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Michael Lyons

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MICHAEL LYONS*

Political Self-Interest and U.S. Environmental Policy

ABSTRACT

This article assembles a theory of political self-interest in U.S. environmental policy. The article selectively incorporates ideas from the economic and "public choice" self-interest literature, but mainly it draws upon the self-interest literature that straddles traditional political science and public choice. Deriving predictions about the voting public, interest groups, and politicians from this literature, the article concludes that U.S. officeholders do have incentive to respond to constituencies favoring environmental protection, but that the responses will consist predominately of environmental pork barreling and policy symbolism. The theory has important implications for environmental interest group political strategy.

Though rich in its diversity, the multidisciplinary environmental policy literature embraces many paradigms and speaks in many languages.¹ It often merges empirical and normative approaches seamlessly and without apology. With the exception of the studies conducted by economists, it is seldom grounded in positive social science theory, and it sometimes consists of little more than descriptive case studies.

This article attempts to bring greater coherence to political science perspectives on U.S. environmental policy. Drawing extensively upon established scholarship, it assembles components of existing political self-interest theory into a specific, positive theory of political self-interest in U.S. environmental policy making.² The theory predicts that U.S. officeholders will respond to constituencies favoring environmental protection, but that the responses will consist predominately of environmental pork barreling and policy symbolism, with the symbolism designed to placate idealistic environmental interest groups and a superficially informed public. The

* Associate Professor of Political Science, Utah State University.

1. Throughout the paper "environmental policy" is defined very broadly to include any program established primarily to develop, manage, or preserve natural resources or the terrestrial ecology. Traditional, ecologically destructive, natural resource development programs qualify as "environmental policy" by this definition, though unquestionably many would consider them to be *bad* environmental policies.

2. The components of the theory presented here are largely the creations of other scholars, but the synthesis of components, and the application to environmental issues are, I believe, substantially original.

theory has important implications for environmental interest group political strategy.

In the study of environmental policy, the self-interest approach is most commonly employed by economists, who focus mainly on the economic efficiency of policy.³ The closely allied "public choice" literature has established a formal, theoretical foundation for the study of U.S. institutions, but seldom addresses real environmental policy decisions directly.⁴

The theory constructed here incorporates economic and public choice theories selectively.⁵ Its main objective, however, is to explain the political logic of current U.S. policy. Thus, it derives many key concepts and logical arguments from the U.S. institutional literature that straddles traditional political science and public choice.⁶ Many of these studies fail to formalize a self-interest assumption, but all share a general affiliation with the self-interest approach. Though prominent within political science, this literature rarely deals explicitly with environmental issues, and it has received little attention from environmental policy scholars.

The article begins by outlining a simple typology of environmental policies. It then derives from political self-interest theory predictions about the broad, public constituency supporting environmental protection and the narrower interest group constituencies on both sides of environmental issues. Lastly, the article considers the self-interest of U.S. officeholders in relation to these constituencies. Although it refers primarily to U.S. national

3. See, e.g., TOM TIETENBERG, *ENVIRONMENTAL AND NATURAL RESOURCE ECONOMICS* (1992); BARRY C. FIELD, *ENVIRONMENTAL ECONOMICS* (1994); ALLEN V. KNEESE & CHARLES L. SHULTZ, *POLLUTION, PRICES, AND PUBLIC POLICY* (1975); A. Myrick Freeman III, *Economics, Incentives, and Environmental Regulation*, in *ENVIRONMENTAL POLICY IN THE 1990S: REFORM OR REACTION?* (Norman J. Vig & Michael E. Kraft eds., 3rd ed. 1997).

4. See, e.g., KENNETH J. ARROW, *SOCIAL CHOICE AND INDIVIDUAL VALUES* (1951); JAMES M. BUCHANAN AND GORDON TULLOCK, *THE CALCULUS OF CONSENT* (1971); ANTHONY DOWNS, *AN ECONOMIC THEORY OF DEMOCRACY* (1957); WILLIAM C. MITCHELL & RANDY T. SIMMONS, *BEYOND POLITICS* (1994); MANCUR OLSON, *THE LOGIC OF COLLECTIVE ACTION* (1965); ELINOR OSTROM, *GOVERNING THE COMMONS* (1990); WILLIAM H. RIKER, *THE THEORY OF POLITICAL COALITIONS* (1962); James M. Buchanan, *Social Choice Democracy, and Free Markets*, 22 *J. POL. ECON.* 114 (1954).

5. See DOWNS, *supra* note 4; OLSON, *supra* note 4.

6. For important sources in this category, see generally R. DOUGLAS ARNOLD, *THE LOGIC OF CONGRESSIONAL ACTION* (1990); MORRIS P. FIORINA, *CONGRESS: KEYSTONE OF THE WASHINGTON ESTABLISHMENT* (1977); THEODORE J. LOWI, *THE END OF LIBERALISM* (1969) [hereinafter Lowi (1969)]; GRANT MCCONNELL, *PRIVATE POWER AND AMERICAN DEMOCRACY* (1966); DAVID R. MAYHEW, *CONGRESS: THE ELECTORAL CONNECTION* (1974); WILLIAM OSTROM, *ECOLOGY AND THE POLITICS OF SCARCITY* (1977); E. E. SCHATTSCHEIDER, *THE SEMI-SOVEREIGN PEOPLE* (1961); Theodore J. Lowi, *American Business, Public Policy, Case Studies, and Political Theory*, 16 *WORLD POL.* 687 (1964) [hereinafter Lowi (1964)]; Garry J. Miller, *Formal Theory and the Presidency*, in *RESEARCHING THE PRESIDENCY* 289 (George C. Edwards III et al. eds., 1993).

institutions, the article does address certain consequences of federalism, and the theory it presents is largely applicable to the context of state and local policy making. To keep things manageable, the complex subject of bureaucratic self-interest has been excluded from the analysis.⁷

I. ENVIRONMENTAL POLICIES

Economists and political scientists routinely conceptualize policies in terms of their cost and benefit distributions.⁸ Economists do this primarily to assess the efficiency of policy, but political scientists most often do it because they think that policy cost and benefit distributions have significant political ramifications.⁹ In particular, political scientists often find it useful analytically to distinguish between policy costs and benefits that are specific, and policy costs and benefits that are diffuse.¹⁰ Similarly, they often distinguish between tangible and intangible policy costs and benefits.¹¹

Environmental policies do not lend themselves readily to classification on the basis of their cost and benefit distributions. Many have multiple objectives, and even those with narrow objectives usually have complex consequences. Nevertheless, a crude typology based upon the specificity and tangibility of policy benefits can serve as a starting point for sorting out some politically salient characteristics of environmental policies. Such a typology appears below.¹² To keep matters relatively simple, and also because most environmental programs have costs that are both specific and

7. As a result of this exclusion, the theory focuses mainly on the legislative content of policy—goals, strategies, and broad patterns of resource allocation—rather than the specifics of policy implementation, which are, of course, determined largely by administrative agencies.

8. Examples of economists conceptualizing policy in terms of cost and benefit distributions include FIELD *supra* note 3; TIETENBERG *supra* note 3. Political scientists using this approach include ARNOLD, *supra* note 6; MCCONNELL, *supra* note 6; MAYHEW, *supra* note 6; SCHATTSCHNEIDER, *supra* note 6; JAMES Q. WILSON, AMERICAN GOVERNMENT 433-37 (5th ed., 1992); Lowi 1964, *supra* note 6.

9. *See id.*

10. *See, e.g.*, WILSON, *supra* note 8; Lowi (1964), *supra* note 6.

11. *See, e.g.*, ARNOLD, *supra* note 6, at 18-36.

12. This typology draws upon BARRY COMMONER, THE CLOSING CIRCLE (1972); OPHULS, *supra* note 6; WALTER A. ROSENBAUM, ENVIRONMENTAL POLITICS AND POLICY (1995); W. Douglas Costain & James P. Lester, *The Evolution of Environmentalism*, in ENVIRONMENTAL POLITICS AND POLICY 15 (James P. Lester ed., 1995); John S. Drysek & James P. Lester, *Alternate Views of the Environmental Problematic* in ENVIRONMENTAL POLITICS AND POLICY, *supra*, at 328; Samuel P. Hays, *From Conservation to Environmentalism*, in AMERICAN ENVIRONMENTALISM: READINGS IN CONSERVATION HISTORY 145 (Roderick Frazier Nash ed., McGraw-Hill, Inc. 3rd ed. 1990); Arne Naess, *The Deep Ecological Movement: Some Philosophical Aspects*, in ENVIRONMENTAL ETHICS: DIVERGENCE AND CONVERGENCE 411 (Susan J. Armstrong & Richard G. Botzler eds., 1993).

diffuse, as well as both tangible and intangible, policy cost distributions have not been factored into the typology. Even with this simplification, however, it must be acknowledged that few environmental programs fit neatly into just one of the typology categories.

Type I policies are those intended to distribute *tangible* and *specific* benefits. Examples include the stocking of trout in a river, the operation of a national forest campground, and the preservation of "natural wonders" for national park visitors. Usually involving natural resource development, these are environmental policies only by broad definition. When they do protect the environment, they protect it for a particular use.

Type II policies have the objective of providing relatively *tangible* yet highly *diffuse* benefits. Most of the existing U.S. air and water pollution control programs fall into this category. So too do programs created to preserve wetlands wildlife habitat, and programs that strive to maintain the populations of "significant" endangered species, such as bald eagles.

Lastly, Type III policies are those designed to produce *diffuse* and currently *intangible* benefits. Most forms of natural preservation for preservation's sake belong in this category. Examples include the designation of wilderness areas for purposes other than visitation, the protection of "insignificant" endangered species, and "natural regulation" to restore ecological balance within the national parks.¹³

Type II and Type III policies share a distinguishing characteristic. Both involve communally shared property—known as common pool resources or public goods in the lexicon of public choice.¹⁴ The air is one example of communally shared property, migratory wildlife species such as tuna, another. Economists generally agree that the free markets fail to respond efficiently to demand for common pool resources and public goods, usually resulting in a supply that falls short of what the public genuinely desires.¹⁵ Consequently, most economists regard governmental intervention into markets as a necessity in these situations.

13. Advocates of such policy objectives sometimes describe themselves as "deep ecologists." See Drysek & Lester, *supra* note 12; MARTIN W. LEWIS, *GREEN DELUSIONS* (1994); George Sessions & Bill Devall *Deep Ecology*, in *AMERICAN ENVIRONMENTALISM: READINGS IN CONSERVATION HISTORY*, *supra* note 12, at 309.

14. The technical differences between common pool resources and public goods are unimportant in the present context. Some might reject the use of economics terminology such as "property" or "goods" to describe aspects of environmental quality, but they should have no quarrel with the notion that whatever these things are, it is the characteristic of being shared communally that makes them distinctive. See OSTROM, *supra* note 4, at 113-19.

15. See FIELD, *supra* note 3, at 78-81; Tietenberg *supra* note 3, at 39-42. Worse yet, market competition can destroy such property, as Garret Hardin vividly demonstrated in *The Tragedy of the Commons*, 162 *SCIENCE* 1243 (1968).

A central hypothesis emerging from the theory assembled here is that the U.S. political system offers to politicians abundant incentive to provide tangible and specific policy benefits, yet relatively little incentive to provide benefits that are diffuse or intangible. Thus, the theory predicts that U.S. government is unlikely to compensate effectively for free market failures to supply environmental common pool resources or public goods.¹⁶ The theory predicts, however, that government will readily supply specific and tangible environmental benefits that, in economic theory, free markets could supply more efficiently on their own accord.

II. THE PUBLIC CONSTITUENCY FOR ENVIRONMENTAL PROTECTION

Riley E. Dunlap's extensive analysis of public opinion survey findings indicates that after a waning of interest in environmental protection in the late 1970s, support rebounded strongly in the 1980s and the 1990s.¹⁷ Dunlap concludes from this data that environmentalism is not just a passing fad; it has a broad, and apparently durable, base of public support.¹⁸ Such survey findings must cheer many environmentalists. Environmentalists have long maintained that the success of the movement would depend upon raising public consciousness about environmental problems.¹⁹

There is little reason to challenge the accuracy of such survey findings, but there is good reason to question their political significance.²⁰ Though developed primarily in reference to parliamentary systems, Anthony Downs' *An Economic Theory of Democracy* explains why general public support for a policy goal might not translate into concrete incentives for policy makers.²¹ Downs argues that because information is usually not free and the probability of one vote determining the outcome of an election in a mass democracy is nearly zero, rational, self-interested people have little incentive to become informed in order to vote.²² This does not

16. See FIELD, *supra* note 3, at 78-81; Tietenberg *supra* note 3, at 39-42.

17. See Riley E. Dunlap, *Public Opinion and Environmental Policy*, in ENVIRONMENTAL POLITICS AND POLICY, *supra* note 12, at 63.

18. See *id.* at 98-105.

19. See, e.g., Dave Foreman, *Putting the Earth First*, in ENVIRONMENTAL ETHICS: DIVERGENCE AND CONVERGENCE, *supra* note 12, at 422; Ralph Nader, *The Force of Public Awareness in AMERICAN ENVIRONMENTALISM: READINGS IN CONSERVATION HISTORY*, *supra* note 12, at 227; Nash, *supra* note 12.

20. In fairness, I must point out that Dunlap himself is fully aware of this skepticism, and he cautions readers that these survey findings may not have great significance to policy makers. See Dunlap, *supra* note 17, at 106-08.

21. DOWNS, *supra* note 4, at 77-95.

22. See *id.* at 207-59.

preclude the possibility that voters might have other incentives to become informed about politics.²³ But Downs' theory does imply that most voters will understand most specific policy issues superficially, at best.

Applying Downs' logic to the contemporary U.S. context, one finds a variety of institutional circumstances that appear to multiply the "costs" of being informed as a voter. These circumstances include federalism, the separation of powers, bicameralism, the congressional committee system, divided party control of government, and a political party system largely devoid of discipline. In combination, these circumstances seem likely to create massive confusion about the policy making process. Because of these circumstances, it would appear that even when voters are informed about issues, they would still find it difficult to hold the appropriate officer holders accountable for their policy decisions.

Thus, despite the broad public support for the *concept* of environmental protection, one can derive from Downs' theory the prediction that most U.S. voters will rarely factor anything more than vague impressions about specific environmental policy decisions into their electoral choices. Public opinion studies indicate that this prediction is likely to be accurate. Such studies reveal, for example, that only about one-third of those surveyed nationally know the name of their U.S. Representative, only about one-quarter know that U.S. Senators serve six-year terms, that fewer than ten percent can identify any vote cast on any issue by any of their congressional representatives, and that over half think the federal government spends more on foreign aid than on Medicare, overestimating foreign aid spending by an average of 1300 percent.²⁴ Moreover, despite President Clinton's outspoken advocacy of environmentalism, and the sharp contrast between the environmental positions taken by President Clinton and former President George Bush, only six percent of voters polled in a 1992 survey cited the environment as the issue that most influenced their choice of candidate.²⁵

One can also derive from Downs' theory a prediction that to the extent that environmental issues do matter on election day, voters are more likely to be aware of Type I environmental policies, with specific and tangible benefits, than Type II or Type III policies. The reason for this is that the costs of becoming informed are relatively low when benefits are specific and tangible, but higher when the benefits are diffuse and intangible. For

23. Political science professors, stockbrokers, and government bureaucrats, for example, have professional incentives to become informed.

24. ROBERT A. BERNSTEIN, ELECTIONS, REPRESENTATION, AND CONGRESSIONAL VOTING BEHAVIOR 16-17 (1989); R. Morin, *Tuned Out Turned Off*, WASHINGTON POST WKLY. EDITION 13:14 (1996), at 6-8.

25. See ROSENBAUM, *supra* note 12, at 37.

example, the average person can readily appreciate the specific and tangible benefit provided by the splendor of Yosemite Valley, but understanding the scientific goals of Type II or Type III policies, such as the protection of "biodiversity," can place unreasonable demands on the knowledge and attention span of the average citizen. The connections between such scientific constructs and the consequences for humans are remote, intricate, and scientifically contestable.²⁶ Sometimes, it is nearly impossible even to identify what an "environmental problem" really is.²⁷

Although they do not ground their arguments in Downs' theory, scholars acknowledge that voter understanding of Type II or Type III policies is often nebulous.²⁸ Also, scholars recognize that public confusion about these issues dilutes the political importance of the apparent public support for such policies.²⁹ Thus, the broad public support for environmental protection may translate only minimally into political incentives to promote Type II and Type III policy goals.

III. POLITICAL SELF-INTEREST THEORY AND INTEREST GROUPS

Political scientists universally recognize that because organized interest groups are far more attentive to policy than the general public, and also because they possess significant political resources, these groups have substantial influence over policy outcomes. Indirectly, rational self-interest theory leads to provocative predictions about: (1) the probable character of environmental interest group influence, and; (2) the probable balance of power between environmental interest groups and the resource user and industrial interest groups that often oppose stringent environmental protection.

The cornerstone of rational self-interest group theory is Mancur Olson's *The Logic of Collective Action*. One central argument of *The Logic of Collective Action* is that interest group influence over public policy provides very little material incentive for rational, self-interested individuals to join a group.³⁰ Granted, if a prospective member does join a group, then this adds to the group's resources, enabling the group to exert more influence over policy. But the new member will capture only a fraction of the material benefits resulting from this incremental addition to group

26. See Alston Chase, *The Dark Side*, 62 RANGE MAG. 4-8 (Summer 1997).

27. See MICHAEL E. KRAFT, ENVIRONMENTAL POLICY AND POLITICS: TOWARD THE TWENTY-FIRST CENTURY 5 (1996).

28. See KRAFT, *supra* note 27, at 77-78; OPHULS, *supra* note 12, at 152-55.

29. See KRAFT, *supra* note 27, at 77-78; OPHULS, *supra* note 12, at 152-55.

30. See OLSON, *supra* note 4, at 9-22.

influence over policy. Most of the material benefits will go either to other group members, or to nonmembers who capture benefits as "free riders." Thus, the individual cost of joining a group will normally exceed the individual material benefit, and rational, self-interested people will decline to join.

Olson identifies three exceptions to this broad generalization.³¹ Legal, economic, or social circumstances that enable a group to compel prospective members to join create one such exception. For example, union membership in workplaces regulated by "closed shop" laws is compulsory. "Small groups" constitute a second exception to Olson's generalization.³² In such groups, each member accounts for a relatively large proportion of the group's total resources, and consequently that member receives a relatively substantial material benefit from his or her contribution to the group effort. This creates more incentive for prospective members to join than when a group is larger, and individual payoffs from membership, lower. Also, individual contributions are more conspicuous in a small group than in a larger group, facilitating efforts to identify and to encourage non-member "free riders" to join. A third exception to Olson's generalization involves situations where groups provide "selective incentives"—individual benefits offered *exclusively* to group members. The discount "Medigap" health insurance and lower hotel rates available to those who join the American Association of Retired Persons are examples of such incentives.

IV. ENVIRONMENTAL INTEREST GROUPS

The broad public support for environmental protection suggests that environmental groups have tens of millions of prospective members in the United States. Olson's theory predicts, however, that if these prospective group members respond rationally to their material self-interest, then few will join the groups. The exceptional circumstances that sometimes provide incentive for group membership seldom apply to environmental groups. First, except perhaps for isolated, local contexts in which there may be strong social pressures to join environmental groups, the groups do not compel membership. Second, although narrowly focused, local environmental groups may sometimes qualify as "small groups" by Olson's definition, the nationally powerful groups clearly do not. Third, even though environmental groups commonly do provide selective incentives for members, such as calendars, magazines, and the opportunity to participate in group outings, the value of these incentives

31. See *id.* at 22-52.

32. For Olson's definition of a "small" group, see *id.* at 22-36.

rarely approaches the cost of group membership. Selective incentives may encourage environmental group membership to some degree, but they are of limited importance to most who join.³³

Thus, many environmental interest group members appear to be motivated by something other than rational responses to material incentives. Although he does not mention environmental groups explicitly, participation in such groups falls within a category that Olson characterizes as "non-rational" or "irrational" or "ideological" behavior.³⁴ Terry Moe identifies a broader array of motivations for such participation in groups, including altruism, ideals, beliefs about right and wrong, love, status, and power.³⁵ Paul Sabatier explains this type of group membership in terms of "commitment theory," which predicts that joiners will be motivated by strongly held ideological beliefs.³⁶

One can extract two predictions about environmental group members from this body of theory. First, group members are likely to be intensely ideological. They are unlikely to be representative of the broader public constituency favoring environmental protection. Second, because they have joined groups when a rational calculation of material costs and benefits indicates that they should not, group members probably do not think routinely in terms of rational self-interest. They may see the world through a different lens. Perhaps ideals or feelings matter more to them than costs or benefits.

Substantial literature indicates that both of these predictions have at least some essential validity. Tracing the fall and rise of environmental group membership over two decades, Helen Ingram, David Colnic, and Dean Mann find that people join the groups because they perceive that the environment is threatened and the groups offer the "appeal of an ideology."³⁷ Other scholars have reached similar conclusions. Walter Rosenbaum characterizes environmental groups as ideological and sometimes dogmatic.³⁸ For example, he describes the groups' insistence on the strictest possible Superfund standards a "flagrant" example of inflexibility that reduces the effectiveness of policy.³⁹ He observes that environmental groups have "vigorously promoted" public participation requirements in policy implementation, creating a forum for testimony by

33. Helen M. Ingram et al., *Interest Groups and Environmental Policy* in ENVIRONMENTAL POLITICS AND POLICY, *supra* note 12, at 121-22.

34. See OLSON, *supra* note 4, at 161-62.

35. See TERRY M. MOE, THE ORGANIZATION OF INTERESTS 113-18 (1980).

36. See Paul Sabatier, *Interest Group Member and Organization: Multiple Theories*, in THE POLITICS OF INTERESTS 99, 109-26 (Mark P. Petracca ed., 1992).

37. See Ingram et al., *supra* note 33, at 121-22.

38. See ROSENBAUM, *supra* note 12, at 33-34.

39. See *id.* at 32.

group members, but that the policy consequences of such requirements have been "mixed."⁴⁰ Rosenbaum also notes that environmental leaders risk their credibility because they "resort to the rhetoric of crisis so habitually that the mother tongue of environmentalism may seem inspired solely by the Apocalypse."⁴¹

Robert Hahn maintains that most environmental groups have strenuously resisted the consideration of costs and benefits in policy.⁴² Instead, he concludes that the groups seem to believe in environmental protection at any cost, with little regard for the possibility that efficient policies might enable government to attain goals more effectively. He also thinks that the groups have little interest in "balanced assessment of the science underlying policy."⁴³

Steven Kelman found environmental lobbyists to be highly idealistic.⁴⁴ His survey indicated that environmental lobbyists were knowledgeable about the efficiency arguments in favor of pollution taxes, yet usually against the taxes on moral grounds.⁴⁵ Bruce Ackerman and William Hassler reached similar conclusions about environmental lobbying.⁴⁶ They contend that the unrealistic expectations of the Sierra Club and Natural Resources Defense Council contributed to approval in 1977 of coal fired power plant regulations that dictated billions in expenditures for negligible reductions in emissions.⁴⁷

Yellowstone National Park scholar Alston Chase portrays environmentalists as scientifically confused zealots who share an almost religious commitment to their causes, yet who often disagree philosophically and, as a result, work at cross purposes.⁴⁸ Former national park director James Ridenour echoes Chase's sentiments.⁴⁹ He found even the mainstream Sierra Club sometimes to be unreasonable, and he viewed the efforts of other groups to be almost invariably counterproductive.⁵⁰

Lastly, professed environmentalist Martin Lewis observes that the influential, "new" environmental groups such as Earth First! are often

40. See Walter A. Rosenbaum, *The Bureaucracy and Environmental Policy*, in ENVIRONMENTAL POLITICS AND POLICY, *supra* note 12, at 228-29.

41. See ROSENBAUM, *supra* note 12, at 31.

42. See Robert W. Hahn, *United States Environmental Policy: Past, Present, and Future*, 34 Nat. Resources J. 347 (1994).

43. See *id.* at 325.

44. See STEVEN KELMAN, WHAT PRICE INCENTIVES? 107-18 (1981).

45. See *id.*

46. See BRUCE A. ACKERMAN & WILLIAM T. HASSLER, CLEAN COAL DIRTY AIR 36-37 (1981).

47. See *id.*

48. See ALSTON CHASE, PLAYING GOD IN YELLOWSTONE 295-368 (1987).

49. See JAMES M. RIDENOUR, THE NATIONAL PARKS COMPROMISED: PORK BARREL POLITICS & AMERICA'S TREASURES 101-06 (1994).

50. See *id.*

destructive to the cause they advocate.⁵¹ Lewis charges that many of these groups have no grasp of the practical realities of representative government or a free market economy, and apparently they consider occupation of the moral high ground preferable to any attainment of their goals that requires any compromise in their ideals.⁵²

V. RESOURCE USER AND INDUSTRIAL INTEREST GROUPS

Resource user and industrial interest groups frequently oppose Type II and Type III environmental protection policies. Applying Olson's theory to their normal organizational patterns, one can predict that in contrast with environmental groups, resource user and industrial groups will often acquire resources from a large proportion of their prospective membership. One reason for this is that the prospective members of these groups typically share very specific, geographically localized, political interests. The prospective membership of each group is often small, sometimes consisting of no one other than the employees in a particular factory, or a handful of ranchers sharing grazing rights on a tract of public land.

These groups commonly exert coercive pressures on prospective members, as well. Membership in resource user and industrial labor unions, such as the United Mine Workers, is often a condition of employment. Other forms of resource user and industrial group coercion are more subtle. For example, managers of resource user firms can divert company revenues into government liaison operations, effectively forcing workers and stockholders to contribute to user group lobbying. Another example is collaborative marketing, transportation, storage, and water use within agricultural cooperatives. Economic efficiencies can create powerful incentives for farmers and ranchers to join these cooperatives, and the cooperatives are often closely affiliated with user groups, making user group membership a *de facto* requirement for entry into the cooperatives.

The prediction that resource user and industrial interest groups will acquire resources from many of their prospective members has a significant implication for environmental policy making. It indicates that even though the environmental protection constituency may include many more voters than the resource user and industrial constituencies, the balance of interest group power will not reflect these demographics directly. Instead, this balance of group power will be relatively favorable to resource users and to industry.

51. See LEWIS, *supra* note 13, at 242-51.

52. See *id.*

VI. U.S. POLITICAL INSTITUTIONS AND ENVIRONMENTAL POLICY: AN OVERVIEW

A key tenet of environmentalism is that everything is connected to everything else.⁵³ Thus, environmentalists routinely contend that for government to advance Type II and Type III environmental policy objectives, it must have an encompassing vision of biological relationships and ecological systems, implementing policies that conform to scientifically, rather than politically, established jurisdictions.⁵⁴ But federalism, single member districts, the congressional committee system, and bureaucratic decentralization fragment the vision of U.S. political institutions, and policy makers seldom, if ever, operate on the basis of a broad, integrated perspective on any issue.⁵⁵

The prevalence of "incrementalism" in U.S. policy making exacerbates the effects of this institutional fragmentation.⁵⁶ Following the incremental approach, policy makers contemplate policy change in a sequence of limited deviations from the status quo, seldom if ever thoroughly reconstituting policies. Thus, congressional committees and agencies typically craft bits and pieces of policy independently, with little regard for how the pieces fit together or whether broader goals are advanced effectively.⁵⁷

The result of institutional fragmentation and incrementalism is an environmentalist's nightmare, the antithesis of the "holistic" policy-making approach that they advocate.⁵⁸ Norman Vig and Michael Kraft conclude "perhaps the greatest obstacle to more rational and effective environmental policy making at present is absence of any mechanism for integrating and

53. See COMMONER, *supra* note 12.

54. See, e.g., COMMONER, *supra* note 12; OPHULS, *supra* note 6; Lester R. Brown & Sandra L. Postel, *Sustainability in AMERICAN ENVIRONMENTALISM: READINGS IN CONSERVATION HISTORY*, *supra* note 12, at 323; Don E. Marietta Jr., *Environmental Holism and Individuals*, in ENVIRONMENTAL ETHICS: DIVERGENCE AND CONVERGENCE, *supra* note 12, at 405; John Rodman, *Ecological Sensibility*, in ENVIRONMENTAL ETHICS: DIVERGENCE AND CONVERGENCE, *supra* note 12, at 382; Naess, *supra* note 12, at 411-21; Foreman, *supra* note 19.

55. Specialists in environmental policy who make this argument include KRAFT, *supra* note 27, at 50-66; ROSENBAUM, *supra* note 12, at 88-107. Some of the political scientists who have evaluated the broader implications of U.S. institutional fragmentation include FIORINA, *supra* note 6, at 56-81; Lowi (1964), *supra* note 6, at 677-715; MCCONNELL, *supra* note 6, at 336-68; MAYHEW, *supra* note 6, at 81-180; SCHATTSCHNEIDER, *supra* note 6, at 47-77; JAMES L. SUNDQUIST, CONSTITUTIONAL REFORM AND EFFECTIVE GOVERNMENT 1-87 (1992).

56. See KRAFT, *supra* note 27, at 52-53; ROSENBAUM, *supra* note 12, at 90-91; CHARLES L. LINDBLOM, THE POLICY MAKING PROCESS *passim* (1968).

57. See FIORINA, *supra* note 6, at 62-67; LOWI (1969), *supra* note 6, at 85-124; MCCONNELL, *supra* note 6, at 336-68; DEAN E. MANN, ENVIRONMENTAL POLICY FORMATION *passim* (1981).

58. See OPHULS, *supra* note 6, at 188-98.

coordinating policy actions on the basis of an overall strategy or set of priorities."⁵⁹

The political self-interest literature also argues that the decentralized organization of U.S. institutions inherently biases the system in favor of narrow, specific benefit claims, such as those of most interest groups, and against diffuse claims, such as those of the broad constituency favoring environmental protection.⁶⁰ James Wilson has observed:

It is remarkable that policies [with diffuse benefits and specific costs] are ever adopted, and in fact many are not....The framers arranged things...so that a determined minority has an excellent chance of blocking a new policy....The opponent [of such a policy] has every incentive to work hard; the large group of prospective beneficiaries may be unconvinced of the benefit or regard it as too small to be worth fighting for.⁶¹

E. E. Schattschneider and Grant McConnell explain this argument more fully. Borrowing liberally from James Madison's Federalist No. 10, they contend that when a wide range of constituencies are represented within a decision making system, special interests will likely come into conflict with each other, resulting in a web of checks against the power of each special interest.⁶² In contrast, within a fragmented decision making system, only a narrow range of interests is represented within any particular subunit. Thus, special interests will more often dominate within individual subunits, much like big fish in small ponds.

McConnell adds to this thesis a spin especially pertinent to environmental policy. He maintains that broad, diffuse interests can aggregate power to an appreciable degree only in an open, publicly visible decision making arena.⁶³ With their power aggregated, diffuse interests can contend effectively with special interests. Fragmented decision making systems, however, disaggregate the power of diffuse interests, forcing them to fight many battles with special interests simultaneously, each within a special interest "home court" arena that has essentially zero public visibility.

Schattschneider and McConnell offer essentially the same remedy to special interest domination in U.S. policy making. They think that

59. Michael E. Kraft & Norman J. Vig, *The New Environmental Agenda, in ENVIRONMENTAL POLICY IN THE 1990S: REFORM OR REACTION?*, *supra* note 3, at 367.

60. See MAYHEW, *supra* note 6, *passim*; MCCONNELL, *supra* note 6; OPHULS, *supra* note 6, *passim*; SCHATTSCHNEIDER, *supra* note 6, *passim*; and WILSON, *supra* note 8, at 436.

61. WILSON, *supra* note 8, at 436.

62. See MCCONNELL, *supra* note 6, at 363-68; SCHATTSCHNEIDER, *supra* note 6, at 47-61.

63. See MCCONNELL, *supra* note 6, at 91-118.

diffuse interests are best served when specific policy decisions are ironed out as a part of a publicly visible interplay between the political parties or other broad coalitions.⁶⁴ This article will return to this theme in sections IX and X, below.

VII. CONGRESS AND ENVIRONMENTAL POLICY: ENVIRONMENTAL PORK BARRELING

Like the self-interest literature on voting and interest groups, the congressional self-interest literature seldom deals explicitly with environmental policy. But here also, one can readily derive from existing theory predictions pertinent to environmental policy making.

One highly influential exploration of congressional self-interest is David Mayhew's *Congress: The Electoral Connection*.⁶⁵ Mayhew argues that even though congressmembers may have diverse personal goals, advancing these goals ultimately depends on winning reelection.⁶⁶ According to Mayhew, one key to congressional reelection is "credit claiming."⁶⁷ Credit claiming is the process of persuading a voter that you, personally, as their representative, have done something to improve the voter's welfare. Within a single member district system, congressmembers can claim credit most readily by delivering "particularized" benefits to their constituents. Mayhew defines particularized benefits as those (1) allocated specifically to an individual, group, or geographic area; or (2) allocated in a manner that highlights the representative's instrumental role in securing the benefit.⁶⁸

Many particularized benefits would be described conventionally as pork barrel projects—highways, dams, weapons contracts, veterans hospitals, grants to local government, and the like. Although budgetary and other constraints have reduced the prevalence of traditional pork barreling over the past 20 years, the political incentives remain, and public policies often manifest imaginative responses to these incentives.⁶⁹

In application to environmental policies, Mayhew's argument implies that congressmembers stand to gain the most politically from Type I policies, with specific and tangible benefits. The lower information costs

64. See *id.* at 102-07; SCHATTSCHNEIDER, *supra* note 6, at 1-13.

65. MAYHEW, *supra* note 6.

66. See *id.* at 14-18.

67. See *id.* at 52-61.

68. See *id.* at 54.

69. See ROGER H. DAVIDSON, & WALTER J. OLESEK, CONGRESS AND ITS MEMBERS 180-81 (5th ed. 1996). One spectacular example of such unconventional pork barreling was the industry specific "transition rules" contained in the 1986 tax reform law. See JEFFERY H. BIRNBAUM & ALAN S. MURRAY, SHOWDOWN AT GUCCI GULCH 240-43 (1987).

associated with comprehending specific and tangible benefits should reinforce the incentives Mayhew describes. So too should the distribution of interest group power in environmental policy, as resource user and industrial groups, far more commonly than environmental groups, seek particularized benefits.

Unquestionably, the natural resource development policies of nineteenth and early-to-mid twentieth centuries trafficked extensively in Type I, particularized benefits.⁷⁰ For example:

1. Reciprocity between Congress and water resource agencies such as the Bureau of Reclamation and the Corps of Engineers made federal water projects the textbook case study of pork barrel politics from the 1930s through the 1970s.⁷¹
2. Policies regulating mining parceled out highly profitable ownership claims, leases, and extraction rights, often creating local economic booms, while externalizing a variety of environmental problems, and yielding below market rates of return for the landowning public.⁷²
3. Forest Service road construction and below cost timber sales have long delivered the particularized benefit of logging industry jobs to key congressional districts.⁷³

The incentive to particularize benefits also appears to leave an imprint on many modern policies originally conceived, or at least rationalized, as "environmental protection." "Environmental protection" measures that appear to supply Type I, particularized benefits on a significant scale include the following:

1. The municipal sewage waste treatment program first authorized in 1956 and expanded by the Federal Water Pollution Control Act of 1972. Construction grants to localities were by a wide margin the most expensive item in the entire federal environmental protection budget through the 1970s and 1980s, accounting for about \$50 billion in federal expenditure in addition to about \$25 billion in matching state and local

70. See, e.g., MARION CLAWSON, *THE FEDERAL LANDS REVISITED* 20-43 (1983); KRAFT, *supra* note 27, at 67-68; MCCONNELL, *supra* note 6, at 196-245; CONG. Q., INC., *THE BATTLE FOR NATURAL RESOURCES* 131-81 (1983).

71. An extensive, though perhaps not entirely objective, history of water project pork barreling and its destructive consequences for the environment appears in MARK REISNER, *CADILLAC DESERT* (1986).

72. See CLAWSON, *supra* note 70, at 84-98; CONG. Q., INC., *supra* note 70, at 79-100, 171-182.

73. See CONG. Q., INC., *supra* note 70, at 136-153.

funds.⁷⁴ Data from 1978 to 1987 indicate minimal improvement in water quality under the Act.⁷⁵

2. The clean air legislation of 1977 and 1990, which resulted in billions of particularized benefits to the smokestack scrubber industry, ethanol producers, and West Virginia coal miners.⁷⁶ By some estimates, the costs of the 1990 legislation will prove to be more than double the benefits.⁷⁷
3. The toxic waste Superfund, which has yet to result in the clean up of many waste sites, but which has created an economic boom in the waste treatment industry.⁷⁸
4. The congressional expansion of the U.S. National Park system into 374 separate administrative units.⁷⁹ Former park service director James M. Ridenour decried this expansion of the park system as "park barrel" politics that established a "park of the month" in the 1970s.⁸⁰

VIII. CONGRESS AND ENVIRONMENTAL POLICY: POLICY SYMBOLISM

Though environmental pork barreling may help individual congressmembers to capture resource user and industrial group support and to win other votes with local, tangible economic benefits, it offers little to the broad, largely uninformed, public constituency favoring the concept of environmental protection. A substantial political science literature explores how politicians contend with constituencies of this type. This literature concludes that because otherwise uninformed voters sometimes do become selectively informed, congressmembers generally do give some

74. See FIELD, *supra* note 3, at 282; ROSENBAUM, *supra* note 12, at 220.

75. See Hahn, *supra* note 42, at 312-13.

76. See ACKERMAN & HASSLER, *supra* note 46, at 44-54; Jonathan H. Alder, *Clean Fuels, Dirty Air*, in ENVIRONMENTAL POLITICS, PUBLIC COSTS, PRIVATE REWARDS 19, 39-41 (Michael S. Greve & Fred L. Smith eds., 1992); GARY C. BRYNER, BLUE SKIES GREEN POLITICS 146-51, 199-204 (1995).

77. See Hahn, *supra* note 42, at 321.

78. See ROSENBAUM, *supra* note 40, at 231-33; Marc K. Landry & Mary Hague, *The Coalition for Waste: Private Interests and the Superfund*, in ENVIRONMENTAL POLITICS, PUBLIC COSTS, PRIVATE REWARDS, *supra* note 76, at 67-81; ROSENBAUM, *supra* note 12, at 253.

79. Often opposed by the National Park Service itself, this expansion so diluted the Park Service budget that a backlog of at least \$2-3 billion in unfunded maintenance projects had accumulated by 1992. See RIDENOUR, *supra* note 49, at 16-19, 107.

80. See *id.*

weight to the views that such voters would have if they were to become informed.⁸¹ Thus, they do try to compile voting records that are generally *acceptable* to such voters.

Drawing upon Gordon Tullock and Murray Edelman, Mayhew argues that maintaining a record acceptable to the public does not require congressmembers to sacrifice the prerogatives of interest groups.⁸² Instead, capitalizing on the limited attention span of most voters; and on institutional arrangements that muddle the relationship between decisions, costs, and benefits; congressmembers can demonstrate concern for the public by engaging in policy symbolism. Mayhew identifies two basic forms of policy symbolism: (1) statements of sentiment, such as congressional resolutions, that have no legal policy effect, and; (2) decisions which legally establish real policy objectives, and which potentially could have effects, but which have been designed *not* to achieve their objectives.⁸³

Mayhew's second form of symbolism appears commonly in "public interest" regulatory law, especially when advancing the public interest has specific costs.⁸⁴ Congress can program such policies to fail in a variety of ways. Frequently, the objectives of the policies are unrealistic, or so ambiguous that they can be interpreted to mean almost anything. Commonly, Congress fails to create the means or to provide the funds needed to attain the policy objectives.⁸⁵ Sometimes, Congress knows the

81. For example, when information is essentially costless to voters, such as the information contained in entertaining advertisements produced by a political opponent, voters could become selectively informed. For analysis of how much congressmembers concern themselves with politically inattentive voters, see ARNOLD, *supra* note 6, at 3-13; G. JACOBSON, *THE POLITICS OF CONGRESSIONAL ELECTIONS* 106-16, 185-95 (4th ed. 1997); JOHN W. KINGDON, *CONGRESSMEN'S VOTING DECISIONS* 29-68 (2nd ed. 1981); W. Miller & D. Stokes, *Constituency Influence in Congress*, 57 AM. POL. SCIENCE REV. 45 (1963). For a dissenting opinion from a political scientist who thinks that politicians almost entirely discount uninformed voters, see BERNSTEIN, *supra* note 24.

82. See MAYHEW, *supra* note 6, at 132-40. Similar arguments appear in MURRAY EDELMAN, *THE SYMBOLIC USES OF POLITICS* (1964).

83. See MAYHEW, *supra* note 6, at 132. In a 1997 interview, Pennsylvania Governor Tom Ridge observed that one difference between being a governor and being a U.S. Representative was that "Never in my 12 years in Congress...was I terribly worried about how [a congressional action] would be carried out." Jack C. Germond & Jules Witcover, *Find GOP's Practical Leaders in Statehouses, Not Congress*, SALT LAKE TRIB., Apr. 7, 1997, at A9.

84. See EDELMAN, *supra* note 82, at 22-29; MAYHEW, *supra* note 6, at 135.

85. ROSENBAUM, *supra* note 40, has detailed the relationship between congressional mandates and the implementation of environmental regulations by the EPA. Although he finds the relationship to be complex, with at least some congress members sincerely supporting vigorous regulation, he hypothesizes that "a major source of regulatory failure in the EPA is a chronic insufficiency of financial and personnel resources." Rosenbaum, *supra* note 40, at 235.

bureaucracy will be reluctant to enforce the policy, and it passes the law anticipating that enforcement will be spotty and easily circumvented.⁸⁶

Because they are designed to provide diffuse and intangible benefits that are difficult to measure and involve many scientific uncertainties, Type II and Type III policies would appear to be especially good candidates for symbolic formulation. A short list of Type II and Type III policies that seem to contain significant measures of symbolism would include the following:

1. The 1970 Clean Air Amendments, which almost laughably required a 90 percent reduction in key automotive pollutants by 1976, and theoretically threatened polluters with \$25,000 daily fines for noncompliance.⁸⁷
2. The 1972 Federal Water Pollution Control Act, which essentially promised the elimination of *all* water pollution by 1985.⁸⁸
3. The 1970 National Environmental Policy Act, which created the almost powerless Council on Environmental Quality and which committed the government "to use all practical means and measures...to create and maintain the conditions under which man and nature can coexist in harmony."⁸⁹

Another form of environmental policy symbolism can be characterized as "policy layering."⁹⁰ Exceedingly common in federal land management, policy layering involves the creation of new policy objectives contradictory to existing policies. When policies are layered, the preexisting policy, which typically allocates benefits to a resource user or industrial interest group, undermines implementation of the new policy, rendering it largely ineffectual and symbolic. Some apparent examples of environmental policy layering are as follows:

86. Fiorina carries this line of argument one step further. He speculates that Congress may deliberately establish infeasible policy objectives and otherwise write laws that are intrinsically impossible to implement so that the bureaucracy will become a scapegoat for the failures of government. See FIORINA, *supra* note 6, at 72-79.

87. See WALTER A. ROSENBAUM, *THE POLITICS OF ENVIRONMENTAL CONCERN* 145 (2nd ed. 1977).

88. *See id.* at 158.

89. *Id.* at 118.

90. Mayhew does not use the term "layering," or present the concept exactly as I have here, but he does note that contradictions between the goals of policies can reduce policies to symbolism, and he refers to water pollution control as an example. See MAYHEW, *supra* note 6, at 134-35.

1. The Federal Land Policy Management Act of 1976. This law, and others like it, proved to have little effect on land management practices usually beneficial to resource user groups.⁹¹
2. The Multiple Use-Sustained Yield Act of 1960, which on the surface required the Forest Service to consider land uses other than logging in its management decisions. According to Robert Nelson, however, the actual effect of the Act was to give the Forest Service wide management latitude, while also reducing the political pressure to transfer Forest Service lands to the more preservationist jurisdiction of the National Park Service.⁹²
3. The Endangered Species Act of 1973, which has forced the Fish and Wildlife Service to contend with countless government programs destructive to endangered wildlife habitat, and which Congress has underfunded so seriously that recovery plans have been implemented for only a handful of species.⁹³
4. Wilderness designations under the 1964 Wilderness Act, which ordinarily do not interfere with established grazing rights, mining claims, or predator control practices, and which sometimes preserve water diversions.⁹⁴

Ordinarily, one would not expect that such policy symbolism would satisfy the policy demands of politically attentive voters, such as most interest group members. But if, as predicted, many environmental interest group members are idealistic ideologues, then it stands to reason that they would demand idealistic, ideological policies—policies that set moralistic, perhaps utopian goals, and that promise to attain the goals regardless of cost. Congress obviously cannot produce realistic policies that satisfy these criteria, but policy symbolism can.

91. ROBERT H. NELSON, PUBLIC LANDS AND PRIVATE RIGHTS, THE FAILURE OF SCIENTIFIC MANAGEMENT 67-84, 170, 228-34 (1995); ROSENBAUM, *supra* note 12, at 301-28.

92. See NELSON, *supra* note 91, at 67-71.

93. See ROSENBAUM, *supra* note 12, at 333-39.

94. See Nelson, *supra* note 91, at 72-73. With years of experience at the epicenter of one of the nation's most explosive wilderness controversies, former Utah Natural Resource Executive Director Ted Stewart confirmed that all preexisting mining claims, virtually all predator control practices, and many preexisting water diversions are left untouched by wilderness designations. He also commented that "wilderness designations are largely symbolic—there are far more effective ways of protecting the land." Interview with Ted Stewart, former Utah Natural Resource Executive Director, in Logan, Utah (Apr. 16, 1997).

IX. CONGRESS AND ENVIRONMENTAL POLICY: ADVANCING THE INTERESTS OF THE PUBLIC CONSTITUENCY

An emerging literature produced by Douglas Arnold and other scholars argues that political circumstances can make it possible for congressmembers to advance their self-interest by providing real, nonsymbolic policy benefits to broad, largely uninformed constituencies, such as the public constituency for environmental protection.⁹⁵ Agreeing that many of Mayhew's predictions have general validity, Arnold nonetheless finds many exceptions—cases in which the normally uninformed public did prevail in a policy conflict with organized interest groups.⁹⁶ According to Arnold, these exceptions can arise when two conditions are met: (1) a policy provides salient benefits to a substantial number of individuals, and; (2) skilled, committed congressional leaders make the decision visible and important to otherwise inattentive voters, so that congressmembers who support the policy receive electoral rewards.⁹⁷

Wilson's and Kraft's analyses run closely parallel to Arnold's and overlap the arguments made by Schattschneider and McConnell. Wilson and Kraft particularly stress the visibility of issues, and the dedicated leadership by "policy entrepreneurs."⁹⁸ In environmental policy, Kraft and Jacqueline Vaughn Switzer specifically attribute the enactment of pioneering environmental laws in the 1970s to the policy entrepreneurship of Senator Edmund Muskie.⁹⁹ In their study of the 1986 tax reform law, Timothy J. Conlan, Margaret T. Wrightson, and David R. Beam develop similar themes.¹⁰⁰ They also highlight President Reagan's resolute leadership and mobilization of public support as integral to the passage of the bill.¹⁰¹ Their line of argument—that presidential leadership can give congressmembers greater incentive to concern themselves with broad, normally uninformed constituencies—also finds support in presidential political self-interest theory.

95. See ARNOLD, *supra* note 6, at 68-67; TIMOTHY J. CONLAN ET AL., *TAXING CHOICES: THE POLITICS OF TAX REFORM* (1990); WILSON, *supra* note 8, at 437; and Michael E. Kraft, *Congress and Environmental Policy*, in ENVIRONMENTAL POLITICS AND POLICY, *supra* note 12, at 177-78.

96. See ARNOLD, *supra* note 6, at 119-261.

97. See *id.*

98. See WILSON, *supra* note 8, at 437; Kraft, *supra* note 95, at 177-78.

99. See Kraft, *supra* note 95, at 172; JACQUELINE VAUGHN SWITZER, ENVIRONMENTAL POLITICS: DOMESTIC AND GLOBAL DIMENSIONS 14, 58 (1994).

100. See CONLAN ET AL., *supra* note 95, at 230-60.

101. See *id.* at 236-39.

X. THE PRESIDENCY AND ENVIRONMENTAL PROTECTION

Although very little of the literature on the institution explicitly employs any type of self-interest approach, Garry Miller's pioneering application of public choice theory to the presidency deserves serious consideration in relation to environmental protection.¹⁰² Citing Schattschneider, Miller agrees that the scope of participation in a policy conflict determines the power balance between participants.¹⁰³ Miller also agrees with Mayhew that normally within the Congress, the rational inattentiveness of most voters enables interest groups to limit the scope of political conflict, and to dictate policy outcomes.¹⁰⁴ To advance the interests of the general public, the scope of conflict must be expanded, and the public must be activated.¹⁰⁵

To activate the public, the costs of being informed about an issue must be reduced to the point that they are "close to zero or negative."¹⁰⁶ Examples of political information obtained at little or negative cost include newspaper headlines glanced upon while in search of the sports section and jokes about politicians told by late night talk show hosts.

Miller believes that the president is uniquely positioned within our political system to dominate the flow of inexpensive political information.¹⁰⁷ Using the symbolism of the office and other communications resources, he or she can make issues salient to diffuse constituencies as no other office holder can.¹⁰⁸ Applied to environmental policy, Miller's argument implies that the presidential mobilization of public support can radically improve the prospects for the approval of policies with diffuse or intangible benefits. It suggests that environmentalists should look to the president for entrepreneurial policy leadership.

Bill Clinton has demonstrated how a president can thrust the environment into prominence on the national political agenda. One conspicuous example was Clinton's September 1996 announcement that he had used his discretionary authority under the 1906 Antiquities Act to establish the Grand Staircase-Escalante National Monument in Utah. Staging this announcement on the North Rim of Grand Canyon National Park, he capitalized on the telegenic dimensions of environmental

102. See Miller, *supra* note 6.

103. See *id.* at 289.

104. See *id.* at 293-96.

105. See *id.* at 303-10.

106. See *id.* at 304. Information obtained at "negative cost" is information that provides benefits, such as entertainment, that exceed the costs of acquiring the information.

107. See *id.* at 311-14.

108. See *id.*

protection, and the announcement was treated as one of the major stories of the day by the national media.

Republicans complained that Clinton's announcement was a transparently political attempt to win votes in the 1996 election.¹⁰⁹ Given the timing of the announcement, these complaints probably had some validity. Both the announcement and the Republican reaction to it should, however, hearten environmentalists. These events suggest that both President Clinton and the Republicans perceive that environmental protection can be good politics.¹¹⁰ Such environmental protection in the service of political self-interest probably causes discomfort to some within the movement. But political self-interest also creates opportunities for the movement, and the movement should consider how these opportunities might be utilized most effectively.

XI. CONCLUSIONS

The theory assembled here does not ring with optimism about the prospects for the enactment of scientifically sound and economically efficient environmental policies by U.S. political institutions. Nor does it indicate that the advocacy of such policies is a lost cause. It does suggest that environmental protection in the United States will continue to be an uphill climb.

The theory predicts that despite the impressive level of public support for the concept of environmental protection, the power to shape environmental policy will reside largely with well organized resource user and industrial groups on one side, and idealistic, sometimes uncompromising environmental groups on the other. The theory further predicts that as it tries to please everyone and to win reelection in the process, Congress will readily approve broadly popular "environmental protection" statutes, but once implemented into *policy*, the statutes will often prove to be broken promises. Sometimes the policies will amount to little but pork barrel politics. Sometimes they will prove to be hollow, symbolic statements unsupported by fiscal or bureaucratic resources. Sometimes they will conflict fundamentally with the established prerogatives of resource user or industrial groups, and have little effect on the actual operation of

109. See Dan Harrie, *GOP Says Monument Will Doom Orton*, SALT LAKE TRIB., Sept. 26, 1996, at C1.

110. Clinton advisor James Carville has concluded from survey data that the environment was one of two issues that worked most to the president's advantage in the 1996 election. The other issue Carville mentioned was education policy. James Carville, Address at Utah State Univ., Dec. 4, 1997.

government. Seldom, if ever, will congressional committees and agencies coordinate their decisions to respond to problems in a broad context.

This analysis has several important implications for environmental interest group political strategy. It cautions the groups to resist the allure of policy symbolism. It commends the groups to raise the public visibility of specific environmental policy conflicts, and to convince otherwise inattentive voters of what these voters stand to gain tangibly from environmental protection, so that environmental protection has an electoral payoff for politicians.¹¹¹ It advises them that as policy advocates they must be mindful of voter information costs, remembering that simplicity can be a supreme political virtue, and that one good television image can be worth more than a thousand words of hearings testimony.

The theory presented here also tells environmentalists that U.S. institutions are likely to be more hospitable to the advancement of certain types of environmental policy objectives than to the advancement of others. The best prospects exist when a policy provides tangible benefits, or benefits that can be made to appear tangible. Thus, theory suggests that environmentalists should couple efforts to provide diffuse, intangible benefits to programs with specific and tangible benefits such as recreational opportunities and jobs in the environmental protection industry.¹¹²

The national park system illustrates both the upside and the downside to this approach. As discussed, the park system does appear to many to be an environmental pork barrel that exists primarily to put natural wonders on display for hordes of tourists, boosting local economies. Because there are so many parks and they must accommodate so many visitors, the parks do not promote environmental values efficiently. At best, the more popular parks are ecologically blemished, and in the worst cases such as Yellowstone, political pressures on management have resulted in ecological travesties.¹¹³ Yet, despite its flaws, the park system does provide many diffuse environmental benefits. It preserves vast acreages of wilderness and old growth forests, and hundreds of miles of wild rivers and undeveloped coastlines. It also offers refuge to large populations of valuable, and sometimes rare, animal and plant species. Thus, the Park Service compromises environmental ideals, but it furthers

111. Note that raising the public visibility of a particular issue is something quite different from raising public "consciousness" about the environment generally.

112. "Ecotourism" has become integral to economic growth in several less developed nations, and although controversial, the ecotourism industry has become a powerful advocate of environmental protection in some of these nations. See Steven Parker, *The Role of Public Policy in the Management of Ecotourism: A Comparative Perspective*, presented at the Western Social Science Association Meetings, Albuquerque, N.M., 1997 (unpublished manuscript on file with author).

113. See Chase, *supra* note 26.

them as well. In many situations, such compromise may be the only realistic alternative to no environmental protection at all.

Finally, the theory presented here suggests that the many environmentalists who reflexively manifest a preference for decentralized institutions may be strategically misguided.¹¹⁴ Like any other special interest group, environmentalists can readily dominate within particular congressional subcommittees, federal agencies, or environmentally oriented communities such as Boulder, Colorado. But such domination may give environmentalists an exaggerated sense of their own importance within the larger scheme of things; it may create illusions of environmental grandeur. Rather than advocating that people "think globally and act locally," perhaps environmentalists should advocate that people "think politically and act nationally." Environmentalists may best be able to preserve their ideals within fragmented policy making units, but to *advance* their ideals they need to contend with the larger political forces that shape incentives for office holders.

114. See Lewis, *supra* note 13, at 82-116.