IMPLEMENTATION THEORY AND PRACTICE

Toward a Third Generation

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HarperCollins*Publishers*

This book is dedicated to our parents

Library of Congress Cataloging-in-Publication Data

Implementation theory and practice: toward a third generation
Malcolm L. Goggin . . . [et al.].
p. cm.
Includes bibliographical references (p. 208)
ISBN 0-673-39692-4
1. Policy sciences. 2. Bureaucracy—United States.
I. Goggin, Malcolm L.
H97.I49 1990
320′.6—dc20 90-8033
CIP

2 3 4 5 6—MUR—95 94 93 92 91 90

Preface

> "If the study of theory and the study of fact do not fertilize each other, both will be barren."
>
> William Glazer

Implementation Theory and Practice: Toward a Third Generation is about knowing and doing. It addresses two types of readers—those who wish to know more about how policy implementation is studied, and those who seek a better understanding of how implementation is practiced.

The book is meant to serve as a textbook, a monograph, and a practical guide. We have tried to combine what we think are the best features of an enlightening and stimulating educational tool with a thought-provoking professional report. With the student in mind, we have produced an original, theoretical account of policy implementation that simplifies, clarifies, and explains a very complex process—without distorting its true nature. With the scholar in mind, we have tried to raise and answer many thorny questions about how researchers conduct implementation research, questions that have not been fully addressed in the past. (For example, we discuss effective ways to develop and use operational indices and units of empirical measurement, the lack of which has hampered previous efforts to develop and test sound theory.) With the practitioner in mind, we have tried to synthesize a vast quantity of recent literature that shows how implementors have actually identified and tried to resolve implementation problems.

Like much social science research, this account is an accumulation of our own—and other researchers—theories and observations. It is premised on a firm belief that the study of theory and the study of fact are interdependent, as are inquiry and action. If social scientists can develop general theories that account for implementation's causal complexities, then they have a much better chance of solving specific implementation problems. If they systematically observe the regularities of actual implementation behavior, then they improve their chances of achieving a theoretical understanding of implementation. The payoff of joining principle and practice is usable knowledge. From knowledge comes better practices.

By joining a quest for better theory with a search for improved practices, we raise and address a number of questions:

- What are the problems confronting implementors in the field?
- How have implementors—implementing different policies in different states at different times—attempted to solve these problems?
- Which factors and which patterns of relationships among implementors are important predictors of identifiable styles of implementation?
- How might causal variables be manipulated to achieve improved results?
- What are the consequences of adopting alternative implementing strategies for programs that differ with respect to time, policy areas, units of government, organizations, communication patterns, and personnel?

In answering these and other questions about implementation, we synthesize and assess two decades of theoretical and empirical research and chart the way for the next generation—a third generation—of research.

We also report the results of three years of collaborative research that we have conducted on the implementation of three major U.S. policies. We draw on several comparative studies to address the first of these three policies, the Resource Conservation and Recovery Act (RCRA) of 1976. We address the Family Planning Services and Population Research Act of 1970 through a cross-sectional investigation of the implementation of several family planning laws in California in the late 1970s, as well as analyze very recent legislative and administrative attempts to redesign the act. A study of the role of state organizations, including those in the private sector, is the basis of our discussion of the third policy, the 1972 Amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act.

The principal sources of data for this collaborative research project are many. The RCRA data were generated primarily from the responses of state administrators to a mail questionnaire administered by Lester and Bowman. (The data were gathered while Lester was a Visiting Scholar at the Council of State Governments and the University of Kentucky in 1987–88.) These data were supplemented by interviews of U.S. Environmental Protection Agency officials. The Clean Water Act data came from extensive interviews with local waste-water officials, and less structured interviews with state and federal clean-water regulators and legislative staff, representatives of private groups, and union officials. (The interviews were conducted in 1988 by O'Toole and his collaborators, John Heilman and Gerald Jackson, from Auburn

University.) The Family Planning data were derived from face-to-face interviews with elites in California, Washington-based administrators of the Title X family planning law, Congresspersons and staff who are members of the House Energy and Commerce Committee, and members of the family planning establishment in Washington, D.C. (Goggin conducted the California interviews when he was a lecturer and researcher at the Stanford University Medical School, and completed the Washington, D.C., interviews while he was a Guest Scholar at the Brookings Institution in 1988.) During all our research, we also relied on systematic analysis of federal, regional, state, and local public documents, as well as the records of corporations and nonprofit organizations.

We are indebted to all the people who agreed to talk with us during the course of our research. We are also grateful to Karen Baird, Janice Butler, Lucy Gee, John Hindera, and Steven Moody, graduate research assistants at the University of Houston and at the Brookings Institution, who helped with data collection and analysis. Jean England and Robert Gottesman, graduate research assistants at Auburn University, helped with data collection and analysis for the waste-water treatment portions of the work.

We also wish to thank several colleagues who read various parts of this book and shared their thoughts with us. These include Fran Berry, R. Steven Brown, Charles Davis, William Dunn, Richard Hofferbert, Helen Ingram, Hank Jenkins-Smith, Sheldon Kamieniecki, John Kingdon, Dean Mann, Daniel Mazmanian, Phillip Roeder, Paul Sabatier, Anne Schneider, John Scholz, Robert Stoker, Carl Van Horn, and four reviewers for Scott, Foresman/Little, Brown: George Edwards, David Lowery, Michael Reagan, and Bruce Williams. We have listened to their constructive criticisms and acted on much of their advice.

Several institutions supported this collaborative effort, in one form or another, during three years of research and writing. During the 1987–88 academic year, Malcolm Goggin was supported by a faculty development leave from the University of Houston, and was fortunate to be able to spend much of that time at the Brookings Institution as a Guest Scholar. He would like to thank Thomas Mann, Director of the Governmental Studies Program, and the scholars and staff at Brookings who created such a stimulating environment for research and writing. A portion of the research on policy redesign was also supported by a Limited Grant in Aid from the University of Houston Office of Sponsored Programs. There are no words that can express his gratitude for the love, patience, and sacrifice of Mary-Margaret, an understanding and supportive spouse.

Ann Bowman served as the 1986–87 Lincoln Government Fellow at the National League of Cities when this research project was conceived. Since then, she has benefited from a research release provided by the Department of Government and International Studies at the University of South Carolina.

During the 1987–88 academic year, James Lester was supported as a Visiting Scholar by the University of Kentucky's Martin School of Public Administration and the Council of State Governments.

Larry O'Toole owes a number of debts. Several scholars have helped over the years to clarify his thinking about implementation. Among these are Ken Hanf, Benny Hjern, Robert Montjoy, and David Porter. The U.S. Department of the Interior Geological Survey, Reston, Virginia, as authorized by the Water Resources Research Act of 1984 (P.L. 98-242), funded some of the clean water research reported here, through the Water Resources Research Institute of Auburn University, Auburn, Alabama. (The contents of this book do not necessarily reflect the views and policies of the U.S. Department of the Interior.) O'Toole's research was also supported somewhat more indirectly by the Geological Survey, through a grant to John Heilman and Gerald Johnson, two Auburn colleagues. To his wife Mary and to their children, Conor and Katie, he expresses great gratitude for inspiration, uplift, patience, and faith. To the memory of his dear brother Michael, who tolerated the intrusion of this project at a time of great personal travail, he offers a special expression of gratitude. On this occasion, as so often before, Michael served as the most unprepossessing of teachers.

Every book needs good editors, and for their support, guidance, and patience, we wish to thank John Covell, Richard Welna, Lynn Brown, Bob Olander, and the entire editorial staff of Scott, Foresman/ Little Brown.

Malcolm L. Goggin
Ann O'M. Bowman
James P. Lester
Laurence J. O'Toole, Jr.

Contents

List of Figures and Tables

Introduction

❖
❖

In a December 6, 1986 radio broadcast to the American people, President Ronald Reagan admitted that the implementation of a U.S. policy to swap arms for American hostages and to improve relations with moderate forces in Iran had gone awry. Despite a specific Congressional prohibition in the form of the Boland amendment, the Administration's National Security Council used the profits from the sale of arms to Iran to provide military assistance to Contra forces opposed to the Sandinista government in Nicaragua. The problem, according to the president, was not with the initial policy, but rather with the way in which it was put into practice. For their role in the implementation of this failed policy, President Reagan dismissed one zealot at the National Security Council—Marine Corps Lieutenant Colonel Oliver L. North—and asked for the resignation of his boss, Admiral John M. Poindexter. (For an insider account of the Congressional Iran-Contra inquiry, see Cohen and Mitchell, 1988.)

Indeed, in attempting to give the American people an accounting of what went wrong at a November 25, 1986 press conference, Reagan frequently used the term, *implementation.* On the subject of implementation, the President said, "I am deeply troubled that the implementation of a policy aimed at resolving a truly tragic situation in the Middle East has resulted in such controversy. As I've stated previously, I believe our policy goals toward Iran are well-founded. However, the information brought to my attention yesterday convinced me that in one aspect, implementation of that policy was seriously flawed" (Reagan, 1986: 38-D).

THE IMPLEMENTATION ERA

In March 1988, North, Poindexter, and two others were indicted on charges of conspiring to defraud the government by illegally diverting millions of dollars in profits from U.S. weapons sale to Iran to help the Contras. After eleven months of delays and pretrial haggling, the trial of Oliver North opened before Federal District Court Judge Gerhart Gesell. In his February 21, 1989 opening statement, John Keker, the associate independent prosecutor, presented a version of the facts of the Iran-Contra case that supported President Reagan's claim that he knew nothing of the unauthorized dealings of his underlings at the National Security Council. If one believes this version of the facts, then Iran-Contra is a classic case of a nonelected public official exercising bureaucratic discretion to make policy without having *specific* orders from his or her superiors and without having to account to the electorate.

Another version of the facts, however, came from Brendan Sullivan, North's defense lawyer. In his opening remarks, Sullivan characterized his client as a mid-level policy mechanic, faithful to his commander-in-chief, merely implementing official policy as he understood it. If one believes the facts as represented by North's attorney, then President Reagan, not North, was the zealot.

On May 4, the jury acquitted Oliver North of nine of the twelve counts for which he was charged. The jury found North guilty of three other charges—obstructing Congress, destroying documents, and accepting an illegal gratuity. The trial did not, however, resolve the question at issue here. Was the president guilty of directing North to circumvent the law that prohibited giving military aid to the Contras, or was he merely guilty of poor management because he neither monitored nor controlled the activities of his subordinates?

The North trial and an earlier report of a three-member presidential commission headed by former Texas Senator John Tower, joint House-Senate hearings, and revelations in the press about the circumstances of the arms-for-hostages deal and the diversion of funds to the Contras all focus on a potential Constitutional crisis. This crisis stems from the tensions that the Iran-Contra incident created between the executive and legislative branches of government. The investigations also highlight implementation problems of control, coordination, and competence associated with Reagan's management style, thus drawing national attention to implementation issues.[1]

In May 1988, the issues of control, competence, and especially coordination surfaced again over the Reagan Administration proposal that the U.S. drop drug charges against General Manuel Noriega, the chief of the Panamanian National Defense Forces (NDF), and negotiate with him over the terms of his departure from office. On the floor of the U.S. Senate, Senator Alfonse D'Amato urged his fellow Americans to let President Reagan know what they thought of the plea-bargaining offer to Noriega, which D'Amato described as a "legal golden parachute"—"our pleading and Noriega bargaining" (D'Amato, 1988: §5986).

The Republican Senator from New York charged that Latin American dictators and drug dealers would "laugh at the United States at our ineptitude, and at our incompetence." He placed the blame for the Reagan Administration's policy on implementation problems—on Defense Department advisors to the president who were "coming to set policy as opposed to carrying it out" (D'Amato, 1988: §5987). Commenting on Administration ineptitude in its handling of the Noriega affair in 1988, Senator D'Amato said that the Republican Administration "set its hair on fire and is trying to put it out with a hammer." The Bush Administration was also the target of severe criticism from both sides of the aisle for the way it missed an opportunity to take custody of Noriega in Panama during an abortive coup attempt on October 3, 1989. In answer to criticism that the administration's response to the attempted coup was ineffective, the White House ordered a thorough review of the way policy was made and implemented. Apparently, flaws were corrected by December 20, 1989, when President Bush ordered American troops to invade Panama for the purpose of protecting American lives; restoring democratic processes; preserving the integrity of the Panama Canal treaties; and, probably most important of all, ousting and capturing Noriega. The preplanned mission was a model of implementation efficiency: prompt implementation (within twenty-four hours), and implementation without modification by military leaders in the field, and satisfactory results—the downfall of Noreiga.

The implementation issues that are illustrated by the Iran-Contra and Noriega affairs have also recently received national attention because of other, no less dramatic events during the decade of the 1980s. Two of these developments are the huge budget deficit and a resurgence of the American states as important partners of the national government in the nation's federal system. Both have highlighted the importance of implementation.

Fighting the Budget Deficit?

During the Reagan era, the nation amassed a huge national debt, with annual deficits soaring above $200 billion on several occasions. During Reagan's two terms, nationally held debt increased by 160 percent—from $725 billion to approximately $2 trillion as George Bush entered the White House. As a percentage of national income, debt rose from 32 percent to 52 percent during the Reagan years (Economic Report of the President, 1988). In response to rising deficits, in December 1985 Congress passed the Balanced Budget and Emergency Deficit Control Act, better known as the Gramm-Rudman-Hollings deficit reduction plan. It forced Congress and the President to set limits on the budget deficit for each fiscal year between 1986 and 1991, at which time spending would not be allowed to exceed revenues.

Limitations on government spending that have been imposed by the deficit reduction plan and President George Bush's campaign promise of "no new taxes" make major, new "big-ticket" items virtually impossible to pass in the Congress. Already many new programs, like the abortive Medicare Catastrophic Coverage Act that was passed in time for the 1988 presidential election and repealed a year later, are typically self-financed. For catastrophic illnesses, the elderly who could afford it were to have paid a premium for the insurance, with the wealthiest of the elderly paying a maximum surtax of $800 in 1989, rising to $1050 in 1993. Led by their more affluent members who were obligated to pay for benefits they had already procured in the private sector, the elderly resisted this self-financing scheme, pressuring their representatives in Congress to repeal the program. Given the recent emphasis on austerity measures to reduce the budget deficit and the albatross of no new taxes, there is little likelihood that Congress will pass and the president will sign many bold, new programs in the near future.

If proposals do get through Congress, either those who benefit directly from these programs or the American states may be asked to foot much of the bill. Prime examples are President Bush's war on drugs and his proposals to improve the nation's public schools. According to Senator Joseph Biden, the federal mandates for fighting drug pushers and users could require states to spend $9 billion for new prisons and more police officers (Farney and Davidson, 1989: A20). New education initiatives that emerged as a result of a historic September 1989 summit conference between President Bush and the nation's governors provided few new resources from Washington. This is consistent with the typical pattern between 1980 and 1989, when actual federal expenditures for education declined by 30 percent.

The retrenchment that has characterized recent Republican administrations has created an emphasis on program efficiency and effectiveness. Indeed, in 1981 President Reagan promised "to limit government to its proper role and make it the servant, not the master, of the people" (Reagan, 1981). In his January 1989 Budget Message to Congress, as he reflected on his Administration's eight years, Reagan claimed improved program management as one of its major accomplishments. He took credit for returning the federal government to "its proper role," and for initiating "a major program to improve the management of the remaining programs" (Reagan, 1989).

Ronald Reagan skillfully used the budget as a statement of conservative principles—an instrument for implementing his campaign promises and his policy priorities. He also used the Office of Management and Budget (OMB)—at least during his first two-and-one-half years in office—as a tool for political control and for central coordination to ensure uniform implementation of policies. Loyal political appointees placed in strategic decision-making positions in the executive branch, doing the bidding of a popular president, also helped ensure consistency and political orthodoxy across agencies throughout Reagan's tenure in office.

Although in his first year in office President George Bush showed signs of a greater willingness than his predecessor to compromise with Congress, he also has used many of the same tools that made Reagan so successful in advancing his political agenda.

Promoting States' Rights

Another major Reagan initiative—a resurrection of states' rights and reliance on community autonomy as a means of advancing the individual American state's own interests—has also underscored the importance of implementation issues. States' rights issues were exemplified in "New Federalism" programs and their principal instrument, twelve block grants (as of 1989). This initiative reflected the conservative public philosophy that combined devolution of program responsibility with deregulation and a firm belief that the government that governs least governs best.

The states' rights era was ushered in with the passage of the Omnibus Budget Reconciliation Act of 1981 (OBRA) (Chubb, 1985). In 1981, when the majority of these block grants were created at the behest of the Reagan Administration, Congress also cut federal support for individual program operation, assuming that states would replace reductions with state funds. But several early studies of the effects of OBRA showed that states were slow in replacing the cutbacks with appropriations from state coffers (Bender and Stever, 1986; Goggin et al., 1985). In the environmental area, which is not covered by the block grants, some of the available evidence suggests that states have not replaced reductions in federal grants-in-aid to the states either (Lester, 1986; Davis and Lester, 1987).

Nonetheless, there are several recent examples where states have taken the initiative in regulation and enforcement. California, for example, decided to block a $2.5 billion merger of two supermarket chains (Labaton, 1989). Los Angeles devised its own sweeping three-tier plan to attack the regional air pollution problem, especially ozone pollution (Reinhold, 1989).

The policy of reducing the role of the *national* government in the federal system has had mixed results, however. For example, there are now fewer grants-in-aid but the number is rising again. Federal dollars as a proportion of federal-state outlays are down, but total federal spend-