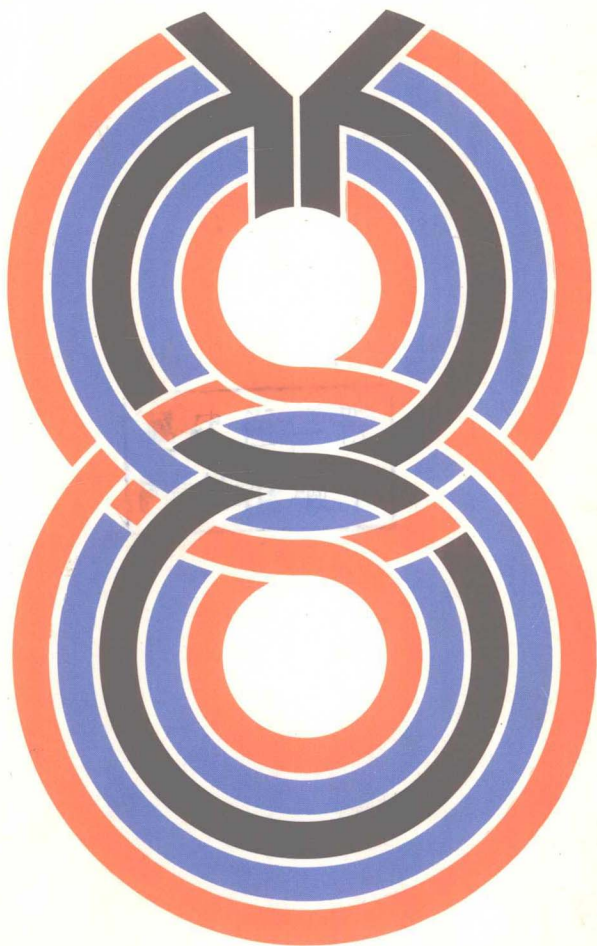


The Politics of Policy Making in America

FIVE CASE STUDIES

Edited by David A. Caputo



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Five Case Studies

EDITED BY
David A. Caputo
PURDUE UNIVERSITY



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The Politics of Policy Making in America

For our families

Preface

The purpose of this volume is to describe and analyze the dynamics and implications of American politics and public policy making. The dual emphasis on politics and policy should provide a realistic assessment of the relationship between the two. The book is intended for use in introductory undergraduate courses in American politics and policy analysis.

As the ensuing chapters indicate, policy making in America is complicated and often confusing, but seldom dull. By combining the theoretical overviews of the opening and concluding chapters with the specifics of the case chapters, the reader should acquire a much keener perception of both policy making and American politics.

The idea and need for the volume emerged from my experiences in undergraduate teaching at Purdue. I am grateful to Richard Lamb of W. H. Freeman and Company for encouraging the development of my ideas and providing assistance when needed. As a review of the chapters indicates, the four contributors are all experts in the areas they cover. Their willingness to keep deadlines and to consider suggested changes is appreciated. Their work was difficult but was completed in excellent fashion, with humor still remaining. I would especially like to thank each of them. As the dedication indicates, their families are also to be thanked. My wife, Alice, and children, Christopher, Elizabeth, and Jeffrey, are now free from my preoccupation with word counts and postal deliveries, but their patience and encouragement must be acknowledged with great appreciation.

Numerous others assisted me. Betsey McCormack skillfully typed the final manuscript, and the chapters and entire volume received helpful comments and suggestions from numerous developmental reviewers and friends.

Despite the shared responsibilities involved in an edited volume such as this one, I alone am responsible for its overall concept and content. I hope it will be a useful contribution to the increased understanding of policy making in the United States. Finally, to those policy makers who make the study of policy making both interesting and perplexing go my thanks, admiration, and fond wish that this volume captures the true nature of their enterprise.

David A. Caputo
April 1977

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The Politics of Policy Making in America

Contents

	Preface	ix
	The Contributors	xi
1	Public Policy Making in America: An Introduction David A. Caputo	1
2	The Equal Rights Amendment: Public Policy Making by Means of a Constitutional Amendment Marcia M. Lee	7
3	Energy Policy and the Ford Administration: The First Year David Howard Davis	39
4	The Politics of Campaign Finance Reform in America David A. Caputo	71
5	The Politics of Housing and Community Development in America: The Housing and Community Development Act of 1974 Richard L. Cole	100
6	Multilateral Foreign Policy Making: The Conference on Security and Cooperation in Europe William I. Bacchus	132
7	Policy Making and Politics in America David A. Caputo	166
	Notes	175

Public Policy Making in America: An Introduction

David A. Caputo

Public policy has been a major concern of social scientists and the general public for a long time. Extensive research has been done in the attempt to isolate and explain the specific sequences of events and the roles played by individuals and institutions in the formulation and implementation of public policy. Yet there is considerable disagreement over the “best” way to study public policy, and disagreement, even, over what public policy is (and is not). This volume will not attempt to resolve this debate, but it will provide the beginning student with a variety of case studies illustrating various analytical approaches to the study of public policy.

To the general public, public policy usually means a goal—that is, something to be gained by a governmental decision or set of decisions. Social scientists studying public policy as a goal attempt to determine whether the policy enacted is in fact achieving its stated goal. In order to conduct this type of research, it is necessary to assume, first, that definite goals can be set, and second, that their attainment or lack of it can be clearly attributed to policy decisions. This is a difficult and often impossible task to accomplish.

There are two other standard definitions of public policy—one broader and one narrower than the first. The narrower definition of public policy focuses on the direct impact of specific governmental decisions. Policy results are studied by a method called *policy analysis*, which employs scientific techniques for evaluating and measuring the impact of a particular policy and determining the effectiveness and efficiency of that policy or its implementation. This definition of public policy in terms of its measurable impact is limited largely to technical use by policy analysts in government and the social sciences.

The third definition of public policy assumes a more comprehensive view. This definition includes not only the specific governmental decisions (public policies) reached, and the impact of those decisions, but also the governmental and non-governmental factors influencing those decisions. Researchers using this definition attempt to explain not only the specific public policy under consideration, but also the reasons for its adoption and its probable impact.

There is no need for the reader to choose one of the above three definitions of public policy. Students of public policy have long utilized all three. In fact elements of all three are found in the case studies which follow. Each of the case studies has its unique approach to the study of public policy, but all demonstrate aspects of the third definition in their approaches.

Just as there is no one accepted definition of public policy, there is no one accepted method for the study of public policy. It should be kept in mind that numerous approaches are available, each with its own advantages and disadvantages. For example, policy analysis, which we have already observed to be concerned with gauging the impact of a particular policy, emphasizes the development of precise quantitative measures for interpreting causal connections—establishing, say, that C happened because of B and not because of another policy or random effect. Since effective policy analysis requires that the methodology be adapted to a particular set of circumstances, the results are ordinarily difficult to generalize about. Similarly, other approaches have other advantages and disadvantages.

For this volume, the illustrative case study approach was chosen. Because of the various complexities and subtleties of policy making in the United States, it is often difficult to develop generalizations from specific cases which are applicable to other events and developments. Despite this difficulty, it is possible to place specific cases and the conclusions gained from them into a broader perspective *if* certain basic information about them and the American political system in general is clearly understood and if the limitations of the case studies are appreciated. The five case studies presented here—the drive for ratification of the Equal Rights Amendment, the energy policy of the Ford administration from August, 1974, to August, 1975, the campaign finance reform legislation of 1974, the Housing and Community Development Act of 1974, and the European Conference on Security and Cooperation, concluded in 1974—all are recent (since 1974) and illustrative of public policy making in the United States. They not only offer insights into the “who, what, and why” of the particular cases under examination, they also permit the development of certain conclusions about American politics and policy making in general. For these reasons they deserve careful reading and consideration.

The case studies in this volume can be analyzed and compared more easily if they are given a common frame of reference. One such frame of reference, which is widely used in the study of public policy making, and which seems particularly well suited to our study, is the *systems model*.

THE SYSTEMS MODEL

The systems model can take a variety of different forms, but a common example of it is depicted in Figure 1.1. As indicated there, a very complicated decision-making process resulting in public policy can be analyzed by looking at each of the components of the process. Each of these components is important and will be briefly described here since a clear understanding of the systems model will be useful in studying the case material that follows.

Inputs include a variety of factors which go into any specific policy-making process. Most common are demands and supports. *Demands* are the specific policy requests made by various groups or individuals of the political system. For instance, if a labor union desires legislation to permit its representation in the labor-manage-

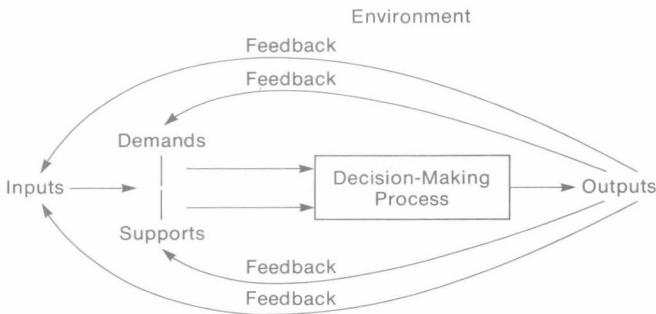


FIGURE 1.1. The Systems Model of Public Policy Making.

ment bargaining process, this would be considered a demand. Or if citizens request, through the city council, that the sanitation department improve its garbage service in their neighborhood, this would also be a demand. Demands for governmental action can be either requests for positive action to improve a situation or requests for corrective action to reverse the negative results of another policy. Political scientists have usually concentrated their attention on demands to improve a particular situation rather than on those demands which might take the form of protest. (Violence is one form of protest which, until recent years, has been widely overlooked as a political demand.)

Supports, which constitute the second type of input, are more difficult to explain. In essence, they represent the backing that policy makers receive—for particular policies and, ultimately, for their own tenure in office—from the general populace or specific segments of the populace. For instance, a President may have the support of certain segments of the population but not others on a controversial issue such as public housing. In this case, the social composition as well as the extent of the support may be important in determining the impact it will have on policy making. Remember that Lyndon B. Johnson and Richard M. Nixon both had unrivaled public popularity and support in 1964 and 1972 respectively, but that their popular bases of support quickly eroded when decisions were reached and policies implemented which were unpopular with many Americans.

Supports also involve specific consensus on the right of a governmental system to exist. It is possible to have the government become so unpopular that the support level for it drops to such an extent that there are widespread demands that the government be replaced or the form of government be altered. Certainly the revolutionary fever of 1776 and the dissatisfaction of many Southern leaders just prior to the Civil War are excellent examples of support for a political system being at a low ebb. It will be interesting to observe how historians treat the impact of the Watergate experience and President Nixon's resignation on the basic legitimacy of the American governmental system. Certainly the legitimacy of the American system, as represented by its underlying basic support, may be weakened if any more events as damaging as Watergate occur.

Demands and supports, in their various forms, are introduced into the *decision-making process*, which generates outputs. The decision-making process (often referred to as the "black box" because it is virtually impossible to describe all its

mechanisms) is most often identified with specific governmental institutions such as the legislature, the judiciary, and the executive. Each of these institutions is responsible for reaching numerous decisions via a variety of complex and often confusing rules and procedures, which may sometimes be applicable only to that particular institution at that particular time. Consequently, it is often difficult for the casual observer to recognize the subtleties of policy making in differing arenas. The existence of these subtleties requires that an individual desiring a particular policy outcome spend considerable time and energy attempting to influence the course of the decision-making process. The decision-making process thus becomes the main focus of attention in descriptive analyses of public policy making.

In the United States, as the subsequent case studies will indicate, the decision-making process often involves more than one political institution and usually includes a variety of participants. For instance, a new law must be passed by Congress, acted upon by the President, and subsequently implemented by the appropriate government agencies. Local ordinances or state laws also face a variety of decisions before they can be adopted. Because of the large number of different participants, the decision-making process in the United States often appears to be indecisive and cumbersome, yet decisions do get made and policies get adopted and implemented. The policy-making process refers to all the specific decisions and events which are required for a policy to be proposed, considered, and finally either enacted and implemented or set aside. Thus descriptive emphasis on a particular institution will be helpful only to the extent that that institution alone is involved in a particular policy decision. The five cases which follow offer excellent examples of the complex interactions of institutions and individual participants throughout the policy-making process. The emphasis in these cases is not on a particular institution, but rather on specific policy decisions.

Eventually, the decision-making process results in *outputs*. For our purposes, there are two types of outputs. One, obviously, is the specific policies or decisions which are reached during the decision-making process. These policies, or particular sets of rules or decisions which have been sent down to be implemented by the appropriate authority, include such things as tax cuts, treaties, and decisions affecting law enforcement practices. Most policy analysis focuses on these "hard" or tangible decisions because such decisions, and their impact, can be studied and conclusions reached as to their effectiveness. Thus the policy analyst concerned with public policy making attempts to measure the specific results of policy being implemented and is much less concerned with the institutional aspects of policy making represented by the "black box." Social scientists are now attempting to broaden their efforts to explain the impact of policy and to develop methods to determine the relative benefits and costs associated with alternative policies while these policies are under active consideration by the appropriate policy-making institutions. Several of the case studies which follow place specific emphasis on considering the impact of the policy under discussion.

Another type of output, often overlooked in the analysis of public policy, is the negative policy response which manifests itself in the failure of decision makers to consider a specific policy alternative or to resolve an issue of importance. For instance, assume there is significant demand for governmental attention to environmental protection, but that for one reason or another government fails to respond or adopts a policy which ignores the desires of a substantial segment of the popula-

tion. In the former case, there is no policy decision, and in the latter, it may be that specific alternatives have been ignored. The point is that if only overt policies are considered as outputs, an important dimension of policy making may be ignored. As several of the case studies will document, such inaction is quite common in American politics.

Both types of outputs of the decision-making process become part of the *feedback* affecting subsequent action in a political system. The feedback loops are represented by the two long arrows linking outputs with demands and supports. It is reasonable to assume that a specific policy or decision will influence subsequent demands and supports. For instance, a decision to raise or lower income taxes may have a great deal of impact on subsequent demands and supports by those groups most influenced by the decision. Depending on who gains and who loses from such decisions, the sources of demands and supports will vary, and the intensity of the reaction will also vary depending on the number of individuals involved. Thus any analysis of overt policy should take into consideration the impact of that policy on subsequent developments which may affect future demands and supports. Feedback provides public policy with a dynamic quality. Since each output subsequently influences the policy process, it is necessary to consider the results and implications of policy decisions at various points in time.

Related to this point is the fact that failure of the decision-making process to enact policy in a specific area or affecting a particular problem may also influence subsequent demands and support. If there is no tax cut when there is considerable demand for one, it is conceivable that this could result in a lessening of public support and a subsequent demand for change in political leadership. In a democratic system, elections play a uniquely important role in resolving this type of conflict by permitting a change in leadership without requiring a change in the basic governmental structure to bring about the new leadership.

Thus the feedback arrows illustrate the dynamic nature of the political system. Policy making must be viewed as a constantly changing process characterized by uncertainty and complexity. There may be substantial disagreement about the rate or impact of change, but there can be little argument that policy making in a modern society is an ongoing process.

The final component of the systems model, as diagramed in Figure 1.1, is the *environment*. Simply put, the environment is the total set of cultural and ecological factors which influence the policy-making process. It is difficult to assess environmental influence because it is always unique to the particular environment; nevertheless, it is important to understand that environmental factors may influence participants and their actions throughout the policy-making process. An obvious example is the use of force to achieve political demands; in some situations and for some groups of participants, force may be a justified and accepted aspect of political action. The sum of the cultural heritage and individual values, reflected in a political system's environment, will help to determine which strategies are followed and which are not. As the case studies illustrate, environmental factors may create unique opportunities for enlightened political leadership as well as pose major restrictions which limit the flexibility and options available to the decision maker.

This, then, is the systems approach to the study of public policy making. While it may seem a bit overwhelming at this point, the systems approach can in fact be utilized as a way to understand the case studies which follow. By utilizing the

component approach represented by the systems model, the reader can break down the cases into manageable parts and isolate the principal participants and decisions of each part. It must be emphasized, however, that other approaches are available for the study of public policy and that they offer other advantages and disadvantages.

THE CASE STUDIES

It may be useful here to describe the emphases of the five case studies. Keep in mind that most prior policy research has concentrated on the institutions involved in policy making, with some recent studies taking a process approach, but few emphasizing the impact and implementation of public policy decisions. The case studies in this volume do all three, but each has a primary emphasis. Table 1.1 summarizes these emphases. As the table indicates, the energy chapter concentrates on the institutional aspects of policy making, the ERA, campaign finance reform, and the Conference on Security and Cooperation in Europe chapters emphasize process, and the community development chapter emphasizes impact.

As the discussion in the earlier part of the chapter suggests, case studies often involve more than one focus, and Table 1.1 shows that all of these cases have at least one and in many cases two secondary emphases. As you complete each case, you are encouraged to review the case to see if you agree or disagree with the editor's decision as to the case study's emphasis, and to consider whether a different approach would have resulted in a different set of conclusions.

It is tempting to begin to discuss the cases, but that temptation will be resisted till the concluding chapter. It is sufficient to conclude this chapter by pointing out that a thorough understanding of the specifics involved in each case study will lead to a fuller understanding of the American political system. While each of the cases deals with a specific policy, the reader should be aware of the generalizations which can be drawn, both from the individual cases and from the five cases together. Specific details are needed to understand each case, but attention should also be directed to the implications of each case and the generalizations that it suggests about public policy making in America.

Table 1.1
Summary of Case Study Emphases

CASE STUDY	INSTITUTIONAL EMPHASIS	PROCESS EMPHASIS	IMPACT EMPHASIS
Equal Rights Amendment	S	M	S
Energy Policy	M	S	—
Campaign Finance Reform	S	M	S
Community Development Act	S	S	M
Conference on Security and Cooperation in Europe	S	M	—

M = Main emphasis; S = Secondary emphasis.

The Equal Rights Amendment: Public Policy Making by Means of a Constitutional Amendment

Marcia M. Lee

In the office of the New York Coalition for Equal Rights is a map of the United States. Thirty-five states have been blocked out, indicating their ratification of the proposed Equal Rights Amendment (ERA). The other fifteen remain untouched. Should three of these fifteen states vote for ratification before March 22, 1979, the Twenty-seventh Amendment will be added to the United States Constitution. Whether in fact this will take place is still very much in question.

The Equal Rights Amendment, when proposed in 1972 by both Houses of Congress, received wide support from all sectors of the political community. Within two years twenty-eight state legislatures had voted for its ratification. Since then, however, opposition to the amendment has grown. In 1974 three state legislatures, Nebraska, Tennessee, and Idaho, voted to rescind their previous votes favoring ratification. While there is considerable controversy as to whether a state legislature can legally rescind a vote to ratify an amendment once it has been taken, the reconsideration of their votes by these states has tended to slow down the momentum that was building. An additional setback for proponents of the ERA occurred in November, 1975, when the voters of New York and New Jersey defeated equal rights amendments proposed for their respective state constitutions. The spirits of the proponents were lifted again in 1977, however, when Indiana voted for ratification and six state legislatures—Kansas, Montana, North Dakota, Oregon, Wyoming, and South Dakota—defeated bills to rescind the ERA.

The next two years, therefore, are crucial in determining whether the amendment will be ratified. Should it be, this amendment, like the other twenty-six amendments that have been added to the Constitution, will have an important impact on public policy making in the United States.