dam construction and related public works projects.

Responding to such comments, during a July 15 House National Parks and Recreation Subcommittee hearing, NPS Director Hartzog revealed the biases inherent in his alternative agenda. Hartzog stated his assumption that defense and water development projects would be exempt from proposed section 106 review stipulations. The same exemptions should apply to federal agencies project licensing autonomy. An NTHP spokesperson roundly criticized Hartzog's statement. The Trust was adamant that section 106 protection provisions apply to all situations involving federal properties, funds, or licensure (Glass 1990, 18-19; Senate Report 1363 1966, 6-8, 18).

This policy rift between Hartzog and the NTHP was implicit of the disunity which plagued historic preservation advocacy. Competing actors sought to utilize historic preservation as a means for realizing their own agendas. This strategy worked well during the 1930s when the agendas of competing actors were in relative harmony. It facilitated passage of the 1935 Historic Sites Act and the formation of an issue monopoly. However, these agenda disparities contributed to the monopoly disunity and collapse which plagued historic preservation during the 1950s and early 1960s. Economic pursuits, public works, and agency expansion goals clashed with historic preservation pursuits. Once again it appeared that policy disunity would torpedo attempts to realize a nonincremental output.

Ultimately, political logrolling managed to overcome policy disunity. In October 1966, Congress passed, and the President signed the National Historic Preservation Act (NHPA). Section 106 was reworded to offer the Advisory Council a "reasonable opportunity" to only comment on undertakings. Consequently, project go ahead would not be frozen during the review period. Federal agencies were to take into account the effects their undertakings would have upon National Register sites. The NPS was placated when Hartzog succeeded in having the Park Service director serve as Advisory Council overseer. Other stipulations expanded NPS authority, placing the service in charge of all historic site surveys, property registrations, grants to states and localities, and protection plans. The statute also contained language favoring tenets of federalism; namely, the continuation of state and local policy making autonomy. Federal agencies were charged with assisting, not usurping, state and local led historic preservation efforts (PL 89-665).

More Symbolism than Substance

By all outwards appearances, the NHPA was a nonincremental policy leap. The act contained language addressing major issues of concern to historic preservation advocates. In reality, the 1966 act suffered from an array of deficiencies which made the act more symbolic than substantive. For example, the Section 106 requirement that agencies consider the impact of their actions upon historic properties did not prevent an action from moving forward. Agencies were merely required to show that they had considered historic preservation in the planning process. This review applied primarily to federally funded projects on non-federal land. Federal land managers remained free to ignore historic preservation concerns on their properties.[2] Likewise, Advisory Council review carried no official weight. Federal agencies could simply choose to dismiss Council advise. Ultimate project decision making authority remained with respective agencies. Federal agency personnel viewed the Council as little more than symbolic trimming constituting unnecessary red tape and wasted time. Subsequently, Advisory

Council consultation was seldom sought. Between 1966 and 1973 the Advisory Council only reviewed 400 cases. This represented a fraction of the number of historic properties warranting attention (Kanefield 1996, 7; Storey 1987, 22-25).

The symbolic nature of the NHPA was likewise evident in the amount of program funding linked to the statute. The 1966 act incorporated provisions for federal grants-in-aid to fund state and local level historic preservation (PL 89-665). However, in order for funding to be appropriated the executive had to make an annual request from Congress. This hurdle contributed to a meager flow of grant monies for state and local level historic preservation. In lieu of the $2 million to $10 million annually authorized during the first four years of NHPA implementation, annual Congressional appropriations amounted to a few hundred thousand dollars. By the early 1970s, the NPS administered grants program was nearly dead for lack of money (Glass 1990, 37-38).

Despite these shortcomings, the 1966 NHPA had political value. The act's symbolic language was sufficient to temporarily satisfy historic preservation advocates demands for policy change. It facilitated the creation of an image of greater protection in the policy arena. Likewise, provisions in the law requiring that the Advisory Council provide an annual report to the President, created opportunities for hilighting threats. Magazines such as the Trust's *Preservation News*, utilized these reports to draw public attention to ongoing destruction of historic properties (Mulloy 1976 124-125). The negative tone and unwanted publicity generated through these mechanisms occasionally forced agencies to revise their plans. Actions were taken to limit or prevent destruction to historic properties (Glass 1990, 44-46; Storey 1987, 24). Generally speaking, however, the act served to reinforce the status quo. Development proponents could claim that they had positively responded to demands for change in historic preservation policy. This claim required little substantive action on their part. Yet, the statute created an image that had the desired effect. Between the passage of the NHPA and 1972, historic preservation entered a period of relative equilibrium (Table 5.1). Historic preservation advocates had been temporarily placated.

TURBULENCE AND CHANGE IN THE 1970s

Policy equilibrium unraveled in 1973, when Congress initiated hearings to amend the NHPA.[3] Between 1973 and 1976, eight historic preservation policy hearings were conducted (Table 5.1). With the exception of a 1976 hearing in the House Subcommittee on Historic Preservation and Coinage, hearings were limited to respective subcommittees on national parks and recreation. Jurisdictional expansion and venue shifting with in subcommittees was therefore, extremely limited. Still, subcommittee hearings nationalized historic preservation through their consideration of five legislative proposals. Key provisions of these various proposals included the protection of historic trails, state and federal matching grant formulas, and creation of a national historic preservation fund (House 7/28/75; Senate 6/19/75; Senate 8/2/74).

Federalism and Turbulence

This issue turbulence and subsequent nationalization manifested from a number of factors. Primary among these were influences wrought through federalism. The NHPA state and local grant funding mechanism facilitated the development of a web of interdependencies between levels of government. This interdependence simplified the

TABLE 5.1 LONGITUDINAL OVERVIEW OF DATA SET 1968-1996 FOR GAUGING HISTORIC PRESERVATION POLICY TURBULENCE

Year	Number of Hearings	Subcommittees	Agencies	Groups	Citizens	Media
1996	1	1	7	9	240	40
1995						26
1994						19
1993						23
1992	2	2	9	12	3	35
1991	4	3	19	12	24	26
1990	3	2	8	16	12	23
1989						24
1988	1	1	4	7	12	24
1987						27
1986	2	2	7	8	1	41
1985	1	1	14	6	2	35
1984	1	1	7	2	4	9
1983						6
1982						39
1981						35
1980						36
1979						30
1978						33
1977						37
1976	2	1	5	2	2	37
1975	3	2	27	27	1	22
1974	2	2	12	13		22
1973	1	1	6	1		14
1972						13
1971						8

Year	Number of Hearings	Subcommittees	Agencies	Groups	Citizens	Media
1970	1	1	12	6	1	11
1969						18
1968						15

Source: Congress. House and Senate hearings 1968-1996
Coding Scheme: Hearings refer to number of hearings focusing on historic preservation policy. Subcommittees refers to number of committees/subcommittees holding historic preservation policy hearings during a calendar year. Agencies, groups, and citizens participation measures the number of organizations and activists testifying at respective hearings. Media counts are the number of historic preservation policy articles found through a *Readers' Guide* subject search.

dissemination of information across jurisdictions. It likewise enhanced the potential coordination of bottom-up mobilization in favor of national policy change (Baumgartner and Jones 1993, 216-217, 233).

Following the 1966 act's passage, 20 states fashioned statutes establishing historic preservation agencies. Personnel within these agencies were charged with coordinating state participation in the NPS administered federal grants-in-aid program. In addition, 144 cities had created historic districts. The continued viability of these districts was dependent on federal aid. Thus, in the early 1970s, state historic preservation liaisons and local governments organized in order to secure greater federal grant funding. The resulting National Conference of State Historic Preservation Officers (NCSHPO), lobbied Congress for increased appropriations. The National Trust and an interest group coalition known as Preservation Action soon joined the NCSHPO. They lobbied Congress to create a special fund from which yearly appropriations could be made for historic preservation (Glass 1990, 59-60; Mulloy 1976, 97).

These lobbying efforts were augmented through a flurry of subcommittee testimony. Between 1973 and 1976, 20 state and local agencies provided testimony in favor of amending the 1966 NHPA (Table 5.2). Agency representatives stressed the need for greater federal funding in support of state and local preservation efforts. For example, during testimony at a July 1974 House Subcommittee on National Parks and Recreation hearing, state agency spokespersons provided empirical evidence of state willingness to jointly provide $140 million in grant matching funds. This was seven times the amount that the federal government was willing to provide (House 7/30/74, 1, 12, 18, 30,). State

TABLE 5.2 PARTICIPATION OF GOVERNMENT AGENCIES IN HISTORIC PRESERVATION CONGRESSIONAL HEARINGS 1968-1996

Year	Federal	State	Local	Other
1996	3	2		2
1995				
1994				
1993				
1992	3		1	5
1991	5	4	9	1
1990	3	4	1	
1989				
1988	1	1	2	
1987				
1986	6	1		
1985	13	1		
1984	6		1	
1983				
1982				
1981				
1980				
1979				
1978				
1977				
1976	5			
1975	14	5	7	1
1974	5	4	3	
1973	4	2		
1972				
1971				
1970	6	5	1	
1969				
1968				

Source: Congress. House and Senate hearings 1968-1996 and local agencies also raised concerns over the Nixon administration's revenue sharing proposal. The administration proposed to create a special revenue sharing program which would target federally designated programs at the state and local level. Preservation advocates feared that unless historic preservation was included as eligible for special revenue sharing, it would be left out. Subsequently, revenue sharing became incorporated in the historic preservation lobbying effort (Mulloy 1976, 113-114).

In effect, this escalated level of state and local agitation exemplified the dynamism that federalism can bring into the policy arena (Baumgartner and Jones 1993, 217). NHPA grant provisions stimulated positive feedback. States and local governments developed programs to take advantage of anticipated federal funds. State and local efforts likewise moved beyond stipulations of the 1966 NHPA. Programs were developed to meet the unique needs of varying locales. However, the interdependency that now typified federal, state, and local government policies, assured that successful actions adopted in one venue would spread across jurisdictions.

The policy turbulence and window of opportunity generated through federalism, contributed to a wider multifaceted bottom-up mobilization. For example, additional positive feedback in support of policy change came from local minority advocates and young, well educated, middle-class professionals. During this period civil rights advocates made demands for the preservation of historic minority communities. Many minority neighborhoods had been targets of urban renewal during the 1950s and 1960s. Civil rights activists advocated historic preservation as a means of protecting minority neighborhoods. This policy perspective quickly spread, gaining community adherents across the nation.

Likewise supportive of the heritage aspects espoused in historic preservation, young professionals were primarily interested in economic considerations. They viewed their respective communities architecturally distinct older structures as a status symbol. These buildings constituted a distinct alternative to the uniformity of modernist structures. This distinction, in combination with high demand, made historic structures a worthy local economic investment. Because of this, developers who had previously advocated the bulldozer, were transformed into advocates of community restoration proposals. Studies likewise showed that historic districts, both commercial and residential, commanded higher property values and tax revenues. These economic revelations caused revenue sensitive states and local officials to respond with preservation friendly regulations. By the early 1970s, this resulted in numerous innovative statutes going well beyond federal provisions. Among these were laws protecting entire districts from destruction, new zoning ordinances, and the creation of historic preservation commissions (Reichl 1997, 516-519).

Other Turbulence Catalysts

The policy turbulence that developed from dynamic federalism was reinforced through other influences. Between 1973 and 1976 a diverse coalition of groups joined forces to demand action on historic preservation policy. These groups, representing historic preservation, environmental protection, and outdoor recreation, spoke out overwhelmingly in favor of historic site protections. During hearing testimony, 1973 to 1976, 41 groups expressed their support for historic preservation (Table 5.3). Not a single group submitting testimony spoke in opposition to strengthening the 1966 NHPA.

TABLE 5.3 PARTICIPATION OF INTEREST GROUPS IN HISTORIC PRESERVATION HEARINGS 1968-1996

Year	Pro-Exploitation/Industry	Pro-Resources Protection	Other
1996	2	7	
1995			
1994			
1993			
1992		10	2
1991		11	1
1990		14	2
1989			
1988		7	
1987			
1986		8	
1985		6	
1984			2
1983			
1982			
1981			
1980			
1979			
1978			
1977			
1976		2	
1975		26	1
1974		13	
1973		1	
1972			
1971			
1970		6	
1969			
1968			

Source: Congress. House and Senate hearings 1968-1996
Coding Scheme: Based on context of group's hearing testimony toward policy monopoly.

This unity was in part a manifestation of economic development proponents renewed support of historic preservation; as had occurred during the 1930s. The unity was likewise facilitated through a reassertion of the linkages between historic preservation and the protection of natural settings. In 1974 and 1975 coalition members provided testimony favoring the amendment of the Land and Water Conservation Fund Act of 1965. The strengthened fund would provide additional monies for public lands protection as well as the protection of historic properties. In particular, funds would be used for the purchase of additional recreation and historic properties (Senate 2/11/75; Senate 8/2/74).

Finally, policy change benefitted from the positive tone evoked through renewed media interest. Beginning in 1973 the NTHP launched a series of public advertisements in respected journals and magazine publications. These adds touted the virtues of historic preservation for present and future generations. These positive image portrayals contributed to a boost in Trust membership and preservation donations. This campaign followed on the heels of the U.S. Postal Service's release of four historic preservation commemorative stamps (Mulloy 1976 140-141). Such positive exposure coincided with an expansion in media coverage. Journalists tapped into the public's growing interest in historic preservation. Sources as diverse as *U.S. News and World Reports*, *American West*, *Mechanics Illustrated*, and *National Parks Magazine* featured articles on historic preservation. Many of these stories invoked a "feel good" image, espousing both the community and economic virtues derived from historic preservation. Far fewer articles assumed a critical tone (Table 5.4a). This was largely because of the renewed support for historic preservation among economic development advocates.

TABLE 5.4a TONE OF MEDIA COVERAGE FOR HISTORIC PRESERVATION POLICY

Year	Industry Positive	Industry Negative	Neutral/Uncodable
1996		6	34
1995		2	24
1994		5	14
1993		3	20
1992		5	30
1991		3	23
1990		3	20
1989		4	20
1988		3	21
1987	3	1	23
1986	2		39
1985		2	33
1984	1		8
1983	1		5
1982		6	33
1981	1	5	29
1980		4	32
1979	1	3	26
1978		4	29
1977		4	33
1976	1	4	32
1975		2	20
1974	1		21
1973			14
1972			13
1971			8
1970			11
1969			18
1968			15

Source: *Readers' Guide to Periodic Literature*
Coding Scheme: Articles coded based on tone of title.

TABLE 5.4b TONE OF MEDIA COVERAGE FOR HISTORIC PRESERVATION POLICY

Year	Industry Positive	Industry Negative	Neutral/Uncodable
1996			5
1995		1	9
1994	3		6
1993	2		4
1992			6
1991	1		10
1990	1	1	5
1989			9
1988	2		1
1987	1		1
1986	2		2
1985	2	2	8
1984			11
1983	4		23
1982	1		4
1981			3
1980		1	3
1979			2

Source: IAC National Newspaper Index
Coding Scheme: Articles coded based on tone of title.

The 1976 Policy Change

In 1976 a policy output change was effected when Congress passed and the President signed an amendment to the 1966 NHPA. Enthusiasm, coupled with a lack of organized opposition, caused elected officials to embrace this policy change (Baumgartner and Jones 1993, 84-85). However, this wave of enthusiasm did not result in nonincremental change. Instead, this output change was incremental and symbolic in design. For example, Title II of the amendment created a National Historic Preservation Fund (PL 94-422). State and local governments as well as the National Trust, had pressed for this fund as a means of providing a reliable source of grant monies for historic preservation. Creation of the fund placated this agitation. Funding would be secured through a portion of surface leasing receipts under provisions of the Outer Continental Shelf Lands Act. These monies would be used for the acquisition, maintenance, repair, and administration of historic properties. However, funds could not be passed onto the NPS for further distribution without Congressional appropriation. The amorphous nature of this provision soon became apparent. By the early 1980s, neither the President or Congress was willing to continue with 1976 funding commitments.[4] This was especially disturbing to states and localities which had accepted primacy for NHPA program administration (GAO 1985, 1, 3-4). This loophole in the funding mechanism was typical of the inadequacies in the 1976 amendment.

Widespread enthusiasm manifested other instances of incremental and symbolic change. As predicted in the punctuated equilibrium model, enthusiasm resulted in elected officials' willingness to delegate greater authority to government agencies (Baumgartner and Jones 1993, 84-85). Primary in this regard was the strengthening of the Advisory Council. This agency enhancement was noteworthy for its lack of oversight attributes. The council was not provided with the necessary enforcement or procedural mechanisms, forcing federal agencies to consider potential harm to historic properties as part of their development plans. Rather the amendment included much touted language designed to enhance the Advisory Council's administrative independence. For example, the amendment stated that the Council would concurrently transmit all legislative recommendations directly to the President and Congress. The Council was not required to submit its recommendations or Congressional testimony to any other agency for approval or comment. In addition, the amendment dissolved the NPS director's role as overseer of the Advisory Council. Henceforth, the President would appoint the Council director (Storey 1987, 30-31; PL 94-422).

This shifting of authority between the Advisory Council and the NPS represents a component anticipated in the punctuated equilibrium model. Waves of enthusiasm encourage the creation of program authority to enact solutions. At the same time, enthusiasm encourages the dismantling of existing subsystem components targeted for criticism (Baumgartner and Jones 1993, 84-85). Criticism of the NPS had much to do with the service's continued pursuit of an alternative agenda. The Park Service had portrayed its administrative role of historic preservation as one of neutral competence. In reality, the NPS remained steadfast in the utilization of historic preservation as a tool of agency expansion.[5] Accordingly, between 1967 and 1976, the NPS acted as a policy gatekeeper. NPS experts overruled or ignored Advisory Council recommendations that clashed with service priorities (Glass 1990, 62; Storey 1987, 27-28). State and local agency agitation met with similar stonewalling.

The NPS likewise incurred problems through use of its authority as a means of ingratiating itself to members of Congress. The service was very responsive to Congressional members requests for the creation of new historic parks within their respective districts. Many of these historic sites were of questionable integrity. Also questionable were the large pork barrel restoration appropriations tied to many of these parks.[6] Vocal preservation advocates criticized such parks as being created for the economic boost they provided, not their historic integrity. In the midst of such criticism, benefitting Congressional members failed to come to the defense of the NPS. Members realized that the wide latitude the NPS had provided in determining whether a proposed site was historic, precluded the need for service input. Rather than rely on service expertise for justification, members desiring a historic park, could simply sight similar examples within the existing system. Furthermore, the economic boost provided through these pork barrel projects shielded members from external criticism. Constituents, eager for economic boosts during the stagflation plagued 1970s, were willing to overlook the formalities of historic integrity (Foresta 1984, 144-145, 147-152).

Issue Monopoly Absence

While noteworthy for its failure to evidence a nonincremental policy output, the circumstances surrounding the 1976 amendment were likewise remarkable for failure to stimulate the emergence of a new issue monopoly. Policy enthusiasm encompassing support from states and localities, historic preservation groups, minorities and young professionals, and local economic interests favored the development of a new issue monopoly. However, this enthusiasm was limited to narrowly defined interests. Many state and local boosters were only concerned about securing benefits for their community. They were not interested in the broader national policy components of historic preservation. This particularistic interest was reflected in the pork barrel politics of Congressional members. Historic preservation was a good thing so long as it derived benefits to the folks back home. Such narrowly defined criteria also dictated NPS participation in the policy arena. The development of an issue monopoly was further thwarted through the outright hostility of policy devolution advocates and fiscal conservatives within Congress and the subsequent Reagan administration. Federal land managers, the U.S. military, and federal public works agencies likewise remained hostile to historic preservation. They were persistent in equating historic preservation with the usurpation of management authority and unnecessary red tape. Consequently, an issue monopoly failed to emerge.

EQUILIBRIUM IN THE POLICY ARENA

The 1976 amendment to the NHPA marked the onset of an extended period of policy equilibrium. Between 1977 and 1983 not a single subcommittee hearing occurred in the historic preservation policy arena (Table 5.1). There were several reasons for this maintenance of the status quo. First, is the realization that while the incremental provisions contained in the 1976 amendment did not fully satisfy historic preservation advocates, they were sufficient for the time being. Also, as mentioned in prior chapters, other agenda matters took center stage during this period. The Carter and Reagan administrations were both busy grappling with economic matters. Early Reagan administration federal land exploitation prerogatives caused a series of historic and natural resources protection threats which had to be combated (Durant 1992; Glass 1990, 62). Passage of the Alaska National Interest Lands Conservation Act in 1980, redirected resources protection efforts to this massive 104.3 million acre set aside (PL 96-487).

This is not to imply that there was a paucity of action in the policy arena. Historic preservation policy continued to be utilized to satisfy the needs of disparate narrow interests. In the late 1970s, Congressional members began lumping proposed historic parks into large omnibus bills. A good example of this was the Omnibus Bill of 1978. This pork barrel proposal was guaranteed through a something for everyone approach. Members attached enough pork onto core packages to ensure passage. Environmental proponents and the NPS were placated through the inclusion of monies or land acquisitions for wilderness improvements. Many NPS historians and historic preservation advocates resigned themselves to belief that there was no sense in fighting battles they were certain to loose (Foresta 1984, 151, 154-155).

Further evidence of the negative effects from the equilibrium which beset historic preservation during this period was the fashioning of a symbolic policy output. In 1980 Congress amended, without formal opposition, the NHPA. The minimal interest associated with the amendment, was evidenced through an absence of subcommittee hearings (Table 5.1). One provision of the amendment reduced the size of the Advisory Council from 29 to 19 members. This change exemplified the continued influence of federalism upon the policy arena. It provided state historic agencies with a greater say in the historic properties review process. However, such review still remained advisory; there were no enforcement provisions. Other key stipulations represented a simple codification of provisions contained within Executive Order 11593. Section 110 directed federal land managers to assume responsibility for historic properties under their jurisdiction. Included in this was the establishment of historic preservation programs and the nomination of eligible properties to the National Register. Nonetheless, specific procedural compliance stipulations were sketchy. Agencies were simply instructed to undertake planning actions so as to minimize harm to historic properties and obtain Advisory Council recommendations on proposed undertakings (GAO 1988, 2-3; Kanefield 1996, 9). Ultimate decision authority remained with federal land managers. Follow up analysis described federal agency compliance with section 110 stipulations as haphazard and of secondary importance (Ramirez and DeGarmo 1987, 96-97). Federal land managers continued to have woefully inadequate historic preservation staffs and protection programs (GAO 1988, 3; Storey 1987, 32-33, 41-42).

POLICY TURBULENCE AND INCREMENTAL CHANGE PROPOSITIONS

In 1984 policy turbulence reemerged (Table 5.1), as proponents advanced a number of incremental changes for historic preservation. These proposals, although nationalized, were closely linked to narrow policy interests. For example, in 1984, the Senate Subcommittee on Public Lands and Reserved Water conducted hearings on HR 2889. This proposal called for special funding to support the maintenance of select federally owned historic structures and their private nonprofit occupants. An Interior

Department representative spoke out against these stipulations. Such funding would only add to the inappropriate costs and mission additions that the NPS was already being asked to absorb. Instead the department suggested that the Park Service's role be limited to providing historic preservation technical assistance (Senate 6/28/84, 56). Following on the heels of this bill were proposals in 1985 and 1986, linking foreign aid to historic preservation. Specifically, foreign aid development projects were to comply with the same protections afforded to natural and historic resources in the U.S. (House 10/8/85; House 10/2/86, 5).

The limited scope of these proposals stymied the generation of the broader disturbance evidenced in previous turbulent periods. For example, the number of subcommittee hearings and participating subcommittees was less than in the mid-1970s turbulence (Table 5.1). Agency participation was less robust, with far fewer state and local agencies taking part in subcommittee hearings (Table 5.2). Compared to the mid-1970s, interest group participation was likewise far less robust (Table 5.3). In contrast, media attention was robust (Table 5.4a and 5.4b). However, the tone of this coverage was generally neutral. Industry positive articles espoused the beneficial working relationships that had emerged between property developers and historic preservation advocates. Essentially, minimal external participation resulted in feedback that limited dramatic upheaval in the policy arena. No opportunities were presented for the development of competing image portrayals, issue expansion, or redefinition of the policy agenda. Nor were there opportunities provided to shift the policy venue or generate multi-sided mobilization. Consequently, policy stability dominated historic preservation during the mid-1980s (Baumgartner and Jones 1993, 25-29, 37).

DRAMATIC TURBULENCE AND NONINCREMENTAL CHANGE

Federalism

In 1990 dramatic turbulence manifested itself in the historic preservation policy arena. This turbulence was stimulated through the emergence of divisive issues on the institutional agenda. Federalism served as a primary catalyst. State and local governments began bottom-up agitation for a broader federal role in the protection of religious sites. In prior years, states and localities had served as the primary venues for protecting historic churches, synagogues, and other places of worship. Acting with the cooperation of local preservation organizations, these governments had developed innovative funding and tax incentive mechanisms for protecting these historic properties. Now they were pressing for a larger federal role, despite implications raised through the constitutional separation of church and state (Senate 9/5/91, 2, 58-60; House 3/12/90, 1-2, 16-17, 90). Another issue of contention was the perceived need for strengthening the NHPA. Proponents spoke of the need for a team approach to historic preservation whereby states and localities would have a greater role. Energizing historic site protection stipulations in section 106 of the NHPA was also a matter of concern. Other individuals cited the need for creating a new independent historic preservation agency, free from NPS internal partisanship (Senate 9/5/91, 2, 58-60; Senate 2/22/90; Senate 5/19/90). Similarly contentious issues focused on the need for improved support of the historic preservation fund, and a strengthened compliance role for the Advisory Council (House 4/28/92; Senate 3/19/92).

On the majority of these issues federalism had provided venues which stimulated demands for policy change. Semi-autonomous states and localities served as laboratories of change during the 1980s (Senate 9/5/91, 2). These various governments became linked through the dissemination of successful policy innovations across jurisdictions. Dissemination combined with provisions of the NHPA to strengthen the web of interdependencies between levels of government. Such factors made it possible for historic preservation to quickly escalate onto the institutional agenda when turbulence ensued in 1990 (Baumgartner and Jones 1993, 217). Subsequently, when historic preservation became nationalized--through House and Senate subcommittee consideration of six bills--states and localities played an instrumental role. Of the 36 agencies testifying at hearings, between 1990 and 1992 (Table 5.1), 19 represented state and local governments. An additional six non-federal agencies offering testimony included representatives from various Native American tribal entities (Table 5.2).

The dynamism generated through federalism was evident in other ways. Congressional members, responding to state and local pressure, chose to conduct some of their hearings outside the Washington, D.C. beltway (Senate 9/5/91; Senate 2/22/90 and 5/19/90). This provided local advocates with the chance to express their support for historic preservation. Among these advocates were representatives from local utility providers, realty developers, architectural associations, historic preservation societies, and ordinary citizens. These advocates espoused the economic and cultural values stemming from historic preservation. They called upon the federal government to take a more active role in local preservation efforts (Senate 9/5/91, 72, 74, 79, 93, 99).

Other Policy Actors

Interest group mobilization and media attention favoring policy change likewise became evident during the early 1990s. During Congressional hearings, 38 groups spoke out in favor of historic preservation. These groups represented a diverse cross-section of economic and preservation interests. In contrast, not a single group provided testimony favoring the destruction of historic properties (Table 5.3). Media coverage, in contrast to the mid-1980s, assumed a more critical tone of current federal policy. Pundits as diverse as *U.S. News and World Reports* (1990) and *Art News* (1990) deplored the federal government's dismal leadership role in the historic preservation arena. Such articles called for the passage of federal laws incorporating the innovative partnering, funding, and protection stipulations contained in state statutes. A more limited number of articles, while often acknowledging improvements, chastised those developers who still took a bulldozer approach to urban renewal (Table 5.4a and 5.4b).

Critical media tone also spilled over to federal land managers. This focus on land managers signified an important point in the policy debate. It expanded the debate through a critical image portrayal of federal land management protection practices (Baumgartner and Jones 1993, 25-26, 51). For example, a 1990 *U.S. News and World Reports* feature article, took aim at federal land managers for their inadequate historic preservation efforts. Agencies were criticized for their failure to creatively combine scenic easements and property trade-offs with traditional outright purchases as mechanisms for protecting national treasures (1990, 37-38). Other typical problems cited included federal land managers' blatant neglect of national historic landmarks under their care. This had resulted in the decay and destruction of irreplaceable historic properties.

On a more positive note, the media hailed NPS efforts in cooperation with the Lakota tribe to incorporate the 1890 Wounded Knee massacre site into the park system (Simon 1991, 24-29). Likewise, the Bush administration's authorization, through the Interior Department, of $20 million for the restoration of historic Black land grant colleges received high marks (*Jet* 1992, 17). These articles, however, had negative repercussions for federal land managers in that they focused attention on shortcomings in protecting the historic heritage of Native Americans and ethnic minorities.

Such issue expansion is typical when highly charged policy disruption occurs. Rapidly changing media tone, in combination with venue shifting and new image portrayals, amplifies policy turbulence. It generates positive feedback facilitating agenda access and redefinition. This in turn, raises the probability of a nonincremental policy change (Baumgartner and Jones 1993, 36-37). Subsequently, it happened that in 1992, Congress passed and the President signed an amendment to the NHPA.

Policy Implications of the 1992 Amendment

The 1992 NHPA amendment was a nonincremental policy change. The amendment's regulatory enforcement provisions went well beyond the symbolic language of past stipulations. Federal land managers, per changes in sections 106 and 110, were now required to establish a historic preservation program. Included in this program was the identification and protection of historic properties. Such plans required consultation and the development of appropriate management agreements through participation of the

Advisory Council, relevant state and local agencies, as well as tribal entities. Federal agency heads, and their delegated subordinates, were made responsible for providing a written record of said procedural compliance. Agencies were also directed to withhold grants, licenses, or permits to any applicant who intentionally adversely harmed or altered historic properties. This latter provision was in deference to states and localities insistence that federal monies not be utilized for development projects which destroyed the historic fabric of a community. Finally, the amendment established a broader participatory role for Native Americans. Tribal entities were deemed eligible recipients of historic grant funding and provided with the means for establishing federally approved preservation agencies (NPS 1993, 1, 6; Kanefield 1996, 7, 9-10).

The implications of this nonincremental policy change were enormous. For example, in a 1997 interagency planning group meeting series, federal land managers, State of Colorado land managers, local government officials, and historic preservation representatives struggled to develop a management program in compliance with federal and state historic preservation stipulations.[7] The vitality of federal historic preservation compliance provisions was evident throughout the course of discussion. Land managers were especially interested in discussing the implications of statutory compliance for flexibility in management decision making. They expressed concern that historic preservation matters not usurp agency missions. Managers were also keen to discuss the various sources of support and resources available to aid them in implementing a historic preservation program (Kurtz and Jones 1998, 1, 13-14). Such considerations had, generally speaking, been non-issues for many land mangers prior to 1992. The onus of agency procedural responsibilities, record keeping, and fund withholding provisions incorporated in the 1992 amendment, changed this status quo. Agencies were now under a much more stringent obligation to comply or suffer adverse consequences ranging from official condemnation to court ordered action.[8] Accordingly, agencies initiated serious efforts to implement compliance programs after 1992.

The 1992 NHPA amendment initiated a new equilibrium in the historic preservation policy arena (Table 5.1). The amendment incorporated major provisions that advocates had long deemed necessary to effective historic preservation. Because of this, much of the policy attention during the ensuing years has focused on implementation of the 1992 amendment. While significant progress has been made, this policy phase has not been without controversy. For example, a 1995 GAO analysis stated that the NPS did not have sufficient baseline data on its historic resources. Many historic properties, despite ongoing restoration efforts, were being ignored. Likewise, national park managers needed to be held more accountable for destructive actions taken within their respective parks (Joint Hearing 7/3/95, 11-12). Policy implementation has also raised questions regarding the mandated actions stipulated in the 1992 amended NHPA. Some legal authorities have asserted that federal land manager compliance procedural stipulations are limited in their effectiveness. Agencies are mandated to consult and take all necessary actions to avoid an adverse effect to historic properties. However, if no prudent alternatives exist then agencies are within their rights to destroy a historic property (Slade and Stern 1995, 138-140). Such revelations suggest the very real possibility of significant turbulence in the issue arena within the foreseeable future.

Finally, these divulgences raise questions over the development of an issue monopoly in the policy arena. The 1992 amendment was made possible through the efforts of a state and local led coalition. Whether this coalition will emerge as a viable policy monopoly remains problematic. Many of the old animosities which inhibited historic preservation policy still remain viable. Individual Congressional members continue to use historic preservation as a source of local pork barreling. Many federal agencies have only reluctantly embraced historic preservation, undertaking only those compliance stipulations that are unavoidable. Furthermore, a 1996 House National Parks, Forests and Lands Subcommittee hearing illustrated continued divisiveness in the policy arena. Private property rights advocates and commercial mining interests objected to a proposal which would have generated additional red tape and inhibited development. Several federal agencies and their supporters testified against the recent historic designation of Native American sacred sites located on federal land. They wanted such sights de-designated because the sites failed to contained human made artifacts. More to the point, was the realization that once designated, such sights precluded resources exploitation. Thus it appears that historic preservation policy continues to suffer from internal and external divisiveness. These factors could realistically inhibit the formation and perseverance of an issue monopoly within the historic preservation arena.

FINAL REMARKS

The analysis of the historic preservation policy arena provides congruence with elements of the punctuated equilibrium model. Longitudinal qualitative and quantitative data provide evidence of periods of equilibrium and turbulence as predicted in the model.

Turbulent episodes were associated with increased participation from a number of actors in the policy arena. For example, turbulence in the 1930s, mid-1970s, and early 1990s saw increased participation among government agencies, groups, and interested citizens. Federal, state, and local agencies mobilized to protect and promote their vested interests. Various agency and citizen interests while sometimes complementary, were more often in conflict. Interest group participation was much more uniform in support of historic preservation policy. National, regional, and local groups promoted the protection and preservation funding of historic sites across the nation.

The formation of an issue monopoly after 1935, demonstrated additional model congruence. Policy enthusiasm and coalition unity coupled with Congressional and administration support to secure passage of the 1935 Historic Sites Act. The act, as predicted, contained stipulations deferring discretionary autonomy onto relevant bureaucratic entities and their supporters. These circumstances facilitated the formation of an issue monopoly having the potential to dominate policy into the foreseeable future. The subsequent collapse of this monopoly, fueled through publicly voiced bickering among monopoly participants, also finds congruence with the model. As does the resulting failure to realize the emergence of a new issue monopoly in future years. The punctuated equilibrium model acknowledges that the common phenomena of broader issue networks, in recent decades, inhibits the formation and maintenance of issue monopolies. Issue networks offer greater opportunities for the entrance and egress of policy actors in the arena. Because of this, monopoly formation may be incomplete or experience rapid destruction once a monopoly has formed (Baumgartner and Jones 1993, 7-8).

However, the model is less clear about the type of outputs that can occur when a policy arena persists as an open ended issue network. As noted in chapter two, Charles Jones provides evidence that policy arenas in which issue networks prevail, offer greater opportunities for dramatic policy shifts. Contrary evidence cited in the punctuated equilibrium model suggests that policy insiders are sometimes able to reassert policy monopoly dominance and fend off external challengers (Baumgartner and Jones 1993, 6-7). Neither of these predictions accounts for the preponderance of incremental and symbolic policy outputs that typified the issue arena during the past five decades. Clearly, the model needs to include predictions about the type of outputs that can result from an extended absence of an issue monopoly. This matter will be taken up again in the final chapter.

Evidence uncovered in this case study raises additional considerations about nonincremental change failure in the historic preservation arena. The restricted application of strategies stymied nonincremental policy change. The use of policy image provides a good example. Policy image played a supporting role in the 1930s and early 1960s. Imagery never succeeded in mobilizing large segments of the previously disinterested public. The use of expert persuasion in the policy arena was likewise negligible. There was minimal venue expansion to the broader political arena or additional subcommittees. For example, most Congressional hearings were conducted in the national park, public land, and recreation subcommittees. This limited expansion was a reflection of the narrow particularistic interest most participating members had in historic preservation. A limited jurisdictional venue provided sufficient opportunities for engaging in self serving omnibus type pork barrel politics. Wider jurisdictional attention was therefore not needed to produce the incremental changes that participants wanted. This stymied issue expansion and debate. Similarly, issue nationalization was usually bounded. Most of the legislative proposals that became nationalized, over the past five decades, were incremental and symbolic. These proposals often succeeded in gaining passage because they served the short term needs of disparate arena participants. Controversial nonincremental proposals, such as those emerging in the late 1950s and early 1960s, failed to become nationalized. Finally, media tone was of limited use to those who wanted policy change, because it was predominantly neutral.

More robust support for change appeared via entrepreneurs and federalism. The two Roosevelt and the Johnson administrations acted as entrepreneurs, supporting historic preservation friendly policy change. But other entrepreneurs acted to promote interests opposed to historic preservation. Notable among these were the Eisenhower and Reagan administrations. Finally entrepreneurs, such as the NPS and individual Congress members, sought to use historic preservation policy to support their own disparate interests. Thus entrepreneurship was a two-edged sword.

More consistent and potent in support of policy change was the strategic role of federalism. From the 1850s through the 1990s, states and localities used the partially autonomous venue of federalism to initiate policy actions. These innovations were disseminated across jurisdictions creating a web of complementary policies at the state and local level. This policy leadership also disclosed a number of jurisdictional gaps beyond state and local control. Among these were federally funded programs in the 1950s that destroyed local historic properties. States and localities repeatedly pressed the federal government to formulate statutes which advanced the protection of historic properties. This bottom-up pressure generated turbulence with greater regularity and effect than other strategies. Federalism played a role in the realization of nonincremental policy change. Federalism, however, was not an omnipotent force. Support was needed from the above mentioned actors and strategies to realize nonincremental change. Deficiencies in these areas stymied change. Subsequently, policy outputs were most often incremental or symbolic.

Incremental and symbolic historic preservation policy outputs can also be attributed to value disagreements, or as labeled in this chapter, competing agendas. The case study analysis uncovered repeated episodes of agenda competition. During turbulent periods presidents and their appointees, Congressional members, the NPS, and economic development interests attempted to shape historic preservation to support their own narrow agendas. This competition, in conjunction with ineffectual strategy manipulation, inhibited historic preservation advocates' achievement of a nonincremental policy output. It necessitated the need for temporary coalitions, pork barrel politics, and incrementalism in order to realize a policy output. Utilization of these mechanisms was also indicative of the need for finding ways of doing business during the extended absence of a policy monopoly. However, it predisposed the policy arena towards incremental and symbolic outputs. This further justifies the requirement that the punctuated equilibrium model include predictions about output types during prolonged issue monopoly voids.

END NOTES

1. Of the three federal land management case studies analyzed in this dissertation, historic preservation is the most amorphous. First, there are matters of definition. The Secretary of the Interior's standards defines historic properties as any site that possesses historic significance, integrity, and context. Such sites may include buildings, archeological ruins, battlefields, historic trails, landscapes, sacred sites, artistic and structural objects, or a locale (Bulletin 16A 1991, 1-4, 15). Although not universally accepted, this is the definition utilized in this chapter. In addition, there is significant ambiguity over what laws constitute historic preservation statutes. This ambiguity spans both government and private publications. Competing publications list anywhere from two, to as many as 17 federal historic preservation laws (Johnson 1987, 75-76; NPS 1993; DOT 1978, II-3; Bulletin 16A 1991, i). To overcome these discrepancies, two devices have been adopted. Several federal and private publications have been consulted. These publication provide a consensus on proposals and statutes, prior to 1968, that meet the definition of historic preservation. Among these are the 1906 Antiquities Act, Historic Sites Act of 1935, and 1966 National Historic Preservation Act. For the period dating from 1968 through 1996, the Congressional Information Service Inc., Congressional Universe subject index serves as a reference source. This is in congruence with the other case study chapters.

2. The attitude of many federal land managers towards historic preservation was epitomized through the following joke popular within the NPS. Question: How does a ranger manage historic properties? Answer: With a five gallon can of gas and a book of matches.

3. This issue turbulence and nationalization may have ensued sooner had it not been for the actions of President Nixon. In 1971, Nixon signed Executive Order 11593. The order required federal land managers to consider the effects of their development actions upon historic properties. This applied to structures as well as archeological sites. Furthermore, land managers had to consider threats to both National Register listed sites and potentially eligible sites. In reality these provisions sounded more ominous than what was warranted. As with the NHPA, the order had no enforcement provisions. Federal land managers were merely instructed to consult with the Advisory Council before proceeding with a project. They were under no obligation to adhere to Council recommendations (Storey 1987, 27).

4. Title II had specified annual historic fund allocations ranging from $100 million to $150 million through fiscal year 1981. No amounts beyond this were specified.

5. Not all NPS personnel were focused on historic preservation's role as a tool of agency expansion. Ronald Foresta (1984) provides convincing evidence that members of the NPS history branch were dedicated to the preservation of worthy properties. NPS decision makers, however, considered this goal secondary to service expansion pursuits.

6. The matter of historic parks created to feed pork barrel projects continues to plague the NPS. In the 1990s Steamtown National Historic Park was created in Pennsylvania. This project, costing tens of millions of dollars, has been cited for a distinct lack of historic integrity. However, the project has served as a significant economic boost, bringing numerous jobs to a depressed region of the state.

7. The meetings, of which the author served as facilitator, involved officials from the U.S. Forest Service, State Land Board, Colorado State Forest Service, State Division of Parks and Outdoor Recreation, State Forest Grazing Association, State Office of Archaeology and Historic Preservation, Jackson County, The Town of Walden, National Trust for Historic Preservation, and Colorado Preservation Incorporated.

8. For an indepth discussion of appropriate federal historic preservation court cases see *Federal Historic Preservation Case Law, 1966-1996.*

CHAPTER SIX: CONCLUSION

POLICY CHANGE: COMPARING THE THREE CASE STUDIES

In chapter one it was recognized that policy change has been a component of federal land management in the U.S. However, rather than an unbroken progression of incremental change, the development of federal lands statutes has experienced ebbs and flows. Periods of stability, wherein only limited or no policy change has occurred, have been interspersed with episodes of rapid change. Understanding such disparate policy development and its implications was a basic goal of this analysis. To this end, the punctuated equilibrium model was chosen in the belief that the model offered the most robust means of explaining changes in federal lands policy. Recognizing the impossibility of analyzing all of the many issues encapsulated in federal public lands policy, three case studies were selected. These case studies were chosen for their issue diversity, and more importantly, their unique relationships to the theoretical propositions of the punctuated equilibrium model. Application of the model to each of these case studies offered an opportunity to explain policy change with in these respective issue arenas, and more importantly, the opportunity to test the theoretical underpinnings of the punctuated equilibrium model.

Equilibrium and Turbulence

The punctuated equilibrium model predicts that policy arenas will experience periods of equilibrium and turbulence. During the periods of equilibrium little to no policy change occurs. Vested interests monopolize the given policy arena. Turbulence begins as external actors, whose concerns are not incorporated in the agenda, exert pressure upon the policy monopoly. This pressure is evidenced through relevant increases in committee and subcommittee hearings, the number of committees and subcommittees conducting hearings, government agency participation, interest group and citizen activist participation, and increased media coverage. Increased attention from policy entrepreneurs is also evident.

Qualitative and quantitative evidence demonstrated that each of the case studies experienced periods of equilibrium and turbulence. Periods of equilibrium, in all three issue arenas, coincided with minimal levels of external concern. The policy agenda was defined in terms that reflected the participating vested interests. The day-to-day land management decisions of relevant federal agencies likewise reflected preferences of the policy monopoly. These factors helped assure the maintenance of the status quo. For example, the 40 year period of equilibrium in the coastal oil pollution arena preserved a status quo which favored the oil industry alliance. Few individuals outside the alliance expressed an interest in coastal oil pollution. Coastal oil spills were defined in terms of threats to navigation, not environmental degradation.

In contrast, turbulent episodes often coincided with agitation for agenda access and change among external actors. Congressional members played a primary role in both concessions and coastal oil pollution turbulence. During the mid-1960s, mid-1970s and again in the early 1990s, individual members acted to bring concessioner policy under their subcommittee's jurisdictional purview. Similar actions took place within the coastal oil pollution arena in the late 1960s and early 1970s and again in the late 1980s and early 1990s. This jurisdictional expansion provided previously excluded members and their constituents with opportunities, albeit not always successful, to redefine the agenda and formulate nonincremental policy outputs. Individual members, operating in the historic preservation arena, likewise initiated policy action. However, the majority of these actions were often narrow and self-serving, designed to provide pork for the home district. Jurisdictional expansion attempts, in support of more encompassing national policy outputs, were largely missing in the historic preservation arena.

Greater agency activity was also linked to turbulent episodes across the three issue arenas. Increases in federal agency policy endeavors coincided with like-minded attention from supporting interest groups. For example, NPS actions during turbulent episodes in the concessioner policy arena, were congruent with the perspectives of concessioners. Park Service officials sought to perpetuate an arrangement that was mutually beneficial. They fought external actors seeking to alter the status quo. Interior Department support of off shore oil drilling exhibited similar mutual reinforcement. Department officials provided expert testimony which reinforced industry lobbyists expressed preferences. Federal agency support of historic preservation was much more sporadic. The NPS, the agency most closely aligned with historic preservation advocacy, was at best lukewarm to the concept. NPS officials periodically supported or opposed historic preservation interests depending on their prevailing short term policy goals. Such shifting policy emphasis often placed the agency at odds with historic preservation groups, thereby helping to thwart policy change. State and local agency participation offered a contrast to federal agencies. First, state and local participation while robust in the oil pollution and historic preservation arenas, was virtually absent in the concessions arena. The exception to this were gateway communities that had a direct economic stake in what took place within adjacent national parks. Second, state and local agencies displayed much less of a cozy relationship with interest groups. While state and local agencies presented testimony that was congruent with interest group preferences, they were much less likely to express opinions about policy ramifications upon specific group interests. Instead, agencies spoke about potential impacts various policy proposals would have upon their respective levels of government. Thus they spoke for government autonomy as guaranteed through federalism, not narrow constituencies.

Citizen activism's contribution to turbulence across the three case studies was more amorphous. Citizen testimony during Congressional hearings carried the most weight if it came from a recognized expert or celebrity. Experts included such individuals as university professors, retired agency personnel, or industry officials. Celebrities included former elected officials, political activists, and Hollywood personalities. The tone of their testimony varied considerably, providing support for maintenance of the status quo or dramatic policy change. Citizen participation outside of subcommittee hearings had its greatest effect when voiced as part of a mass mobilization. The massive citizen outcry following the 1989 *Exxon Valdez* catastrophe provided the most significant example of the power of mass citizen mobilization. Extreme citizen outrage caused Congress to pass a nonincremental policy output, in an issue arena, which had been locked within the confines of a policy monopoly for more than 60 years. This success, however, was never replicated in the concessioner or historic preservation arenas. Far fewer citizens expressed an interest in supporting policy change in these arenas. In fact, citizen mobilization in these arenas was often counter-productive. For example, in the 1950s park visitors spoke in favor of concessions facility improvements and expansion. Citizens likewise supported the destructive practices of urban renewal and highway construction in the 1950s, despite the outcries of historic preservation advocates.

As with citizen activism, the contributions of media coverage to policy turbulence was markedly varied. In the concessioner arena, the quantity of media coverage did not greatly vary between periods of equilibrium and turbulence. Annually produced articles were often in the single digits. Although, it must be noted that during turbulent episodes the majority of such articles were negative. In contrast, historic preservation and coastal oil pollution coverage was generally more robust. Historic preservation experienced a higher level of issue attention than concessioner operations. Again, there was little variation between periods of turbulence and equilibrium. Of the three case studies, coastal oil pollution most closely ascribed to predictions of the punctuated equilibrium model. Media coverage expansion during turbulent periods was substantial. The majority of this expanded coverage was critical of the oil industry. This had the effect of furthering issue expansion and mobilization in favor of nonincremental policy change.

Finally, turbulent episodes coincided with increased entrepreneurial activity in each of the case studies examined. In the concessioner and coastal oil pollution arenas, individual Congressional members acting as entrepreneurs, were instrumental in agenda redefinition and jurisdictional expansion. Congressional entrepreneurs also took decisive action to kill proposals that threatened their preferences. This was obviously the case in 1994 when western state Senators, holding key committee positions, effectively stymied a concessioner reform proposal. Individual members role in historic preservation was far more limited. Entrepreneurship was primarily limited to garnering pork for the home district. Agency decision maker entrepreneurship was greatest in the concessioner and historic preservation policy arenas. Principal in this respect was the role of NPS directors and service policy experts. Such individuals took advantage of turbulent episodes to promote agency friendly policy outputs. Their primary concern was with garnering benefits to the agency; resources protection was of secondary importance. The office of the President provided another source of policy entrepreneurship. Presidential appointees, confidants, or the President himself, chose to act as an entrepreneur, in all three issue arenas, when it suited the administration's preferences. This high level participation was quite effective in stimulating action in the policy arena.

Use of Strategies

As predicted in the punctuated equilibrium model, the use of strategies was apparent in all three case studies. Strategy utilization, as predicted, was clearly a two edged sword. Members of the various issue monopolies, issue networks, and external actors employed various strategies to support their policy preferences. Policy image manipulation was a common strategy across the three issue arenas. Proponents of the status quo developed emotive appeals coupled with empirical evidence to support their preferred images. The issue monopolies dominating concessioner and coastal oil policy were particularly effective in preserving the status quo. They developed images incorporating tenets of public service, economic well being, and resources preservation safeguards to dispel opposition. External actors' attempts to discredit these images were of limited success. The industry friendly concessioner image, although repeatedly battered, still remains intact today. It took the cataclysmic *Exxon Valdez* spill of 1989 to destroy the oil industry's preferred policy image. In contrast, maintenance of a dominant policy image was much less visible in the historic preservation arena. The positive image linking preservation to cultural pride and economic well being was dismantled in the 1950s. Internal disunity and monopoly destruction was the primary cause. The disparate agendas of historic preservation advocates, agency officials, and economic development proponents stymied the formation of a dominant policy image. Thus it appears that the maintenance of a dominant image is closely associated with a unified policy monopoly.

Expert persuasion was a second widely used strategy. Experts were instrumental in preserving the status quo across the three issue areas. Agency and industry experts, as well as members of vested interest groups provided empirical evidence to bolster the maintenance of the status quo. They likewise provided evidence which dispelled external challenges during turbulent episodes. In the concessioner and coastal oil pollution arenas, it was not until the late 1950s and 1960s that a cadre of external experts emerged to challenge prevailing views. Most of these experts came from environmental interest groups, or were associated with universities and private think tanks. Experts opposed to the status quo also rose from the disgruntled ranks of government agencies. Such officials often spoke in opposition to the preferences of agency decision makers. Expert persuasion, while evident in the historic preservation arena, was much less effective. Congress and other interested actors, were only inclined to defer to historic preservation expertise when it suited their limited agendas.

Two strategies that were closely associated, and utilized with varying degrees of effectiveness, were issue venue and federalism. The shifting of issues to a more favorable venue was quite evident in the concessioner and coastal oil pollution arenas. External actors sought to shift or expand legislative subcommittee hearings to jurisdictions providing a more favorable venue. Jurisdictional expansion through oversight hearings often preceded these shifts. Another tactic was the shifting of venues from the private confines of the issue monopoly to the broader political arena. These shifting circumstances allowed for greater external scrutiny, public debate, agenda redefinition, and policy change. Accordingly, status quo proponents sought to prevent venue shifting, thereby containing the issue within friendly confines. The historic preservation arena, and to a lesser degree coastal oil pollution, represented distinctive features of venue shifting, namely federalism. Federalism created a multitude of partially autonomous venues for policy action. This promoted turbulence and policy change simply because issue monopolies were unable to control all parts of the policy system. State and local governments developed innovative policy outputs when the federal government was either unwilling or unable to act. Successful innovations dispersed to other locales, developing a web of uniformity and interdependence where none had previously existed. These efforts created bottom-up pressure for complementary federal statutes; thus forcing turbulence and policy attention contrary to issue monopoly preferences. Federalism failed to emerged as a decisive factor in concessioner policy because of the limited stake states and localities had in national park internal operations.

Like federalism, policy tone varied across issue arenas. Tone played an important, albeit, more limited role in concessioner operations and historic preservation. External actors used tone to establish turbulence, mobilize the previously disinterested, and destroy the prevailing policy image. They also used tone to promote new images and subsequent policy change. The use of tone in these two issue arenas, was less effective than what could have been for two reasons. In the case of concessioner policy, limited negative media coverage during turbulent periods stymied tone's effectiveness. Fewer individuals were mobilized to the cause of policy change. In the historic preservation arena media interest remained fairly robust. Media coverage during turbulent episodes did not, however, show a dramatic shift in the tone of coverage. Most media coverage assumed a neutral tone. In contrast, critical media tone in the coastal oil arena was a decisive strategy in promoting turbulence and subsequent change. Negative media coverage following major spills mobilized the attention of previously disinterested persons. It helped shift the debate from the private to the public venue. However, it must be acknowledged that tone also worked to the advantage of status quo proponents. Oil industry members provided the media with expert generated scientific evidence which offset negative coverage. This was very effective in dispelling concerns over spill damage and industry safety. Media fed fears over related economic concerns further offset negative attention. Similar tactics, to a lesser degree, were also evident in the other case studies.

Issue Nationalization and Policy Change

Issue nationalization constitutes the final strategy identified with in the punctuated equilibrium model. Nationalization is the strategy most closely associated with the dependent variable, policy change. Nationalization is a necessary precursor to the passage of a new statute or amendment of an existing statute. Issue nationalization was evident across all three issue arenas. Issue change proponents succeeded in bringing proposals before subcommittees for legislative hearings. However, the scope of issue nationalization, and subsequent policy outputs, varied considerably. In the concessioner arena, issue monopoly unity, coupled with effective strategy employment, prevented opponents from effecting nonincremental change; just as the model predicted. Most notable in this respect, was the defeat of a dramatic policy reform proposal in 1994. The monopoly also succeeded in nationalizing and realizing policy outputs favorable to monopoly interests. Thus, in 1965, monopoly proponents succeeded in gaining passage of the Concessions Policy Act. The nonincremental output favored long held policy preferences of the issue monopoly. Such nonincremental outputs were not anticipated in the punctuated equilibrium model. Rather the model predicted that nonincremental outputs would be disfavorable to monopoly interests.

In the coastal oil pollution arena change advocates, prior to 1990, succeeded in getting several nonincremental proposals nationalized. Monopoly dominance, however, prevented them from realizing nonincremental change. Change was either thwarted completely, or in a few cases, incremental. It took the catalyst of the 1989 *Exxon Valdez* catastrophe to destroy monopoly dominance and effect a nonincremental policy output. Issue nationalization within in the historic preservation arena was likewise distinctive. Of the several historic preservation policy outputs realized, most were incremental and symbolic. Statutes often contained symbolic language, giving the appearance of having far reaching implications for historic preservation. Instead, most of the statutes contained few enforcement or compliance provisions, making them substantively weak during implementation. In effect, policy outputs in the case studies reflected all four of the changes predicted in the punctuated equilibrium model: 1) incremental, 2) symbolic, 3) no change, and 4) monopoly disfavorable nonincremental change, as well as an output not accounted for in the model.

Propositions

In chapter two a set of seven policy output change propositions were identified. It was hypothesized that policy output change was more likely to occur when conditions in these propositions were met. Included in these propositions were: 1) image portrayals that mobilized the previously disinterested, 2) external expert challenges to expert opinions of the policy monopoly, 3) issue expansion or a switch to venues not associated with the policy monopoly, 4) the creation of distinct and partially autonomous venues for policy action through federalism, 5) subnational level policy innovation suitable for adoption at the national level, 6) Media tone which is generally more disfavorable than favorable to monopoly interests, and 7) issue nationalization.

The robustness of these change propositions varied considerably across the three case studies. In the concessions arena, the partially autonomous venues and subgovernment policy innovations linked to federalism were missing. Likewise, image portrayals that mobilized the previously disinterested, and issue nationalization, were two edged swords. For example, concessioner opponents successfully used imagery to mobilize citizens in favor of more restrictive policy in the mid-1970s. More successful, however, was concessioner portrayals which counter-mobilized the 12 million members of national retiree organizations. As previously mentioned, media tone while generally disfavorable to concessioners, was weakened through a paucity of coverage. These considerations help to explain the repeated failures of resources protection advocates to introduce nonincremental change in concessions policy.

In contrast to concessions policy, external interests advocating coastal oil pollution change were more successful. Images of devastated shore lines and oiled wildlife were powerful weapons in mobilizing the previously disinterested. Interest groups, universities, and research facilities provided experts who effectively challenged industry experts. Venue expansion, the characteristics of federalism, and critical media tone were present, creating windows of opportunity favorable to policy change. This was coupled with issue nationalization during turbulent episodes. These factors, however, were offset through monopoly unity and effective strategy utilization. It took the catalyst of the 1989 *Exxon Valdez* spill to effect a nonincremental change. This suggests the need for developing a proposition that acknowledges the likelihood of change fueled through the catalyst of dramatic events.

Finally, there is the matter of historic preservation. Successful image portrayals coupled with monopoly unity and support from state and local governments facilitated change prior to the Second World War. The support from experts representing professional associations and preservation societies were likewise beneficial. By the 1950s, however, the efficacy of policy change propositions had become much more problematic. Image portrayals in favor of historic preservation were failing to sway a development minded citizenry. This changed somewhat in the 1960s when historic preservation became linked to environmental protection. NPS advocacy reluctance stymied the contributions that agency experts could have made in promoting policy change. Jurisdictional expansion and venue switching within Congressional subcommittees was limited; as was the quantity of disfavorable media coverage. Only the innovative policy actions of state and local governments, made possible through federalism, demonstrated the robustness sufficient to bring about change. Subsequently, policy change during the period from 1950 through the present, was overwhelmingly incremental and symbolic.

ASSESSING THE PUNCTUATED EQUILIBRIUM MODEL

Policy Output Patterns

Although the model worked well to explain a number of facets in the case studies, it did exhibit shortcomings. A discussion of four shortcomings follows. First, in chapter two a general analytical strategy was adopted based upon the theoretical propositions about causal relationships in the punctuated equilibrium model. Propositions derived from the model suggested two patterns. Turbulent periods in which the existing issue monopoly maintained dominance would result in minimal to no policy output change. Change, if it occurred at all, would be incremental or symbolic. In contrast, turbulent periods in which external interests succeeded in breaking down the existing issue monopoly, and redefining the agenda, stood a greater likelihood of realizing a nonincremental policy output change.

As previously discussed, these patterns were evident across the three issue areas analyzed in this study. However, the model failed to predict a pattern which appeared in the concessioner policy arena; a turbulent period in which the issue monopoly not only thwarted disfavorable change, but also succeeded in effecting a nonincremental policy output favorable to monopoly interests. This pattern was dramatically demonstrated through the passage of the Concessions Policy Act of 1965. The act codified long held statutory preferences of the concessioner monopoly. Issue monopoly unity, coupled with successful strategy utilization, overcame change advocates during this turbulent episode. The model should be revised, hypothesizing that issue monopoly dominance coupled with effective strategy use during a turbulent episode, may result in the adoption of a nonincremental output favorable to monopoly preferences.

The Role of Entrepreneurs

The punctuated equilibrium model refers to policy entrepreneurs as agents of policy change. Entrepreneurs take advantage of turbulence generated windows of opportunity to advocate positions not incorporated on the agenda during the prior equilibrium. Their advocacy represents a significant personal investment made in hopes of garnering a future return. Entrepreneurs include a diverse cross-section of agency officials, citizen issue advocates, Congressional members, Presidents, and political appointees.

The analysis of the three case studies identified numerous entrepreneurs who provided significant contributions in support of policy change, as predicted in the punctuated equilibrium model. Missing from the model, however, were predictions concerning the entrepreneurial actions of individuals dedicated to the preferences of the issue monopoly. The entrepreneurial actions of a few western state Senators, thwarting passage of the 1994 Concessioner Reform Act, provides an example. If passed, this nonincremental proposal would have been extremely detrimental to policy monopoly preferences. The Senators managed to defeat a proposition requiring minimal change in conference committee, and guaranteed to receive the President's signature. These entrepreneurs exploited the window of opportunity manifesting from an anticipated conference committee battle, election year party politics, and other members desire to return home to campaign. A majority of Senators were simply unwilling to incur the political costs associated with defying their western state colleagues. As such, this recognition necessitates the need for the model to incorporate a more encompassing discussion of the role of entrepreneurs relevant to policy change.

The Presence or Absence of a Policy Monopoly

In the historic preservation case study, a situation was identified whereby a policy monopoly was never reestablished following monopoly destruction in the 1950s. Rather the policy arena exhibited a decades long fluidity typical of an issue network. The issue arena remained open ended, eliciting policy outputs reflecting the temporary congruence of a number of disparate agendas. The punctuated equilibrium model acknowledges that policy monopolies have been increasingly harder to maintain in recent decades, thereby facilitating monopoly destruction. The model also recognizes that monopoly formation may be incomplete. What the model fails to do is make predictions about the policy outputs that can result under these circumstances. In the case of historic preservation, turbulent episodes corresponded with policy output changes. All but the most recent statutory change, in 1992, were incremental and symbolic in design. Statutes exhibited traits of omnibus propositions, containing sufficient incremental changes so as to gain support from disparate participants. More controversial matters evoked symbolic language, thereby preventing the alienation of the diverse interests participating in the policy arena. Consequently, the model needs to include predictions about the type of outputs that emerge during periods typified through an extended absence of a policy monopoly.

Dramatic Events and Policy Change

The punctuated equilibrium model identifies a number of indicators conducive to policy change. Among these are transitions from equilibrium to turbulence, increased participation from a number of external actors, and the utilization of various strategies. Not included in these indicators is the matter of dramatic events. In their analysis of policy change in the nuclear power arena, Baumgartner and Jones make reference to the 1979 Three Mile Island catastrophe. They note that citizen opposition to nuclear power rose to 60 percent, a 10 percent increase, following the disaster. This growing opposition was linked to elite exploitation of opportunities, in particular, image manipulation and venue shifting. Mass citizen mobilization in opposition to nuclear power followed elite exploitation of opportunities (Baumgartner and Jones 1993, 79-80).

In the case of coastal oil pollution policy a different set of circumstances evolved. In the years just prior to the 1989 *Exxon Valdez* catastrophe, the policy arena was gridlocked. Policy change advocates, while able to generate turbulence, were unable to penetrate the issue monopoly's decades long domination of the policy arena. Issue and jurisdictional expansion, media attention, and citizen interest were minimal. The 1989 spill resulted in a dramatic reversal of these circumstances. Citizen outrage and mobilization in favor of dramatic policy change reached unprecedented levels. This outrage sparked an outpouring of jurisdictional and venue expansion. Congressional members who had never expressed an interest in coastal oil pollution were suddenly conducting hearings. Members sympathetic to the industry were forced to open the agenda to issues which had been kept off the table for decades. Media pundits likewise developed a sudden renewed interest in coastal oil pollution. The ensuing feeding frenzy bolstered citizen outrage over the catastrophe. Ultimately, the issue monopoly was destroyed and a nonincremental policy output was evidenced in 1990. It is highly unlikely that this would have happened without the catalyst of the 1989 tanker grounding.

The unfolding of this scenario demonstrates the need for incorporating the role of dramatic events in the punctuated equilibrium model. The 1989 spill initiated an unprecedented level of turbulence and change which still persists. Accordingly, it can be hypothesized that a dramatic event--be it an *Exxon Valdez* size spill, Pearl Harbor bombing, or San Francisco earthquake--can have significant policy change implications.

The punctuated equilibrium model needs to be modified to incorporate the catalyst provided through these catastrophic events.

IMPLICATIONS AND OPPORTUNITIES FOR FUTURE RESEARCH

Implications

The application of the punctuated equilibrium model to the three case studies has resulted in two major policy implications. First, is the discovery that federal land managers' support or opposition to policy output propositions is often at odds with their statutorily defined resources protection mandates. Agency policy perspectives, during periods of equilibrium and turbulence, were determined through such concerns as bureaucratic expansion and short term political gain. Fundamental resources protection mandates were generally of secondary importance. Consequently, the NPS supported the visitor expansion policy preferences of concessioners to the detriment of the service's preservation mandate. Service decision makers and experts played a primary role in these efforts. They worked to squelch internal and external policy opposition. The payoff came in the form of budget and personnel increases, and an expansion in the land base under NPS management. NPS participation in the historic preservation arena was likewise predicated upon anticipated short term benefits to the service, not to the resources under its care. Because of this, the service periodically made dramatic reversals in its policy orientations towards historic preservation.

The potential ramifications of this finding are enormous. The NPS chose to ignore those portions of existing statutory obligations running counter to service preferences. However, the analysis provides a picture of an agency that engaged in more than simple shirking. Rather it suggests that the NPS readily colluded to invoke or obstruct policy outputs propositions which conflicted with service preferences. Resources protection obligations were factored in to policy making only to the degree that they bolstered agency preferences.

Second, the analysis contains implications for the economics versus resources protection controversy. In recent years, much ado has been made over such matters as compromise, consensus building, and sustainability. These concepts have been used to tout the building of bridges between economic proponents and resources protection advocates. Such notions have found support in the policy arena through stipulations ranging from the participatory provisions of the National Environmental Protection Act, to the stakeholder involvement mandates of the *National Performance Review*. They suggest a means whereby economic proponents and resources protection advocates can come together in a synthesis constituting a win-win situation. This synthesis has not been realized in any of the three case studies analyzed. Longitudinal analysis uncovered repeated episodes of confrontation and strife between economic and resources protection proponents. The few exceptions to this occurred during turbulent episodes when economic advocates advanced historic preservation as a means of realizing their own short term preferences. This expedient was abandoned as soon as historic preservation policies began to conflict with economic preferences. Accordingly, there never emerged the type of sustainable win-win relationships touted in relevant literature.

Future Research Opportunities

The implications derived from this analysis suggest a need for future expansion of the punctuated equilibrium model to other public lands issues. The model could readily be applied to relevant matters at the federal, state, and local level. Such inquiry would provide additional opportunity for seeing whether the implications found in this analysis extend to other public lands issues, levels of government, and land management agencies. Findings congruent with the three case studies could suggest a need for rethinking applicable policy matters.

Future application of the punctuated equilibrium model would likewise provide opportunities for incorporating and testing model inadequacies identified in this analysis. Primary in this regard is the need for addressing the previously mentioned shortcomings associated with: 1) incorporation of a monopoly friendly nonincremental policy output pattern, 2) a more encompassing consideration of the role of policy entrepreneurs, 3) policy outputs associated with the prolonged absence of an issue monopoly, and 4) the role of dramatic events as agents of policy change. Additional research will help determine whether these factors should be incorporated in the model and may uncover other worthy components for inclusion or revision.

The final prospect for future research is the matter of federalism. The range of literature produced on federalism has been extensive. With respect to resources protection policy, federalism research has overwhelmingly taken a top-down focus. The effect of federal legislation through pre-emption, primacy, funded and unfunded mandates in the resources protection arena have been repeatedly analyzed. In contrast to these top-down action forcing mechanisms, limited research has been conducted on the effects of bottom-up activities. Analysis of the historic preservation and coastal oil spill policy arenas exhibited traits of bottom-up action forcing mechanisms. States and localities developed innovated statutes in cases where the federal government was unable or unwilling to act. They pressured the federal government to develop equivalent resources protection policy outputs. Explicit in this pressure for policy change was the recognition that states and localities did not want federal preemption. In pressuring for federal policy action, states and localities repeatedly emphasized the need to maintain their policy autonomy. Federal legislation would serve to fill various legal and jurisdictional gaps that states and localities could not address on their own. Thus, there appears to be a need for conducting further analysis of federalism's bottom-up influence in the resources protection policy arena.

APPENDIX A: CASE STUDY POLICY TIME LINES

DATE	TIME LINE
1870s to 1910s	Yellowstone, the first national park established with railroad support. During ensuing years railroads, railroads become primary booster of national parks as tourist destination. Railroaders and other operators provide concessioner services to cater to the traveling public. Fledgling NPS, established in 1916, adopts visitor emphasis as means for creating an agency constituency.
1920s	Seeds of turbulence created through formation of the NPCA and questions over what constituted proper development in national parks.
1930s	NPS mandate through greater emphasis on wilderness preservation. NPS biologists call for stronger protection policies, but defer to visitor management emphasis. NPCA speaks out in support of greater protection. CCC program provides infrastructure upgrades that enhance tourism in national parks. Concessioner monopoly continues to dominates national park policy.
1940s	Post-1945 finds national park facilities and concessioner operations in state of disrepair. Visitors expressed dismay with facility quality, demand improvements.
1950s	Turbulence appears as visitor increases and concessioner facility disrepair receive media coverage. Congress responds with incremental policy change. Preservation proponents push for further change. Success is negligible. Congress authorizes Mission 66, which greatly benefits visitor alliance preferences.
1960s	Interior Secretary Udall becomes entrepreneurial advocate of preservation. Gains support from environmental movement. Turbulence strikes concessions policy arena. 1964 Wilderness Act becomes law. Contains concessioner relevant language that is more symbolic than substantive. 1965 Concessions Policy Act becomes law. Contains provisions that codify preferences of policy monopoly.
1970s	Turbulence emerges. NPS personnel begin questioning adherence to visitor emphasis. Concessioner management controversy at Yosemite sparks subcommittee hearings. In latter 1970s monopoly reasserts policy control.
1980s	Concessioner policy enters a period of equilibrium as protectionists interest shifts to policy threats from the Reagan administration and matters of wilderness expansion in Alaska.

Figure A.1 Concessioner Policy Time Line

1990s Concessions policy is nationalized as significant turbulence is generated during the early 1990s. Several legislative proposals are offered. Of these, a 1994 Senate proposal nearly succeeds in becoming law. Following the 1994 failure, the concessioner monopoly reasserts policy dominance.

DATE	TIME LINE
1920s	Congress passes the 1924 Oil Pollution Act. Act was primarily concerned with the hazards oil pollution posed to navigation.
1920s to 1950s	Coastal oil pollution policy is in a state of equilibrium. Policy monopoly consisting of industry friendly alliance controls issue arena. Public, media, and most Congressional members are disinterested in the issue.
1960s	Rise of environmental movement coupled with Santa Barbara blowout focuses attention upon coastal oil pollution policy. Turbulence ensues in issue arena. Coastal oil pollution incrementally addressed within provisions of clean water policy.
1970s	Coastal spills in early and mid-1970s mobilizes advocates of policy change. Incremental policy reform realized within context of FWPCA. 1976 *Argo Merchant* disaster, near Cape Cod National Sea Shore serves as rallying point for new statutes incorporating stronger prevention, liability, and compensation provisions. Monopoly fends off turbulence through mobilization of supporters and effective use of countervailing strategies.
1980s	Decade experiences low level turbulence until 1989. Grounding of *Exxon Valdez*, coupled with series of other major spills, mobilizes change advocates at an unprecedented level in 1989. Year concludes with several nonincremental policy proposals pending in Congress.
1990s	1989 turbulence results in passage of OPA 90. Act places strict criteria for spill prevention, response, liability, and compensation upon industry. Act constitutes a nonincremental policy output. Remainder of 1990s evidences continued turbulence as change advocates push for strong regulatory enforcement. Industry attempts to limit harm during implementation.

FIGURE A.2 COASTAL OIL POLLUTION POLICY TIME LINE

DATE	TIME LINE
1850s - 1890s	Historic preservation emerges as a policy issue through the bottom-up agitation of state and local activists. Federal government defers, viewing issue as a subnational matter.
1900s	Historic preservation policy becomes nationalized. Coalition of advocates with Roosevelt administration support realize passage of the 1906 Antiquities Act. The act provides for the establishment and protection of historic properties on federal lands.
1930s	President Franklin Roosevelt issues Executive Order 6166. National Historic Sites Act of 1935 passed. Act meets needs of a number of potentially conflictual agendas.
1950s	Economic matters clash with historic preservation efforts thereby initiation a wave of turbulence in the policy arena. Issue monopoly collapses.
1960s	Historic preservation gains strong entrepreneurial support from Lady Bird Johnson. In 1966 a new policy output is realized through passage of the NHPA. Post-1966 assessment questions whether output was nonincremental.
1970s	Turbulence ensues in the policy arena between 1973 and 1976. In 1976 the NHPA is amended. The amendment introduces incremental and symbolic changes.
1980s	From 1977 to 1983 a period of policy equilibrium ensues. This is replaced with low level turbulence in the mid-1980s as narrow interests propose a series of incremental policy changes.
1990s	In 1990 significant turbulence develops. States and localities, with media and interest group support press for major changes in the NHPA. Subsequently, in 1992, the NHPA is amended through provisions constituting a nonincremental policy output. Efforts since then have largely focused on implementation.

FIGURE A.3 HISTORIC PRESERVATION POLICY TIME LINE

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