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THE GOVERNABILITY PROBLEM IN THE AMERICAN POLITICAL
SYSTEM: A CALL FOR A NEW REGIONAL GOVERNMENT
FORM

by

Michael Ferrall

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ABSTRACT

THE GOVERNABILITY PROBLEM IN THE AMERICAN POLITICAL SYSTEM: A CALL FOR A NEW REGIONAL GOVERNMENT FORM

This study explores the "governability problem" in the American political system and offers a new regional government model as a partial but important solution to this growing problem. The study examines both the nature and scope of the governability problem, the factors existing in the American political system which contribute to the problem, and presents a case study of the recently created South Coast Air Quality Management District (SCAQMD) to determine whether it is consistent with the new regional government model offered in this study. The study concludes with an analysis showing that the SCAQMD as presently formulated actually contributes to the governability problem and, therefore, cannot be used as a solution to the problem.

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CHAPTER 1

THE GOVERNABILITY PROBLEM

Introduction

All governments, whether a part of the American federal system or a part of some other system, have certain essential duties as well as other appropriate services to perform. Public safety and stability, both internal and external, are the most basic; but education, transportation, public health, recreation, and certain cultural services are among those often expected from government. In the economic arena governments are often expected to promote economic growth and development, stimulate job creation, stabilize currency, combat high inflation, promote international and interstate trade, and generally help provide a sound economic climate in the community, state or the nation. Additionally, governments, particularly democratic governments, are expected to cultivate and preserve personal and civil liberty. What governments should provide beyond these basic programs and services is subject to debate.

Increasingly, however, it is apparent that American democracy in the federal system is not working as it should; that systemic problems are diminishing governments' ability to satisfy certain policy goals adequately. In other

words, there is a governability problem.¹ The concern is that state and local governments, as well as the national government, are unable to govern because they are losing their effectiveness and legitimacy--two things necessary for government to govern. Effectiveness simply means that governments need to be able to do the things they claim they can do as well as those things they are expected to do; in other words, governments must work "or get the job done." Legitimacy has to do with values and trust, and goes to the question of what government should do, or has the moral or legal right to do (Dahrendorf, 1980). Historian Theodore Schneider (1977) maintains that the governability problem exists if the following political conditions exist:

1. There is a weakness or complete absence of the expression of a uniform political will because political consensus is lacking;
2. the process of political decision making is thereby seriously endangered or made impossible;
3. existing institutions based on written or traditional constitutional law and functioning accordingly prove insufficient or completely unsuitable; and
4. thus, the function of self-preservation of a political unit--internal and external security, satisfaction of needs in the context of . . . steadily growing level of expectations, adaptability to historical change in its different forms--is put in jeopardy. (p. 287)

In other words, a political society is ungovernable, according to Schneider (1977), if it is unable to preserve its institutional integrity, is unable to satisfy

¹In the literature on this subject the terms "the problem of ungovernability," "the ungovernability problem," "the inability to govern," and the "governability problem" are often used. For clarity and consistency this study uses the latter term.

the expectations and needs of its citizens, and is unable to accommodate necessary change. The governability problem exists if a government jurisdiction fails to govern in the following situations: (a) the government fails to enact a law or address a problem when there is broad consensus among the public that such a law should be enacted or a problem should be addressed; (b) the government does not implement or enforce a law that has been enacted; and (c) along with (b) there is widespread defiance, or deliberate non-compliance, of the law by persons who should legally comply with the law.

The purpose of this study is to examine the governability problem in the American political system. In examining this dilemma the study develops the following two propositions. First, that the governability problem is a growing crisis affecting the ability of a number of government jurisdictions to govern, and is contributing to an increasing level of instability in the American political system. Second, the study develops the proposition that the creation of a new government form--a new regional government form--is a partial but important solution to this growing dilemma. The reasoning here is that the governability problem precludes existing governments from reforming themselves sufficiently in order to govern effectively. Therefore, just as in 1787, the solution to the inadequacy of existing governments is to create a brand new government form.

In advancing these two propositions, the study will explore both the nature and scope of the governability problem, and the factors existing in the American political system which contribute to the problem. The study then

formulates a new regional government model that can be legally established as a necessary replacement for those local, regional, state and federal governmental jurisdictions in which governability is a problem.

In addressing the governability problem, and the potential use of a new regional governmental model, the study analyzes the newly created South Coast Air Quality Management District (SCAQMD) in California. This case study has two components. First, it examines the intergovernmental air pollution control policy efforts in California that preceded and led to the creation of the SCAQMD. Second, the case study examines the creation of the SCAQMD, the scope of its legal authority and policy responsibility, its organizational structure, operational capabilities, and the Air Quality Management Plan (AQMP) created to reduce air pollution. The purpose of this case study is to determine whether the regional SCAQMD, and its recently created regional air pollution control plan (AQMP) are fundamentally compatible with the new regional government model put forth in this study; and, whether they could, therefore, also be a model solution to the governability problem.

This first chapter examines the major characteristic of the governability problem. These characteristics include: (a) the problem of government "overload," (b) the problem of loss of government effectiveness, and (c) the loss of legitimacy of American government in the eyes of citizens.

The second chapter of the study identifies and analyzes four main systemic factors present in the American federal system which contribute to the

dilemma of governability: (a) the problem of legal and political fragmentation in the American political system, (b) the problem of fiscal limitations of political institutions; (c) the problem of limited jurisdictional boundaries of governments, and (d) the problem of lack of accountability in the American political system.

Chapter 3 briefly examines the air pollution problem in Southern California and traces earlier state and local governmental attempts to combat the air pollution problem effectively. The last portion of the chapter analyzes the regional governmental system created to attack the pollution problem--the SCAQMD--including the legal authority, policy responsibility, and organizational structure of the organization.

The fourth chapter provides a detailed analysis of the AQMP established by the SCAQMD as a potential model for effective public policy approaches in Southern California and elsewhere. The legislative history of the plan, the various air pollution control strategies, the implementing timetables, and the potential effectiveness of the plan are examined.

The fifth chapter is the center piece of this study. The chapter develops a new regional government model which can be created to replace existing local, regional, state, and national jurisdictions where the governability problem is determined to be most severe. In developing this model the following components are examined: (a) the philosophical principles underlying the new government form, (b) the type of membership, (c) the geographical size, (d) the

degree of legal authority, (e) the scope of policy responsibility, and (f) the organizational structure. Finally, the chapter analyzes the best options available for creating and implementing the new regional government.

The final chapter summarizes the main points and findings of the study. The chapter also offers an assessment of whether the SCAQMD, as a new regional government, or the AQMP as a new regional air pollution control policy, are consistent with the regional government model established in Chapter 5. The chapter concludes with the assessment that neither the SCAQMD nor the AQMP are consistent with the regional model put forth in Chapter 5, and that instead, both actually contribute to the governability problem.

The Governability Problem

If Theodore Schneider's (1977) definition of governability is an accurate and fair definition, how can it be identified and measured? First, it is important to understand that the governability problem does not require the absence or complete collapse of government authority such as that which happened with the collapse of government authority in Germany, Italy, and Japan at the end of WWII. Rather, the governability problem can exist in degrees. It can exist in some government jurisdictions but not in others. It can also exist in some government agencies and departments within one jurisdiction but not in others. It can exist in some public policy areas, i.e., pollution abatement, but not in other policy areas, i.e., garbage collection. In other words, examples of the

governability problem can exist along side of government entities that govern well. In the American political system there are a number of governments, departments, and agencies that routinely perform well and achieve exactly what they legally are expected to achieve. This is especially true with noncontroversial government agencies that are mainly service orientated as opposed to governmental bodies with extensive policymaking or regulatory responsibilities. A city department of recreation, for example, may operate the city's park and recreation programs efficiently and effectively; while the city council in the same city will have great difficulty addressing the city's crime problem.

It is also important to note that a good many scholars and government observers would disagree that there is a governability problem. Pluralists, for example, including Truman (1950), Dahl (1956, 1981), Lipset (1960), and Mayhew (1991) argue that political conflict and short-term gridlock in the law making process is normal in a pluralist democratic society. Dahl (1981), acknowledging the intellectual contribution of James Madison, contends that the separation of government power and the dispersion of political power and government authority is a highly desirable feature of American politics. This decentralization of power, he argues, allows for freedom of expression and political participation; for the peaceful resolution of political conflict and constraints on domestic violence; and that over time political dissension will lead to consensus. Lipset (1960) maintains that political conflict is both inevitable and

desirable, and that mutual self-interest would push competing organized interests toward a peaceful consensus.

David Mayhew (1991) contends that government in Washington works equally well whether one party controls the executive and legislative branches or control is divided between the two major parties. His research, he argues, shows no appreciable difference in the ability of the president and the Congress to pass important legislation when the two branches are controlled by different parties as compared to when they are controlled by the same party. Mayhew downplays the significance of partisan gridlock as a contributing factor in the governability problem.

The proponents of the elitist theory of democracy, likewise, tend to discount the significance of the governability problem in American democracy. The governing elites envisioned by C. W. Mills (1956) and Domhoff (1986) would also have a self-serving reason for having government govern effectively. Even when divergent goals may exist, competing elites, they argue, still move toward reaching compromise and consensus in making public policy. Thus, a number of prominent scholars of American democracy hold that divided and decentralized government power and interest group competition is both intentional and desirable, and that this arrangement forces policymakers to move slowly toward consensus. However, there is a growing body of evidence which suggests that interest group democracy is losing its capacity to govern and,

further, that the solution to this governability dilemma will require more than a simple reform of existing governmental jurisdictions.

The governability problem in America was first addressed, of course, by the Founding Fathers (A. Hamilton, Madison, & Jay, 1961). The constitutional convention convened in Philadelphia in 1787 arose because of, in Hamilton's words, "The insufficiency of the present confederation to preserve [the] union" (A. Hamilton et al., 1961, p. 36). The Founders, faced with the governability problem, argued convincingly that a new form of government was needed to address the problem.

However, as Lipset (1981) notes, the governability problem in modern democracies is a rather recent phenomenon.² The literature indicates that there are three themes or characteristics common to the nature of the governability problem that can be identified: (a) the problem of government "overload," (b) the loss of government effectiveness, and (c) the loss of legitimacy in government institutions. The central argument is that government "overload" contributes to loss of effectiveness and that both, in turn, contribute to loss of

²Scholars offering major works on the governability problem in Western democracies, especially America, include Abramson (1983); Almond and Verba (1965); Broder (1972); Caddell (1979); Crozier (1984); Crozier, Huntington, and Watanuki (1975); Dahl (1956, 1981); Dahrendorf (1980); Domhoff (1986); Erickson, Luttbeg, and Tedin (1988); Erickson and Tedin (1995); Habermas (1976, 1981); Huntington (1981); Janowitz (1978); Ladd (1979); Lowi (1969, 1979); Lipset (1960, 1981); Mayhew (1991); Nesbit (1975); Peterson (1981); Rauch (1995); and Sartori (1987).

legitimacy. These three characteristics as they pertain to American democracy are addressed in this chapter.

Government "Overload"

The "overloading" of democratic governments takes two forms: (a) the overloading of content in which governments have been given too many tasks or have taken on more than they can handle effectively, and (b) an increase in the number of political participants in the form of individuals and organized groups making more demands on government. The result is high expectations for democratic governments that cannot be realized. When governments cannot deliver as promised, they flounder, and their effectiveness and legitimacy is lowered in the eyes of citizens. The overloading of Western democratic governments, especially in America, has occurred with the growth of economic, social, and military policy demands and expectations (Crozier et al., 1975; Dahrendorf, 1980). In the United States the increase of government activity in terms of size and policy content occurred largely in the 50 years following WWII. Government overload, it should be emphasized, is not a part of the current liberal versus conservative debate over what government should or should not do.

Defense spending declined briefly following the end of WWII, but the start of the cold war with the imposition of the Truman Doctrine of containing communism followed by the Berlin Air Lift, the Korean War in 1950-1952, the on-going arms race with the Soviet Union, the Cuban missile crisis of 1963, the

Vietnam War in 1966-1975, and the Reagan military build-up in 1981-1989 all resulted in an on-going high level of military defense spending during that period. Between 1950-1993 federal annual spending for national defense went from \$13.7 billion to \$291 Billion, reaching a peak of \$303 billion in 1989 (The American Almanac, 1994-1995, p. 332). In constant 1987 dollars, however, the increase was much less, going from \$220 billion in 1960 to \$265 billion in 1993 (The American Almanic, 1994-1995, p. 352). As a percentage of gross domestic product (GDP), outlays decreased from 9.5% in 1960 to 4.6% in 1993 (The American Almanic, 1994-1995, p. 352). Nevertheless the protracted cold war period witnessed an on-going high level of national defense related expenditures.

Economic and social policy demands on government revenue during this same period increased even more than defense spending. Some of this increase was the result of changing demographics. The post-WWII baby boom era, for example, and the growth of suburban America, greatly increased the demand for elementary, secondary, and college education in the 1950s, 1960s, and 1970s. Social Security, started in 1935, expanded greatly in the post-WWII years as the population grew, as health services improved, and as more seniors lived longer. In addition, income maintenance programs, such as Aid to Families with Dependent Children (AFDC), grew, while new ones, such as Supplemental Security Income (SSI), were created. Health maintenance programs were started--Medicare in 1965 for retired seniors and Medicaid in 1973 for targeted

elderly, poor, and handicapped citizens. New government programs to provide financial assistance to veterans, farmers, the unemployed, the handicapped, and for job training were started. A housing voucher program for poor families was created. Federal, state, and local expenditures were increased for interstate freeway and highway construction; and, for local street, airport, seaport, flood control, sewer, and other infrastructure construction. Between 1950 to 1993 federal government spending for human resources (Social Security, Income Security, Medicare, health, education, and veteran benefits) went from \$14.2 billion to \$827 billion (The American Almanac, 1994-1995, p. 332). Combined federal, state, and local spending for social welfare rose from \$146 billion in 1970 to \$1.165 trillion in 1991 (for some census bureau data 1991 figures are the most recent available). Per capita spending for social welfare in constant 1991 dollars went from \$2,350 to \$4,500 per person (The American Almanac, 1994-1995, p. 370). Spending for physical resources (transportation, commerce, and housing) increased from \$3.6 billion in 1950 to \$75 billion in 1993 (reaching a high of \$134 billion in 1991). Also, spending for interest on the national debt went from \$4.8 billion in 1950 to \$200 billion in 1993 (The American Almanac, 1994-1995, p. 332). In addition, state and local governments in 1994 spent approximately \$1.3 trillion. Thus, in 1994 total federal, state, and local government spending was approximately \$2.78 trillion (The American Almanac, 1994-1995, p. 298).

The expansion in the number of federal government agencies during this period represents additional evidence of overloading of government (see Figure 1). Four new departments--Education, Energy, Housing and Urban Development, and Veterans Affairs--achieved cabinet status. Other major agencies created include: the Civil Rights Commission, the Environmental Protection Agency (EPA), the Export-Import Bank, the Federal Election Commission, the Federal Emergency Management Agency, the Federal Housing Finance Board, the National Aeronautics and Space Administration (NASA), the National Foundation on the Arts and the Humanities, the National Railroad Passenger Corporation (Amtrak), the National Science Foundation, the National Transportation Safety Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Board, the Office of Special Council, the Peace Corps, the Small Business Administration, and the U.S. Arms Control and Disarmament Agency. Indeed, the growth in the size of the national government, as well as the scope of policy activity and the level of expenditures was dramatic during the past 40 years. This growth in size and policy activity is also seen in the number of pages of statutes and administrative regulations enacted. In 1950 there were about 1,600 pages of statutes enacted and by 1992 the number of pages had grown to approximately 7,600 pages. In 1950 the pages in the Federal Register of administrative regulations stood at about 10,000 pages, increasing to slightly over 66,000 pages in 1992 (Rauch, 1995). During this same period the size of state and local government, measured in terms of

EXECUTIVE BRANCH

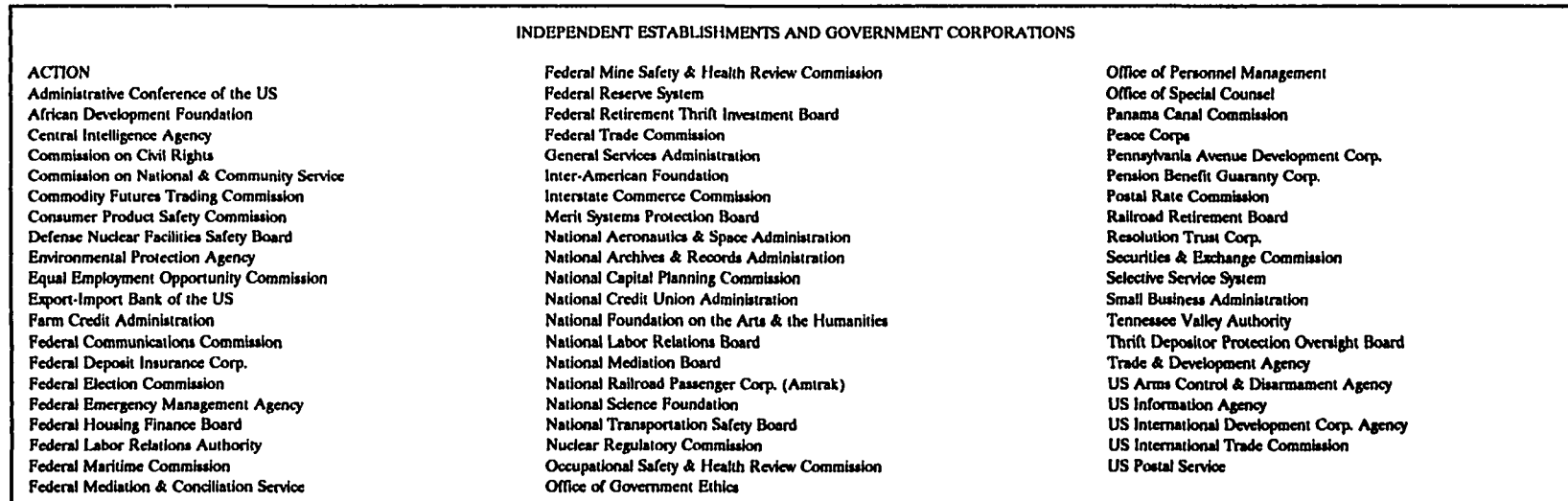
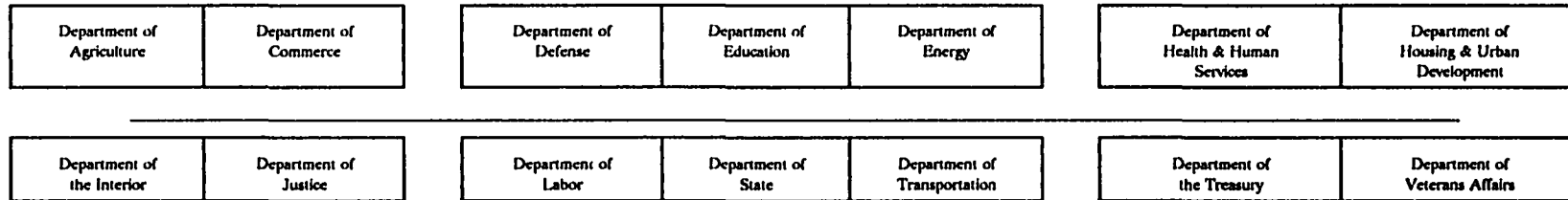
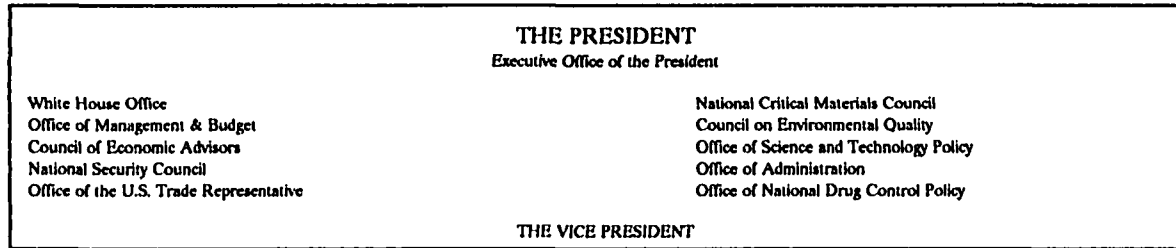


Figure 1. Executive Departments and Agencies--1995. From *The American Almanac* (p. 326), 1994-1995, Austin, TX: The Reference Press, Inc.

budget growth, the number of agencies, number of employees, and the number of statutes and regulations grew even more than the national government.

In addition, as Crozier et al. (1975), Dahrendorf (1980), Huntington (1981), and Lowi (1979) note, American democratic government is now also expected to promote economic and job growth, improve standards of living, promote international trade, control inflation, and generally promote and maintain economic stability. The basic problem, of course, with this vast expansion of government activity is whether government can deliver as requested; whether the difficult and sweeping demands and expectations of citizens can be satisfied by government. There are often no easy or inexpensive answers to major economic, social and international problems facing American federal, state, and local governments. Thus, the overloading of government can result in loss of effectiveness, disappointment, and anger on the part of citizens; loss of legitimacy in the eyes of citizens; and even alienation from their government.

Lowi (1969, 1979) maintains that individuals, through organized groups, have come to expect government to remove all of "life's risks" that citizens may face. To Lowi pluralism, or what he calls "interest group liberalism," has turned Madison's fear of factions up-side down. To modern pluralists, he argues, "groups are good" and need to be "accommodated," not feared (1979, p. 58). Accordingly, interest group democracy requires a healthy competition between organized groups, and as long as that happens all will be satisfied, in the long run if not in the short run. In the process of governing, legislative bodies

including Congress, delegate or abdicate policymaking to the bureaucracies and respective interest groups and their experts and specialists. Under Lowi's view of interest group liberalism, the government's main purpose is to assure that each group's policy agenda has access to the levers of decisionmaking. Democrats and Republicans differ only in the groups each support. But politics, Lowi (1979) claims, has become a matter of equity, not morality, and lawmaking has become a process of bargaining not formal decisionmaking. Thus, modern interest group liberalism in "parceling out to private parties the power to make public policy" has produced a "crisis of public authority" (p. 44).

As a result of pluralist interest group liberalism, all groups have sought to secure from government a level of protection and security against the group members' worst life fears and dangers. The nature of these protections are readily discernible. Farmers, for example, want guaranteed farm price supports. Bankers and depositors want deposits protected from losses. Retired citizens demand that Social Security and Medicare be guaranteed. Workers insist on unemployment compensation and job protection. Parents demand the best education system for their children. Other groups seek "affordable" housing, free health care, and a risk-free environment. Numerous groups seek tax exemptions for their members. The list can go on and on, but Lowi insists that governments should not, and more importantly, cannot do all that is demanded of them.

In the end Lowi (1979) offers a four-count indictment of the modern democratic state in America:

1. Interest-group liberalism as public philosophy corrupts democratic government because it deranges and confuses expectations about democratic institutions. . . .
2. Interest group liberalism renders government impotent. . . .
3. Interest group liberalism demoralized government, because liberal governments cannot achieve justice. . . .
4. Interest group liberalism corrupts democratic government in the degree to which it weakens the capacity of those governments to live by democratic formalisms. . . . (pp. 295-297)

Thus, to Lowi (1979), the decline of legislative authority, the rise of the bureaucratic state, and interest group domination has resulted in a system in which democracy has disappeared and where the main-purpose of government is to service the never-ending demands of interest groups and their members for more laws, money, service, and programs. This cannot continue, he contends, because government does not have the resources to satisfy everyone and interest groups will never be satisfied. This is the essence of the overload problem.

To Peterson (1981) the governability problem is fueled by the current confusion in the American federal system over the appropriate division of responsibility among the layers of government and between agencies of government. In other words, the problem is not just with the growth of government in terms of size, number of programs, expenditure levels, and number of agencies, but it is with the complexity of policy, the complexity of policymaking and

implementation. According to Peterson (1981) the high level of systemic interdependence between levels of government and between agencies causes confusion about who is responsible for policymaking implementation and enforcement. This aspect of the governability problem, he claims, stems from the fact that there is no longer a coherent division of lawmaking responsibility between the national, state, and local levels of government in America today. With the exception of foreign policy and military defense policy, which remains the domain of the national government, most areas of domestic policy tend to be shared by all three levels of government. Each level has some degree or portion of responsibility for policymaking, implementation, and enforcement. This is true, for example, in policy areas such as education, law enforcement, social welfare, environmental protection, economic development, and civil rights. This results from two developments: (a) while the Founding Fathers were quite clear about the specific and different roles of national and state governments, those roles have become blended and clouded over time so that no clear line separates the two levels; (b) as local governments--cities, counties, townships, special districts--were created over time, they varied greatly from state to state in terms of purpose, legal authority and responsibility, organizational structure, and size, adding further to the confusion. This causes Peterson (1981) to conclude that we really have no federal system of government per se, and we are now at a point where we must attempt to re-define the American system. This notion of policy complexity and confusion in

policymaking and implementing responsibility is also emphasized by Crozier (1984), Crozier et al. (1975), and Huntington (1981). Each sees this level of complexity as an integral part of the overload dilemma. Thus, the size of government, the number of government programs, the complexity of policymaking and policy implementation are central characteristics of government overloading.

There are two additional characteristics common to the governmental overloading problem. One is the tendency to favor short-term results over long-term goals. As Crozier (1984) notes "Americans trust that if the short-term is handled alertly enough the long-term will take care of itself" (p. 88). The problem, of course, is that citizen and interest group demand for immediate and continuous program satisfaction often precludes long-term planning, or the possibility of delayed gratification. The demand for short-term results over long-term goals not only affects government policy priorities but is also common in private sector business decisions. Crozier (1984) contends that unlike European democracies and Japan, there are no institutional forces at play in America that favor long-term policy planning goals over short-term gratification. This favors consumption over investment and favors government policies providing immediate materialistic satisfaction over policies promoting research and investment. America's preoccupation with the short-term prevents government from addressing problems that have long-term consequences, such as budget deficits or government debt (Crozier, 1984; Huntington, 1981).

Another theme has to do with what is perceived as the absence of a consensus over national goals or over what constitutes the national interest (Huntington, 1981). This problem is related to the emphasis of short-term gratification mentioned above, but is also the consequence of interest group domination of the American political scene. Accordingly, interest group satisfaction tends to steer political debate toward narrow group interests as opposed to broader national issues. Since no group is inclined to organize solely around national interest goals or policies, election results tend to explain interest group winners or losers rather than what direction the nation should pursue.

Thus, the focus on the government overload problem has centered mainly on the following:

1. There has been a significant increase in the growth of economic social and military policy demands on government in the United States over the past 50 years. However, the cost and often contradictory nature of these demands were such that government could not satisfy them adequately.
2. The size of government has increased in terms of revenues collected and spent, the number of agencies and employees, and the number of programs created. As a result agencies and bureaucrats seek to expand their power, control, and responsibility over increasingly complex policies and programs which tends to increase the size and scope of government even further.
3. There has been a significant increase in the number of interest groups, each with an extensive public policy agenda, who individually and

collectively exert increasing influence over the policymaking and implementation process. The interest groups and bureaucrats often share the goal of expanding the role of government.

4. Citizens have increasingly come to expect government to solve personal, family, business, workplace, and community problems. These enhanced expectations have not only expanded the role of government but also subjects government and government officials to severe criticisms if these expectations are not met.

5. Public policy and the policymaking and implementation process is increasingly complex and confusing. This conflict and confusion is over what level of government and/or what agency is responsible for policymaking, implementation, and enforcement.

The Loss of Government Effectiveness

As Seymour Martin Lipset (1981) notes, the stability of any democracy depends on the effectiveness and legitimacy of its political system. "Effectiveness means actual performance, the extent to which the system satisfies the basic functions of government as most of the population and such powerful groups . . . see them" (p. 64). Loss of effectiveness occurs then, when government is perceived as not doing what a majority or a large portion of citizens want it to do. To Huntington (1981) the loss of effectiveness is seen in the "gap between promise and performance" (p. 12). The promise comes from a

combination of what politicians say they will do and a dream or expectation of what citizens hope politicians will do. The performance is in the perception, real or not, that the politicians succeed in keeping their promise, individually and collectively.

The decline of government effectiveness in America over the past 50 years can be seen in a series of "political events" and in a number of "public policy arenas" that have left voters with the belief that government does not work or "cannot get the job done." To be sure there was reason at the end of WWII to have faith that American government could accomplish what it set out to do. The success of the American, British, French, and Soviet Union allied war effort against the major authoritarian military regimes of Germany, Japan, and Italy was something about which most all Americans could indeed be proud. The war effort, both on the battlefield and on the domestic front, was a victory for national determination and government organization. It was a success story of what a people and their government working in concert can achieve; in this instance a victory of democracy and freedom over dictatorship. Few people in America in the summer and fall of 1945 had reason to doubt the capacity of their government to accomplish whatever it set out to do. Certain events in the immediate post-war period continued the aura of the government success story: the Marshall Plan to rebuild Europe; the efforts to reconstruct both Germany and Japan, and their governments; the 1947 Truman Doctrine of containing communism; and the 1948 Berlin Airlift to break the Soviet blockade

of Berlin. On the domestic side the federal government created programs to assist veterans in obtaining a college degree (the G.I. Bill) and purchasing housing (guaranteed G.I. housing loans). Some have argued that these programs were two of the most successful ever created, and did more to expand the middle-class in America than any other. Throughout the past 40 plus years there have also been specific government success stories that tended to renew public faith in a "can do" government. The 1955 initiative by President Eisenhower to build the national interstate highway system; the 1961 pledge by President Kennedy to start a space exploration program and to put a man on the moon by 1970--and the nation watched as it happened; and the end of communism in the collapse of the Soviet Union in the mid-1980s are major examples of these successes.

But the late 1950s and the early 1960s witnessed the beginning of a long series of "political events" that tested the capacity of American government to act effectively, and more importantly tested the faith of voters in their government. Some of these political events were in the foreign and military arena, and were actions precipitated by others that required some form of response by American governmental institutions. Also, these political events affected each president since Truman, and regardless of which party controlled the Congress. Some of the political events affected state and local governments specifically. While the WWII and other success stories mentioned above were characterized

by a high degree of public consensus as to what government should do, these "problem" events are often characterized by a lack of public consensus.³

Perhaps the first event to shake Americans' faith in government's effectiveness was the Soviet success with "Sputnik" in 1957. The American government which had developed radar, the atomic bomb (and working on the nuclear bomb), built the jet plane, and had access to the best scientists in America, was "beaten" into outer space by America's new mortal enemy, the Soviet Union. Many wondered whether the national government was asleep at the switch, and if so why, since the military war hero, Eisenhower, was president (Schlesinger, 1993). The second event, also on Eisenhower's watch and with military repercussions, was Fidel Castro's successful overthrow of the Batista regime in 1959. With victory, Castro moved quickly to join the communist bloc, a move which was clearly a major affront to the United States. The national government's primary international goal since 1947 was to "contain" the spread of communism in the world, and now America faced a "communist controlled" nation "90 miles from its shore." This was clearly an embarrassment to America and would soon become even more so. John Kennedy, upon election, discovered Eisenhower's approved plans for invading Cuba in

³The scholarly treatment of these political events can be found in Caddell (1979); Crozier (1984); Eisner (1986); Harrison and Bluestone (1988); Huntington (1981); Johnson (1982); Jordan, Letwack, Hofstadter, Miller, and Aaron (1987); Ladd (1979); Lipset (1981); Phillips (1991); Schlesinger (1993); Stockman (1986); and Thurow (1992).

hopes of removing Castro. The 1961 Bay of Pigs invasion, however, was poorly planned and executed militarily, and failed miserably (Jordan et al., 1987).

American voters were now wondering why the government cannot protect the nation from events 90 miles off shore. The Cuban Missile Crisis in 1963 again tested our government's resolve to shape events in the Caribbean and against Soviet plans executed in Moscow. The "standoff" between Kennedy and Khrushchev was "won" by the United States when Khrushchev agreed to remove the missiles from Cuba and dismantle the missile base. However, Americans were again reminded of the threatening presence of Castro and the Soviet influence in Cuba. These early American/Soviet conflicts during the Eisenhower/Kennedy years were but the first of a number of episodes that would test American government's effectiveness.

The assassination of John Kennedy later in 1963 was a new kind of test, and there were two parts. One, how could our government allow a president to be killed in the first place, and second, could the government find the guilty parties? (Schlesinger, 1993). Neither question was ever fully answered. The assassination and its aftermath was a series of bizarre circumstances, and the American voters remain divided over why and how it happened, who did it, and whether the government was effective in handling this crisis. American presidents during the Truman-Kennedy period traveled freely, had limited police protection, and had little reason to believe they would be shot. The killing of Kennedy was a shock to American citizens and reflected the vulnerability of

major elected officials, and underscored the inadequacies of government protection for them. President Lyndon Johnson, understanding the need to satisfy the public's need for an explanation of Kennedy's assassination, appointed the Warren Commission to investigate and provide the answers (Schlesinger, 1993). The killing of Lee Harvey Oswald, the main suspect, in the Dallas police station only re-affirmed the suspicion of many that Kennedy's killing was the result of a conspiracy involving the Soviets, Cuba, the Mafia, and perhaps others. Although the Warren Commission concluded the President's killing resulted from a single person (Oswald) with a single weapon, many Americans, even today, remain unconvinced, and question the ability of the government to discover the truth about this tragic event.

But the two political events that arguably had the greatest impact on citizen growing loss of faith in government effectiveness was the unfolding civil rights movement and the Vietnam War in the 1960s (Schlesinger, 1993). Both events affected liberals and conservatives alike but for opposing reasons. The 1950s and early 1960s is the period identified as the civil rights era (others argue that its beginning was much earlier).

Liberals in the 1950s and 1960s, such as Senator Hubert Humphrey, saw the Congress and many state legislatures, especially in the south, as obstacles to legislation banning racial discrimination in employment, housing, education, and public services (Schlesinger, 1993). Southern conservatives controlled major committees and leadership positions in Congress and state houses, and

routinely killed civil rights legislation proposed by liberals. Thus, the inability of elected legislative bodies to address the long festering "American Dilemma," in the words of Gunnar Myrdal, was the source of the growing anger and frustration liberals had toward their government. The only faith liberals did have in government was in the growing support the "activist" Supreme Court, headed by Chief Justice Earl Warren, had toward civil rights reform.

For conservatives the hostility toward government in the 1960s stemmed not so much from government's resistance to civil rights changes, but rather from the government's inability to prevent much of the lawlessness and violence that was associated with the 1960s movement. There were, of course, a number of peaceful demonstrations and marches during that long period, but many others deteriorated into various degrees of conflict and violence between demonstrators, police, and other citizens. But most of the conservative anger was directed toward the racial riots that beset virtually every major city in America during the 1960s. These riots, captured on television, involved not only clashes between demonstrators and police but, as the Los Angeles Watts riot in 1964 showed, burning buildings, overturning automobiles, and looting commercial establishments. For conservatives then, the ineffectiveness of government was in its inability or unwillingness to curtail conflict and violence associated with the civil rights movement during that long decade. While liberal anger toward the national government eased somewhat with the passage of the 1964, 1965, and 1968 Civil Rights Acts, conservative anger grew and the

resentment toward violence, lawlessness and social instability was a major explanation for Richard Nixon's defeat of Hubert Humphrey in the 1968 presidential election. The assassination of Martin Luther King and presidential hopeful Bobby Kennedy in April and June of 1968, and the violence at the Democratic Convention in Chicago in August of 1968 seemed to cap a decade of turbulence, and a growing view that American democratic government was increasingly ineffective in resolving major problems in American society.

The Vietnam War, a parallel division in America to the civil rights movement, presented still another major event that tested the effectiveness of American governmental institutions. To conservatives the purpose of the American government's role in Vietnam was clear; America had to contain the spread of communism and prevent communist control by North Vietnam over South Vietnam. The means to achieve this goal was to use America's military superiority to defeat the North Vietnam army, its ally in South Vietnam--the Viet Cong--and any other supporters in southeast Asia. This overall strategy was the same Truman containment strategy employed previously in the Korean War, the Cuban Missile crisis, and in Europe. The role of the American military establishment was to achieve this goal.

The anti-war movement arose in opposition to this goal and to many of the strategic and tactical approaches to achieve it. As the opposition grew both in and out of government, presidents Johnson (especially) and Nixon restricted, some argue, the use of certain military strategies. In the view of conservatives

the "politicians" were preventing the military from effectively carrying out its mission. In other words, the war was the right war but the civilian politicians hamstrung the military and stood in the way of a necessary victory.

In the anti-war predominantly liberal view, the problem was quite different; it was the wrong war fought in the wrong way. A central theme of the anti-war movement was that America was becoming a military bully patrolling every corner of the globe and was even worse than the previous Colonial powers of Great Britain and France. America was "the Ugly American" (Lederer & Burdick, 1958). The ineffectiveness of government in the eyes of the opponents was in the unwillingness of the government to forego war and to rely instead on more humane diplomatic, non-military, approaches to resolving disputes; especially involving a small nation on the opposite side of the globe and in matters they believed to be mainly political not military. Thus, to conservative Americans, the failure in the war was the ultimate example of government impotence in opposing communist aggression. To liberal Americans the failure resulted from the ineffective use of political and diplomatic authority. To most Americans, including many liberals, the American military defeat and withdrawal from South Vietnam in 1975 represented a humiliating low point in America's status and influence in world affairs.

Two other foreign policy crises in the 1970s contributed to this expanding view of American government as an ineffective instrument for protecting American national interests. The first was the 1973 oil crisis that produced

both oil shortages and a sharp rise in oil prices that impacted virtually every household and business in the United States. When the Organization of Petroleum Exporting Countries (OPEC), operating as an international cartel, assigned production quotas to each member country, the effect (and intent) was to greatly restrict the supply of oil and to increase the world-wide price of oil. The price of oil rose from approximately \$3 a barrel in early 1973 to over \$30 per barrel by January 1994. To Americans who were used to an unrestricted flow of cheap oil this development was a major shock. Further, Americans suffered through long lines at gasoline pumps, were forced to fill their gasoline tank on alternate days and were compelled later on to install various energy conservation mechanisms in their homes and businesses. Equally important, American voter anger was directed at the national government which seemed incapable of protecting either Americans or the American economy from the "unreasonable" actions of third world sheiks and dictators.

The second crisis in the 1970s occurred in late 1979 when extremist political factions in Iran captured the American Embassy and held most of the embassy staff (59 in total) hostage through January 1981. For President Jimmy Carter, the American government, and the American people, this unfolding humiliating event confirmed daily the weakness of the government to protect American citizens abroad. President Carter, the State Department, and the Department of Defense were individually and collectively viewed as completely helpless as the Ayatollah thumbed his nose at the American super power and

figuratively rubbed American faces in the dirt. The high level of presidential weakness and indecision displayed by President Carter during this episode was a major reason for his re-election defeat in 1980, according to most political observers.

There were two major domestic events in the late 1970s that added even more to this portrait of an ineffective American government. The first involves the period of high inflation rates that developed between 1977 and 1981. Mainly as a combined result of the 1973 oil crisis and the Vietnam War, consumer and producer prices jumped dramatically between 1973 and 1974, declined slightly between 1975 and 1977, and rose very dramatically again between 1978 to 1981 (The American Almanac, 1994-1995, pp. 488, 496). The inflationary period, for example, saw the consumer price index double for utility, fuel oil, transportation, and energy costs between 1973 and 1978 (The American Almanac, 1994-1995, p. 488). Federal government total expenditures went from \$245 billion in 1973 to \$458 billion in 1978. Thus, the energy crisis, plus increases in both domestic and military government spending in the middle 1970s contributed to this period of high inflation.

The inflation problem, in turn, helped fuel a second domestic political problem--the tax revolt. As inflation pushed up consumer prices it also boosted wages and salaries, which then resulted in taxpayers paying higher income taxes. The same inflation caused people to pay higher total sales taxes on consumer prices, and for property owners the increased value of their property drove

property taxes dramatically upward. Many citizens, watching taxes rise dramatically over a brief several years, rose in anger over what appeared to be "automatic" annual tax increases. The tax revolt fever seemed to reach a peak in California in 1978 with the passage of Proposition 13, a ballot initiative severely limiting property taxes on residential, commercial, industrial, and agricultural property. But the same tax revolt occurred in a number of other states as well. The strong inflation rise and the increase in taxes seemed to suggest that the federal government was unable to provide a basic level of economic stability for the country. The tax increases, also coming on the heels of the 1973 oil crisis, the Watergate fiasco, and the Vietnam War defeat, seemed to portray a federal, state, and local system of government that was alternately incompetent and out of control. President Jimmy Carter, generally viewed as ineffective in handling the Iran hostage crisis, was viewed as equally ineffective in responding to the new problems of inflation and the tax revolt. Ronald Reagan would defeat President Carter on the pledge to make America effective in international affairs again, and by promising the voters that he would get government "off their back and out of their pocket."

However, Presidents Reagan and George Bush would each face a set of events challenging the ability of government to respond effectively. For President Reagan there were two main challenges: (a) a series of large annual budget deficits which added greatly to the national debt, and (b) the growing Japanese economic threat and America's foreign trade problem.

While attempting to put the country on track economically by enacting major fiscal policy changes, the Reagan administration actually helped create another set of economic problems which produced further evidence of government ineffectiveness. The Reagan campaign had promised to cut income taxes, increase military spending, cut social welfare spending and government regulations, and balance the federal budget by 1984 (Eisner, 1986). The 1981 tax cuts reduced income tax rates, cut taxes 25% across the board, reduced corporate income taxes, and significantly reduced total revenue. The same budget began a series of annual increases in military spending. However, the Reagan administration could not achieve any significant long-term reductions in federal social welfare spending (Stockman, 1986). These fiscal changes had two major consequences. First, each subsequent budget year saw larger budget deficits as total government spending went up while total revenue growth slowed. Second, as noted earlier in this chapter, the accumulated annual budget deficits added greatly to the gross federal debt between 1981 and 1995. In 1981 total federal outlays were \$678 billion and the budget deficit was \$79 billion (The American Almanac, 1994-1995, p. 330). By 1986 the figures were \$990 billion and \$221 billion respectively (p. 330). In 1993 the outlays were \$1.4 trillion and the annual deficit stood at \$255 billion. The gross federal debt went from \$994 billion in 1981 to \$4.3 trillion in 1993. The total debt as a percentage of GDP rose from 33.5% in 1982 to 69.1% in 1993. Thus, the Reagan tax cuts, the military and domestic spending increases, and the resulting budget deficits

produced a set of serious fiscal problems from which the government could not extract itself. Neither presidents Reagan or Bush, nor the Congress, could muster the political will to increase taxes or cut spending in order to bring the fiscal budget into balance. Citizens watched with rising concern, frustration and even anger as the large deficits continued and the national debt multiplied.

Along with this growing fiscal dilemma, America in the 1980s witnessed what was perceived to be a rising economic threat from Japan (and to a lesser extent from Germany, Taiwan, Korea, and Hong Kong) (Thurow, 1992). In the 1950s and 1960s America had little to fear from these countries economically. But by the late 1970s and early 1980s Japan and Germany had re-built from the WWII devastation and were now vying with the United States and other Western democracies in the international trade markets (Phillips, 1991; Thurow, 1992). Japan's economic strategy was to expand export market share in all major markets including the United States (Johnson, 1982). This strategy included: (a) gaining market access through various trade agreements; (b) being cost competitive; and (c) more importantly being competitive in terms of quality. By the early 1980s these strategies had proven to be very successful for Japan as it dramatically improved its world trade share (Harrison & Bluestone, 1988). Japan's threat to the United States--and Germany's to a lesser extent--took several forms: (a) Japan's exporting success to the United States was a major factor in turning America from a major exporting country in the 1950s, 1960s, and 1970s to the largest importing nation in the late 1980s (Harrison &

Bluestone, 1988); and (b) Japan's exporting success allowed Japan to use excess dollars to purchase an increasing number of U.S. debt instruments, such as treasury notes, and to purchase an increasing amount of U.S. domestic assets, such as land, office buildings, and businesses (Rockefeller Center, CBS records, resorts, hotels, etc.).

For the United States to go from the world's leading exporting nation to the leading importing nation within 10 years was a major feat and it had a number of negative repercussions for businesses and workers alike. As Harrison and Bluestone (1988) note, between 1975 and 1988 an estimated 9-12 million industrial jobs were lost due to the growth of foreign imports in America. This largely happened in automobile, steel, electronic consumer products, and the textile industries. Lower profits, depressed wages, business bankruptcies, business mergers, and the exporting of U.S. production and jobs to Mexico, Taiwan, and elsewhere were also a negative by-product of the U.S. export/import turn-around.

Japan by the mid-1980s appeared as an overwhelming economic force and the numerous negative consequences of America's trade decline resulted in demands for government to do something. U.S. businesses wanted trade restrictions on Japan's products because of Japan's restrictions on U.S. imports to that country, and for Japan's low-ball pricing practices that undercut the prices of American made products. Workers wanted similar protections and further protections against job losses and stagnant wages. But the pleas for

government action and protection fell on deaf ears. For one thing, any government attempts to restrict imports by quotas or tariffs would certainly bring complaints from consumers and America's retail trade industry. Secondly, and equally important, the free trade approaches adopted by both the Reagan and the Bush administrations (and even later by President Clinton) precluded any meaningful help by the government to assist those harmed by America's trade misfortunes. Third, there were those who believed that even if a consensus could be reached on what government should do, it would be too little and too late.

But, for many Americans, including business and labor leaders, the greatest threat to the United States in the 1980s, 1990s, and beyond, was the economic threat posed by Japan and other emerging economic powers, such as Korea, Taiwan, Brazil, and soon perhaps, China. As the Soviet Union and communism were collapsing in the mid-1980s, and the cold war was ending, there was a growing view that the main threat to America's independence and economic growth was not from communism, and not from a military threat; rather, it was from other capitalist countries and the threat was economic (Thurow, 1992). The belief, too, was that if it is the government's responsibility to protect America and Americans from military aggression why shouldn't the government protect the nation from economic aggression as well?

For the past 40 years these major political events--"Sputnik," Castro and communism in Cuba, the Bay of Pigs invasion, the Cuban Missile Crisis, the

John Kennedy assassination, the Civil Rights Movement and associated conflict and violence, the Vietnam War and the anti-war movement, the 1973 oil crisis, the Iran hostage crisis, economic inflation and rising taxes, rising budget deficits and national debt, and the Japanese economic threat and the loss of U.S. exports--individually and collectively contributed to a growing perspective by citizens that their American government, in too many cases, was not working as it should. Government responses to these important foreign and domestic political developments were viewed as inadequate, unsuccessful or wrong, and together contributed to this picture of a bumbling, incompetent, uncaring or ineffective government that could not protect the national interests of America, or its citizens.

In addition to these major political events the loss of effectiveness of American government can be seen in certain important, even critical, domestic "policy arenas" in which government is expected to provide a basic service, address a major problem or implement an important policy, but seems unable to do so adequately. These important "policy arenas" include the following:

1. Government fiscal policy, deficit financing and the growing public debt;
2. education policy and the decline in educational achievement in many elementary, secondary and university systems;
3. public safety, law enforcement policy, and the increase in lawlessness and violence;

4. civil rights policy and the rise of racial and ethnic conflict;
5. immigration policy, the large number of legal and illegal immigrants and the slow pace of cultural assimilation;
6. population stabilization policy and the inability of many localities to accommodate large population growth; and
7. environmental policy and the difficulty in protecting air and water supplies and other natural resources from pollution.

The level and purpose of government spending, the form and level of taxation, the appropriateness of deficit financing, is debt good or bad, what kind of debt, and how debt is measured are routinely part of the on-going discussion over fiscal policy.⁴ The debate over these fiscal policy issues, of course, is not new although the level of both government spending and taxing was relatively low until WWII. The use of public debt, while also not new, was used rather sporadically, mainly during war time, until the 1960s. Deficit financing was thought of as a temporary policy to be used only in time of national military or some other crisis (while most state and local governments across America are legally required to have balanced operational budgets, the federal government

⁴Recent scholarly analysis of government finance and public policy include Brewster and Brown (1994); Calleo (1992); Cochran, Mayer, Carr, and Cayer (1993); Cohen (1995); Ehrlich (1968); Eisner (1986); Hacker (1992); Hardin (1968); Harrison and Bluestone (1988); Kamieniecki, O'Brien, and Clark (1986); Kraft (1996); Krugman (1991); Marshall and Schram (1993); Obey and Sarbanes (1986); Phillips (1991); Schlesinger (1992); Steele (1990); Taylor (1993); and Thurow (1992).

is under no such obligation). In 1931 the federal government resorted to deficit financing in large part due to the onset of the great depression. A modest annual deficit (\$1 billion-\$5 billion) continued each year through the 1930s until 1941 (Eisner, 1986, pp. 18-19). World War II caused a dramatic climb in the annual budget deficit ranging from \$16 billion to \$54 billion between 1942-1946. In the 14 years between 1947 to 1960, however, the federal budget had a deficit 7 years and a surplus 7 years (The American Almanac, 1994-1995, p. 330; Eisner, 1986, pp. 18-19). Between 1960 and 1994 there has been a budget surplus only 1 year, in 1969, during the Vietnam War. From 1960 to 1981 deficits ranged from lows of \$1.5 billion in 1965 and \$2.8 billion in 1970, to highs of \$73.8 billion in 1980 and \$78.9 billion in 1981. The budget deficits began to soar in 1982 at \$127 billion, reaching a high of \$290 billion in 1992. Most importantly, between 1982 to 1994 the gross federal debt went from 41% of GDP to 70% of GDP (The American Almanac, 1994-1995, p. 330).

Opinions vary on the meaning and importance of this increased reliance on deficit financing. Harrison and Bluestone (1988) contend that increased government spending in the 1980s, fueled by government debt, aided consumption spending which, in turn, drove the economic expansion of the 1980s. Calleo (1992) argues that this fiscal irresponsibility is driving the country toward bankruptcy. Eisner (1986) claims that the deficit financing and the accumulated debt is not as bad as thought because it is not measured along

side the growth of the nation's assets. However, he acknowledges that the annual deficits should be greatly reduced.

Nevertheless, the nature of the use of deficit financing since 1960 is different than earlier years and more troubling in both its purpose and effects. In the first place, unlike earlier use of debt, this modern era (except for the 1966-1972 Vietnam era) did not use debt to help combat a crisis like the Civil War, WWI and II, or the Great Depression. While military expenditures shot up between 1968 to 1974 and from 1982 to 1987, the most dramatic increases in federal expenditures in the past 25 years was in social welfare and interest payments on the federal debt as noted earlier in this chapter. Between 1970 and 1991, for example, total federal, state, and local social welfare expenditures increased from \$146 billion in 1970 to \$1.165 trillion in 1991 (The American Almanac, 1994-1995, p. 370). As a percentage of total government outlays (federal, state, and local) social welfare went from 46.5% in 1970 to 57.4% of total in 1991. During the same period per capita expenditures for social welfare (in constant 1991 dollars) went from \$2,350 per capita to \$4,540 per capita (The American Almanac, 1994-1995, p. 370), and as a percentage of total GDP increased from 14.8% to 20.5%.

Spending for education, by contrast, has grown only slightly between 1970-1991. For example, total education spending in per capita 1991 dollars rose only from \$823 in 1970 to \$1,080 in 1991.

The fiscal dilemma suggested by these data are several. First, government spending in support of non-productive adult citizens--retirees, the unemployed, the non-employable, and the handicapped--has grown dramatically over the past 25 years. Second, because most of these individual programs--Social Security, Medicare, Medicaid, Supplemental Security Income (SSI), Aid to Families with Dependent Children (AFDC), Unemployment Compensation, food stamps, and HUD housing subsidies, for example--are regarded as "entitlements" they receive automatic increased appropriation funding each year by Congress. Third, the growing budget deficits, and the national debt, suggests that the president and the Congress are unwilling to increase tax revenue sufficiently to pay for entitlement increases. In other words, tax users are getting government funds faster than taxpayers are able or willing to pay taxes. Fourth, and most importantly, these fiscal trends will result in a growing division in the nation between productive working taxpayers on one hand and non-productive, non-working tax users on the other; and in a push-pull conflict between the demand for short-term consumption spending and the need for long-term investment spending.

This fiscal dilemma and the growing national division between the productive taxpaying population and the non-productive tax user population is fueled further by American education policies that increasingly seem unable to educate Americans adequately for life and work in the 21st century. If America

is to compete successfully over the next half century in the international marketplace American workers will have to be well educated and trained.

In 1895 the nature of work in the United States was very different from 1995. Most work and forms of employment at that earlier time was hard labor and did not require the levels of formal training required today. As recently as 1960 only 41% of American adults over 25 had completed high school or had some college. In 1993 that figure stands at 80% of adults over age 25. In 1960 only 7.7% of all persons over age 25 had attained a bachelor of arts degree or more, compared to 22% in 1993. Certainly, these figures represent a fairly dramatic increase over the past 35 years in levels of formal education.

Yet the statistics showing low or inadequate levels of educational achievement in America are just as startling and should be a cause for concern for America's future productivity capability, and the nation's standard of living. While 80% of those over 25 have a high school diploma, it means also that 20% have less than a high school diploma. Table 1 shows the levels of education attainment in 1993.

It is significant that those with a high school diploma, only, and those with no diploma, represent about 55% of the adult population. This 55% will not be able to contribute significantly to America's economic productivity in the decades ahead. For the black and Hispanic population the figures are especially bleak. Only 70.4% of adult blacks over age 25 and 53% of adult Hispanics over 25 have a high school degree or more. While 22.6% of whites have a

Table 1

Levels of Education Attainment in 1993

| Level of Education | % |
|-------------------------|------|
| No high school degree | 20.0 |
| High school graduate | 35.4 |
| Some college, no degree | 16.6 |
| Associate degree | 6.4 |
| Bachelor degree | 14.5 |
| Advanced degree | 7.4 |

Adapted from The American Almanac (pp. 157-158), 1994-1995, Austin, TX:
The Reference Press, Inc.

bachelors degree or more, only 12% of blacks and 9% of Hispanics have a bachelors or more. Thirty-three percent of Asians have a bachelors degree or more. Of those adults over 25 with a bachelors degree or more, 2% are Asian, 5% are Hispanic, 6% are black, and 87% are white (The American Almanac, 1994-1995, pp. 157-158). Yet, whites account for most of the high school drop-outs. Indeed, there are more whites among the 20% who have less than a high school diploma than blacks, Hispanics, and Asians combined.

Looking at education attainment by gender reveals no significant differences in educational attainment contrary to popular perception. In 1960, 9.7% of men and 5.8% of women had achieved a bachelors degree or more. By 1993 these figures increased to 24.8% and 19.2% respectively. Since 1981 over 50% of all bachelors degrees have been awarded to women and since 1982 a majority of graduate degrees have likewise gone to women (The American Almanac, 1994-1995, p. 157). In 1960, 39.5% of adult men and 42.5% of adult women had completed 4 years of high school. In 1993 these figures increased to 80.5% and 80% respectively. Thus, while the above educational statistics show a significant increase in educational attainment in America since 1960, these same statistics show a widening disparity in the American population between those who are well educated and more likely to be both economically successful and productive and those who are poorly educated and more likely to be a non-productive tax user.

But the disparity of educational attainment is only one measure of the ineffectiveness of the American education system. Additional educational quality concerns include the following: (a) poor student achievement as measured by the Scholastic Aptitude Text (SAT), the American College Test (ACT), and other competency tests revealing declining student performance in math, science, social studies, and language arts even by students who do graduate from high school; (b) low quality of teacher competency at the elementary, secondary, and at the undergraduate levels; and (c) declining education performance requirements at the elementary, secondary, and the undergraduate college levels (Cochran et al., 1993; Harrison & Bluestone, 1988; Thurow, 1992).

The 1983 report of the National Commission on Excellence in Education claimed that America's position worldwide in commerce, industry, science and technology is "at risk" because of the declining state of the nation's education system (Cochran et al., 1993, p. 335). The Commission's concern with what it called America's "mediocre educational performance," went beyond economic matters to the role of education in enhancing the foundations of a free democratic society. As Thurow (1992) and Cochran et al. (1993) also note, the problems associated with poor education quality are a high level of functional illiteracy, lower performance among American students compared to students from other industrial nations on 19 academic tests, the on-going decline in

achievement test scores, and the growth of remedial courses at the college level.

In 1991 a report of the National Assessment of Educational Progress prepared by a national educational panel of state governors and federal education officials depicted an equally bleak portrait of educational achievement.

According to the report:

1. Fewer than 20 percent of students could perform math skills at their grade level.
2. Only 60 percent of students in grades four, eight and twelve could solve simple math problems.
3. Fewer than 1 percent of fourth and eighth-graders and 2.6 percent of high school seniors could perform math at the advanced level.
4. Student performance in science, social studies and language arts was no better than that for math.

(Cochran et al., 1993, p. 336)

Universal free public elementary and secondary education and easy access to higher education for qualified students has been a core feature of American political culture. American citizens recognize the importance of education, value educational achievement, and are prepared to contribute taxes to finance educational programs. But something is quite wrong with America's education effort when so many adults have low levels of educational attainment and when so many other adults have such low levels of academic performance. Clearly, the governability problem exists when government is unable to satisfy the public's expectations for quality education.

The governability problem can also be seen in the public safety and law enforcement policy arena. Protecting public safety and security and maintaining

civil order and stability has, of course, always been the most important of government responsibilities. Liberty and order go hand-in-hand. When law is created by democratic consensus people are expected to obey the law. Citizens have fundamental political and economic rights, but they also have a responsibility of citizenship to obey the law and not do harm to others. Responsible parents and public schools are supposed to instill civil responsibility in young citizens and we have created police departments, criminal and civil courts, prosecutors, jails, and prisons to punish those who do not fulfill their civic responsibility to obey the law.

But increasingly many Americans believe the criminal justice system is not working very well and frustration with criminal behavior and lawlessness is on the rise. The perceptions by many citizens that crimes against both people and property have increased in recent decades is supported by statistics by the Federal Bureau of Investigation's (FBI) Uniform Crime Report and the Bureau of Justice's Statistics Annual Crime Survey. The FBI Uniform Crime Report, Crime in the United States (1991) shows that the rate of violent crime (which includes murder, forcible rape, armed robbery, and aggravated assault per 100,000 population) increased 355% between 1960-1990 (FBI, 1991). From 1983 to 1992 the rate of violent crime rose over 40% going from 538 crimes per 100,000 population to 758 crimes per 100,000 population (The American Almanac, 1994-1995, p. 198). The murder rate during the same period rose from 8.3 crimes per 100,000 to 9.3, while the aggravated assault rate increased

from 217 crimes per 100,000 to 264 crimes per 100,000. The property crime rate (which includes burglary, larceny, theft, and motor vehicle theft) also increased substantially between 1960-1990 (FBI, 1991) and between 1983 and 1992 (The American Almanac, 1994-1995, p. 198).

As Cochran et al. (1993) observe, the rise in violent crime has been accompanied by an increase in crime "against random victims [and] crime unrelated to the identity or behavior of the victim" which in turn has heightened the widespread fear of crime and has greatly impacted urban life in particular (p. 156). Media reports of gang related violence, drug crimes, drive-by shootings, car high-jacking, violent juvenile crime, and domestic violence has added to the fear and the perception of increased victimization throughout the country. In this atmosphere the criminal justice system--police, prosecutors, judges, and prison officials--seems very inadequate in the eyes of many citizens (Brewster & Brown, 1994).

In terms of public expenditures for law enforcement, government total expenditures in 1991 was slightly more than \$75 billion. Of this \$75 billion about \$65 billion was spent by state and local governments (\$40 billion by local governments). Thirty-two billion dollars was spent on police protection while \$25 billion was spent on correction related expenses. Criminal justice total employment stood at about \$1.7 million employees with 800,000 law enforcement officers, and approximately 550,000 correctional personnel (The American Almanac, 1994-1995, p. 209).

Whether these expenditure and staffing levels are adequate is hotly debated in Congress, state legislatures, and in city councils across the nation. Liberals and conservatives, of course, while agreeing that crime is a serious problem, differ mightily over the explanations for, and the solutions to, crime in America. Liberals generally see crime as a social by-product of poverty, racial discrimination, and lack of economic opportunity, while conservatives see crime in terms of people making the wrong choices, doing bad things and violating societal laws and standards. Liberals view crime as largely a societal failure, i.e., a failure of the economic system, the educational system, or the criminal justice system. Conservatives see crime as an individual failure, i.e., lack of personal morality or due to parents who do not raise their children to obey the law. Liberals favor crime prevention (dealing with "root" causes), rehabilitation of criminals (i.e., job training), and generally oppose harsh penalties, such as capital punishment. Conservatives, by contrast, generally believe rehabilitation does not work, and further, that individuals should be punished in order to deter them and others from violating the law. At various times and in various ways this century both liberal and conservatives' philosophies toward crime and law enforcement have been put into practice. Yet neither approach so far seems to have had much impact on the nation's crime rate. As the incidence of crime, and the crime rate has gone up over the past 30 years, the voters faith in the government's ability to effectively enforce the criminal code and curtail serious crime is diminished.

Two additional major policy areas that recently have tested government's ability to govern are the twin policy arenas of civil rights and immigration. In both instances the governability problem stems from the inability, or unwillingness, to enforce laws that were established in 1964 and 1965.

With the exception of the crime problem perhaps no policy arena has brought more heated debate and division to American politics over the past 30 years than civil rights policy (Hacker, 1992; Schlesinger, 1992; Steele, 1990; Taylor, 1993). The enslavement of blacks, the great Civil War, the Jim Crow culture of the American South, and the many legal obstacles to black access to the political, economic, and social status enjoyed by many white Americans is well documented. The history of how blacks were treated by some white Americans is indeed a troubled history. That history, however, is balanced by the fact that other white Americans struggled mightily to undo and remove all of those obstacles, and by-and-large they have succeeded (Schlesinger, 1992; Steele, 1990; Taylor, 1993). The final stage of this struggle to undo these human wrongs began with the Civil Rights Movement in the 1950s and early 1960s. The first stage of this civil rights era was the legal attack on University racial segregation (Sweatt v. Painter, 1950) and school racial segregation (Brown v. Topeka Board of Education, 1954). These legal desegregation efforts were followed by a legal attack on racial discrimination in employment, education, and public accommodation (the 1964 federal Civil Rights Act), in

voting (the 1965 federal Civil Rights Act), and to end discrimination in the sale and rental of housing (the 1968 federal Civil Rights Act).

Ending legal segregation was to be the first step toward the integration of American political, economic, and social institutions (Cockran et al., 1993; Taylor, 1993). Banning racial discrimination would remove all legal and artificial obstacles to success. The central theme of the Civil Rights Movement was embodied in the famous words of Martin Luther King in which he expressed hope that some day all people would be judged "not by the color of their skin" but by the "content of their character" (King, 1963, p. 2). This simple phrase more than any other symbolized the philosophy of the Civil Rights Movement. Of course, discrimination or segregation based on race (or national origin, color, religion, or sex) was wrong; it was, as argued, damaging alike to individuals and to the nation. Further, King's famous phrase had a moral quality, or ring, to it for which there was no counter argument.

Pushed by President Lyndon Johnson, the intent of Congress in passing the 1964 federal Civil Rights Act was to remove race, sex, color, and national origin as a consideration in employment, education opportunity, and public accommodation. Section 703(a) of Title VII of the Act, for example, declared it illegal for any employer to "limit, segregate, or classify . . . employees in any way which would deprive or tend to deprive any individual of employment opportunity . . . because of such individual's race, color, religion, sex, or national origin." To make sure that the Act would not require racial

preferences or quotas in the workplace Congress, in Section 703(j) of Title VII, added the following language:

Nothing contained in the title shall be interpreted to require any employer . . . to grant preferential treatment to any individual or to any group because of race, color, religion, sex, or national origin of such individual or group on account of an imbalance

Thus, the factors of race, gender, and national origin were legally removed and not to be used in any manner thereafter.

But the end of race consciousness in employment and education required by the 1964 Act soon turned into a set of practices quite the opposite of what civil rights leaders and Congressional sponsors of the Civil Rights Act, such as Senator Hubert Humphrey (D. Minn.), had intended. Beginning in the late 1960s and early 1970s government policies, under the guise of "affirmative action," began to mandate racial, ethnic, and gender preferences in employment, government contracting, and university admissions. Government agencies began using racial preference policies, racial and gender goals and quotas, minority hiring "set-asides," "race norming," and lower job and admission requirements for some racial and ethnic groups as instruments of affirmative action (Hacker, 1992; N. Mills, 1994; Steele, 1990; Taylor, 1993). These government sponsored civil rights policies, in effect, turned the 1964 federal Civil Rights Act on its head and systematically engaged in racial, gender, and ethnic discrimination that the Act clearly prohibited. Government departments, agencies, and offices throughout the federal government, all state governments,

most major local governments, local school systems, police and fire departments, colleges and universities, and private businesses that work for governments, used various mechanisms requiring that race, ethnicity, or gender be primary factors in employment and school admission decisions. These racial preference practices over the past 25 years have clearly made a sham, legally and intellectually, of both the "equal protection" clause of the 14th Amendment to the Constitution and the 1964 Civil Rights Act. It is not the purpose of this study to explore the reasons for this legal and intellectual flip-flop but as Hacker (1992), N. Mills (1994), Steele (1990), and Taylor (1993) point out the primary explanation rests with bureaucratic decisions and Supreme Court legal gymnastics.

However, aside from examining the full history of this development and a detailed 25 year analysis of how racial and ethnic preferences became the norm, it is possible to note the philosophical underpinnings of this flip-flop. Philosophically, the Civil Rights Movement and the Civil Rights Acts, rested on the premise of "equality of opportunity"--the "level playing field" notion--where artificial barriers to success were removed. Today, however, the philosophical basis for civil rights policy has shifted to "equality of results" in which equality of "opportunity" is not sufficient any longer and where successful policy is measured by the racial, ethnic or gender mix of the workplace or the campus. To measure success agencies must have policies that lead them to the "proper mix" and be able to measure that proper mix along the way. Second, as noted

earlier, the Civil Rights Movement and the early Supreme Court decisions were predicated on the notion that racial, ethnic, and gender integration, and not segregation, was the ideal. Today, however, racial, ethnic, and gender segregation in business, professional and service organizations, and on university campuses exists in ways and degrees not imagined in 1960. Thus, the intent of the original Civil Rights Movement, and the 1960 federal Civil Rights Acts, was to end racial preferences and racial segregation in America. The failure of this goal is seen today in government sponsored racial preferences and approved racial segregation.

The governability problem stemming from ineffective immigration policy begins with the enactment of the 1965 Immigration Act. Like the 1964 and 1965 federal Civil Rights Acts, the 1965 federal Immigration Act "was a generous piece of legislation designed to open nondiscriminatory access to the United States." But while the 1965 Act was noble and revolutionary it was also one of the most "thoughtless" and poorly conceived acts of Congress (Brewster & Brown, 1994, p. 247).

The purpose of the Act was to limit overall immigration and to equalize access by balancing the number of new arrivals from the Western and Eastern hemispheres. A cap of 170,000 per year was placed on newcomers from Asia which was given equal standing with European nations. However, several miscalculations by lawmakers resulted in an explosion in immigration far beyond the limits established in the 1965 Act. The first of these was the

refugee driven immigration resulting from the Vietnam War in the 1960s and 1970s, and the political instability in Central America and the Caribbean in the late 1970s and early 1980s. Congress raised the limits on refugee admissions in 1980 and gave the president authority to order even higher limits. The result was a dramatic increase in asylum-seeking refugees from Vietnam, Laos, and Cambodia. In 1980, for example, a total of 375,000 political refugees were accepted from around the world compared to a limited 17,400 in 1966 (Brewster & Brown, 1994, p. 248). In addition the 1980s experienced a significant increase in uninvited immigrants from Haiti, Cuba, Nicaragua, El Salvador, and Guatemala, in some cases resulting from American induced instability.

The second miscalculation emanating from the 1965 Act was from a little known clause in the Act that encouraged "family unification" for immigrants who had left family members behind when they came to America. For every legal immigrant from Vietnam, Laos, and Cambodia several additional relatives, including siblings and distant cousins later came to America under family unification. Earlier immigrants from South Korea, the Philippines, Taiwan, Hong Kong, and India also seized on family unification to bring family members to the United States. In the 1970s for example the number of Asians in this country doubled to 3.5 million, and doubled again in the 1980s (Brewster & Brown, 1994, p. 249). Family unification also had an impact on later immigration in the late 1980s and early 1990s.

The third serious miscalculation from the 1965 Immigration Act was the government leaders' inability to foresee and prevent the massive flow of illegal immigration from Mexico and Central America in the 1980s and 1990s. Illegal immigration from Mexico had long been tolerated in America, although in far smaller numbers. It was seen as benefitting both Mexican workers and certain American businesses. But economic, social, and political trends brought increasing instability to Mexico beginning in the late 1970s and early 1980s that were apparently not foreseen by United States officials. This instability gave rise to a massive inflow of illegal immigration to the United States that heavily impacted border states and larger cities elsewhere in the United States. There is heated debate over the exact number of illegal immigrants and whether the effect of their numbers is positive or negative for America and the border states. Nevertheless, the impact of this population, along with legal immigrants, on public education, the criminal justice system, the health and social service system, housing demands, transportation use, and on competition for low income jobs has resulted in dramatically increased government spending in many states and localities throughout the country. The added fiscal burden plus the large number of newcomers from Mexico and Central America (most presumably in the country illegally) left citizens in many communities with a feeling of being invaded by a large and growing number of foreign nationals who violated American law by their presence.

One of the national government's primary responsibilities, of course, is to protect the nation's borders and to establish immigration policy and citizenship requirements for those wishing to become American citizens. With the passage of the 1965 federal Immigration Act and the subsequent revision of the Act in 1986 and 1990 the federal government has indeed established such a policy. While some may question the wisdom of the current law, as noted earlier, the problem of government effectiveness on immigration policy is in the government's inability, or unwillingness, to enforce its own law. Foreign nationals who are in America illegally arrive here in two primary ways: (a) they are here legally on a temporary work or education visa and remain in this country illegally after their visa expires, or (b) they come to America originally without a visa in violation of immigration laws.

From an enforcement perspective the law gives government three main instruments to curtail illegal immigration. First, is controlling access to the country through border control mechanisms such as border patrol interception and airport and seaport control and interception. Second, is the use of deportation procedures to return foreign nationals here illegally to their native country. Third, is to identify and penalize employers who hire immigrants that are in this country illegally. While a considerable effort has been made to control American borders by the Immigration and Nationalization Service (INS), U.S. Customs Service, the U.S. Coast Guard, and other police agencies, these agencies readily admit their lack of success in controlling illegal immigration,

especially along the expansive Mexican and Canadian borders (Brewster & Brown, 1994, pp. 247-254). The INS has had even less success in identifying and deporting foreign nationals with expired visas and in identifying and punishing employers who employ illegal immigrants (Brewster & Brown, 1994, pp. 250-254).

The real and perceived ineffectiveness of the national government to enforce its laws and to control the nation's borders creates a sense of government impotence in the lives of many citizens and in those who seek stricter enforcement of the law. One of the more controversial consequences of this governability problem was the passage of Proposition 187 in California in 1994. This proposition, adopted with a 59% majority vote, contained language that would have denied education and a variety of social service benefits to illegal immigrants. While some elements of Proposition 187 may face constitutional challenges, the supporters of the measure clearly wanted to send Washington a message that the national government must enforce its immigration laws.

Two final policy arenas contributing to the governability problem to be addressed here are population stabilization policy and environmental protection policy, which are increasingly interrelated. The problems associated with population growth stem from the difficulty local and state governments face in attempting to accommodate large, or rapid, increases in population within their respective jurisdictions. Population growth in the United States this century has been quite dramatic and has taken several forms. First, the total U.S.

population has increased significantly from approximately 76 million in 1900, to 151 million in 1950, and finally to 248 million in 1990 (The American Almanac, 1994-1995, p. 8). Middle range projections by the U.S. Bureau of the Census puts the U.S. population at 276 million in 2000 and 392 million in the year 2050 (The American Almanac, 1994-1995, p. 9). Joel Cohen (1995), in his book, How many people can the Earth support? claims that the world's population likewise, will explode from 5.3 billion in 1990 to 12.5 billion in 2050 and 20.8 billion in 2150 unless fertility is reduced. Second, problems associated with the population increase in America have been made worse by several additional population trends: (a) the population shift from rural to urban centers through most of this century, (b) the shift from north and northeast to the south and west during the last 50 years, and (c) the shift from urban city to suburb over the past 50 years.

This population increase and the population concentration resulting from population migrations have had significant on-going impact on the state and local governments. For those areas gaining large populations governments have significant difficulty accommodating the need for new housing, transportation, public safety, public health, education, employment, and various welfare and social services.

The problem for America (and for the world as a whole) with respect to population stabilization policy is that there is no policy. While scientists in America and around the world may disagree on the population forecast

numbers there is general agreement that the earth's population is growing so fast that it may soon exceed the "carrying capacity" of a given nation, and of the planet, to sustain this population growth (Cohen, 1995). There have been numerous studies and considerable attention given to environmental degradation, deforestation, global warming, and the ozone hole. But population stabilization policy seems to be lacking from this discussion; rarely do politicians running for office address concern about the coming population explosion that will surely result in widespread human suffering. Of all the issues confronting the survival of the human species, and the quality of human life, none can be more important than when and how the population growth will exceed America's (and the world's) capacity to sustain human life. Nor, can any be more important than developing policies to prevent, or mitigate, this growing dilemma.

Population stabilization policy is lacking for several primary reasons. First, there are widespread cultural and religious obstacles to even discussing the idea of limiting population growth let alone enacting and implementing such policies. Resistance to family planning and birth control is quite strong among mainstream and fundamental religions in America and elsewhere. This issue involves very personal and private beliefs about sex, marriage, child birth, and family, about which people have strong emotions. It is hard for politicians to see a winning platform in this atmosphere. Second, until recently people accepted the notion that natural calamity, starvation, and wars--especially the

possibility of a nuclear war--made population stabilization seems unnecessary. Third, in America until recently, space for living seemed endless. In earlier years excess population in New York and Philadelphia could "go west" to Chicago, St. Louis, and Dallas; or later to Denver, Los Angeles, and San Francisco. But today there is no more "west" left to which to go. The west is now developed and California's population is almost double that of New York. Fourth, economically the demand for economic growth seemed to require an increasing supply of workers and consumers, which of course fueled the argument for why population growth was not only good but necessary. Even now economic growth, economic development, and population growth in America are seen as essential elements of a strong and stable economy.

Cohen (1995), Ehrlich (1968), Ehrlich and Ehrlich (1990), Hardin (1968), and numerous other scientific scholars, who have written extensively on the population dilemma suggest the urgent need for governments to begin now to develop effective population stabilization policies. An important first step toward this end will be to separate the need for economic growth from population growth. But so far the problem that population growth poses for the governability problem is that it is a serious problem in need of a policy.

The lack of effectiveness of environmental policy stems not from the absence of environmental protection laws but rather from: (a) uneven implementation and enforcement of existing law throughout the country; and (b) the reality that population growth, discussed above, is not factored into the making

of environmental laws or in the implementation or enforcement of them. As Michael Kraft (1996) notes, the impact of existing environmental laws has been decidedly mixed. Progress in dealing with air and water quality, toxic chemicals and hazard wastes, biological diversity, and habitat loss has suffered from the following: (a) inadequate monitoring of environmental trends and data collection; (b) insufficient, or uneven, financial support and staffing for environmental protection agencies; and (c) political resistance to implementation and enforcement of existing laws by various interests impacted by them (Kraft, 1996). However, even if these problems did not exist the expected population increase mentioned above, will clearly continue to put enormous pressure on the nation's ecosystems, resulting in even greater environmental damage (Ehrlich & Ehrlick, 1990).

So while America has made considerable progress in adopting far-reaching laws to protect air and water quality, reduce toxic and hazardous waste, and to preserve biological diversity and habitat, the governability problem arises with the uneven and inconsistent implementation of these laws and with the inability or unwillingness to develop a meaningful population stabilization policy.

Thus, these important policy arenas--fiscal, education, law enforcement, civil rights, immigration, population stabilization, and environmental--individually and collectively contribute to the governability problem in the American political system because of each policy arena's ineffectiveness and shortcomings.

The lack of satisfactory performance by government in developing, implementing or enforcing important policy, along with government's unsatisfactory response to major political events, addressed earlier, contribute to a general picture of an impotent and ineffective government that is unable to meet the goals and expectations of the voting public. There are undoubtedly other political events and other policy arenas that have suffered from an ineffective government response, but these political events and policy arenas, mentioned above, appear to be the most obvious and salient. The lack of government effectiveness in these instances have in turn contributed to the loss of legitimacy and trust in government in America.

The Loss of Legitimacy in American Political Institutions

The third component of the governability problem involves the loss of legitimacy in the eyes of citizens toward the political system in general or specific institutions within the system. As Lipset (1981) points out: "Legitimacy involves the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for society" (p. 64). Legitimacy is evaluative. Individuals view the political system as legitimate, or illegitimate, according to whether government behavior is in accord with what they believe it should be. The loss of effectiveness and loss of legitimacy go hand-in-hand. If government is seen as ineffective in carrying out its legal

mandate in a given policy area that ineffectiveness will result in a decline in legitimacy of government in the eyes of the citizens.

The significance of the loss of legitimacy is that when a large number of citizens lose faith and trust in their government over a period of time, that loss of trust can lead to an alienation, or "estrangement" by citizens from their government. Most importantly, the loss of legitimacy can result in a rejection of the political system as worthy of support, and a widespread defiance of established laws, political norms, and traditions. This alienation and withdrawal of support for the system can exist to such a degree that political stability is threatened. Almond and Verba (1963) contend that the loss of legitimacy is particularly dangerous when government is not performing adequately during periods of crisis, such as during an economic depression. Lipset (1960) offers an analysis of European democracies in the 1930s strongly suggesting that weak democracies with low levels of public trust--such as Germany, Austria, and Spain--were not able to withstand the strain of a depression, or a war, and succumbed to social instability and ungovernability. More recently, Patrick Caddell (1979) on the basis of his analysis of survey data, wrote that the growing loss of confidence in the political system "threatens to destroy the fabric of our society" (p. 8). This analysis provided the basis for President Jimmy Carter's famous "Crisis of Confidence" speech to the American people in 1979. According to Caddell, the loss of confidence resulted from the political system's inability to cope with the instability and chaos resulting from the successive

shocks of the Civil Rights Movement, the Vietnam War, and the Watergate episode.

Crozier et al. (1975) contend that increased polarization over political issues beginning in the 1960s contributed to the decline in public confidence in government leaders. They argue further that the polarization had its roots in two factors: First the polarization was related to the three major clusters of political issues that found their way onto the political agenda in the mid-1960s. These three were: (a) social issues such as the use of drugs, sexual behavior, and the role of women; (b) racial issues relating to racial integration, school busing, racial riots, and government aid to minority groups; and (c) military issues involving the war in Vietnam, the military draft and the role of the military-industrial complex. Second, the polarization had its roots in the fact that the political activists involved in the above issues increasing took very polarized and strident positions in support of their cause. As one side seemed to win a battle the losing side became more bitter toward government and government leaders. Polarization over these issues generated increasing loss of confidence by activist leaders as they became dissatisfied with government for taking the wrong action or no action at all.

So how can legitimacy as a characteristic of the governability problem be operationalized and measured? Two common methods are to measure the levels of political trust and efficacy (Abramson, 1983; Almond & Verba, 1965; Crozier et al., 1975; Erickson et al., 1988; Erickson & Tedin, 1995; Huntington,

1981; Ladd, 1979; Verba & Nie, 1972). Political trust is a measure of support for the substance and practices of government. Lack of trust is a rejection of government often in the form of anger or cynicism. Political efficacy is the belief, or level of confidence citizens have in their ability to influence the political process or government policy outcomes. The lack of efficacy leads to political alienation, apathy, and cynicism toward government and government leaders.

Political trust as a measure of confidence in government to "do the right thing most or all of the time" has been the subject of numerous voter opinion surveys since the 1950s. Research from the highly respected University of Michigan Survey Research Center, as well as survey research by scholars such as Phillip Converse, Curtis Gans, Carl Everett Ladd, and polls by the Gallup, Roper, and Harris organizations, reveal a steady decline in the public's trust in "government to do the right thing" (Abramson, 1983; Erickson & Tedin, 1995; Ladd, 1979; Nesbit, 1975). According to Nesbit (1975) "I know of no major poll that has not shown over the past two decades, almost continuous decline in popular trust of government and its leaders" (p. 14). Ladd (1979) observes "In record numbers Americans see government as too powerful, as run for a few interests, as untrustworthy, as indifferent to popular needs, and as profligate" (p. 27). Citing a compilation of survey research Abramson (1983) concludes:

The decline in political trust is among the most dramatic trends in postwar American politics. Back in 1958 and 1964, about three out of four Americans said the

government in Washington could be trusted to do right "just about always" "or most of the time," but that percentage has dropped continuously since then, and by 1980, only one American in four trusted the government to do what is right. (p. 193)

Indeed, as Erickson and Tedin (1995) show, although the level of trust increased during the first term of Ronald Reagan, the decline in trust continued from 1984 to 1992. In 1994 several nationwide polls in March and August indicated that at that time only one voter in five believed he/she can trust the federal government to do right most or all of the time (Shogan, 1994; Zuckerman, 1994).

It is important to acknowledge that no democratic government has the complete trust of all of its citizens all the time. Criticism of government leaders and government policy is the norm and democratic principles allow for healthy debate and criticism in politics. Disagreement with government leaders or parties does not signify a collapse of democratic rule. But criticism is different from cynicism, which suggests a contemptuous, sneering, and hateful distrust of government. The concern therefore is not with simple criticism but with the rising level of cynicism that results from the low level of trust in government.

Political efficacy is closely related to political trust and has been used to explain the variations in voter turnout and political party attachments since the mid-1950s (Abramson, 1983; Almond & Verba, 1965; Burnham, 1987; Campbell, Converse, Miller, & Stokes 1960; Crozier et al., 1975; Erickson & Tedin, 1995; Huntington, 1981; Verba & Nie, 1972). Research by Campbell et al.

(1960) and Verba and Nie (1972) found a strong association between political efficacy and political participation based on a participation index they had developed. Their studies showed that the greater the level of political efficacy the greater is the likelihood that a citizen will be an active participant in the political process. Conversely, political apathy is closely associated with low political efficacy.

Crozier et al. (1975) and Huntington (1981), using a political efficacy index developed by the Michigan Survey Research Center Along with other research, concluded that there was a steady decline in political efficacy between 1960-1980. Research by Abramson (1983), Erickson et al. (1988), and Erickson and Tedin (1995) reveal that the low levels of political efficacy continued through the 1980s and into the 1990s. The index used to measure efficacy included questions such as "government officials don't care about me"; "special interests get more from government than the people"; "Washington is out of touch with the people"; or "what the people think doesn't count anymore." When sizeable majorities of citizens answered yes to these questions it indicated a low level of political efficacy.

Additionally, political efficacy can be measured by levels of voter turnout and by levels of political party attachment or loyalty. Significantly, voter turnout for president decreased from slightly less than 63% in 1960 to slightly more than 50% in 1988 (Erickson & Tedin, 1995; Wayne, 1996). The turnout rose a bit to 55% in the 1992 election but most observers believe the added

excitement of the Ross Perot candidacy contributed to this one-time uptick in voter turnout. The 1996 presidential election may reveal whether the 1992 turnout was a fluke or the beginning of a reversal of the downward trend. Also significant is the fact that voter turnout between 1960 to 1994 for the U.S. House of Representatives, statewide offices, and for local elections was even lower than that for president (Wayne, 1996). There has been considerable debate over the causes of declining voter turnout over the past generation but they will not be addressed here. However, a number of observers have rightfully acknowledged the parallel between declining trust in government, declining political efficacy, and declining voter turnout (Abramson, 1983; Erickson & Tedin, 1995).

The decline of political party affiliation and loyalty is another common measurement of political efficacy (Abramson, 1983; Burnham, 1987; Erickson & Tedin, 1995; Verba & Nie, 1972; Wayne, 1996). Research has shown that since the early 1960s the strength of partisan attachment to both the Democratic and Republican parties has declined (Erickson & Tedin, 1995; Wayne, 1996). At the same time the proportion of the electorate identifying themselves as "independent" has increased. Since allegiance to political parties is a motivation for voting, a weakening of party attachment can result in a lower voter turnout. And that is precisely what has happened over the past 39 or more years (Burnham, 1987; Erickson & Tedin, 1995; Teixeira, 1992; Wayne, 1996). While the reasons for the decline in party loyalty will not be examined here, it is

interesting to note that both the decline in both party attachment and voter turnout is greatest among the young age cohorts, the poor, and voters with the least education. This decline in party loyalty and voter turnout has occurred despite an increase in education levels during the same period.

Thus, the loss of legitimacy occurs when there is a measurable loss of trust that citizens have toward their government and when there is a decline in efficacy in which citizens withdraw their support for, and participation in, the democratic process. This loss of legitimacy in the American political system over the past 35 years is a very troublesome development and represents the third major contributing factor to the governability problem.

Conclusion

The governability problem in the American political system is found in the three related characteristics of: (a) the problem of government "overload," (b) the loss of government effectiveness, and (c) the loss of legitimacy in government institutions. The "overload" problem is the result of increasing legal, political, economic, social, and military demands on government over the past 50 years; the growth per capita in the size of government in terms of revenue collected and spent, the number of agencies and employees, and the number of laws and programs created; the increase in the number of organized interest groups exerting influence on government; the increased expectations by citizens for government to solve personal, family, business, workplace, and

community problems; and the increased complexity and confusion in terms of what level and agency of government is responsible for policymaking, implementation and enforcement.

The loss of government effectiveness in America can be seen in a series of "political events" and in a number of political "policy arenas" over the past 40 years in which the inability of government to address these political events or policy demands satisfactorily have left voters with the belief that government does not work or "cannot get the job done." "Demand overload" exists when government cannot handle political demands; when the capability of the political system is limited by its leaders' inability to handle intractable, expensive, overlapping, inconsistent, and competing demands for new programs and services. The problem of ineffectiveness is also seen in the intransigence of mature bureaucracies who grow strong, independent, and unresponsive over time. Their success brings a level of fiscal and political autonomy that make them immune to any change which the bureaucracy finds threatening to its autonomy or its mission.

The loss of legitimacy is seen as a consequence of a lack of government effectiveness and represents a withdrawal of citizen support for the American political system and a decline in both the level of citizen trust in government to do the right thing and in participation in the political system. The loss of legitimacy, then, can lead to such a high level of mistrust and cynicism over time, that in turn, citizens feel a sense of alienation or estrangement from their

government. The potential effect of this loss of legitimacy is greater political instability and a worsening of the governability problem.

While some observers will argue (e.g., Friedman, 1962) that the central problem with American government is that it is too powerful and controlling, the governability problem suggests instead that in all too many instances government institutions are too weak and ineffectual and do not fulfill their responsibilities adequately. However, questions remain. Why does the overload problem exist in the American political system? Why have American governmental institutions been so ineffective in satisfying public expectations in handling major political events and in major policy arenas? How can legitimacy be restored or enhanced? These questions are addressed in Chapter 2.

CHAPTER 2

THE SYSTEMIC CAUSES OF THE GOVERNABILITY PROBLEM IN THE AMERICAN POLITICAL SYSTEM

Introduction

This chapter examines the systemic factors present in the American political system that contribute to the governability problem. If government "overload" and loss of effectiveness are two of the characteristics common to the governability problem, and both in turn contribute to the problem of loss of legitimacy, what factors are present in the American system that contribute to these characteristics? This chapter identifies and analyzes four systemic factors as the primary causes of the governability problem. These factors include: (a) the problem of fragmentation in the political system which is divided into legal and political fragmentation, (b) the problem of fiscal limitations of political institutions, (c) the problem of limited jurisdictional boundaries, and (d) the problem of lack of accountability in the American political system.

There are other major factors which can be identified as contributing to the governability problem that will not be addressed here. The news media, in particular, have been accused by a number of observers as a contributor to the loss of legitimacy of government and politics by its constant emphasis on

political conflict and its general negative slant toward government and politicians (Graber, 1989, Grieder, 1992; Lowi, 1979). The constitutional guarantee of a free press precludes anyone but the media itself from imposing reform on the media. However, the four problems identified above and addressed in this chapter do have solutions that can be imposed by government or by the public collectively.

The Problem of Fragmentation in the American Political System

The problem characteristics of the American political system has been described in a number of ways: An apathetic, nonvoting electorate more interested in political personalities and platitudes than substantive policies; an American presidency described alternately as the "imperial presidency" or an "imperiled presidency"; a Congress marked by decentralized power and internal gridlock; the continuing decline of the American political party system; a political system more concerned with representation than governance; the rise in the number and influence of political interest groups; and, a divided government that produces political and policy gridlock between the executive and legislative branches. But, today, a growing theme in the literature on the American political system focuses on the persistent and heightened fragmentation of the political system.⁵

⁵Scholars addressing the problem of fragmentation include Burnham (1982), Calhoun (1972), Dahl (1956, 1982, 1989), Dionne (1991), Grieder (1992),

Kevin Phillips (1982) argues that the American union is unraveling in fundamental ways, and that the bonds holding our social and political culture together is dissolving. According to Phillips:

All too many examples suggest themselves: the congealing of the melting pot and the re-emergence of ethnicity; the proliferation of sexual preference and religious cults; the new political geography of localism and neighborhoods; the substitution of causes for political parties; the fragmentation of government; the narrowing of personal loyalties in general; the twilight of authority. (p. 74)

Phillips refers to this trend as the "balkanization" of America (and suggests that "tribalism" would be equally appropriate). He contends that the symptoms of the decomposition of our body politic is seen in the fragmentation of the economic, geographic, cultural, ethnic, religious, and biological components of our society. He sees larger community and national loyalties replaced by smaller group loyalties.

In a similar vein, liberal historian Arthur M. Schlesinger, Jr. (1992) contends that the historical goal of a "unifying American identity" is in jeopardy because of recent emphasis on racial and ethnic origins and identities.

Schlesinger argues that ethnic and racial militants are pursuing a "multiethnic dogma" that rejects the notion of an overriding national identity "replacing

Harrington (1963), Lowi (1969, 1979), Lowi and Ginsberg (1992), Lindbloom (1977), A. Hamilton (1961), C. W. Mills (1956), Nesbit (1975), Olson (1982), Phillips (1982), Schattschneider (1942, 1975), Schlesinger (1992), Torrey (1992), and Truman (1951).

assimilation by fragmentation, integration by separatism" (p. 17). He worries that if the "multiculturalists" proposals to divide the United States into distinct ethnic and racial communities go unchecked the result can only be "the fragmentation, resegregation and tribalization of American life" (p. 18). According to Schlesinger the American identity is in peril in many arenas, including our politics, schools and universities, voluntary organizations, churches, and our language.

It is important to acknowledge at this point that the existence of interest group fragmentation in American society has been common through most of its history. James Madison (1787), of course, addressed the "evil effects" of factions and argued that the system of separation of powers was designed to control those evil effects. John Calhoun (1820) developed the theory of "concurrent majority" in which major government policy decisions must be approved by the interest groups affected by the policy. This theory was designed to protect the minority from the majority and was included as part of the "states rights" doctrine designed to protect states as a minority from the action of a national majority. To Calhoun, such a system in which major interest groups can control the public policy process is more in tune with constitutional democracy than the system established in our constitution by the founders.

Calhoun's (1820) more favorable view of interest group dominance in politics was largely echoed by many 20th century pluralist writers and embellished upon further. Truman (1951) maintained that the existence of a broad

array of interest groups were both normal in society and highly desirable. In Truman's view there is no "national interest" other than the interests of organized pressure groups. To Truman and other interest group theorists, the group composed of like-minded citizens was the only rational link between individuals and their government. By pursuing their own interests these groups define the national interest. According to Truman:

If these various organized interest groups . . . reconcile their differences, adjust, and accept compromises, we must acknowledge that we are dealing with a system that is not accounted for by the "sum" of organized interest groups in the society. (p. 258)

A number of pluralist theorists elaborated further on Truman's sketch of interest group politics. Dahl (1989) is one of the most prolific writers on the subject of the existence and value of decentralized political conflict and accommodation. Writing in Democracy and Its Critics, Dahl observes:

Where in the older view factionalism and conflict were believed to be destructive, political conflict came to be regarded as a normal, inevitable, even desirable part of a democratic order. Consequently, the ancient belief that citizens both could and should pursue the public good rather than their private ends became more difficult to sustain, and even impossible, as the "public good" fragmented into individual and group interests. (p. 30)

Yet even Dahl (1982), a strong proponent of interest group democracy, acknowledges the potential for a serious problem with this form of democracy. Dahl frames this problem in terms of autonomy versus control. To Dahl, individuals and organizations ought to have independence, or autonomy, but

they should also be controlled. The question, he asks, is how much autonomy and how much control? He wants to minimize control but acknowledges a serious danger:

Autonomy creates an opportunity to do harm. Organizations may use the opportunity to increase or perpetuate injustice rather than reduce it, to foster the narrow egoism of their members at the expense of the concerns for a broader public good, and even to weaken or destroy democracy itself. (p. 1)

Other scholarly observers go further than Dahl, and tend to share Schlesinger's (1992) and Phillips' (1982) negative assessment of interest group politics. Schattschneider (1942, 1975) and Lowi (1979), for example, see the dilemma in terms of interest group dominance in the present American political system. Both are concerned with the excesses of pluralism. Schattschneider (1942) argues that "pressure politics is a method of short circuiting the majority" (p. 189). While political parties seek to develop electoral and governing majorities, in contrast, interest groups "seek to accomplish specific, relatively narrow tasks, to influence policy at selected points in the lawmaking process, and do not aim at winning the general power to govern" (pp. 187-188). Clearly rejecting the interest group theory that American politics is, or should be, simply a conflict between organized interests, Schattschneider (1975) emphasizes the importance of identifying and promoting the public interest (pp. 23-30). He argues, unlike Truman (1951), that political conflict should be over what

constitutes the public, or national, interest rather than conflict among special interest groups.

Lowi (1979) contends that interest group liberalism has left American government virtually immobilized. By promoting group interests, he argues, interest-group liberalism has resulted in the "Second Republic," or a state of permanent receivership, in which the interests of all major groups are protected by government, and where government policies are designed to underwrite the stability of all major institutions. Thus, every group, including the bureaucracy, because of its stake in the existing arrangement, resists all change that might negatively affect its favorable status. There is, in effect, a grand conspiracy by all major organized interests against change and innovation according to Lowi; even when the interests of the nation may require change and innovation.

Burnham (1982) argues that the power of mobilized interests has led to fragmentation of both public policy and political coalitions. Accordingly, this results in narrow interests setting major public policy while large segments of the public withholds its support of, and participation in, the political system. In Burnham's view mobilized interest groups representing a numerical minority within the larger society can influence, or even control, major public policy through effective lobbying. Under this version, for example, farmers control agricultural policy, bankers control banking and finance policy, energy producers control energy policy, insurance companies control insurance policy, trial lawyers control the criminal justice system, and medical providers (i.e., doctors,

hospitals, and pharmaceutical companies) control health care policy. Other organized groups control or influence other policy areas. Thus, in each case a numerical minority, in effect, and not a majority actually decides public policy. At the same time, Burnham argues, a growing segment of the voting population withholds its participation in the political system by not voting.

Grieder (1992) describes what he calls a national system of "client" politics in which each of the two major political parties provide government favors for their respective list of "clients." He maintains that the national government now responds only to "client" demands rather than to constituent or citizen needs. These clients "buy" into the political system with pledges of political support and with campaign contributions, and expect government favors from their government supporters in return. To Grieder the system of "client" politics represents the supremacy of "organized money" over "organized people." Money power, in modern politics, he argues, is more efficient and potent than people power. Thus, those with financial means have great influence over public policy.

Lindblom (1977) finds the American fragmented political system troublesome because the major public policy problems are more collective in nature and not simply a matter of satisfying the demands of powerful interest groups (pp. 347-349). This is compounded by the fact that nearly every policy initiative, whether aimed at the public interest or the private interests, can be defeated or "vetoed" by any group which believes its interests are threatened.

Hence, the collective needs of society are sacrificed to satisfy the demands of narrow private group interests, according to Lindblom.

Still another significant perspective on the effect of interest groups is advanced by Mancur Olson (1982). Olson, in The Rise and Fall of Nations, offers a sweeping economic explanation of the rise and subsequent decline of nations. The central thesis of his research is that over time mature and stable political economies come to be dominated by what he calls "distributional coalitions," which are an assortment of vested interest groups that spend their time promoting policies of income distribution favorable to the group's members rather than advancing economic production. Examples of distributional coalitions include the usual collection of pressure groups, trade and professional associations, labor unions, conglomerates, cartels, and social organizations. These distributional coalitions, he maintains, have a strangling effect on both political and economic decisions which not only negatively affects economic growth, but results eventually in national economic decline and the "ungovernability" of nations.

To Olson (1982) the distributional coalitions "reduce efficiency and aggregate income . . . make political life more divisive . . . make decisions more slowly . . . tend to have crowded agendas . . . and seek to limit the diversity of incomes" (p. 74). Further, he claims:

The accumulation of distributional coalitions increases the complexity of regulation, the role of government
[and] slows down a society's capacity to adapt new

technologies and to allocate resources in response to changing conditions (pp. 74-75)

To Olson (1982), as mature and stable societies like America and Great Britain allow for distributional coalitions to gain special economic advantages over time, economic and political paralysis sets in. Only a major economic catastrophe, a major military defeat (such as happened to Germany and Japan following World War II), or long-term free trade arrangements can free a nation of the strangling affects of distributional coalitions. Thus, previous researchers, while acknowledging the existence of a pluralistic political system, see varying degrees of danger to governance resulting from a highly fragmented political system.

Legal Fragmentation

The problem of fragmentation in the political system can be categorized as either "legal" or "political" fragmentation. "Legal" fragmentation stems from the constitutional design of governmental powers established over 200 years ago and exists in several forms. First, the system of federalism fragments authority between national and state governments. Second, state governments, in turn, have fragmented government power even further by creating hundreds of county governments and thousands of cities, townships, school districts, and special districts. As Table 2 shows, in 1992, according to the 1990 census, there were 3,042 county governments, 19,200 municipal governments, 16,700 town

Table 2

Number of Governmental Units, by Type: 1967 to 1992

| Type of Government | 1967 | 1972 | 1977 | 1982 | 1987 | 1992 |
|--------------------|--------|---------|--------|--------|--------|--------|
| Total | 81,299 | 78,269 | 79,913 | 81,831 | 83,237 | 86,743 |
| U.S. Government | 1 | 1 | 1 | 1 | 1 | 1 |
| State government | 50 | 50 | 50 | 50 | 50 | 50 |
| Local governments | 81,248 | 78,218 | 79,862 | 81,780 | 83,186 | 86,692 |
| County | 3,049 | 3,044 | 3,042 | 3,041 | 3,042 | 3,043 |
| Municipal | 18,048 | 18,517 | 18,862 | 19,076 | 19,200 | 19,296 |
| Township & town | 17,105 | 16,991 | 16,822 | 16,734 | 16,691 | 16,666 |
| School district | 21,782 | 15,781 | 15,174 | 14,851 | 14,721 | 14,556 |
| Special district | 21,264 | 223,885 | 25,962 | 28,078 | 29,532 | 33,131 |

Note. From The American Almanac 1994-1995 (p. 295), Austin, TX: The Reference Press, Inc., p. 295.

governments, 14,500 school districts, and 33,000 "special district" governments in the U.S., for a total of more than 86,000 separate governmental jurisdictions nationwide. Third, authority among these many levels and units of government, as mentioned earlier, is sometimes shared, sometimes conflictual, and sometimes interdependent. But under this system no unit of government monopolizes power. Instead, federalism results in a vast system of complex jurisdictional rivalries in which confusion, conflict, and delay in public policy matters is often the norm.

Fourth, the constitutional principles of separation of powers and checks and balances add yet another dimension to governmental fragmentation. Dispersing governmental power and authority within the federal and state governments among executive, legislative, and judicial institutions pits "ambition against ambition" as the Founding Fathers had intended, and expands the potential for institutional conflict. The doctrines of separation of powers and checks and balances were designed to require consensus within lawmaking bodies and between the legislative and executive branches in the lawmaking process. In practice this means that since there are numerous "veto points" in the legislative process it is far easier to prevent the enactment of a law than it is to enact a law. Further, the judicial branch serves as a "veto" over both the legislative and executive branches, adding to the degree of fragmentation in government. Fifth, the enormous number of governmental departments, agencies, bureaus, offices, and committees within each of the three branches, and at

all three levels, adds significantly to governmental fragmentation. At the federal level, for example, there are 14 different cabinet departments, over 60 other agencies and numerous other bureaus and offices within these departments and agencies. In congress there are over 200 separate legislative committees and subcommittees (Lowi & Ginsberg, 1992). Within each of the 50 states there are, likewise, numerous cabinet departments, agencies, bureaus, offices, and legislative committees and subcommittees with varying degrees of authority for policymaking, implementation, and enforcement. Finally, the 86,000 local and regional governments identified in Table 2 with their councils, boards, departments, agencies, bureaus, commissions, and offices contribute even more to fragmentation of legal authority. Legal fragmentation is, therefore, inherent in our political system. It is the consequence of the Founding Fathers' fear of centralized authority. But the resulting overlapping of authority, duplication of responsibility, jurisdictional rivalries and increased use of shared authority makes it difficult for governmental units to act in a meaningful and timely manner on policy questions important to the public interest.

Political Fragmentation

"Political" fragmentation can be characterized as the "Balkanization" of America described by Phillips (1982); or as a public policy process governed by the interest group "veto" depicted by Lindblom (1977).

Interest groups, of course, typically have an economic, professional, ideological, or a geographical orientation. Economic goals, for example, are common to groups like labor unions, farmers, the insurance industry, bankers, oil companies, and the chamber of commerce. For lawyers, doctors, or teachers, and other professions, the group goals are protection of professional standards and prerogatives in addition to economic goals. Philosophical concerns, rather than economic or professional goals, are often dominant among groups such as the National Rifle Association (NRA), the "Moral Majority," "pro-choice" groups, the Sierra Club, anti-abortion "pro-life" groups, or American Civil Liberties Union (ACLU). In still other instances geographical interests are paramount. Cities compete with suburbs for business development. Rural areas and urban centers struggle to gain state and federal dollars. The Rust Belt battles the Sun Belt, and there are regional squabbles over water and mineral rights. Geographical parochialism and the "NIMBY" syndrome are common elements in these conflicts.

But the "Balkanization" described by Phillips (1982) is not confined to these typical group orientations. The biological identifications of age, race, ethnic origin, sex, and sexual preference have greatly exacerbated the political fragmentation process in America (p. 77). The past 30 years, for example, has witnessed the emergence of "gray power" with the group interests of senior citizens prominently center stage. The successful fight by seniors to attain and protect social security and medicare programs is well known. The rise of

feminism, and the "Gay" and "Lesbian" movements have become new political phenomena nationally and have become dominant political forces in many localities across the country.

Racial and ethnic fragmentation exists in two forms. One is the geographical segregation resulting in separate racial and ethnic residential enclaves throughout the country. In some cases it is seen as the white suburbs and the non-white central cities; in other cases in the racial and ethnic communities within the central city. The second is in the rise of racial and ethnic groups which pursue "affirmative action" in employment and education, and in other forms of empowerment. Group goals of "affirmative action," whether in the form of quotas or not, clearly convey the notion of group entitlement; and the belief that equality exists only on the basis of racial or ethnic identification, rather than economic class, for instance.

The development of age, sex, racial, and ethnic group categorization has added to the fragmentation of the American political system in two significant ways. First, is in the evolution of the notion of "group rights." Constitutional rights, of course, are addressed as universal individual rights. But by arguing, for example, that "Gay" men or Lesbians have the "right" to marry within the same sex; that black owned businesses have a "right" to certain government contracts; that senior citizens have a "right" to social security payments; or that Hispanic children have a "right" to bi-lingual education is not only expanding the definition of "rights," but is also an acceptance of the concept that only

group members can expect to enjoy those particular "rights." Second, the increased militancy associated with biological groupings magnifies the "us versus them" perspective by the groups' members. In both instances the trend toward Balkanization is enhanced.

As Table 3 indicates, in Washington, D.C. over 8,000 organizations and over 4,000 political action committees (PACs) are listed in the lobbying registry (Lowi & Ginsburg, 1996). All are listed because they seek, in varying degrees, to affect the outcome of public policy. Some are national in scope, others local or regional. Some are very influential, some not. But the existence of these organizations pursuing their respective group goals is further testimony of the fragmentation of the American political system. For those interest groups who are among the most influential, they are there, in the words of Lindblom (1977), to exercise their "veto" over any public policy initiative which threatens the group's privileged status.

The Decline of Authority and the Rise of Anarchy

There are two other political developments this century that also help explain the growth of political fragmentation in America. These developments involve two basic, mutually supporting shifts in political thought that have significantly altered the relationship between government and citizens in America. The first of these is seen in the general rejection of, or decline in, the support and respect for both government (and nongovernment) authority, and the

Table 3

Political Action Committee Growth, 1977-1993

| | As of: | |
|---------------------------|------------|------------|
| | 12-31-1977 | 12-31-1993 |
| Corporation | 550 | 1,715 |
| Labor | 234 | 338 |
| Trade | 438 | 767 |
| Non-Connected | 110 | 1,011 |
| Cooperative | 8 | 55 |
| Corporation without stock | 20 | 139 |
| Total | 1,360 | 4,025 |

Note. Adapted from American Government (p. 526), by T. Lowi & B. Ginsberg, 1996, New York: Norton.

attendant rise in political and social anarchy in the United States. The second philosophical shift is embodied in the transformation of the working definition of democracy away from representative democracy and toward participatory democracy.⁶

To some, the phrase "the decline of authority and the rise of anarchy" will seem a bit strong, therefore, a brief explanation is in order. The decline in government authority and the rise in anarchy go hand-in-hand. A decline in one results in a rise of the other. Authority, as noted in Chapter 1, involves the legitimacy and effectiveness of government to rule, make laws, and to expect compliance with them. When government loses its legitimacy and is ineffective in making laws or enforcing compliance with them, the result is anarchy. Anarchy then, exists when there is a loss of government authority. It is important to recognize that anarchy does not require the total absence of authority. Rather, the loss of authority and the rise of anarchy can exist in degrees and in different government jurisdictions, government agencies or policy arenas, and not in others. Finally, it is important that the use of the term authority not be equated or confused with "authoritarianism," which is the absence of democratic authority and principles.

⁶The scholarly research on the decline of authority, the rise of anarchy, and the ascent of participatory democracy include Crozier (1984), Crozier et al. (1975), Dahl (1956), Dionne (1991), Grieder (1992), Huntington (1981), Lowi (1979), Mayo (1960), Nesbit (1975), Olson (1982), Osbun (1985), Pateman (1970), Pennock (1979), Pitkin (1969), Sartori (1987), Schlesinger (1992), Schumpeter (1943), and Torrey (1992).

The decline of authority and the rise of anarchy in America has been aided by: (a) the growth of the anti-government philosophy of laissez-faire conservatism, and (b) the rise of anti-government philosophy of the "New Left." Laissez-faire conservatism made significant inroads in the 1960s and 1970s and succeeded in gaining control of the Republican party beginning with Barry Goldwater's presidential bid in 1964 (Dionne, 1991; Grieder, 1992). These conservatives are opposed to the expansion of the national government (except for military defense), and are generally opposed to the expanded use of government at all levels (except for law enforcement). In large part the growth of laissez-faire conservatism is a reaction to what conservatives feel is undue regulation of people, business and the economy, and to government regulations and programs emanating from the labor, consumer, civil rights, and environmental movements. Central to the laissez-faire conservative theme is a strong anti-government, anti-regulation, anti-tax, and anti-spending message. To these conservatives, government is part of the problem not the solution. In short, democratic government has been taking a verbal philosophical beating the past 30 years from those conservatives who believe that duly elected representatives are the people's enemy, not their friend.

But the conservatives are only half of the picture. Just as political moderates and liberals were, in large part, pushed out of the Republican party, so too were moderates and conservatives pushed out of the Democratic party by the New Left. Moderate democrats such as U.S. Senator Henry Jackson,

Mayor Richard Daley, and AFL-CIO President George Meany, and even liberals like U.S. Senators Hubert Humphrey and Edmond Muskie who had supported the Vietnam War, by and large lost control of the Democratic Party by the early 1970s (Dionne, 1991). Conservatives such as Governor George Wallace, Governor John Connelly, and Senator Strom Thurmond were also driven from the Democratic Party. Connelly and Thurmond actually joined the Republican Party. The New Left, like the "Old Left" (communists and socialists), was further left on the political spectrum than liberals and gained strength as a part of the "anti-establishment" reaction emanating from the civil rights, consumer, and the environmental movements; and the anti-Vietnam War movement. The leaders of the New Left, such as Senators Eugene McCarthy and George McGovern, and political activists Ralph Nader and Tom Hayden viewed government in Washington and in state capitals as being captured by "corporate elites," and working against the interests of the average citizen (Dionne, 1991). To the New Left the controlling establishment stood in the way of badly needed laws protecting racial minorities, consumers, and the environment. Even worse, the Vietnam War was evidence of a military-industrial complex run amok. This war, they argued, was wrong, unwinnable, and an evil abuse of government authority. To McCarthy, McGovern, Nader, Hayden, and other civil rights/anti-war activists the slogan was "question authority." But many activists went further. They "defied" authority. This view of

authority allowed the New Left to violate duly enacted laws, such as the military draft, if some "higher" law gave permission for their defiance.

Academic leaders of the New Left like Herbert Marcuse and Paul Goodman also provided intellectual support for the growing anti-government, anti-establishment movement (Torrey, 1992). Marcuse, a Marxist, and Goodman, an anarchist, were also orthodox Freudians who preached the notion that both government and society in America were repressive; government, because of its militarism and laws restricting personal, social, and sexual behavior; and society because its traditional demands for social conformity thwarted individual growth. Both called for a new stage of civilization centered on maximizing individual freedom and development. This will be done, they argued, by casting aside repressive government laws and traditional social and sexual taboos. Slogans such as "anything goes," "do your own thing" and "if it feels good do it" symbolized attitudes among members of the New Left (Dionne, 1991). The questioning and defiance of authority then was not limited to politics and government. Rather, it was part of a broader challenge of authority in nearly all aspects of society; the family, schools and universities, businesses, community associations, churches, and the military (Huntington, 1981).

By 1974, the scandal known as "Watergate" gave further evidence to the New Left and to many citizens, of the abuse of government authority at the highest level. Thus, for the past 30 years the New Left has portrayed government and the policy-making process as corrupt, repressive, controlled by

powerful economic interests, unresponsive to the needs of the people, and an electoral system that is skewed in favor of the "monied interests."

With the legitimacy and effectiveness of American government under attack from both the Right and the Left, and by both political parties (although for different reasons), it is easy to understand why respect for government authority has declined, and why defiance of law and resistance to legal authority is easier to justify in the eyes of many people. Nesbit (1975) writes eloquently of the decline of authority and the rise of anarchy:

When major institutions die or become weak, it is ultimately by virtue of their loss of power to command respect or allegiance. That loss of power is manifest today in the state. There are many evidences of this; the political surveys and polls revealing popular attitudes and sentiments which are steadily more hostile; the manifest decline of political parties as institutionalizations of will and purpose; the erosion of patriotism and its rituals; . . . and ominously, the specter of lawlessness that hovers over all Western populations at the present time. (p. 14)

Nesbit's words ring true even more in 1995.

The Rise of Participatory Democracy

The shift in the definition of American democracy from representative democracy to participatory democracy was a gradual shift. The Founders, of course, created a representative democracy, or a republican form of government, as opposed to a system of "pure," or "direct" democracy. This is clear from reading Federalist Papers #10 (Madison, 1961). To Madison, a

representative, or republican, form of government involves "the delegation of the government . . . to a small number of citizens elected by the rest" (p. 82). Significantly, the role of the citizen/voter was limited to electing the government and not in governing. This is because Madison believed those elected representatives will "be more consonant to the public good than if pronounced by the people themselves, convened for the purpose" (p. 82). To Madison then, a republic has a distinct advantage over a "pure" democracy in controlling the effects of factions. The U.S. Constitution itself, of course, guarantees citizens a "republican" form of government.

More recent scholars of American democracy (Schumpeter, 1943) and Mayo (1960) share Madison's (1961) view as to the role of citizen participation. According to both Schumpeter and Mayo the "classical" view of representative democracy limits the participation of citizens to voting and to the discussion of political issues. Schumpeter (1943) argues against the practice of "bombarding" elected representatives with letters because doing so is undemocratic in that it allows some citizens to control the elected representative which in turn negates the whole notion of leadership. He contends that the only democratic way for citizens to control their leaders is by replacing them through elections with alternative leaders. The key feature of representative democracy is the competitive struggle by competing leaders for the people's vote (Schumpeter, 1943). Mayo (1960) argues that citizens are simply not qualified to determine public policy and attempting to influence elected representatives on such matters

violates the fundamental principles of representative democracy in that it negates the purpose and value of elections. These scholars, then, clearly equate participation with representative democracy in which the citizen's role is in using elections to choose between competing leaders.

In the 1950s and 1960s the definition of democracy and citizen participation began to change. This definitional change can be found in the scholarly works of Dahl (1956), C. W. Mills (1956), Osbun (1985), Pateman (1970), Pennock (1979), Pitkin (1969), Sartori (1987), and Truman (1951). A common theme in this new view of democratic participation is that the role of citizens should extend beyond voting for leaders to where, as Pateman (1970) puts it, "leaders can also be influenced by active groups bringing pressure to bear during inter-election periods" (p. 14). Dahl (1956) in A Preface to Democratic Theory suggests that the value of this participatory approach is that it will enable all active and legitimate groups to be heard at some point in the decision-making process. Dahl (1956) rejects the Madisonian, or the "classical" version of democracy as inadequate, and contends that his theory of polyarchy democracy--or the rule of multiple minorities--is better than the classical Madisonian model of representative democracy.

The scholarly shift toward this form of participatory democracy came about, in part, from the concern over declining voter participation in democratic elections (Pateman, 1970; Pennock, 1979). To Schumpeter (1943), Mayo (1960), and Sartori (1987) the decline in voter turnout was not significant as

long as voters could vote if they wished and as long as there was ongoing competition between competing elites for leadership. To Dahl (1956) and Pateman (1970), however, the expansion of participation gave citizens additional avenues to influence government behavior other than through elections. Moreover, they argue, this version of democracy was closer to the reality of the times. That is, democracy was evolving toward this modern participatory model anyway. Also significant under this new modern participatory model is that the definition of political equality changed. It continues to refer to the existence of universal suffrage (one person, one vote) but the definition is expanded, as Pateman (1970) puts it: "to the fact of 'equality of opportunity of access' to influence over decision makers . . . by which different groups in the electorate make their demands heard" (p. 9). In a general sense this participatory model is a hybrid between direct democracy and representative democracy in that it keeps the representative concept but gives citizens direct influence into the policy-making process. But most importantly it provided the theoretical explanation and justification for the development of interest group democracy.

The notion of participation exists in other theories or approaches as well, with the result being that the definition of democracy has expanded. For example, Sartori (1987) contends that we live in an age of "confused democracy" in which democracy seems to have many definitions. He notes that the definition of democracy has been extended beyond political democracy to include "social democracy," "industrial democracy," and "economic democracy,"

and that political democracy has been expanded to include participatory democracy, referendum democracy, and electoral democracy. A good deal of the debate over these definitions of democracy center on whether democracy is a process, i.e., elections and voting, or instead is measured by conditions, or outcomes, such as equality of political or economic power (Pateman, 1970; Sartori, 1987).

Since the purpose of this study is not to sort through the many definitions of democracy, the above forms will not be examined in detail here. For purposes of this study, however, representative democracy and participatory democracy will be defined as follows: Representative democracy is an indirect democracy, or a republican form of government, in which the people do not govern or make laws but elect representatives who govern and make laws for the people. Participatory democracy is defined in accordance with the Dahl, Pateman, Truman model in which citizens can vote in elections but can also influence the outcome of lawmaking by influencing the lawmakers through individual or group lobbying.

Finally, it is important to note that under both the representative democracy model and the participatory model there remains several essential components of democracy as well as some optional elements to consider. For example, for democracy to exist in either model the following are required: (a) universal suffrage however defined, (b) fair and frequent elections, (c) lawmaking or policymaking done only by officials elected for that purpose, (d)

open and free debate on political issues, (e) freedom to organize for political purposes, and (f) a constitution which guarantees certain basic rights of citizens and limits the power of government (Mayo, 1960). The optional elements of democracy, in either the representative or participatory models, include whether to form a federal or a parliamentary system in which executive and legislative powers are separated or fused; whether to create a bi-cameral or a uni-cameral legislative branch; whether government officials should be generalists or experts; whether the policy responsibilities of a government should be limited or expansive; whether the legal authority of government should be narrow or broad; whether public or private funds should be used to finance campaigns and elections; and finally, whether the geographical size of government should be large or small (Mayo, 1960).

There were other--and even earlier--non-scholarly signs of a shift toward the concept of participatory democracy in America. These signs were first seen in various mass movements throughout American history beginning, perhaps, with the Jacksonian populist movement in the late 1820s and 1830s. Other movements such as the abolitionist movement, the progressive movement, the suffragette movement, the labor movement, and in the 1960s, the civil rights, consumer and environmental movements also had a major impact on American government and politics. Each of them also gave credence to the notion that citizens could, and should, play a direct role in shaping public policy. But the flower of participatory democracy in America did not bloom fully until the

1960s. From a practical perspective modern communication and transportation, by this time, put citizens in direct and immediate contact with politicians in Washington, D.C. and in state capitals--giving organized groups the means for on-going and instant input into the policy-making process.

The major political push toward participatory democracy came from the New Left. The concept of participatory democracy was outlined in the 1962 Port Huron political statement published by the Students for a Democratic Society (SDS) (Dionne, 1991, pp. 31-54). To the New Left the goal was a form of democracy along the lines envisioned by Truman (1951) and Dahl (1956) in which citizen/voters played a much larger role than just electing government representatives. The aim was to give individuals a direct voice in the political decisions affecting their lives and to encourage citizens to organize with like-minded citizens to achieve common goals (Dionne).

To the SDS participatory democracy was an exciting and much needed expansion of representative democracy (Dionne, 1991). The goal was to improve the life of humans, not necessarily to ensure social order. Issues and the political process were important, not the party or the candidate. The New Left's participatory model also drew from C. W. Mills' The Power Elite (1956) and Harrington's The Other America (1963); and from both existentialist and Freudian thought (Torrey, 1992). Mills and Harrington's studies provided a stark contrast of rich and poor life in America, and gave impetus for the grass roots organizations of the poor masses against the ruling elites. Existentialism

and Freudianism provided the foundation for the "Me" generation philosophy where the national focus was on personal happiness, and individual fulfillment and satisfactions, as opposed to the common, or community good (Dionne, 1991; Torrey, 1992).

While the SDS soon passed from the scene its philosophical goals were adopted by politicians such as Eugene McCarthy, George McGovern, Edward Kennedy, and Father Robert Drinen. The New Left soon managed to purge the Democratic party of the "Corporate Liberal" influence of FDR, Harry Truman, Adlai Stevenson, John Kennedy, Lyndon B. Johnson, and moderates and conservatives like Mayor Richard Daley, and Governor George Wallace (Dionne, 1991).

The participatory democracy of the New Left declared war against authority, centralization, militarism, bureaucracy, and alienation of the individual; and, favored egalitarianism, political organization, community control, and decentralization of authority. Except for its anti-military stance, the goals of the New Left found some common ground with laissez-faire conservatism. Participatory democracy rapidly found its way into mainstream political thought and discussion. After all, it was easy to persuade citizens that they should have influence over what politicians do. Conservatives, the business community, professional groups, and others with organizational capabilities easily adapted to the participatory model. In addition, citizen groups like Ralph Nader's "Public Citizen," "Common Cause," and a number of consumer

and environmental public interest groups arose to provide organized outside influence on the policy-making process. Participative democracy, then, fits neatly into Truman's (1951) and Dahl's (1956) interest group pluralism model of American politics discussed earlier in this chapter and in Chapter 1. But it also contributed mightily to the political fragmentation of the American political system.

Post-Modernism, Radical Feminism, and "Egalitarian Democracy"

The decline of authority, the rise of anarchy, and the shift to participatory democracy were aided additionally by three fairly new schools of political thought that gained credence in the post-WWII period. These are: (a) Post-Modernism, (b) Radical Feminism, and (c) "Egalitarian Democracy."

Post-Modernism offers the belief that a new age has begun in which we are moving from the modern world to the post-modern world just as the world earlier moved from the medieval to the modern.⁷ Post-Modernism is both descriptive and prescriptive. Post-Modernism attempts to explain contemporary culture, behavior, and attitudes and presents a radically different prescription of life in the future. While the modern age began with the Renaissance and the

⁷The scholarly treatment and analysis of Post-Modernism include Bell (1973), Dahrendorf (1980), Der Derian and Shapiro (1989), Derrida (1976, 1978, 1981), Featherstone (1986), Fish (1976, 1980), Foucault (1970, 1979, 1980), Gibbons (1989), Habermas (1976, 1981, 1986), Heidegger (1962, 1973)), Jameson (1984), Jencks (1977, 1986), Marcuse (1969), Rosenau (1992), and Vattimo (1988).

Enlightenment and represented a progressive force for liberating human kind from ignorance, oppression and poverty, Post-Modernists see the modern world and modernity as a failure. Post-Modernist literature offers a litany of dissatisfactions and disenchantments with the modern world and identifies essential features of modernity that resulted in the breakdown and crisis in society that in turn is ushering us from the modern to the post-modern world (Derrida, 1976, 1978, 1981; Featherstone, 1988; Fish, 1976; Foucault, 1970, 1979, 1980; Rosenau, 1992). Contemporary French philosophers Jacques Derrida and Michel Foucault are often thought of as the "Fathers" of Post-Modernist thought. They, in turn, have been heavily influenced by Friedrich Nietzsche, Jean-Paul Sartre, and Herbert Marcuse (Rosenau, 1992).

Most Post-Modernists have identified the break from modernity as beginning in the 1960s and have attempted to characterize the emerging post-modern world. This new world is seen largely from a political culture perspective and sees a society which exhibits a discontinuity between polity, economy, and society with a heightened conflict between the public and private realms (Gibbons, 1989). Post-Modernists emphasize the transfer to a post-industrial, information and consumer based economy. They see a dramatic reorganization of employment and leisure, an exotic and amorphous culture exhibiting mixed lifestyles and new attitudes based on fantasy, immediate gratification, hedonism, novelty, play and consumption (Gibbons, 1989). Thus, the post-modern society is one with no identifiable form and no linear pattern of change. Instead it is a

picture of heightened fragmentation, multidirectional change and a collage of contemporary values, beliefs, and attitudes. In short, Post-Modernism is a perfect prescription for anarchy.

Post-Modernism (sometimes called post-structuralism, deconstructionism, relativism, or revisionism) in its most basic form rejects all existing standards of right and wrong and good or bad. Relativism is the key word in Post-Modernism. As Rosenau (1992) notes, Post-Modernists reject the notion that modernity is historical progress, instead criticizing virtually everything modern Western society has engendered. They condemn Western civilization, industrialized society, advanced technology, the nation state, capitalism, liberal democracy, and urbanization. They challenge scientific inquiry and experiment, neutral procedures and evaluation, and rationality. They distrust history, tradition, morality, custom, codified rules, categorizations, and discipline. To Post-Modernists, relativism is preferred to objectivity, emotion to scientific observation, and fragmentation to unity. They ask that people tolerate the absence of certainty and accept philosophical, legal, and moral relativism. They reject or "deconstruct," existing written history as a compilation of Western bias; and they dismiss the notion that modern Western civilization is superior, or preferable, to primitive cultures. For politics and policymaking, Post-Modernism repudiates central planning, is suspicious of "experts" and "specialists," and questions government authority derived from hierarchial decision-making structures.

Post-Modernism thought is flourishing and advancing in the fields of literature, political science, law, anthropology, philosophy, history, art, architecture, theater, video, psychology, music, journalism, and most subfields in the social sciences. As a philosophical movement then, Post-Modernism contributes to the loss of authority/rise of anarchy dilemma by generally rejecting authority, tradition, standards, codified law, and custom; and preferring the chaos that results from the loss of same. It contributes to participatory democracy by endorsing grassroots politics, multicultural diversity, decentralization of politics, and noninstitutional law-making authority (Rosenau, 1992).

In the art world, Post-Modernists dismiss the idea of a classical, or higher form of art, preferring instead art forms that are bizarre, explicit or provocative (Atlas, 1992; Bennett, 1992). For instance, in 1990 an art exhibition in Washington, D.C. portrayed a photograph of a man with a bullwhip in his anus. Another exhibition in 1990 in Washington offered an exhibit of a glass bottle of human urine containing a statue of Jesus Christ. In the Post-Modernist art world "anything goes."

In the field of American literature Post-Modernists reject the notion that there are classic literary standards to guide teachers or students. They will regard the study of comic books to be as valuable as the study of Hemmingway or Steinbeck. As a recent example the national Standards for the English Language Arts was issued in the spring of 1996 by a committee of English teachers as a guide to state and local schools for upgrading their school

curriculums. These "standards," however, contained no standards. In a serious critique of the recommendations, Albert Shanker (1996), President of the American Federation of Teachers, condemned the English Standards of "offering no concrete recommendations about what students ought to learn and when" (p. 7). Shanker observed further that these so-called Standards offered no qualitative measure of good writing or great literature, nor did the Standards offer a distinction between bare competence and great achievement. They offered no lists of great books or poems. This is because the Post-Modernist philosophy of the authors of this report do not believe that you can or should specify what students ought to learn; you need to be "flexible." Shanker concludes by commenting: "In the dreary wastes of abstraction and relativism that make up the English Standards, you would hardly know literature exists or that anybody ever loved it" (p. 7).

In the field of American history, the Post-Modernist philosophy is, likewise, hard at work. These scholars, however, at least offer some principles, if not standards, as teaching guidelines. For example, they would emphasize the history of the "common person," the white European "bias" of American history, and the importance of multi-culturalism. Accordingly, they will find the study of criminals, the poor, and the insane to be as important as the study of American presidents, military leaders or prominent scientists. They believe in studying history from the "bottom up" rather than the "top down." In 1994 The National Center for History in Schools, based at UCLA in Los Angeles, issued

its history standards for American public schools. These "standards" contained 17 references to the Ku Klux Klan and 19 references to McCarthyism, but only 1 mention of George Washington and no mention of Thomas Edison (K. Hamilton, 1996, p. 67). The UCLA Post-Modernist report "deconstructed" American history and wrote its own revised edition. Both the English and the history standard reports were met with considerable opposition, with opponents urging the rejection of the "standards." The "standards" are now being revised.

Other examples of Post-Modernism in education can be seen in the move toward enhancing students' self-esteem (the students' feelings are more important than achievement) and toward the elimination of letter grades or poor grades (grades are simply a teacher's subjective bias and poor grades hurt the student's self-esteem). It is seen also in the emphasis on cooperative learning in place of individualized learning and on multidisciplinary courses and approaches, and in the desire for "diversity" (rarely defined), grade elevation and the lowering of standards for university entry.

Post-Modernism, then, challenges the underlying assumptions about democratic civic culture that was commonly understood and accepted until the 1960s, and espoused, for example, by Durkheim (1933), Lipset (1960), and Almond and Verba (1963). The notion of a common civic culture in which society is held together by a tradition of common values, beliefs, attitudes, norms, language, and government form does not exist in the Post-Modernist view of America or the world. Nor do they accept the notion that democracy is

morally superior to other political forms or that democracy is necessary for political stability. Rather, they contend that the preference for liberal democracy is based on a faulty ethnocentric Anglo-American premise (Gibbons, 1989).

The central problem posed by Post-Modernism, aside from the problem of defining it, is how can a political culture have meaning, legitimacy, morality, law, or priorities if objectivity, standards, certainty, and unity are removed and instead we are asked to accept relativity, uncertainty, fragmentation, the absence of form and foundations, and polyculturalism. Post-Modernism's rejection of authority and its preference for chaos will continue to impact American government and politics, and other key elements of American society in the years ahead (Bell, 1973; Gibbons, 1989; Habermas, 1981; Rosenau, 1992).

Radical Feminism is a part of the modern feminist movement that began in the 1960s.⁸ By the 1960s the feminist movement was awakening in a number of ways and was being driven by a number of political, economic, social, and technological factors. First, in the World War II period women joined the work force in large numbers, replacing men who were in uniform and did work that women had seldom done. Thus, many women were exposed to the

⁸The scholarly treatment and analysis of feminist theory and the modern feminist movement include Bays (1982), Bunch (1984), Myron and Bunch (1975), Dworkin (1976), Firestone (1984), Jagger (1983), Jagger and Rothenberg (1984), MacKinnon (1993), Millett (1970), Morgan (1983), O'Brien (1981), Okin (1989), Sargent (1987), Sommers (1995), and Wittig (1984).

potential for newer jobs and higher wages. By the start of the 1960s changes in technology had made work easier both inside and outside the home. The application of labor saving technology in the work place along with expansion of economic growth between 1946-1960 greatly expanded the employment opportunity for women as well as men. The introduction of work saving home appliances reduced both the drudgery and the time associated with household work. In the early 1960s the development of newer and more reliable forms of birth control reduced the problem of unexpected or unwanted pregnancies that previously thwarted or interrupted women's outside employment (Firestone, 1984). The labor movement, the civil rights movement, the anti-war movement, and the rise of the New Left served as political action models for the leadership of the feminist movement.

In 1963 Betty Friedan published her book, The Feminine Mystique laying the philosophical groundwork for the movement. Also, in 1963 Congress passed the Equal Pay Act and women were added to the Equal Rights Act in 1964. While women were in general support of these achievements, differences developed among women as to the meaning of feminism. Most women agreed on the goals of personal freedom and equality, but they disagreed as to both the meaning of these terms and how to achieve them.

Within the feminist movement there now exists several schools of feminist thought that vary largely according to the degree of change required to achieve freedom and equality. These feminist schools, or theories, can be

placed roughly in a philosophical continuum that includes: (a) Liberal Feminism, or what is often referred, to as "Reform" or "Equalitarian" Feminism; (b) Marxist Feminism; (c) Socialist Feminism; and (d) Radical, or Lesbian, Feminism (Jagger, 1983; Jagger & Rothenberg, 1984; Sargent, 1987). Unfortunately, there is no agreement on these labels and scholars will differ on the interpretation of Marxist, Socialist, and Radical Feminism. Liberal, or Reform, Feminists simply want equality of opportunity comparable to that of men. To these feminists the basic structure of society is satisfactory but they want legal reforms to remove gender disadvantages and to ensure "equal pay for equal work," for example (Sargent, 1987). Most women would fall into the liberal school of feminism. Marxist feminists generally contend that class struggle and the end of capitalism is as important, or more important, than sexual equality because, they argue, sexual equality cannot occur until class struggle is ended (Jagger & Rothenberg, 1984; Sargent, 1987). Socialist Feminism rejects the liberal feminist argument as inadequate. It also rejects the Marxist's argument that class struggle must be the primary goal. Socialist Feminists argue for more fundamental, cultural, political, and economic changes in order to produce a truly democratic and socialist society (Sargent, 1987).

Radical Feminism in most scholarly works has a dominant lesbian base. In most instances Radical Feminism and Lesbian Feminism are used interchangeably (Firestone, 1984; Jagger, 1983; Jagger & Rothenberg, 1984; Sargent, 1987). In a few cases Radical Feminism is presented as having a lesbian and

non-lesbian component with lesbianism dominant (Bays, 1982). This study uses the former with Lesbian Feminism expressed as Radical Feminism. In addition, a newer school of feminism is identified as "feminism and women of color," which adds a racial component to gender and class distinctions (Jagger & Rothenberg, 1984). Nevertheless, proponents of Radical, Socialist, and Marxist Feminism tend to share a number of common goals (Sommers, 1995).

Radical Feminism contributes to the loss of authority, the rise of anarchy, and participatory democracy in several ways. According to Jagger (1983), Radical Feminism has three main philosophical components, or goals: (a) lesbianism, which includes the sexual separation of men from women, the sexual bonding of women with each other, and the end of the traditional biological family; (b) the creation of a female oriented culture to replace the existing male dominated "patriarchal" culture; and (c) the confrontation with, and eventual destruction of, "patriarchal" institutions (pp. 271-286).

The chief aim then is the destruction of male control and masculinity by removing men from all positions of authority in society; including political, legal, economic, cultural, religious, and family authority; or by "educating" men toward the wisdom of Radical Feminism. To achieve these objectives Radical Feminists are attempting to form strategies for analyzing and transforming contemporary American society. One strategy is that which attempts to portray all women in America (and world-wide) as victims of male "oppression" in all institutions of society. Accordingly, to Radical Feminists, the patriarchal family

forces women to have children they do not want; employment and education discrimination (by males) forces women to be financially and psychologically dependent on men; government (by males) adopts laws and policies that are anti-woman; and, religion (patriarchal) enforces a morality that helps perpetuate the oppression of women.

To Firestone (1984) "Feminists have to question, not just Western Culture, but the organization of Culture itself, and further, even the very organization of nature" (p. 139). According to Firestone (1984) and Bunch (1984) the biological family, i.e., male/female/infant makes a "slave" of women and children. Inside the biological family women throughout history, they argue, were at the mercy of their biology--menstruation, painful childbirth, and care of infants and children. This produced a mother/child interdependency and made women dependent on males for physical survival. This has created a sex class system in which women are oppressed and men are the oppressors. The chief goal of the Radical Feminist revolution must be, according to Firestone (1984), not only the end of the biological family and the elimination of male privilege, but the elimination of sex distinctions entirely. The first step toward this end is "the freeing of women from the tyranny of their reproductive biology by every means available and the diffusion of the childbearing and child-rearing role to the society as a whole" (p. 141). This will be done by using artificial reproduction and developing other potentials of modern embryology. Central to this radical transformation of American culture is the ending of the "Eurocentric,"

"heteropatriarchy," white male domination of society which because of "patriarchal construction" requires the subordination, humiliation, and oppression of women (Sommers, 1995). The legal right of abortion and other forms of birth control now give women more control over reproduction, and the legal enactment of "no-fault" divorce laws give women more leverage in breaking up existing biological families. Likewise, feminists have been in the forefront of changing societal norms, legitimizing single parent families, including women having children outside of marriage. Attempts have also been made by Radical Feminist groups in a number of states and cities to legalize lesbian marriages and child adoption.

The second strategy includes an on-going political and ideological attack on "patriarchal" institutions as being the sources of gender discrimination and sexual harassment. Institutions which are regarded as "male dominated" are beset by charges of physical and verbal sexual harassment. Police and fire departments, branches of the military armed services, universities, religious denominations, state legislatures, the federal Congress, and other institutions have come under attack in recent years. These attacks include the enactment of laws against "verbal" sexual harassment in the work place and on university campuses which allow males to be punished for speech regarded as "offensive"; and, "spousal rape" laws that allow husbands to be imprisoned for "unwanted" sex. The central purpose of these attacks is as Christina Sommers (1995) puts it "to put men in a bad light" (p. 15). Further, attempts are underway by

Radical Feminists to develop and incorporate into state criminal codes new legal concepts such as "repressed memory" syndrome, the "spousal abuse" syndrome, and "date rape." These new legal doctrines are designed to give women more legal weapons against "oppressive and abusive" fathers, husbands, and boyfriends. The "repressed memory" syndrome gives infant and young girls an opportunity in later life to "re-discover" any repressed memory relating to early sex abuse by the father or other adult male. If this doctrine becomes established law prosecutors can use the "repressed memory" syndrome as an additional tool to prosecute adult males. In a similar vein, the "spousal abuse" syndrome is designed as a legal defense for women who kill their husbands out of fear of future abuse or punishment for past abuse. Both of these legal doctrines have been used in courtrooms in a handful of cases across the country in the past several years with varying degrees of success and represent a significant departure from existing criminal law. A common element of these strategies is to portray men as brutal beasts and oppressors of women--not some men, or a few men, but "men." The underlying philosophical premise behind these legal and social changes is the concept that the "personal is political," the idea that government should regulate all personal and family relationships between men and women (except abortion and family planning) (Okin, 1989). The Radical Feminist assault, then, on traditional American political, economic, social, and cultural institutions, is really an attack on the legitimacy of "patriarchal" authority. The goal of replacing this traditional authority with a female

oriented authority, therefore, represents a fairly concerted offensive against existing political, legal, and cultural authority in America.

The decline of authority and the rise in anarchy has also been ordered by the ascent of "Egalitarian Democracy." "Egalitarian Democracy" is an offshoot of both the New Left movement and the Modern Civil Rights movement, but its philosophical roots go back further. Bellamy (1888) in Looking Backward proposed the idea of economic equality that is the basis of Egalitarian Democracy. More recently, John Rawls (1971) developed a comprehensive view of egalitarian democracy. Rawls' "Theory of Justice" requires the following: "All social values--liberty and opportunity, income and wealth, and bases of self-respect--are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage" (p. 66). In other words, Rawls' (1971) ideal world requires that all persons not only have equal political and legal rights, but income and wealth should also be evenly shared.

This depiction of equality and justice go far beyond the traditional understanding of political and legal equality under existing American law. Constitutional doctrine in America defines political equality as (a) the right to vote freely if you are an adult citizen with each citizen's vote equally weighed; and (b) the right to run for political office if you meet certain citizenship, age, and residency requirements. Legal equality requires that all persons be treated equally by the legal system. The law, in other words, must be applied evenly. A third form of equality--equality of opportunity--requires that all persons in

society be able to improve their economic and social status depending on individual ability, and the application of that ability. Equality of opportunity, then, requires the removal of all legal , or artificial, barriers to opportunity.

However, "Egalitarian Democracy" goes beyond these traditional principles and demands "equality of results," or as Rawls suggests, an equal sharing of income and wealth. Egalitarian democracy seeks to transform both the civil rights movement and the meaning of equality to where political and economic power is distributed according to the racial, ethnic, and gender makeup of the nation, state, or community. This effort is manifested in affirmative action policies in which racial, ethnic, and gender "quotas," "targets," "set-asides," and "race-norming" seek to achieve numerical distribution in employment and university education according to the racial, ethnic, and gender mix of the larger society. Egalitarian democracy differs from Rawls' "justice" model, however, in that where Rawls would distribute income and wealth equally among individuals, egalitarian democracy distributes employment and education according to racial, ethnic, and gender groupings. This concept has more recently been extended into the political domain in which re-apportionment of legislative bodies seeks to create legislative districts which also reflects the racial and ethnic make-up of the larger society. Thus, democratic representation is seen as legitimate only to the extent racial and ethnic legislative membership reflects the numerical distribution of the larger society. This concept, however, is presently being challenged in federal court.

There are, of course, several problems with this movement toward egalitarian democracy. First, it runs contrary to the notion of meritocracy in employment and in university education opportunities which recognizes differences based on mental or physical ability, creativity, ambition, and the like. Second, basing decisions on biological factors such as race, sex, and ethnicity clearly violate constitutional and statutory dictums mandating equal protection of the law and prohibiting discrimination based on race, sex, and ethnicity. Ignoring or violating, legal doctrine in the name of egalitarianism makes a mockery of the law and erodes respect for legal authority. Third, such egalitarian goals will surely require a "leveling" of life's rewards--that is, taking from those who are very, or moderately, successful, and giving to those who are less successful. This will be hard to achieve in a culture that prefers to reward "effort" and "hard work." Finally, this egalitarian democracy movement is, and will continue to be, a major contributor to the fragmentation of American politics. For in many instances, redistributing life's rewards on the basis of race, ethnic, or gender groupings is a "zero-sum" exercise, in that by rewarding some individuals of one group it means taking from someone in another group. Also, such redistribution often does not involve taking jobs from the rich to give to the poor; instead it more likely means taking from a middle-class person of one group in order to give to a middle-class applicant of another group. This practice will continue to be very divisive.

Post-Modernism, Radical Feminism, and Egalitarian Democracy, then, although separate ideologies, have several basic themes in common. All three share a basic anti-authority position and each are receptive to degrees of political, legal and social anarchy. The anti-authority, anti-government philosophy of the Post-Modernists and the Radical Feminists is largely anti-Western, anti-European, and anti-"dead white male" political culture (Atlas, 1992; Sommers, 1995). Egalitarian democrats see American liberal democracy as elitist, exclusive, WASPish, racist, sexist, and corrupt. All three disdain political power, particularly traditional hierarchies and traditional social norms, customs, and standards. Support for anarchy is seen in this rejection of authority as well as the rejection of existing codified law and academic and cultural standards. Anarchy is also seen in the willingness to violate "unjust" laws or to excuse or justify lawlessness when a "higher" or noble purpose calls for or justifies the violation. All three ideologies likewise contribute to participatory democracy with the preference for interest group politics; support for multiculturalism and racial, gender and ethnic politics, and policymaking; support for decentralization of politics; the preference for "dissensus" rather than consensus in politics (Atlas, 1992; Hughes, 1993).

The Post-Modernists, the Radical Feminists, and the proponents of Egalitarian Democracy also share a common goal of transforming America by transforming education and the "masculinist" knowledge base (Sommers, 1995). This will be done by "deconstructing" history and knowledge and by

transforming the existing "colonial" and "phallogocentric" knowledge base into one dominated by "womencenteredness." The education and "curriculum transformation projects" are seen in the proliferation of feminist, gender, ethnic, and racially specific academic departments, programs, and curricula at many universities and colleges across the nation (Atlas, 1992; Sommers, 1995). It is seen also in the attack on the bias of the traditional "white male curriculum" in elementary and secondary schools as well as universities and colleges (Sommers, 1995). The Radical Feminists are impatient to transform history into Herstory; replacing the white male "masculinist" version of literature and history with "gynocentric" and "ethnocentric" versions.

At the elementary and secondary levels, for example, American literature courses are replacing well known "dead white authors" such as Herman Melville, Walt Whitman, and Henry David Thoreau, with feminist and "ethnic" authors such as Toni Morrison, Maya Angelou, and Malcolm X (Sommers, 1995). In History (Herstory) Columbus is portrayed not as a European explorer seeking a new sailing route to India and Asia but rather as an "invader," "plunderer," and a mass murderer of "indigenous peoples." Martha Washington, it is suggested, was George Washington's tutor and advisor on military strategy during the Revolutionary War. In one popular history text (Post-Modernists call textbooks, narratives) unknown Civil War nurses are given more coverage than General Grant or General Sherman; while in another popular text an obscure 19th century astronomer, Maria Mitchell, gets far more

attention than Albert Einstein (Sommers, 1995). The Iroquois Indian nation is given credit for the ideas embodied in the U.S. Constitution along with John Locke and James Madison. This trend in re-constructing history is what Arthur Schlesinger (1992) calls, "Feel Good History." It may make feminists and racial and ethnic minorities feel good, but students are being presented a distorted and inadequate version of American history in the process.

At the college and university level the same transformation is underway. In the past several decades there have been a proliferation of women's studies courses and ethnic and racial specific courses on campus. In many instances such courses are required for all students. The proponents of women's and ethnic studies courses join forces with likeminded faculty in sociology, anthropology, psychology, American literature, history, and political science departments. Not all the champions of the curriculum transformation are in the classroom; increasingly they are found in administration or directing women's centers or harassment centers (Sommers, 1995). University trustees, government officials, and foundation officials tend to be supportive of their efforts. Other supporters often have controlling positions on faculty committees and in organizations, such as the American Association of University Women (AAUW) and the American Association of Colleges (AAC). The forces behind the curriculum transformation movement receive funding from federal and state agencies as well as major foundations such as the Ford Foundation (Sommers, 1995).

Although women's and ethnic studies are officially academic disciplines they are really a political arm of the Radical Feminist, Post-Modernist, and Egalitarian Democratic movements. Much of what students learn in these classes are not disciplined scholarship in a traditional sense but rather feminist, racial, and ethnocentric ideology. At the same time they challenge the very notion of "great art," "great literature," "great science," "great men," or "great events." Instead they rewrite knowledge in a manner calculated to give women and minorities (Indians, African Americans, Asians and Hispanics, and other non-white males) victories and triumphs never before known while portraying white males as greedy, corrupt beasts. Students are taught that white males are vertical thinkers--thinking triggered by words like excellence, success or achievement--and aim at "exact thinking." Women and "people of color" are "lateral" thinkers--relational, inclusive, and aiming not to win but to create decent relationships (Sommers, 1995).

These proponents of this curriculum transformation have rarely been challenged by liberal or conservative faculty members. The proponents are often angry and aggressive and will not tolerate opposition to their cause. To other faculty the safe course is to remain silent and protect their jobs. But as Christine Hoff Sommers (1995) notes:

When future historians go back to find out what happened to American universities at the end of the twentieth century that so weakened them, politicised them, and rendered them illiberal, anti-intellectual, and humorless places, they will find that among the principal causes

. . . was the failure of intelligent, powerful, and well-intentioned officials to distinguish between the reasonable and just course of equity [reform] feminism and its unreasonable, unjust, ideological sister--gender [radical] feminism. (p. 53)

As Post-Modernism, Radical Feminism, and Egalitarian Democracy infiltrate and control more segments of the American society it will contribute to, and result in, more division, fragmentation, and conflict in America. The political fragmentation, the anarchy and chaos will make the governability problem worse. Thus, the legal and political fragmentation of the American political system is both obvious and troubling, as are the consequences. The fragmentation of government authority and responsibility; the heightening of interest group conflict and influence; the decline in support and respect for government authority; the rise in political and social anarchy; and, the evolution toward participatory democracy contribute significantly to the governability problem in the American political system.

The Problem of Fiscal Limitations of Political Institutions

The problem of fiscal limitations facing political institutions can be identified in the following ways: (a) in the demand for public expenditures exceeding the willingness or ability of government to provide revenue; (b) in the rising accumulated public debt at all levels of government; (c) in the escalating demand for non-service government expenditures such as salaries, pensions, income support, and debt service costs; (d) in the non-taxation of certain

forms of wealth and the non-collectability of taxes owned; and (e) in the fact that state and local governments do not raise sufficient revenue from within their respective jurisdictions to fund on-going programs and increasingly must rely on intergovernmental funds--federal and federal/state, respectively. These fiscal limitations contribute to the governability problem because the lack of fiscal resources limit the effectiveness of government to fulfill its basic obligations.⁹

The squeeze on public budgets, noted also in Chapter 1, is occurring at all levels of government regardless of geography and size; and as Table 4 shows, is taking place at a time when, ironically, total government spending per capita more than doubled between 1980 and 1992 (The American Almanac, 1994-95, p. 297). The huge increase in federal spending (as noted in the previous chapter), for example, in the 1980s, saw spending go from \$617 billion in 1980 to \$1.5 trillion in 1992--an increase of well over 100%. Combined state and local government spending rose from about \$434 billion in 1980 to approximately \$1.35 trillion in 1992, an increase of over 300%. The real squeeze is taking place, of course, because revenue is not keeping up with this rise in spending, causing sizeable increases in accumulated public debt. The mammoth

⁹The scholarly treatment and analysis of government fiscal policy include Calleo (1992), Eisner (1986), Grieder (1992), Harrison and Bluestone (1988), Obey and Sarbanes (1986), Peterson (1981), Phillips (1991), Ruffin and Gregory (1986), Stockman (1986), and Thurow (1992).

Table 4

All Governments--Revenue, Expenditure, and Debt: 1980-1992

(For fiscal year ending in year shown. Local government amounts are estimates subject to sampling variation. See also Historical Statistics, Colonial Times to 1970, series Y 505-637 and Y652-848)

| Item | All Govern- ments (bil. dol.) | Federal ^a | | State and Local (bil. dol.) | | | Per Capita ^b (dollars) | | |
|--|-------------------------------------|-------------------------|---------------|--------------------------------|-------|-------|--------------------------------------|---------|---------------------|
| | | Total (bil. dol.) | % of Total | Total | State | Local | Total | Federal | State & Local |
| <u>Revenue:</u> ^c 1980 | 932 ^d | 565 | 60.7 | 452 ^d | 277 | 258 | 4,115 ^d | 2,496 | 1,993 |
| 1990 | 2,047 ^d | 1,155 | 56.4 | 1,032 ^d | 632 | 580 | 8,230 ^d | 4,642 | 4,150 |
| 1991 | 2,124 ^d | 1,201 | 56.5 | 1,081 ^d | 660 | 612 | 8,423 ^d | 4,762 | 4,286 |
| 1992 | 2,262 ^d | 1,259 | 47.2 | 1,185 ^d | 744 | 648 | 8,864 ^d | 4,937 | 4,646 |
| <u>Expenditures:</u> ^c 1980 | 959 ^d | 617 | 64.4 | 434 ^d | 258 | 261 | 4,232 ^d | 2,724 | 1,916 |
| 1990 | 2,219 ^d | 1,393 | 62.8 | 976 ^d | 572 | 581 | 8,921 ^d | 5,601 | 3,924 |
| 1991 | 2,577 ^d | 1,480 | 62.2 | 1,261 ^d | 629 | 632 | 10,221 ^d | 5,867 | 5,002 |
| 1992 | 2,488 ^d | 1,527 | 61.4 | 1,355 ^d | 700 | 655 | 10,599 ^d | 5,988 | 5,353 |
| <u>Debt Outstanding:</u> ^d 1980 | 1,250 | 914 | 73.2 | 337 | 122 | 214 | 5,517 | 4,036 | 1,481 |
| 1990 | 4,127 | 3,266 | 79.2 | 861 | 318 | 542 | 16,592 | 13,132 | 3,460 |
| 1991 | 4,599 | 3,683 | 80.1 | 916 | 346 | 570 | 18,236 | 14,605 | 3,631 |
| 1992 | 5,054 | 4,083 | 80.8 | 970 | 372 | 599 | 19,813 | 16,006 | 3,807 |

Note. X Not applicable. From The American Almanac 1994-1995 (p. 297), Austin, TX: The Reference Press, Inc.

^aData adjusted to system for reporting State and local data and therefore differ from figures in section 10 tables. ^b1980 and 1990 based on enumerated resident population as of April 1; all other years based on estimated resident population as of July 1. ^cIncludes amounts not shown separately. ^dExcludes duplicative transactions between levels of government, see source.

tripling of the national debt from \$914 billion in 1980 to \$4 trillion in 1992 is well known, and its meaning and affect was discussed in Chapter 1. The per capita national debt rose during the same period from \$4,000 per capita to about \$13,000 per capita.

Unlike the federal government, most state, city, and county governments are legally obligated to balance their annual operating budgets. Nevertheless, sizable capital debt exists nationally among these governmental units as well. State government outstanding debt, for example, totaled \$122 billion in 1980, rising to \$372 billion in 1992. Local government outstanding debt nationally totalled \$599 billion in 1992, up from \$214 billion in 1980. To put this debt in perspective, \$599 billion local debt is almost equal to the \$665 billion all American localities spent collectively in 1992. Thus, the \$970 billion in state and local debt, when added to the \$4 trillion federal debt puts the total federal, state, and local public debt in 1992 at about \$5 trillion (The American Almanac, 1994-1995, p. 297, see Table 4). By comparison, the gross national product (GNP) in 1992 stood at \$6 trillion (current dollars) and \$4.1 trillion in constant year dollars (The American Almanac, 1994-1995, p. 446). This resulting public debt has left many governmental institutions in a serious fiscal straightjacket with little flexibility for providing basic government services such as education and transportation.

The second factor contributing to the fiscal limitations of government is the growth in non-service governmental expenditure such as salaries, pensions,

other income support, and debt service costs. State and local governments, for example, collectively expended 16% and 40% respectively of their 1992 budgets on wages and salaries. Wages and salaries for all governments in 1992 was 22% of total expenditures. In contrast, police and fire protection accounted for less than 7% of local government expenditures in 1992 (American Almanac, 1994-1995, p. 298). Meanwhile, total federal, state, and local expenditures for the three largest (not including education) social welfare expenditures--social insurance, public aid, and health and medical programs--increased from \$330 billion in 1980 to \$813 billion in 1991. As a percentage of total expenditures these three programs increased from 56% of total expenditures in 1980 to 69% of total expenditures in 1991. This can be seen in Table 5.

An examination of federal government finance shows that social security, federal employee retirement, veterans pensions, and railroad retirement trust fund payouts totalled about \$461 billion in 1991, up from \$193 billion in 1980 (American Almanac, 1994-1995, p. 371). This is approximately 30% of the total expenditures. During the same 1980-1991 period the sum of all public employee pension fund assets grew from \$258 billion to \$1,150 billion, an increase of 400% (American Almanac, 1994-1995, p. 378). The debt service costs as a portion of the federal budget has likewise mushroomed. Net interest payments on the \$907 billion national debt in 1980 was \$53 billion, or 8.9% of total federal outlay. By comparison, net interest payments on the \$4 trillion national debt in 1992 amounted to \$199 billion, or about 14% of all federal

Table 5

Social Welfare Expenditures, by Source of Funds and Public Program: 1980-1991 (In millions of dollars)

| Program | Federal | | | | State and Local | | | |
|--|---------|---------|---------|---------|-----------------|---------|---------|---------|
| | 1980 | 1985 | 1990 | 1991 | 1980 | 1985 | 1990 | 1991 |
| Total | 303,167 | 450,791 | 616,535 | 676,406 | 189,547 | 281,460 | 433,621 | 488,740 |
| <u>Social Insurance</u> | 191,162 | 310,175 | 422,236 | 453,538 | 38,592 | 59,421 | 91,565 | 110,548 |
| Old-age, survivors, disability, health | 152,110 | 257,535 | 355,264 | 382,290 | (X) | (X) | (X) | (X) |
| Health insurance (Medicare) | 34,992 | 71,348 | 109,709 | 116,651 | (X) | (X) | (X) | (X) |
| Public employee retirement | 26,983 | 40,504 | 53,519 | 56,884 | 12,507 | 22,540 | 36,851 | 40,391 |
| Railroad employee retirement | 4,769 | 6,276 | 7,230 | 7,532 | (X) | (X) | (X) | (X) |
| Unemployment insurance & employment services | 4,408 | 2,604 | 3,096 | 3,613 | 13,919 | 15,740 | 16,878 | 27,700 |
| Other railroad employee insurance | 224 | 189 | 105 | 94 | (X) | (X) | (X) | (X) |
| State temporary disability insurance | (X) | (X) | (X) | (X) | 1,377 | 1,944 | 3,224 | 3,879 |
| Workers' compensation | 2,668 | 3,067 | 3,021 | 3,125 | 10,789 | 19,197 | 34,613 | 38,578 |
| Hospital & medical benefits | 130 | 280 | 460 | 506 | 3,596 | 6,800 | 13,849 | 15,503 |
| <u>Public Aid</u> | 49,394 | 63,480 | 92,858 | 113,235 | 23,309 | 34,882 | 53,019 | 67,176 |
| Public assistance | 23,542 | 33,523 | 54,747 | 69,315 | 21,522 | 32,647 | 49,414 | 63,426 |
| Medical assistance payments | 14,550 | 22,677 | 40,690 | 53,393 | 13,020 | 21,182 | 34,700 | 47,740 |
| Social services | 1,757 | 2,057 | 2,065 | 2,117 | 586 | 686 | 688 | 706 |
| Supplemental security income | 6,440 | 9,605 | 13,625 | 15,896 | 1,787 | 2,235 | 3,605 | 3,751 |
| Food Stamps | 9,083 | 12,513 | 16,254 | 19,471 | (X) | (X) | (X) | (X) |
| Other | 10,329 | 7,839 | 8,232 | 8,553 | (X) | (X) | (X) | (X) |
| <u>Health & Medical Programs</u> | 12,840 | 18,029 | 27,121 | 29,731 | 14,423 | 21,024 | 36,669 | 39,652 |
| Hospital & medical care | 6,636 | 9,877 | 14,733 | 16,790 | 5,667 | 6,688 | 12,281 | 12,636 |
| Civilian programs | 2,438 | 2,455 | 3,447 | 4,139 | 5,667 | 6,688 | 12,281 | 12,636 |
| Defense Department | 4,198 | 7,422 | 11,286 | 12,651 | (X) | (X) | (X) | (X) |
| Maternal & child health programs | 351 | 422 | 492 | 522 | 519 | 800 | 1,374 | 1,454 |
| Medical research | 4,428 | 5,992 | 9,172 | 9,793 | 496 | 899 | 1,390 | 1,494 |
| Medical facilities construction | 210 | 339 | 410 | -- | 1,450 | 1,336 | 1,485 | 1,625 |
| Other | 1,215 | 1,399 | 2,314 | 2,608 | 6,291 | 11,301 | 20,139 | 22,443 |

Note. Adapted from Social Security Bulletin (n.p.), by U.S., Social Security Administration, 1993, Washington, DC: Author. --Represents zero. NA Not available. X Not applicable.

outlays (American Almanac, 1994-1995, p. 332). Further, when all direct "entitlement" payments to individuals (including welfare, farm subsidies, and college grants in addition to social security and pensions), military costs, and deposit insurance costs are added to the net interest costs, the sum amounts to 81% of 1992 federal expenditures. Of the remaining 19%, 12% is for grants to states and localities, and 7% is left to fund all other nonmilitary federal government operations. This remaining 7%, about \$102 billion, leaves the federal government with little room for meeting new demands for public funds. And, as built-in obligations, such as interest payments, salaries and wages, pensions and other entitlements grow, as a percentage of government expenditures, the fiscal squeeze on all governments will worsen. This contributes to the loss of government effectiveness which in turn contributes to the governability problem.

A third set of factors contributing to the problem of governmental fiscal limitations which detract from government's effectiveness, are those factors which constrain governments' ability to impose and collect taxes. With government tax collections at an all time high it may seem inconsistent to argue that "constraints" exist on governments' taxing ability. However, there are legal and political limits to taxation which restrict the amount and type of taxes that can be imposed or collected. There are numerous instances of tax cuts, credits, and exemptions enacted over the years which have lowered the tax burden for some categories of taxpayers while effectively reducing government revenues. The

1981 Economic Recovery Tax Act, for example, reduced corporate tax rates, and significantly liberalized depreciation benefits for business (Phillips, 1990, pp. 78-79). By 1989 the percentage of federal taxes derived from corporate income tax receipts dropped from 12.5% in 1980 to 6.2%. At one point as many as 36% of profit making corporations legally paid no taxes (Grieder, 1992, p. 95). For individuals the 1981 Act cut taxes 25% across the board, reduced the top bracket for unearned income from 70% to 28% (the top rate for all income was later set at 33% and later still at 36%), all representing significant tax reductions for wealthier Americans (Phillips, 1990, pp. 78-79). Some of the more egregious tax benefits and loopholes were taken back within several years. But the sum of lost federal revenue from the 1981 tax measure totaled \$750 billion over the next 5 years, according to an analysis by Grieder (1992); and, along with the increased expenditures for social security and military defense, it added greatly to the series of annual budget deficits during the 1980s (Grieder, p. 90).

The problem of government fiscal limitations, however, goes well beyond the reductions contained in the 1981 Act. First, there are legal restrictions which have traditionally prevented certain forms of wealth from being taxed by state or local governments. For example, with only a few exceptions, city, county, and special districts are not permitted to impose a tax on personal or corporate income. Instead, they must rely on the property tax; various user fees such as water, sewage, and utility charges; and on various business taxes

and fees. State governments, in some instances, restrict the type of state taxes that may be imposed. While most states, for example, have a tax on individual income, seven states do not. Eight states prohibit taxes on property; five prohibit a sales tax levy and four states do not have a corporate income tax (Wright, 1990-1992, pp. 166-168). The limit on property taxes imposed by California voters with the passage of Proposition 13 is well known. In addition, it has been estimated that nearly 20% of the value of real property nationwide--mainly that property owned by government, religious institutions, and other nonprofit organizations--are exempt from paying property taxes (Ruffin & Gregory, 1986). Beyond these tax limits, however, are those restrictions relating to governments' ability to collect taxes legally due and payable. Recent studies indicate that up to \$100 billion in taxes owed the federal government each year are not paid or collected (Grieder, 1992). The Internal Revenue Service, for example, reported in September 1989 that the government was owed \$87 billion dollars by taxpayers who underreported or had simply not paid their acknowledged tax obligations that year (Grieder, 1992, pp. 85-86). Interestingly, only a small portion, about \$1.4 billion, was owed by wage earners. The bulk was owed by businesses and individuals owing in excess of \$1 million. Major corporations owed about one quarter of the delinquent taxes, while 17 taxpayers, according to the report, owed over \$100 million each.

Another large category of taxes that goes uncollected each year are those potential taxes generated by what is commonly identified as the

"under-ground economy." The underground economy consists of income produced, legally and illegally, from cash transactions in which records of earnings are not kept and taxes are not paid. These transactions, for example, include unreported income from waiters and waitresses, taxi drivers, house cleaners, moonlighting jobs, and income generated from the sale of illegal drugs. The underground economy in the United States is estimated to equal the annual economic output of Canada, and includes as many as 20 million American workers. Some reports show that taxes lost to the federal government from the underground economy is close to \$100 billion a year (Ruffin & Gregory, 1986, p. 127). Thus, while a substantial amount of earned income and other forms of wealth are not taxed, a sizable portion of taxes that are levied and owed are not collected. Both shortcomings add further to the fiscal limits facing government.

The political constraints to taxation are obvious. Raising taxes remains unpopular with most voters, particularly when the system of taxation is viewed as too burdensome or unfair. Most politicians, therefore, are unwilling to take the political risk of supporting tax increases to reduce budget deficits, or to fund existing programs fully. Of course cutting popular government programs can be equally difficult. The fiscal squeeze on government, accordingly, endures and contributes further to the loss of government effectiveness and to the governability problem.

A fourth contributing factor to the fiscal limitations of government is the fact that state and local governments do not raise sufficient monies from within their respective jurisdictions to fund on-going programs, and must considerably rely on intergovernmental contributions. In 1993, for example, fully 27% of aggregate state government revenue was from the federal government, and went mainly to help fund public welfare, education, and highways (American Almanac, 1994-1995, p. 308). That same year intergovernmental aid accounted for over 36% of all county revenues and was the primary source of funds for county government (Wright, 1990-1992, p. 197). Ninety percent of this aid was from respective state governments and was in the form of grants and shared revenues. For municipalities, intergovernmental aid was likewise the primary source of funds, and accounted for 28% of all city revenues (Wright, 1990-1992, p. 198). Two thirds of this amount came from state government with the balance split between federal and county aid.

Historically, school districts have relied on local property taxes to fund elementary and secondary public education. In 1950, for example, the local contribution was 57.3% of the national total spent on public elementary and secondary education, while the federal and state share was 2.9% and 39.8% respectively. But the local percentage has been declining, and beginning in 1979 the state share surpassed the local contribution, and has been increasing annually. By 1988 the state share was 49.5% of the total, with the local and federal shares at 44.1% and 6.3% respectively (U.S., Department of Education,

1990). In California the shift from local to state funding of schools has been even more dramatic, largely because of the passage of Proposition 13 in 1978. In 1977-78 local property taxes in California accounted for 52% of the total public education expenditures. By 1987-88 that figure dropped to 17%, with the state and federal contributions approximately 70% and 6% respectively (California Senate Office of Research, 1990, pp. 66-67). In 1990 the state of California budgeted about \$22 billion for elementary and secondary education, representing 40% of the state's \$54 billion annual budget.

It seems clear that a major cause of the fiscal shortcomings of state and local governments is the fact that they are not fiscally independent and must rely increasingly on other jurisdictions for financial support. Some observers will argue that this means government spends too much money and needs to cut spending, and others will contend that government does not tax sufficiently to pay for basic public services. However, for whatever reason, many governmental units simply do not have sufficient funding of their own for services mandated by law. Funding for education, law enforcement, transportation, and health services, among others, increasingly cannot be adequately provided by state and local jurisdictions created to provide these services.

Equally important, the lack of fiscal independence leaves many cities, counties, and school districts at the mercy of state and federal lawmakers who face competing demands for public funds. If it is true that "he who controls the purse strings controls public policy," it is also true that state and local

governments in our federal system have increasingly more federal and state mandates, respectively, and less control over the direction of public policy, presidents Nixon's and Reagan's "New Federalism" notwithstanding. And just as the growing fragmentation in our political system has resulted in public policy gridlock, so too has governmental fiscal limitations resulted in policy gridlock and loss of government effectiveness. Rising public debt at all levels; escalating demand for non-service expenditures such as salaries, pensions, and other income support; the non-taxation of certain wealth, and the noncollectability of some taxes and the demand for public expenditures exceeding the willingness or ability of government to provide revenue, has left numerous government jurisdictions with little flexibility in pursuing necessary public policy initiatives. As Peterson (1981) observes, one of the essential powers of government is the power to raise the revenue needed to deliver the necessary range of public services. While Peterson was speaking specifically of local government in this instance, the principle he espouses applies to governmental jurisdictions at all levels. For as he acknowledges, without fiscal independence governments cannot act responsibly, or effectively, on their own behalf (p. 68).

The Problem of Limited Jurisdictional Boundaries

The problem of limited jurisdictional boundaries relates to the fact that geographical boundaries of local, county, and state governments do not parallel the problems governments are asked to address, or to the services they are

expected to provide. A common refrain by scholars and politicians opposed to central authority is that local government is "closer to the people" and can therefore respond more readily to community needs and wishes. While this sentiment represents a normative view of local government, it is nevertheless, to a large degree, a myth. As indicated earlier, cities, towns, counties, school districts, and other special districts are creations of state government. The state defines their authority, proscribes their form and structure, and may even abolish local governments. Thus, the degree of independent authority, or "home rule," while varying from state to state, is limited considerably by state and federal legal prerogatives.

But regardless of the legal authority each local jurisdiction possesses, nearly all are hampered by the geographic realities that some governments are too small to provide services effectively, and that in many cases problems fall well beyond the geographical boundaries of a given governmental entity. Education, transportation, air and water pollution abatement, water supply, fire protection, and law enforcement are common examples of services or problems that are often beyond the geographic reach of a given governmental jurisdiction. Indeed, the very existence of special districts, regional governments, interstate compacts, and international regional organizations are testimony for the fact that smaller units of government are unable to address adequately certain problems (Berman, 1990).

Further, the limitations imposed by jurisdictional boundaries are exacerbated by the sheer numbers of governmental units, the variations in jurisdictional size and authority, the overlapping of legal responsibility, and the duplication of services among governments in a given area; and, along with the fiscal limitations, contributes to the fragmentation of government (discussed earlier in this chapter) and to the loss of government effectiveness.

The Problem of Lack of Accountability in Our Political System

The final governability problem to be addressed in this chapter is the problem of the lack of governmental accountability in our existing federal system. Accountability, of course, is an important component of representative democracy. Accordingly, as discussed in the previous chapter, elected representatives are to be held accountable for their decisions affecting public law and policy. For the system to succeed, therefore, voters must know and understand the actions of elected officials and hold them accountable in the following election.

But there are several important ways in which our federal system lacks this accountability. These include the lack of accountability resulting from (a) a growing partisan division of the control of government, (b) to the expanded roles of the non-elected bureaucracy and interest groups in the policy-making process, (c) the growing tendency toward shared public policy responsibility among the different levels of government, and (d) the growing use of nonpublic

sector agents to solve public sector problems. Scholars addressing the accountability problems of government include Grieder (1992), Jacobsen (1990), Lowi (1979), Mayhew (1991), Mayo (1960), Peterson (1981, 1995), Ross (1992), Wilson (1987), and Woll (1987).

Partisan division between the executive and legislative branches at the federal and state levels is historically quite rare and did not become commonplace until the last half of the 20th century (Jacobsen, 1990). Between 1948 and 1988 the executive and legislative branches of the federal government have been in control of opposing political parties over 80% of the time; and a similar pattern has taken place in state capitols as well. The reasons for this trend toward divided government will not be explored here, except to acknowledge that divided government is often explained in terms of the decline in electoral partisanship and in the rise of candidate centered elections (Jacobsen, 1990). The importance of divided government for the purposes of this chapter, however, is its contribution to the lack of accountability in our political system. This problem occurs, of course, when divided government allows the party controlling one branch to blame the party in charge of the other branch for the policy failures of government. Each branch thus escapes responsibility for government inaction, and the voting public remains confused as to which party to condemn. Conversely, when government action results from partisan accommodation the public is similarly confused over which party deserves the primary

credit. This obfuscation by both branches and parties prevents the public from holding political leaders accountable for governmental behavior.

A second factor contributing to the lack of accountability in the political system is the expanded roles of the bureaucracy and interest groups in the policy-making process. As Lowi (1979) and others have articulated (and discussed earlier in this chapter and in Chapter 1), the evolution of liberal democracy in America this century is characterized by the rise of the bureaucratic state and the emergence of interest-group liberalism; and, by the corresponding decline of the Legislative Branch in the law-making process. While the constitution details the powers of the President, the Congress, and to some degree the Supreme Court, it does not mention the bureaucracy. Yet the bureaucracy stands at the center of the governmental process. Administrative agencies routinely exercise executive, legislative, and judicial functions, but are elected by no one (Woll, 1987, pp. 387-393). As Woll observes, the bureaucracy is a semi-autonomous, often autonomous, branch of government exerting considerable influence over the elected executive, the Legislative Branch, and at times the judiciary; yet it frequently acts outside the control of all three.

State and local bureaucracies are much the same; and, in the case of some cities, even more controlling than their counterparts in the national government. In council--city managers type cities, for instance, the executive functions are entirely in the hands of the nonelected city manager and his or her staff. Because the bureaucracy is full-time, possesses considerable expertise,

and because the city council is normally part-time, and possesses no independent staff, the influence of the city manager over the elected city council can be immense. Critics of the city manager system contend that, while city managers are appointed and removed by the city council, strong city managers often limit the elected council's public policy choices to "rubber-stamping" the city manager's policy recommendations (Ross, 1992, pp. 212-213).

Wilson (1987), like Lowi (1979), shares the view that the transfer of political authority from the legislative arena to an unaccountable administrative realm was not only highly undesirable but is perhaps the most important and troublesome problem to confront our political system since its founding. Further, as Lowi (1979) contends, the rise of bureaucratic authority was accompanied by the growth of interest group power which increasingly dominated both legislative and administrative decision making--even to the extent of establishing client-serving relationships with administrative agencies and legislative committees. In this system public policy initiatives increasingly emanate from the interest groups themselves, or from the bureaucracy, where public scrutiny is minimal. The legislature's role is, thus, largely confined to mediating conflicts between competing interest groups and bureaucracies. Consequently, as the respective roles of the bureaucratic agencies and interest groups in the policy-making process grew, public accountability through elected officials declined.

Still another factor contributing to the loss of governmental accountability is the trend toward shared public policy responsibility among the

different levels of government. As governmental programs expanded during the post-depression and post-civil rights periods, the tendency among governments was to share the responsibility for program formulation, implementation, and funding (Peterson, 1981). In numerous policy arenas including education, health, law enforcement, environmental protection, transportation, and housing, to name a few, local, state, and national government involvement has been a complicated and confusing assortment of policy directives and responsibilities. The federal government, all 50 state governments, and nearly all cities, counties, and special districts in the nation are jointly responsible for either mandating or implementing major policy initiatives in the policy arenas mentioned above. While local school districts, for instance, are mainly responsible for establishing elementary and secondary school policy and programs, the school districts are also subjected to a wide array of state legislative curriculum requirements, state funding controls, and both state and federal health, safety, and civil rights standards. Environmental policy is likewise a crazy quilt of policy initiatives and responsibilities are shared by all three levels of government, in addition to special regional districts such as the South Coast Air Quality Management District (SCAQMD) in California.

This trend toward shared responsibility for public policy often is characterized by overlapping authority, duplication of responsibility and jurisdictional rivalries. The more extensive the policy sharing responsibility between levels of government, the more difficult it is to fix praise or blame for government

policy. Local school districts, for example, blame school district problems on too many state legislative mandates and too little funding. State officials, in turn, blame school problems on local fiscal mismanagement and on parochialism. In the face of this puzzling state of governmental policy sharing the typical voter once again remains bewildered about who is accountable for vast array of public policy decisions.

A final contributor to the lack of governmental accountability to be discussed here, briefly, is the propensity for using nonpublic sector agents to solve public sector problems. This frequently takes the form of using private contracting for governmental services, and by using independent commissions, to address a particular policy problem area. The accountability problem stemming from private contracting does not result from contracting for services such as garbage pick-up, street cleaning, or food concessions at public recreation facilities, where the nature of the service contract is quite clear. Rather, the problem of lack of accountability occurs in cases where the private contracting involves major engineering studies, legal services, research and development projects, or environmental impact analysis, and the like, in which the complexity and the controversy surrounding the policy alternatives are a matter of considerable debate.

Policymakers, of course, typically use these private sector studies and analyses to justify a particular public policy course of action. In doing so the judgement of anonymous private sector "experts" are substituted for the

judgement of elected public officials. The public, of course, rarely enjoys the opportunity to know the biases of those consultants whose judgement has an impact on public policy, or to hold them accountable.

The use of independent nongovernment commissions, likewise, leads to a lowering of public sector accountability. The commissions referred to here are not public utility commissions, the Federal Communication Commission, air port commissions or other independent commissions which are a common feature of all three levels of government. These commissions are part of the bureaucratic problem of accountability discussed earlier in this chapter.

Rather, the nongovernmental independent commissions are the "Blue Ribbon" type commissions, which are created temporarily to address a critical problem facing a city, state or the nation. "Blue Ribbon" type commissions have been established in the past, for example, to study and recommend solutions to problems relating to taxation, education, transportation, health care, the aftermath of racial riots, community development and legislative re-apportionment. Most often independent commission are advisory in nature, but have considerable influence in setting the public agenda and in guiding future public policy. On occasion, however, temporary commissions are given extraordinary power to act in place of elected officials.

In 1991, for instance, a special three member re-apportionment panel, composed of retired judges, was created to redraw congressional and state legislature district lines in California. The panel was given authority to approve

a re-districting plan selected from competing proposals submitted to the panel by interested public and private parties. The re-districting plan approved by the panel is now law, and will govern state legislative and congressional district boundary lines for 10 years. Although the state constitution grants the power of reapportionment to the legislature, the state Supreme Court appointed the three member panel and gave it the authority to select the new reapportionment plan.

Other recent examples include the creation and the expanded use of "special prosecutors" to investigate and prosecute members of the executive and legislative branches for violation of criminal law. These special prosecutors effectively replace duly constituted state and federal attorney generals and have almost unlimited legal and fiscal discretion in pursuing a possible indictment. When through with a case these prosecutors are effectively accountable to no one.

Similarly, the federal government has created a federal Military Base Closing Commission for the purpose of making recommendations to congress and the president regarding military base closures. This commission creates a priority list of base closings with dates and deadlines. The commission members are private citizens and are never accountable to anyone. Neither the congress nor the president can amend the commissions' list of recommendations. It must be approved by both the president first and then by a majority vote of both houses of congress. If the president disapproves the list the

congress has 45 days to override his objections by a majority vote. These base closings tend to be very political in nature and can have dramatic negative effects on the economy of many states and localities selected for base closings. Rather than face these issues head-on, the president and congress are instead "passing the buck" to the non-elected, non-accountable Base Closing Commission.

The use of nonpublic "independent prosecutors," "experts" and "independent" commissions will likely become more common as political fragmentation increasingly prevents elected officials from acting on critical public policy questions in a timely manner. From a public accountability perspective, however, nonpublic sector advisors, agenda setters, and decision makers are neither elected by, nor accountable to, the public for their actions. The public then, remains confused as to who should be held accountable for government decisions influenced in part, or in full, by nonpublic sector experts and consultants. Lack of accountability destroys the basic fabric of representative democracy which operates on the fundamental principle that political authority should flow from the people (Mayo, 1960). Only through the electoral process can elected representatives be held accountable for their stewardship of government. For the voters to exercise their basic responsibility in this system they must, therefore, have the means for measuring the performance of elected office-holders. If the performance is unknown or obscure, in the eyes of the voters, or if the responsibility for public decisions are removed from, or

abdicated by, elected officials and given to others, the basic accountability feature of representative democracy does not work. Unfortunately, as demonstrated above, the growing lack of accountability in our system is a troubling development.

Conclusion

The governability problem is, admittedly, a new and a fairly difficult and slippery concept to examine. This difficulty, however, is not a sufficient reason for avoiding the problem. Indeed, the slippery nature of the governability problem makes the concept more inviting from a research perspective. Further, this study should be viewed as a foundation for future studies on the governability problem in the American political system.

The analysis of the governability problem in the American political system presented in this chapter suggests that before the problem can be addressed, we must begin to see the American system in a different context. To begin with, although many critics contend that government in America is too powerful and controlling, the research presented in this chapter suggests instead that governments in too many important instances are weak and ineffective in carrying out their responsibilities. Second, while some observers argue that the American political system is unresponsive to citizen needs and demands, the research shows, instead, that governments at all levels respond too readily to organized citizen pressure. The rise of participatory democracy has given

organized interest groups the opportunity to first successfully demand special government treatment for their group members, and secondly, to resist any change by government that seeks to alter the groups' special treatment. Third, although it is common to view government as "too big," as measured by the number of agencies, programs, employees, or revenues raised or expanded, it is equally valid to view the problem as one of "too many" governments as measured by the growth in the number of local and "special" district governments. Finally, while many may see government power in America as centralized, the research presented here suggests instead that government authority is highly fragmented and decentralized. From a macro perspective the governability problem in America suggests that the major concerns about government are not with the growth toward authoritarianism but rather with the trend toward anarchy; not concern about centralized authority, but about fragmented authority; not about too much authority but about too much shared authority; not with government doing too much, but rather with government trying to do much but not succeeding.

In the present interest group dominated system of participatory democracy, the demands on government to do more will continue. Neither conservatives or liberals, Democrats or Republicans can succeed in reducing the scope or scale of government activity. The overload problem will continue and worsen. Governments' lack of effectiveness in addressing some of the major problems presented in Chapter 1 will also continue, leaving the citizens' trust in

their government at its current low level. The anti-government, anti-authority ideologies of Post-Modernism, Radical Feminism, and Egalitarian Democracy will contribute further to the loss of legitimacy in the existing American political system.

The combined systemic problems of legal and political fragmentation, fiscal limitations, limitations of jurisdictional boundaries, and the lack of clear accountability presented in this chapter pose serious obstacles to the effective governance of American democratic institutions. These problems undermine the national government's capacity to manage domestic and foreign affairs, which in turn contributes to the erosion of the nation's economic and political standing among competing industrial nations. At the state and local levels they result in institutional combat, policy gridlock, and fiscal paralysis which block the adoption and implementation of plans and programs state and local governments traditionally are expected to provide; and they lead to a policy-making process that frustrates the attainment of collective national, statewide, regional, or communitywide policy goals. Clearly, the contemporary state of the American federal system requires revision. An enfeebled system of government that cannot govern effectively should not be allowed to endure. This crisis in governance, therefore, compels an examination of new governmental forms and models that can both circumvent the existing systemic problems and effectively provide necessary public services and programs.

It is not possible to unmix Grodzin's "marble cake" federalism or untangle Peterson's (1981) "entwined and totally interdependent" federalism. But it may be possible to create a new governmental form that is both workable and consistent with the principles of representative democracy; and, one in which the over-lapping of legal authority, the duplication and interagency sharing of responsibility, and the jurisdictional and agency rivalries can be reduced. To this end the next two chapters examine the regional South Coast Air Quality Management District (SCAQMD) and its plan to combat air pollution in Southern California to determine whether either can serve as a model for addressing the governability problem presented in Chapters 1 and 2.

CHAPTER 3
REGIONAL AND INTERGOVERNMENTAL AIR POLLUTION
CONTROL EFFORTS IN CALIFORNIA AND THE
CREATION OF THE SCAQMD:
A CASE STUDY

Introduction

California's concern with air pollution policy began in the 1940s when Southern California first experienced a hazy, brownish, eye-watering new form of pollution. This new pollution was different from the smoke that was common to urban cities for the previous 100 years. Actually, California had experienced smoke-caused air pollution for several centuries. As Krier and Ursin (1977) note, Spanish explorer Juan Rodriguez Cabrillo, who discovered San Pedro Bay in 1542, noticed that the mountains to the east were obscured by smoke from Indian fires. Cabrillo named San Pedro Bay "La Bahia de Los Fumos" (The Bay of Smokes). Krier and Ursin point to Los Angeles newspaper accounts from the 1860s to the turn of the century describing the thick smoke in the area.

However, by the 1940s the new air pollution was "smog" (a word coined from "smoke" and "fog," but the term is really a misnomer since the chemical

pollution in the Los Angeles basin has little to do with smoke or fog). By the early 1940s a strange "pall of haze" increasingly began to obscure the ring of mountains around the Los Angeles basin. Catalina Island was almost blocked from sight on certain days. The precise date of these occurrences cannot be determined but the first reports of this strange pollution began about 1941 or 1942. No one understood this new phenomena but some mistakenly believed them to be Japanese gas attacks. A Los Angeles newspaper account reported that in 1943 there were "days when the low-lying smoke and fume bank engulfed the city and environs and sent cursing citizens, coughing and crying, running for the sanctuary of air-conditioned buildings" (Ainsworth, as cited in Krier & Ursin, 1977, p. 53). The pollution appeared serious and citizens demanded that public officials do something. But the sources and nature of the heavy hazes were a mystery. At one point public officials accused a synthetic rubber factory of being the chief culprit and succeeded in closing the plant down. After spending a considerable sum on equipment to eliminate the fumes, the plant reopened (Krier & Ursin, 1977). However, the smog persisted. In the fall of 1943 the Los Angeles Board of Supervisors moved to create a Smoke and Fumes Commission composed of two citizens and three scientists to study the causes of air pollution, while the City of Los Angeles initiated investigations into the problem about the same time. California's battle with air pollution had begun.

This chapter examines the intergovernmental air pollution control efforts in California between 1942 and 1994 that culminated in the creation of the South Coast Air Quality Management District (SCAQMD). The reason for this case study is that since the SCAQMD is a fairly recent creation (1976), designed to combat the intractable problem of air pollution, it may very likely represent the latest theory and best application of effective regional government. This analysis will help determine the following: (a) whether the structure, legal authority and scope of policy responsibility of the SCAQMD is consistent with the regional model to be presented in Chapter 5; and (b) whether the SCAQMD could, therefore, be replicated and used to address the governability problem presented in Chapters 1 and 2. The next chapter (Chapter 4), in turn, presents a case study of the Air Quality Management Plan (AQMP), a set of policies developed by the SCAQMD to reduce the levels of air pollution in Southern California.¹⁰

The first section of this chapter examines the unique nature of the air pollution problem in California, particularly in Southern California. This examination includes geographical and climatic factors, the impact of population and urban development, risk assessment and pollution measurement

¹⁰The scholarly analysis and treatment of regional and intergovernmental air pollution control efforts in California include Anderson (1990); Christensen and Gerston (1984); Hagevik (1970); Kamieniecki and Ferrall (1991); Kennedy (1954); Krier and Ursin (1977); Mazmanian and Sabatier (1983); Rosenbaum (1985, 1991); Ross (1992); and Vig and Kraft (1990).

problems, costs associated with pollution and pollution abatement, and the general political climate including the main interest groups in the abatement effort. The second section analyzes state and local government policy initiative toward pollution abatement during the early era (1942-1976) and the evolving roles of city, county, and state governments during this period. The final section examines the modern era (1976-1994) and creation of the SCAQMD as a regional governmental approach for addressing the air pollution dilemma. In doing so the following aspects of the SCAQMD will be examined: (a) the reasons for creating the SCAQMD; (b) the legal authority and responsibility given to the new governmental body; (c) the manner in which the SCAQMD governing board is selected; (d) the major policy initiatives during this period; (e) the specialization and expertise of the SCAQMD staff; (f) the relationship between the governing board and the staff; and (g) the relationship between the SCAQMD and the public, particularly the interest groups impacted by the SCAQMD policies.

The Unique and Complex Nature of Air Pollution in Southern California

Geography and Climate

While air pollution is no different in California than most other areas, California, especially Southern California, has a physical environment that exacerbates the problem. The Los Angeles-Orange County area is bordered on three sides by mountain ranges. The Santa Monica Mountains to the

northwest, the Santa Ana and San Jacinto Mountains to the east, and the San Gabriel Mountains to the north make up this three-sided "wall." The high pressure Pacific air mass that reaches the coast is often a warm, weak wind that puts a cover on the basin and forms the fourth side of the wall, thus helping to hold the polluted air in place. Because of the warm climate and the many days of sunshine, particularly in the summer and fall, the trapped polluted air is "cooked" by the sun to create smog. The gentle prevailing ocean breezes then slowly push the polluted air east into San Bernardino and Riverside counties, and beyond, only to be replaced with newly polluted air.

Population and Economic Growth

California's population stood at slightly more than 6 million in 1940. In 1990 this number had reached 29.7 million, up from 23.6 million in 1980. In 1987 the state's population grew by about 700,000, roughly the size of San Francisco. As Table 6 shows California's population growth has exceeded the national growth every decade since 1860, and in many cases by large margins. Although the population growth slowed during the 1991-1994 recession, forecasts indicate that the population will exceed 36 million in the year 2000 (California, State Legislature, 1989b). The population in the Los Angeles basin (roughly the area governed by the AQMD) is expected to increase from 13.5 million in 1990 to more than 19 million in 2010 (Anderson, 1990). The explosive growth in population in the 1980s and the expected growth over the next 2

Table 6

California Population Growth--1820-1990

| Year | California Population | California Growth Rate (%) | National Growth Rate (%) |
|------|-----------------------|----------------------------|--------------------------|
| 1820 | 3,730 | | |
| 1846 | 9,000 ^a | | |
| 1852 | 264,435 | | 35.9 |
| 1860 | 379,994 | 70.0 | 35.6 |
| 1870 | 560,247 | 47.4 | 26.6 |
| 1880 | 864,694 | 54.3 | 26.0 |
| 1890 | 1,213,398 | 40.3 | 25.5 |
| 1900 | 1,485,053 | 22.4 | 20.7 |
| 1910 | 2,377,549 | 60.1 | 21.0 |
| 1920 | 3,426,861 | 44.1 | 14.9 |
| 1930 | 5,677,251 | 65.7 | 16.1 |
| 1940 | 6,907,387 | 21.7 | 7.2 |
| 1950 | 10,586,223 | 53.3 | 14.5 |
| 1960 | 15,717,204 | 48.5 | 18.5 |
| 1970 | 19,971,069 | 27.0 | 13.3 |
| 1980 | 23,667,902 | 18.5 | 11.4 |
| 1990 | 29,839,250 | 25.9 | 9.8 |

Note. Adapted from The California Connection (p. 23), by T. Christensen and L. N. Gerston, 1984, Boston: Little Brown & Co.; and California Government Politics Today (p. 3), by M. Field and C. P. Sohner, 1996, New York: Harper Collins Publisher.

^aEstimate.

decades will continue to impact negatively on the region's natural resources. As the population grows, new businesses and jobs will be created to accommodate them, or at least some of the new population. Additional pressure will be placed on the already over-congested freeways. Between 1975 and 1990, for example, California's "vehicle miles traveled" went from 140 billion to 260 billion miles. The California Department of Transportation estimates that this figure will rise to 360 billion miles driven in the year 2010 (California, State Legislature, 1989a). This, of course, will add to the air pollution dilemma and make solutions to the problem even more difficult. Further, the population growth will affect land use decisions in California which in turn will have repercussions for housing, water supply, solid waste disposal, transportation, water pollution, recreation, education, and public safety.

Until now California has emphasized the importance of economic growth and economic development, and by and large city planning policies have encouraged both. The state was viewed as large enough to accommodate any level of economic development. Los Angeles is often depicted as a city that grew out, not up. The region was known for urban sprawl, orange groves in Orange County and San Fernando Valley horse ranches. In the 1940s Santa Monica was known as a wonderful place to swim and fish. By the end of the 1980s the small suburbs surrounding Los Angeles had disappeared into a sprawling mega-community. The rise in the cost of housing has driven younger home buyers to the perimeters of the four county region, ranging from Santa

Clarita to Mission Viejo and from Ventura to Moreno Valley, in order to find affordable housing.

The paramount question now for California, particularly Southern California, is how can economic growth and improvement in clean air standards be accommodated at the same time? Along with the population increases, the gross economic product of the Los Angeles Region is expected to double by 2010 (Anderson, 1990). This could add three million jobs and an equal number of housing units to the region; and the new development may cover an area twice the size of the City of Los Angeles. Regional problems associated with transportation, housing, crime, waste disposal, and air and water quality will be increasingly interrelated and magnified proportionally. Further, because these problems cross all local governmental boundaries the question arises as to whether local governments in Southern California are capable of making critical choices about problems that are regional in scope. Are legal and structural changes in local and regional governmental organizations required? Is it possible to accommodate the expected population growth with government services and infrastructure, or should limits be placed on new residents? In other words, can population growth, economic growth, environmental quality, and quality livability be attained at the same time? These questions are addressed in greater detail in the remaining two chapters of this study.

Pollution Measurement Problems, Risk Assessment, and Abatement Costs

The affects of air pollution on both humans and nonhumans, and the costs associated with air pollution abatement, have always been a matter of considerable controversy in California as elsewhere. Measuring pollution levels and impacts, determining abatement costs, who should pay, and the setting of pollution control priorities necessarily involves the interplay of politics, economics, and science; and uncertainty over impacts, costs, and benefits have been the rule rather than the exception.

Early California and federal control efforts relied almost solely on the traditional "command and control" regulatory approach. This approach typically involved setting standards and rules for limiting pollution from each source, establishing penalties and sanctions for noncompliance, monitoring the sources for noncompliance, and punishing violators. As Rosenbaum (1985, 1991) observes, in the 1970s regulators began moving away from the command and control approach by introducing various economic incentives including "bubbles," offsets, and emission permit trading systems. These incentives were designed to encourage compliance by polluters. To assist in measuring both the impact of pollution and the costs of abatement, the Reagan Administration required the use of "cost-benefit" analysis in developing pollution abatement rules and regulations. The merits and demerits of these new devices have been

hotly debated, but they appear to be gaining in popularity as useful weapons in the air pollution control battle.

An offshoot of the cost-benefit analysis approach is the development of risk assessment and analysis as a way of incorporating objective scientific research into environmental decision making. The Reagan and Bush administrations, in particular, sought to employ risk assessment as a routine procedure in formulating environmental regulations. Reilly (1993), head of the EPA during the Bush Administration, was a strong proponent of risk assessment, arguing that pollution control efforts require that scientific evidence, rather than public pressure, should dictate pollution control priorities. While a variety of methodologies have been proposed, including comparing the relative risks of alternative regulatory actions or technologies, the issue of risk assessment is engulfed in many problems. Is it possible, for example, to calculate the environmental impact of human activity? Once calculated, how can the costs, benefits and risks be balanced against each other? Is objective risk analysis possible? Should the evaluation be done by scientists or public officials? Should risk assessment exclude values and moral judgements?

The purpose of this section is not to examine these new approaches to the pollution control in detail, but rather to acknowledge their recent development, and more importantly, to point out that obtaining accurate data on pollution levels, and on costs, benefits, and risks in California has been especially troublesome. As Krier and Ursin (1977) observe the uncertainty in

air pollution control in California has been pervasive from the beginning. Historically, they argue, the state has had considerable difficulty in estimating the total output of pollutants or of measuring the physical qualities of air at a given time; and, that it has been even more difficult to assess pollution control costs or the benefits that marginal improvements in air quality would bring.

Although early control efforts revealed a distinct desire for accurate scientific assessments of the problem, as well as scientific solutions to the problem, the lack of accurate scientific measurement capabilities and scientific analysis hampered early air-pollution abatement attempts in the 1950s and the 1960s.

The early control efforts, nevertheless, had a distinct technological fixation to them. Those responsible for the abatement effort clearly believed that pollution was an engineering problem, not a social or legal problem. Governor Goodwin Knight was quoted in 1954 as saying that "smog is a scientific and engineering problem and not a political or legal one" (Krier & Ursin, 1977, p. 95). Kenneth Hahn of the Los Angeles County Board of Supervisors, in a 1953 letter to an auto executive, acknowledged that the problem had to be solved by "the automobile industry rather than by legislation" (Krier & Ursin, 1977, p. 95).

But this early fixation with technology and the lack of accurate scientific data on pollution led to some fairly bizarre suggestions for dealing with the problem. One suggestion would have dispersed the basin's smog by using huge ground fans or hovering helicopters. Another version had ground fans blowing

the smog through large tunnels drilled through the mountains around Los Angeles. Believing that the sun was the main culprit, another technological proposal would create a giant umbrella of white smoke laid out by airplanes high over the city. This umbrella would block the sun and thus eliminate the smog. Still another approach involved seeding clouds to make rain to cleanse the air. All of these suggestions, of course, were quickly discounted and properly ridiculed, but they demonstrated the early craving for a simple technological "fix" to the pollution problem.

It was clear in the early 1950s that little was known about California's air pollution in general, and its health impact and clean-up costs in particular (Krier & Ursin, 1977; Mazmanian & Sabatier, 1983). Health officials readily admitted that while they suspected some cause-effect relationship between smog and health, they really had no scientific basis for measuring the health effects of smog. As Krier and Ursin observe: "There was no clear-cut blueprint to employ in measuring air pollution, gauging its health effects, directing research, or establishing reasonably specific standards to serve as the basis for control measures" (p. 112).

Nevertheless, the 1950s saw considerable movement toward identifying both the sources and levels of air pollution in California (Mazmanian & Sabatier, 1983). In 1950 Professor A. J. Haagen-Smit, a biochemist at the California Institute of Technology in Pasadena, presented the first research which suggested that smog was the product of a photochemical conversion of other

pollutants, and that motor vehicles, oil refineries, and refuse burning were the major sources of air pollution (Krier & Ursin, 1977). The riddle of the source of air pollution seemed to be solved, but considerable skepticism and debate over his findings continued throughout the decade. Automobile drivers came to resent the suggestion that citizen motorists were to blame for air pollution. The oil refining industry believed Haagen-Smit's findings to be a threat to its interests and sought to refute his research. The Stanford Research Institute (SRI), working for the oil industry, challenged Haagen-Smit's methods and findings; and while admitting the role of the automobile and refuse burning, it suggested that the petroleum industry was only a small contributor to the pollution problem.

The automobile industry began its own research in 1953, arguing that the air pollution picture was still too fuzzy to assign blame. Most importantly, 1953 saw the formation of the Air Pollution Foundation (APF), an independent research group whose creation was to settle the debate precipitated by Haagen-Smit's findings. The APF played a significant role during the decade and in 1954 the Foundation largely confirmed Haagen-Smit's work. The relative and important roles of motor vehicles and petroleum refineries were clearly established the following year. There was little doubt now that vehicle emissions were a major part of the problem. The APF, going further, concluded in 1956 that vehicle exhausts were the main source of smog in Los Angeles; and by the

end of 1959 there seemed to be little disagreement on this point among impartial scientists.

The automobile industry did not agree, however, saying California was unique, and during the last half of the 1950s it urged a delay in imposing control measures on the automobile while research on control technology continued secretly by the automobile industry and publicly by others including the Air Pollution Foundation and the University of California. Thus, while the early and more bizarre control suggestions (mentioned earlier) sought to remove air pollution from the air once it got there, the more serious research now began to focus on controlling the sources of emissions. By the end of the decade the Air Pollution Foundation expressed the belief that workable vehicle emission control technology was only months away.

While the 1950s ended with the main sources of smog identified, the uncertainty and the debate over sources and levels of pollution continued. As one engineer stated "the more we investigate the less we seem to know" (Krier & Ursin, 1977, p. 83). Although the knowledge base and pollution measurement and control techniques are vastly improved today, compared to the primitive 1950s, air pollution specialists readily acknowledge the current lack of important scientific data. In a 1985 report, for example, the South Coast Air Quality Management District states that "there are numerous gaps within the several scientific fields related to identification and control of toxic air pollutants" (Chapter XIX, p. 14). The report indicates that in the health

science field data gaps include information on the development of cancer and other diseases, the modes of action of chemicals and the effect of multiple and long-term pollutant exposures. There is a need also for greater scientific capabilities for pollution source testing and for monitoring of ambient concentrations of specific hazardous pollutants during different weather conditions. Indeed, air control specialists with the AQMD are continually seeking to improve their pollution measurement and modeling techniques, and emission level data are updated every several years as the on-going measurement capabilities are enhanced.

Cost-benefit analysis and economic incentives were first mentioned in the AQMD's 1985 report as feasible instruments for use in the air pollution control battle. The report introduced the belief that "external" costs can be "internalized" and that new technology can be stimulated by using economic inducements such as subsidies, taxes, user fees, and zoning laws. The 1991 Air Quality Management Plan (AQMP) was the first time that economic incentives and cost-benefit analysis were actually introduced as an integral part of the air pollution control effort. The AQMP now envisions using emission credits and offsets, a permit market system, toll roads, tax credits, and loan assistance money as a compliment to the existing regulatory system. An emission credit system, called RECLAIM, was adopted by the SCAQMD in 1994. In addition, the 1991 AQMP incorporates a cost-effectiveness model for calculating the economic impacts of the various control measures, and for assisting in the

priority ranking of the control measures. (The market incentives and cost-effectiveness analysis will be explored in greater detail in Chapter 4.)

Significantly, those in charge of air pollution control in the 1990s, like those in charge in the 1950s, are continually challenged by businesses impacted by the controls to provide data justifying the necessity of the control measures. Thus, data, or lack of data, remains a crucial factor in measuring the levels of pollution, in assessing the risks to humans and animals posed by air pollution, and in measuring the relative costs and benefits of the various pollution control approaches. In the end, the success of any pollution control plan may rest on the ability of the regulators to provide sufficient credible data to justify their actions.

The Political Climate and Interest Group Influence in California's Pollution Control Effort

As Krier and Ursin (1977) note, the political battle lines over air pollution abatement were drawn in the 1950s when the sources of air pollution were first identified. But while the automobile and oil industries were the early targets of pollution control, the political landscape, was and is, actually much more complex. There are three major factors shaping the political climate as it affects air pollution control in California: (a) California's role as an international center of business and industry, (b) California's preoccupation with

preserving its unique natural resources, and (c) the state's heavy reliance on the use of the automobile.

If California were a separate nation today, instead of the largest state in the United States, it would rank sixth in the world in Gross National Product (GNP) (Ross, 1992). The Golden State is a major producer of petroleum, chemicals, electricity, agricultural products, aerospace components, high technology, paints, and solvents. Indeed, it is the nation's fourth largest producer of oil and is the nation's foremost agricultural state, leading the country in the production of 49 livestock and crop products (Ross, 1992). Aside from manufacturing it is a leading center of international shipping, a major tourist state, and typically leads the nation in building construction. It is also home to a sizable number of federal military bases and other federal facilities. Equally important, tens of thousands of jobs are at stake.

While these economic activities contribute mightily to California's economy, the rub of course, is that they also contribute mightily to the air pollution problem. Beginning in the 1950s, with the oil industry and the auto industry, these commercial and industrial sectors--and the individual companies within them--who were impacted by pollution control efforts reacted by flexing their political muscle in opposition to the air pollution control laws that business leaders believed harmful to business interests. While individual businesses often joined the battle, the opposition to pollution controls was most often led

by business associations, as shown below (R. Ketchum, personal communication, SCAQMD, Public Relations Office, May 7, 1993).

1. Los Angeles Manufacturers Association.
2. Los Angeles Area Chamber of Commerce.
3. Los Angeles Building Industry Association.
4. Western States Petroleum Association.
5. Southern California Edison Company.
6. Los Angeles Economic Development Corporation.
7. Pacific Gas and Electric Company.

Thus, the politics of air pollution abatement policy has always put major sectors of business and industry in head-to-head battle with those trying to clean up Southern California's dirty air. By contributing large sums of money to state and local political candidates; by arming themselves with their own research data; and by developing sophisticated lobbying capabilities the representatives of business and industry in Southern California have been able to challenge the regulators at every important stage since the 1950s.

The opposition to stringent air pollution regulations, however, has not been limited to major sectors of the private sector business community. Increasingly, small business and nonprofit institutions, including state and local governments, have felt the brunt of new and far-reaching regulations. While small businesses have been represented by Chambers of Commerce, cities,

counties, school districts, and universities, for example, have also heightened their resistance to costly air pollution controls that affect their operations.

But organized opposition to air pollution controls has been in large part off-set by those Californians seeking to protect the pristine character of the state's natural resources (R. Ketchum, personal communication, SCAQMD, Public Relations Office, May 7, 1993). These include:

1. National Resources Defense Council (Southern California).
2. Sierra Club.
3. Southern California Coalition for Clean Air.
4. California Lung Association.

The organized effort to protect its ocean coastline, deserts, and mountain wilderness areas has put California in the forefront, nationally, of the environmental movement. Statewide the air pollution political battle has been led by environmental groups such as the Sierra Club and the Natural Resources Defense Council, and at the local level (in Southern California) by the Coalition for Clean Air, a Venice-based environmental group that serves as a scientific public "watchdog" organization. These groups have been joined by health organizations, such as the California Lung Association, who offer a consumer health perspective in support of strong air pollution control regulations. While these environmental and health organizations have been very active politically in support of stringent pollution controls they cannot match, of course, the financial, lobbying, or research capabilities that business and business support

groups enjoy in opposing these controls. Rather, the political strength of the environmental groups results more from their extensive grass roots support across the state; their coalition building with like-minded environmental and political organizations, and from the fact that statewide public support for environmental clean-up and protection has been consistently strong over the years (R. Ketchum, personal communications, SCAQMD, Public Relations Office, May 7, 1993).

But public support for environmental protection in California has its limits—especially when it involved limiting citizens in the use of their automobile. California's dependency on the automobile is well documented and attempts to reduce the automobile's contribution to air pollution by decreasing the number of vehicle miles driven on streets and freeways, has met with resistance by citizen drivers. Automobile users readily accept technological improvements to automobiles, such as stricter exhaust emission standards and catalytic converters, but they are less accepting of regulations that interfere with the freedom to use their automobile. The use of voluntary car-pooling and freeway car-pool lanes to reduce vehicle miles driven, for instance, has been of limited success in Southern California. The politics of air pollution control, therefore, has been a conflict historically, between not only polluters and clean-air advocates, as one might expect, but it also has been a conflict between the California cultural lifestyle of unlimited automobile use and the desire for a pristine natural environment.

More recently a new group of political actors have entered the environmental control battle in California, adding to the complexity of the political climate. These actors, according to representatives of the SCAQMD, are environmental consultants, mainly lawyers and engineers, who are hired by business groups to lobby the regulation agency on behalf of their paying clients (R. Ketchum, personal communications, SCAQMD, Public Relations Office, May 7, 1993). These consultants have found a niche in the air pollution control arena because of the legal, scientific, and technological uncertainties inherent in the pollution regulatory process. From the perspective of representatives of the AQMD, these consultants have become "major players" in the environmental policy-making arena. In sum, the specialized knowledge involved in the research, development, implementation, and the enforcement of the environmental regulations has spawned a new class of professionals that speak with authority in the on-going pollution abatement process. Thus, the political atmosphere has been fairly contentious as the main camps struggle for political, legal, and scientific advantage in the air clean-up battle. But, in the early 1990s neither faction nor interest group seems to have the clear upper hand.

State and Local Air Pollution Policy in the
Early Era: 1945-1975

1945-1968

Since Southern California had experienced the first symptoms of air pollution, it followed that the early pollution control measures would begin

there. In 1945 both the City of Los Angeles and the Los Angeles County Board adopted ordinances aimed at controlling the known sources of pollution emissions (see Table 7). Though well intentional in attempting to confront the pollution problem, both the city and county efforts faced several immediate problems. First, it was apparent that the city and the county faced the problem of fragmentation of political authority (Krier & Ursin, 1977). The city, of course, would have an impact on pollution only within its borders; and while the county had jurisdiction over unincorporated areas of the county, there were 45 remaining cities within the county where neither ordinance was applicable. Second, the new ordinances were developed on the assumption that the sources of pollution in Los Angeles were similar to that of cities in the east and mid-west; namely that sulphur and smoke were the primary culprits. As noted earlier, it was not until 1950 that A. J. Haagen-Smit identified the automobile and the petroleum industry as the prime contributors to air pollution (Krier & Ursin, 1977). Third, during the period between 1940-1946 industrial growth in the region increased an estimated 85%, while the total population in Los Angeles County had grown by about 900,000, from 2.8 million to 3.7 million. These problems hindered the effective implementation and enforcement of the two new ordinances and led to general dissatisfaction with the progress toward air pollution control. The demand for more effective control efforts led to: (a) intensified research, and (b) attempts to overcome political jurisdictional problems through state sponsored control measures.

Table 7

California State and Local Air Pollution Control Policy Initiatives: 1945-1975

- 1945 Los Angeles City adopts ordinance limiting smoke emissions in the city from a single source. The Bureau of Smoke Control established in the City Health Department to enforce the ordinance.
- 1945 Los Angeles County Board of Supervisors adopted an ordinance limiting smoke emissions in unincorporated areas of the county. The Division of Air Pollution Control in the County Health Department was created to enforce the ordinance.
- 1947 The California Air Pollution Control Act was enacted into law. The state legislation permitted each County Board to create a county air pollution control district which could adopt and enforce countywide air pollution controls.
- 1947 The Los Angeles Air Pollution Control District (APCD) was created by the Los Angeles County Board of supervisors in response to the 1947 state legislation.
- 1953 State legislative proposals to create regional pollution control districts fail to pass.
- 1954 Legislative proposals establishing statewide minimum air quality standards and creating a state air pollution control board fails to pass.
- 1955 State legislation is approved providing air pollution research assistance for the state Public Health Department.
- 1957 Legislation to create a state board to coordinate local pollution controls fails to pass.
- 1959 State legislation is enacted requiring the state Public Health Department to establish statewide air quality standards and motor vehicle emission standards.
- 1960 The California Motor Vehicle Pollution Control Act is approved creating the Motor Vehicle Pollution Control Board (MVPCB) with authority to approve new control technology and to require its installation and use.

Table 7--Continued

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| 1967 | The Air Resources Board (ARB) is created, replacing the MVPCB, and is given expanded authority over both stationary and mobile pollution sources. The ARB is also required to divide the state into air basins. |
| 1968 | The state Legislature enacts the Pure Air Act which increases the existing stringent standards for vehicle emission of hydrocarbons, carbon monoxide and oxides of nitrogen. The ARB is given the authority to implement even stricter standards. |
| 1975 | There were no major changes in state air pollution policy between 1968-1975. Most of this period was devoted to adjusting and accommodating to the 1970 federal Clean Air Act and implementing the 1967 and 1968 legislative Acts mentioned above. |

Impetus for more drastic steps came from a study by Professor Raymond Tucker (Krier & Ursin, 1977) from Washington University in St. Louis, who was hired by the Los Angeles Times in 1946 to study the Los Angeles pollution problem. While acknowledging the need for more study, the main thrust of Professor Tucker's January 1947 report was the need for state legislation to create a countrywide pollution control district which would have the authority to enforce regulations in both incorporated or unincorporated areas of the county. The need for state legislation had been debated by local officials prior to Tucker's report and his recommendation gave the idea additional credibility.

The legal principle of "home rule" prevented the state from simply creating an agency within county government to impose clean air standards on incorporated cities; and reliance on city cooperation was not practical. Instead, the state drafted legislation that permitted each county to create countrywide air pollution control district, with the county Board of Supervisors acting as the governing board of the district. With the support of Los Angeles County and the California League of Cities, the California Air Pollution Control Act was enacted into law in summer 1947 and signed by Governor Earl Warren (see Table 7). The police power of enforcement was reserved by the state but the legislation delegated authority to the district to adopt rules and regulations to enforce the broad legislative standards. Thus the state law applied to all political jurisdictions and contained two broad pollution prohibitions: one, against smoke emissions which violated certain opaque standards; and two, against

emissions that could constitute a nuisance to the public. In addition, each county district could adopt other restrictions consistent with the language and purposes of the act (California, Health and Safety Code, 1954a, 1954b).

One important provision of the act was language enabling the district to require pollution sources to obtain permits before operation or construction could begin. The Los Angeles county board acted quickly following the approval of the state act, and in the fall of 1947 created the Los Angeles Air Pollution Control District (APCD). But during its lifetime, APCD had very limited success in combating pollution in Los Angeles County. Critics point to a number of reasons for the failure of the state act and the attempt by the Los Angeles County district to implement it. The main complaint, critics charge, is that the Los Angeles control plan itself was weakly enforced (California, Subcommittee, 1953). While the goal of the act, obviously, was to reduce atmospheric pollution the APCD, under the direction of Dr. Louis McCabe, adopted a "reasonableness" enforcement policy that took into consideration the "practical needs of industry." Variances from the strict regulations were allowed when control technology was not good enough, unduly expensive or simply did not exist. The law allowed for the closing of plants that could not comply with the rules but no businesses were put out of operation by the district board. In other words, the capabilities of existing technology, even then, was a primary factor in shaping policy implementation.

The remaining complaints regarding the effectiveness of the Los Angeles program had more to do with the shortcoming of the state act itself (Kennedy, 1954). First, was the fact that the act's emphasis was curative rather than preventive (California, Assembly Committee, 1952). Presumably, therefore, a county would create a district to reduce existing pollution rather than seek to prevent pollution from occurring in the first place. Other counties in Southern California would eventually experience the consequences of this legislative decision. The second criticism of the act related to the decision to draw the pollution district boundaries coterminous with county lines (California, Department of Public Health, 1955). As mentioned earlier, a prime factor in promoting the 1947 state act was the fact that pollution obviously did not conform to city boundaries. The Los Angeles County plan demonstrated clearly that pollution did not confine itself to county boundaries either. In 1949 the legislature amended the law to allow adjoining county pollution districts to merge their pollution control efforts. But this response highlighted still a third important criticism of the act; namely that no county board was required to establish a pollution district. Thus, while Los Angeles County was eager to establish a control district, the voluntary nature of the act made pollution control in California's remaining 57 counties unattainable under the act. This fact relates to the fourth major criticism of the 1947 act; that the air pollution research and control efforts at that time were confined to Los Angeles County. No consideration was given to the possibility that other areas of the state could soon face

similar pollution problems. In sum, largely because of the above shortcomings, the Los Angeles County district pollution control plan resulted in no significant improvement in air quality during 7 years of effort. Dr. Haagen-Smit's 1950 findings on air pollution sources would soon change the direction of air pollution control policy.

In the meantime, between 1953-1957, attempts to expand the scope of California's air pollution control approach failed. In 1953, for example, state legislative proposals to create regional pollution control districts were defeated in the state legislature. The following year legislative proposals establishing statewide minimum air quality standards and creating a state air pollution control board failed to pass. And, in 1957 legislation creating a state board to coordinate local pollution control programs also failed. But, as mentioned earlier, the 1950s did experience continuing research into both the sources of pollution and abatement technology; and until the Haagen-Smit report was released in 1950, local pollution control officials, including Dr. McCabe, downplayed the automobile as the culprit. However, by the end of the 1950s, when the role of the motor vehicle as a source of pollution was more clearly established, the focus of air pollution abatement began to shift as well (Mazmanian & Sabatier, 1983).

In 1959 the state legislature enacted legislation requiring the state Public Health Department to establish statewide air quality standards and motor vehicle emission standards (see Table 7). These state standards were the first

official recognition that city and countrywide control efforts were not sufficient to handle the pollution problem in Southern California. A few cities, such as Los Angeles and Riverside, and Los Angeles County, had suggested the need for state standards as early as 1953, but as noted above, legislative attempts to shift the responsibility to the state level did not succeed (Krier & Ursin, 1977). The push for state or regional pollution control measures, obviously enough, arose from the belief that the constraints of local city and county boundaries prevented an effective attack against air pollution. As expected, however, resistance to increased state authority came from other local interests, particularly the League of California Cities, who feared further erosion of local autonomy. Nevertheless the 1959 legislation giving the state Department of Public Health the authority to set both air quality and emission standards was signed into law by Governor Edmond Brown as a recognition that air pollution had become a statewide problem. Yet, the 1959 legislation, as Krier and Ursin (1977) observe, did not detract from local authority or impose strict regulations on polluters. Rather, the air quality and emission standards were largely advisory and served as a useful pollution measuring stick for both local and state officials. The standards set by the department were to reflect the level of air pollution on one hand, and its effects on human health, vegetation, and on visibility. The department could also determine the maximum level of vehicular emissions compatible with preserving public health, preventing damage to vegetation and interference with visibility. While the standards were viewed as

valuable guidelines, rather than strict regulations, the 1959 legislation was strong testimony to the belief that air pollution could not be adequately solved by city or county action alone.

The following year saw the state's role expanding even further; and in this instance the state gave itself greater regulatory control over air pollution. The 1960 California Motor Vehicle Pollution Control Act (see Table 7) created the Motor Vehicle Pollution Control Board (MVPCB) within the State Department of Public Health, but under the direct control of the governor. The MVPCB was given the authority to approve new control technology for use on vehicles, which met the emission standards set by the Department of Public Health (California, Health and Safety Code, 1960). The board was to test devices and establish criteria for approval of new devices as part of the approval process. The act required that approved control technology be installed on both new and used vehicles, except that counties could opt to exclude used vehicles if the county board determined that used vehicle controls were not necessary for public health purposes. Under the statute, new vehicles could not be registered in the state without being certified that they were indeed equipped with the legally approved control devices. Also, it was unlawful under the act to drive a vehicle which was either not equipped with the required control device or was in violation of the device requirements. Thus the 1960 act put California in the forefront nationally in regulating emission controls on motor vehicles. The MVPCB was comprised of four representatives from state

agencies (Department of Motor Vehicles, Department of Public Health, Agriculture, and the Highway Patrol) and nine public members appointed by the governor with state senate consent. The public members were to represent "to the fullest extent possible" various affected groups, including motor vehicle users and producers, agriculture, business and labor, and science and pollution control officials (Krier & Ursin, 1977).

The MVPCB remained the major air pollution agency until 1967 when it was eliminated and replaced by the state Air Resources Board (ARB). During its relatively short life the MVPCB devoted most of its effort to four major policy questions: (a) how to control vehicle crankcase emissions, (b) how best to control exhaust emissions, (c) whether the above controls should be mandated only for new vehicles or for used vehicles as well, and (d) whether some form of vehicle inspection system should be required as part of the control effort. The agency had very limited success during its existence in addressing these questions, partly because of its short life span, but more importantly because of the controversy surrounding the above four issues and the general lack of support for the agency from those affected by its policies.

By the end of 1966 there was great dissatisfaction with the board's air pollution policy attempts, with its make-up, and with its general operations. The agency's credibility with the public and the auto industry was low because of its attempts at both mandated vehicle inspections and emission control devices. The agency's effectiveness was also eroded by its on-going differences

with the state legislature and with the Los Angeles Board of Supervisors. There was concern too that the board's make-up of vested interests made consensus on major policy initiatives difficult if not impossible. Some observers detected a sympathy by the board for the financial and technological concerns of the auto industry. Lastly, supporters of a strong state air pollution policy noted that the MVPCB was limited in its ability to conduct in-depth research or to engage long in term planning; nor did it have the control over stationary sources or the authority to coordinate local and state pollution control programs. For all these reasons, by 1966, there was a growing sense that a new agency was necessary; one with broader powers and one that would devote more energy to implementing the program of surveillance and certification rather than fighting with other governmental bodies. Indeed, the MVPCB itself endorsed its own abolition and favored the creation of a new agency with broader statewide powers.

The ARB was created in 1967 as a result of legislation passed by the legislature in 1966 and signed into law by the newly elected Governor Ronald Reagan. Interestingly, Governor Reagan had called for a more comprehensive approach which included an integrated effort for solving air pollution, as well as water and solid waste problems, in California. But the new ARB was given considerable authority over state air pollution abatement including: (a) the authority to divide the state into air basins and to set air quality standards for each air basin, (b) complete authority over motor vehicle pollution standards,

(c) the authority to establish stationary source standards if locally imposed programs failed to meet the state air standards set by the ARB, and (d) the ARB was given authority to conduct research on air pollution including the effects of air pollution, the levels and sources of air pollution, and specific air pollution problems. It was also given the responsibility to review local air pollution regulations and to provide local assistance when necessary. The ARB not only replaced the MVPCB and was given broader powers, it also assumed virtually all authority previously exercised by the state Department of Public Health, including the authority to establish vehicle emission standards. In short, the ARB was granted control of all aspects of air pollution abatement in the state, other than local governments retaining primary responsibility over stationary standards.

The new ARB was comprised of 14 members, 5 consisting of the heads of specific state agencies (the department heads of motor vehicles, conservation, agriculture, public health, and the Highway Patrol Commissioner), and 9 public members appointed by the governor with state senate consent. The nine appointed members were to have "demonstrated interest and proven ability" in air pollution abatement and would hold office for staggered 4 year terms (Krier & Ursin, 1977, p. 178). Governor Reagan appointed Haagen-Smit as second chairman of the ARB when the first chairman resigned after a short stay. Finally, the 1966 legislation established a technical advisory committee to assist and advise the ARB. The advisory committee was to be comprised of

scientists, engineers, physicians, biologists, chemists, and other experts that could give professional and technical advice on a range of air pollution matters.

The federal government in the mid-1960s still largely regarded air pollution control as a state and local responsibility. But because state and local control efforts had, in the main, been weak and sporadic there was increased congressional pressure in the mid-1960s for a larger federal role in the air pollution problem. As key legislators moved to expand the federal role in air pollution control policy with the 1967 Air Quality Act, California officials and the new ARB members were concerned that new federal controls would preempt state control efforts. With the new ARB off to a fairly smooth start some were now fearful that federal domination of air pollution policy would result in weaker control standards for California. Senator Edmond Muskie, the main senate sponsor, the automobile industry, and key Johnson Administration officials favored uniform national control standards in the Air Quality Act. Only as a result of strong leadership from the California congressional delegation, led by Senator George Murphy, was language in the bill preserved to exempt California (only California) from the national uniform standards (Krier & Ursin, 1977, pp. 179-184). By using a "states rights" argument, California's congressional members were able to convince a majority of their colleagues that California's air pollution problems were unique and required stricter standards. The new federal act, as passed, allowed only California to adopt new vehicle emission standards more stringent than federal standards.

This victory for California over the state exemption issue was important because attempts were underway in the California state legislature about the same time to dramatically enhance California's vehicle emission standards. Known as the California Pure Air Act of 1968 (see Table 7), the legislation contained what was to be the most stringent and sweeping emission controls in the nation for many years (Krier & Ursin, 1977, pp. 184-189). By using a strategy of garnering strong grass-roots environmental support, by using research and testimony from selected scientists, and by cleverly making the automobile industry the "villain," legislative leaders pushing the bill succeeded with only minor changes to the bill during the entire legislative process. The unique feature of the act was putting the specific detailed emission standards for new vehicles into the statute rather than giving that responsibility to the ARB. This would give legislative force to the standards and lessen the chance that the ARB members would knuckle under to the auto industry later on. The main control features of the act included:

1. specific emission standards for new vehicles which the ARB could make more, but not less, stringent;
2. standards governing the emissions of oxides of nitrogen, carbon monoxide, and hydrocarbons from the exhaust system, from the vehicle crank-case, and from fuel evaporation;
3. emission standards were to begin with 1970 vehicle models but with stricter standards for 1974 model vehicles;

4. the ARB was granted authority to prohibit the sale of vehicles not complying with the standards in the law;
 5. requirements that vehicle manufactures indicate emission characteristics on window labels on each model;
 6. it required an ARB plan for assembly line testing of new vehicles;
- and
7. the act continued the policy of state certification of new or potential control devices.

All of the above control mechanisms remained in the final version of the act except for the requirement of window labels for emission characteristics; and, as with earlier California law, rural counties could choose to opt out of the used vehicle control program. Still, the Pure Air Act signed into law by Governor Reagan in July 1968 was both a strong control measure, according to most observers, and it represented another example of California taking the lead in the development of air pollution policy.

1969-1975

From 1969 to 1975 no major changes occurred in state air pollution policy. There were modifications, however, such as changing the ARB to five full-time board members. Most of this period was devoted to adjusting and accommodating to the 1970 federal Clean Air Act as well as implementing the 1966 and 1968 legislation mentioned above. Since several provisions of the

Pure Air Act did not "kick in" until 1972 and 1974, public debate continued over some of the stringent new vehicle emission standards.

From the above discussion, several observations can be made about the trends in intergovernmental air pollution policy development during the period of 1945-1975. First, there was a gradual trend away from local pollution control authority toward state pollution control authority. The 1940s began with the City of Los Angeles and Los Angeles County adopting the first pollution controls and the early 1970s ending with the state's ARB implementing state imposed standards. Second, regulatory efforts were aimed largely at mobile sources rather than stationary sources of pollution. Once motor vehicles and petroleum were identified as the major sources of air pollution both local and state regulations were aimed at controlling vehicle emission. Responsibility for stationary sources remained at the local level and little headway was made in controlling these sources. Third, in addressing vehicle emissions most attention was directed at new vehicle emissions rather than used vehicle emissions. While attempts were made to address the latter, the emission controls that were actually put in place largely applied to new vehicles. Lawmakers appeared more willing to anger the automobile makers rather than the automobile users. Fourth, the general trend of pollution policy was in the form of simple, direct regulations, as opposed to incentives, aimed at producing technological improvements in vehicle emissions. Fifth, supporting research was an important factor at each new regulatory stage during this period. The

research data gave direction to policy development and served as a basis for media and public support of air pollution control efforts.

State and Local Air Pollution Policy, 1976-1994:
The Modern Era and the SCAQMD

The period of 1976 to 1994 can be called the modern era of air pollution control in California. This period largely involves the intergovernmental relationship between the state of California and newly created regional air control districts. During this modern era the role of state and regional government expanded significantly in terms of developing, making and implementing air pollution control policy. At the same time both were given major responsibility for implementing federal air pollution goals and directives.

Creating the SCAQMD: Powers and Duties

In 1976 the state legislature enacted the Lewis Air Quality Management Act (AB-250) creating the South Coast Air Quality Management District (SCAQMD) (see Table 8). The SCAQMD replaced the Southern California Air Pollution Control District and commenced operation on February 1, 1977. It was to "assume the authority, functions, and responsibility" of air pollution control in the urban portions of Los Angeles, Orange, Riverside, and San Bernardino counties (California, State Legislature, Laws of 1976). The new district was required to develop and adopt a district air quality management

Table 8

California State and Local Air Pollution Control Policy Initiatives: 1976-1994

- 1976 The state Legislature enacts the Lewis Air Quality Management Act creating the south Coast Air Quality Management District (SCAQMD). The new management district replaces the Southern California Air Pollution Control District which was created as a result of 1967 state and federal legislative mandates. The SCAQMD is required to develop and adopt a district air quality management plan (AQMP) by 1979. The Plan would include deadlines for compliance of the new air quality standards.
- 1979 The first AQMP was developed as required by the 1976 Lewis Act. The Plan was largely confined to building a data base from various research records, developing working plans with other agencies, and contained a modest short-term action plan for measures regarded as high priority by the Environmental Protection Agency and the Air Resources Board.
- 1982 The 1982 AQMP revision was developed by the SCAQMD. It also had a short-term implementation agenda. The Board concluded it could not meet the 1987 attainment deadline required by the EPA and suggested instead a long-term, 20 year strategy for clean air in southern California.
- 1987 The state Legislature changes the organization and expands the authority of the SCAQMD. Under the new legislation the District Board is changed from 14 to 11 members and the District's regulations are now required to include the best available technology for new and modified pollution sources and best available retrofit technology for existing sources. The new law also requires rules for indirect sources of pollution, the promotion of alternative fuels, and the drafting of a system of emission/credits as an economic incentive system for reducing emissions. Conflict of interest prohibitions are also established for District staff members.
- 1988 The state adopts the California Clean Air Act. The Act requires that the state Air Resources Board (ARB) establish criteria for clean air attainment in all air basins in the state. Pollution controls are strengthened and expanded, and the ARB is required to coordinate pollution control efforts with pollution control districts and with other state and local agencies.

Table 8--Continued

- 1989 The 1989 AQMP was adopted by the SCAQMD. The Plan, developed over 5 years, was a comprehensive three-tier, long-term set of control measures. Some control measures were adopted in the first 2 years but others relied on future technology yet to be developed. Many observers regard the 1989 Plan the most for reaching set of air pollution control measures developed by any governmental unit.
- 1991 The 1991 Plan, updating the 1989 Plan, was adopted by the SCAQMD. It reflected new available data, also introduced economic incentives and a cost-effectiveness model for calculating the economic impacts of various control measures and for priority ranking of the measures.
- 1991 The California Environmental Protection Agency (Cal-EPA) was created. It was designed to bring some degree of coordination to the state's environmental protection effort.
- 1994 The RECLAIM system is adopted by the SCAQMD. RECLAIM incorporates the concept of buying and selling of pollution "credits" It is directed at large producers (more than 4 tons annually) of nitrogen dioxide and sulphur dioxide, such as oil refineries and utilities.
-

plan by January 31, 1979. Among the other powers and duties granted to the district board under the act were the following:

1. It was required to adopt rules and regulations that reflected the "best available technology" that did not conflict with existing federal and state laws.
2. The district was required to seek the cooperation of other public entities within the South Coast district when implementing the air quality plan.
3. By December 31, 1977 the district board was required to adopt nonvehicular source emission standards for inclusion in the state's implementation plan.
4. The act compelled the district board to establish an office of small business assistance to help "facilitate and encourage" small businesses to comply with the provisions of the Plan.
5. The office of small businesses was to develop a data base on the impact and cost effectiveness of the rules and regulations on small businesses within the district, and to assist small businesses in obtaining low-cost financing for pollution control equipment.
6. The Plan, which was to become effective June 1, 1979, was to include deadlines for compliance with air quality standards and were to include provisions insuring that "future growth and development in the South Coast district are, to the maximum extent feasible, consistent with the goal of maintaining the air quality standards" (California, State Legislature, Laws of

1976, p. 10). In addition, the district board was obligated under the act to cooperate with the state Air Resources Board (ARB), the state Department of Transportation, and the Southern California Association of Governments (SCAG). SCAG, under the act, was to submit to the district board a summary of policy alternatives that might aid in reducing air pollution in the district. The air quality plan had to be approved by the ARB prior to taking effect. The ARB could reject the Plan if found that it did not include "all reasonable and available methods to achieve and maintain the state ambient air quality standards" (p. 11).

The district board was required to appoint an executive officer, a legal council, and any other staff necessary to fulfill its abatement obligations. The district was required initially to employ existing staff of the Southern California Air Pollution Control District. Significantly, the Lewis Act required the district board to create a hearing board to hear complaints and to approve variances to existing regulations.

The fiscal support for the operation of the new agency initially came from each county board in the district; with each county's contribution apportioned in relation to its total population. The act further mandated that the board research alternatives to the county property tax for financing. Among possible future financing mechanism to be evaluated were annual permit fees, emission fees, penalties for violation of standards, a fuel tax and a vehicle tax. No state revenues were appropriated by the legislature to support

the SCAQMD and the Lewis Act made it clear that the state would not reimburse any local governmental agency for costs associated with implementing any program or regulation required by the act (California, State Legislature, Laws of 1976, p. 16).

The SCAQMD Governing Board

The governing district board was initially a 10 member board with members appointed as follows: (a) two members appointed from the Los Angeles County Board of Supervisors by the county board, (b) one member from each of the other three county boards in the district appointed by the respective county boards, (c) one member of the Los Angeles City council appointed by the mayor and confirmed by the city council, (d) one member of a city council in Los Angeles County appointed by the county city selection committee; (e) one city council member from Orange County appointed by the county city selection committee; (f) one member of a city council in either San Bernardino or Riverside counties appointed by the county city selection committee; and (g) one citizen member who is a resident of Los Angeles County and not a public official appointed by the governor and confirmed by the state Senate. With 5 of the 10 board members from Los Angeles County the voting strength was obviously tilted in that county's favor.

The SCAQMD and Air Pollution Policy

Because of the Lewis Act requirements the new SCAQMD developed its first air quality management plan (AQMP) in 1979. But because the district was organized in early 1977 there was little time to develop a comprehensive plan. The district's emphasis in the first AQMP, therefore, was on collecting an emission data base from the various earlier control agencies and on refining its forecasting capabilities. The Plan also focused on control measures which had been targeted by the EPA as a result of the 1970 and 1977 federal Clean Air Acts. Importantly, the SCAQMD requested an extension for its plan for ozone and carbon monoxide to 1982 because of time constraints.

In 1982 the SCAQMD submitted its revised version of the 1979 AQMP (see Table 8). The 1982 Plan was an updated plan based on better emission data and newer modeling techniques. The most significant aspect of the 1982 Plan, however, was the district's board's conclusion that the region could not meet the new 1987 attainment deadlines for major pollutants as required, and instead proposed a long-term 20 year attainment schedule for reducing air pollution in the region. The SCAQMD 20 year strategy contained three approaches: (a) alternative energy development, (b) transformation of transportation and urban forms, and (c) advancements in technology (South Coast Air Quality Management District [SCAQMD], 1989). The 1982 Plan was eventually disapproved by the EPA in 1987 under an order from a federal

court, but the long-term strategy was to remain a central feature of future air quality plans.

Additional state legislation affecting the air pollution control effort was enacted in 1987. Two legislative proposals, AB-2588 by Assemblyman Connelly and SB-151 by Senator Presley, added further to the authority of both the ARB and the SCAQMD. AB-2588, called the "Air Toxics 'Hot Spots' Information and Assessment Act," required the ARB to compile a list of all air-borne substances which present an acute or chronic threat to public health, and to update the list every 2 years (California, State Legislature, 1987). This act also required the SCAQMD to use the toxic emission's data to "prioritize and categorize" facilities into high, intermediate, and low priority categories according to the health risk they pose to the public.

Senate Bill 151 made several important organizational and functional changes to the SCAQMD, including the following: (a) the size of the district board was reduced from 14 members to 11 members (subsequent to the Lewis Act the legislature expanded the board from the 10 original members to 14 members. This was done to give Riverside, San Bernardino, and Orange counties more representation, and to give the state Assembly and Senate each an appointment to the district board. Subsequent to this act the legislature expanded the board size from 11 to its present 12 member board); (b) board members and staff were subjected to the conflict-of-interest provisions of the political Reform Act of 1974; (c) the bill mandated the district's rules to require

the use of the "best available control technology," as defined, for all new or modified sources of air pollution, and the use of the "best available retrofit control technology," as defined, for all existing sources of pollution; (d) the district was required to promote the use of cleaner burning alternative fuels, provide for indirect source controls and for transportation control measures; and finally (e) SB-151 required the district to develop a system of emission charges as an economic incentive system for reducing pollution in the South Coast Basin (California, State Legislature, 1987, pp. 1-3). The mandate for developing a system of economic incentives represented a dramatic new policy direction for the state and the SCAQMD, and the district's attempt to fulfill that mandate is the subject of fierce controversy and debate in 1992 and 1993 as this study is being written.

The last major piece of state legislation to impact the air pollution abatement effort is the enactment of the California Clean Air Act in 1988. Authored by Assemblyman Byron Sher AB-2595 established a range of sweeping regulations aimed at achieving acceptable clean air levels throughout the State of California. Significantly, the California Clean Air Act (CCAA) was adopted because of the perceived failures of California's urban areas to attain federal ambient air standards as required by the 1970- and 1977 federal clean air acts (California, State Legislature, 1988, p. 3). The stringent mandates of the 1988 CCAA are regarded by some observers as more far-reaching in some respects than the 1990 federal Clean Air Act (Kamieniecki & Ferrall, 1991).

The CCAA was followed in rapid succession by the adoption of the 1989 AQMP and the updated 1991 and 1994 versions of the AQMP. The AQMP and the CCAA will be the focus of the next chapter and will not be discussed in detail here.

An analysis of state and local air pollution policy in California between 1945 to 1994 reveals some similarities in policy characteristics between the early and modern eras, but also reveals some important changes in policy approaches in the later years. The similarities in policy between the two eras include the following:

1. The implementation of policy in both periods often followed the path of least political resistance.
2. Shifts in policy approaches were often a reaction to a perceived crisis and involved widespread media coverage and media support.
3. Policy development and implementation was guided by the availability or the lack of technology.

These common characteristics might be expected and are arguably not fundamentally important. The changes in policy include the following:

1. While the earlier period saw the focus of policy development and implementation move from the city/county to the state, the later era witnessed the rise of the regional form of government, in addition to the state, as the focal point of air pollution abatement.

2. Policy in the latter period began to emphasize pollution prevention policy in addition to controlling the existing levels of pollution.
3. While policy continued to focus on mobile sources of pollution, the latter era saw greater attention given to stationary sources.
4. The modern era experienced a policy emphasis on reducing nitrogen oxides rather than the earlier emphasis on hydrocarbons.
5. The modern period witnessed the introduction of various market incentives for reducing pollution, rather than rely solely on the command and control approach.
6. By the late 1980s there was much greater fragmentation of air pollution policymaking and implementation than in the earlier period.

The SCAQMD Operations: Financing and Staffing

The SCAQMD budget for its first year of operation, in 1977, was approximately \$15 million. By the 1992-1993 fiscal year the budget had grown to \$113 million up considerably from 1977.

Except for the first year of its existence, when the new agency was financed by start-up money from county governments within the district, the SCAQMD has been largely self-financed and receives no revenue support (other than one time grant awards from government) from any other governmental jurisdiction. The district gets the bulk of its revenues, approximately 85%, from three main sources: (a) annual emission fees from large polluters--

28%, (b) annual permits and permit renewal from business--34%, and (c) a surcharge on vehicle registration fees for mobil source programs--21% (SCAQMD, 1993a, pp. 3-14) (see Table 9).

On the expenditure side, about 70% of the SCAQMD budget goes into three main areas:

1. Stationary source compliance--30.7%;
2. technical support services--27.2%; and
3. planning and technology advancement--12.6% (see Figure 2).

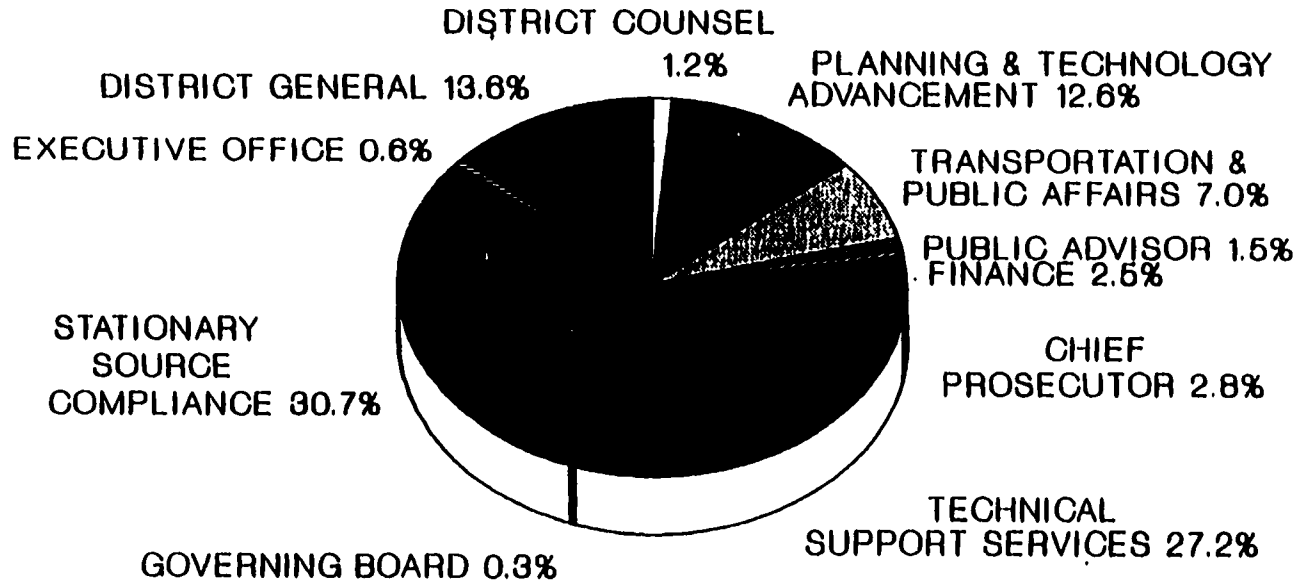
Approximately \$67 million of the operating budget expenditures goes for salaries and employee benefits, while another \$44 million of the \$113 million is spent on services and supplies. Because the agency has been in a general growth mode during the 1980s and early 1990s, the annual budgets have accordingly, increased. However, several factors are now forcing the SCAQMD into a period of fiscal retrenchment. First, the 1991-1993 economic recession, with the accompanying business failures and reduced new business start-ups, has negatively affected the agency's permit fee revenues. Second, the loss of aerospace related business, due to military cut-backs, has likewise contributed to lower emission fee collections. And third, additional revenue losses are attributed to the success of the SCAQMD controls already in affect. As more stationary sources comply with the newly implemented regulations, they pay less in permit and emission fee payments. Consequently, the district, not unlike many governmental agencies in California, has fallen on hard times.

Table 9

SCAQMD, 1992-1993 Budget and 1993-1994 Proposed Budget Comparison

| Revenue Account | 1992-93 Budget | 1993-94 Request |
|---------------------------------------|----------------------|----------------------|
| Emission Fees | \$30,377,000 | \$25,750,000 |
| Annual Renewal | 28,560,000 | 27,604,000 |
| Permit Processing Fees | 9,093,900 | 9,636,000 |
| Air Resources Board | 3,066,000 | 3,066,000 |
| Environmental Protection Agency Grant | 3,534,389 | 3,000,000 |
| Interest | 1,000,000 | 750,000 |
| Lease Income | 636,000 | 756,700 |
| Source Test/Analysis Fees | 0 | 1,566,000 |
| Hearing Board | 424,000 | 180,000 |
| Penalties/Settlements | 2,500,000 | 1,500,000 |
| Mobile Sources/Clean Fuels | 23,469,300 | 21,676,000 |
| S.B.SEDAB Contract | 50,000 | 50,000 |
| Subscriptions | 360,000 | 375,000 |
| Transportation Programs | 3,855,800 | 1,900,000 |
| Miscellaneous | 1,075,000 | 700,000 |
| Toxic Hot Spots | 2,800,000 | 3,900,000 |
| Parking Fees | 530,000 | 0 |
| Prior Year Revenue | 0 | 0 |
| Building Corporation | 28,270 | 0 |
| Total Revenue | \$111,359,659 | \$102,409,700 |

DISTRICT PROGRAM EXPENDITURES



DISTRICT GENERAL -Includes: Rent on Dist.H.Q./Utilities/Building Maint./Interest Expense/
Household Expenses/Prof. Services

Figure 2. SCAQMD, 1993-1994 Proposed Budget Expenditures.

Note. From Draft Air Quality Management Plan (p. 8), by South Coast Air Quality Management District, 1990, El Monte, CA: Author.

Furthermore, budget forecasts for the near future call for a continued decline in both revenue and expenditures for the agency (P. Pearce, personal communication, December 1, 1993).

From a staffing perspective the agency's 1992-1993 budget authorized 1,161 positions but only funded 983 positions (SCAQMD, 1993a, p. 15). Following a steady growth in staffing during the 1980s and early 1990s, the fiscal problems mentioned above have caused staff reductions this past year through a hiring freeze and early retirements (P. Pearce, personal communication, December 1, 1993).

As a fairly new agency the AQMD has gone through a number of staffing changes and adjustments. The first major change in staffing policy came in 1986 with the hiring of James Lentz, Ph.D. as the agency's new executive director. Lentz reorganized the agency to create a pyramidal, or hierarchical, organizational form with a clear delineation of authority and the utilization of specialists. In 1992 the agency was reorganized once again, and now utilizes a matrix-team approach for implementing the control measures included in the AQMP. This organization scheme has teams of different specialists, with each team directed toward a specific pollution source, as shown in Figure 3.

Prior to 1992 the primary activity was aimed at measuring pollution levels and developing rules for inclusion in the AQMP. With the Plan now in place the staff emphasis is now directed more toward implementation related tasks (see Figure 3). Thus, the major staff activity now falls mainly into three

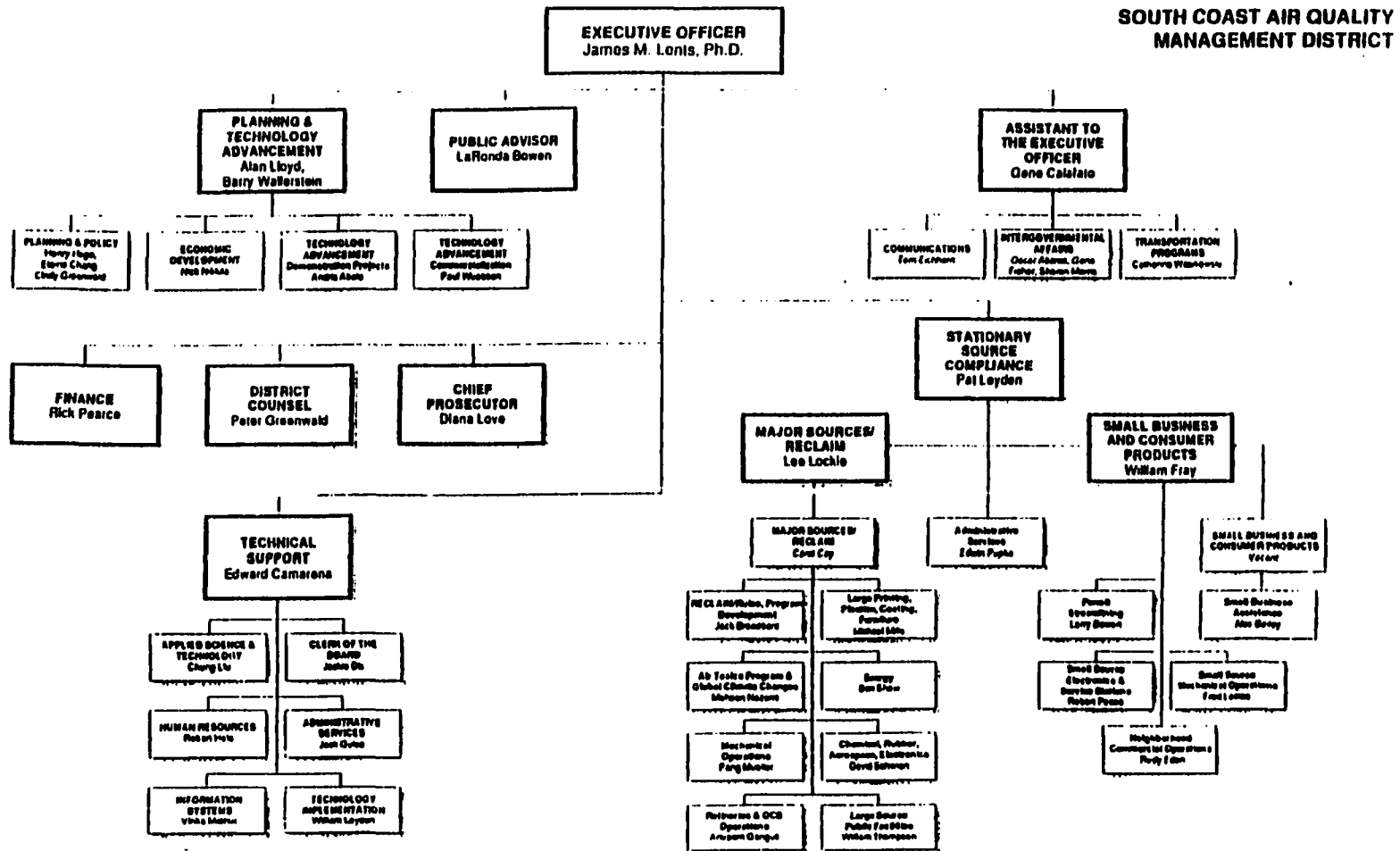


Figure 3. SCAQMD, Staff Organizational Chart, 1993.

Note. From Draft Air Quality Management Plan (p. 3), by South Coast Air Quality Management District, 1990, El Monte, CA: Author.

areas: (a) stationary source compliance which is divided into major source compliance and small business/consumer products compliance, (b) technical support services, and (c) planning and technology advancement. Other support staff include the assistant to the executive director who handles public relations and intergovernmental relations; and, separate offices of finance, district council, chief prosecutor, and public advisor.

Because the implementation phase is so vital to the district's success the agency is placing special emphasis on community outreach, particularly toward those businesses that pollute. The various implementation teams, mentioned earlier, devote time educating the targeted groups about rule compliance, alternative technology, and pollution prevention possibilities. Nevertheless, it is common knowledge that many business and nonprofit institutions are unhappy with the scope of the control measures, the timetable for implementation, and the intensity of the agency's early commitment to reducing air pollution.

To satisfy some of the large polluter's resistance to the control measures, the SCAQMD initiated RECLAIM in 1994, a market incentive system designed to replace a number of the command and control measures adopted in 1989 and 1991. RECLAIM incorporates the concepts of the "bubble," and the buying and selling of pollution "credits." But this new approach ran into opposition as well--this time by polluters who had already invested large sums of money to comply with the earlier imposed regulations.

The opposition to the SCAQMD comes from a number of state and local politicians as well. Recently, the former chairman of the SCAQMD board, a city council member from Orange and a political moderate, was challenged by more conservative anti-SCAQMD city officials and almost lost his seat on the SCAQMD board. Further, the attacks on the district are coming increasingly from members of the state Legislature who are hostile to the district's anti-pollution efforts. In the 1993-1994 legislative session, for example, over two dozen bills were introduced restricting the SCAQMD authority in some manner. Several bills would dismantle the SCAQMD, while another would require legislative approval of the SCAQMD annual budget.

Increasingly, the district board and staff, in addition to implementing tough anti-pollution controls, must fight rear guard political battles challenging its authority and independence. In the long term, the current budget cuts and staff reductions may be the easier battles to fight.

Conclusion

This chapter has examined the intergovernmental air pollution control efforts in California between 1942-1994, which culminated in the creation of the SCAQMD. First, the chapter examined the unique nature of California's air pollution problem including geographical factors, the impact of population and urban development, pollution measurement problems, cost and risk assessment difficulties, and the political climate affecting air pollution policy. Second, the

chapter analyzed state and local pollution policy initiatives, and the evolving roles of city, county, and state governments during the period of 1942-1994. Finally, the chapter examined the creation of the regional SCAQMD, including the political factors leading to its creation, the district's legal authority, the governing board selection process, its financial sources, organizational staffing, the relationship between the district and the public, and the major policy initiatives during the district's brief existence. The 1989 AQMP, and the 1991 and 1994 additions to the Plan will be discussed in the next chapter.

The analysis in this chapter of state and local air pollution policy allows several observations to be made about California's governmental approaches to air pollution:

1. Responsibility for air pollution abatement began first with city/county government, then shifted to several agencies in state government, and finally ended with the state government and the regional AQMD sharing the main responsibility for pollution control.
2. Early policy control measures were aimed at mobile sources of pollution, particularly new automobiles, while the more recent policy has emphasized both mobile and stationary pollution sources, with the ARB responsible for the former and the SCAQMD responsible for the latter.
3. Initially, pollution control policy was in the form of simple, direct command and control regulations, and only in the past several years have economic incentives been adopted to reduce stationary source pollution.

4. The early policy initiatives were aimed at reducing existing pollution levels, while the modern era policy additionally emphasizes policies preventing air pollution.

5. Early mobile source pollution control was directed toward hydrocarbon emissions while the modern era saw a shift toward nitrogen oxide emission control.

6. Any success in pollution control during this period was generally related to the success in air pollution research, particularly in measuring levels of pollution and control costs, and in new technology development.

7. Economic interests impacted negatively by air pollution controls have generally been successful in modifying stringent proposed regulations or in delaying implementation timetables.

8. With the creation of the SCAQMD and other air quality management districts in California, air pollution policy development and implementation is much more fragmented now than in the early days of pollution control.

California's history of air pollution abatement leading to the creation of the SCAQMD has indeed been a turbulent history. While it is true, as noted in this chapter and elsewhere, that California has been a progressive leader among states in developing air pollution control policy, California's history

nevertheless is one of disappointments and shortcomings in implementing that policy. So far the successes have been largely confined to the easier policy choices among many difficult policy choices. Thus, the true test for California and Southern California is still ahead.

CHAPTER 4
THE AQMP: A REGIONAL "STATE OF THE ART" PLAN
FOR AIR POLLUTION CONTROL IN
SOUTHERN CALIFORNIA

Introduction

In the spring of 1989 the South Coast Air Quality Management District (SCAQMD) adopted what Rosenbaum (1991) calls "the most radical air pollution management plan in U.S. history" (p. 3). The ambitious Plan proposed an extensive set of air pollution controls that, if fully implemented, would hopefully bring the South Coast Air Basin into compliance with the pollution standards mandated by the federal Clean Air Act and the California Clean Air Act (CCAA) by the year 2007 (changed to 2010 in 1990).

As initially proposed these pollution controls would ultimately require numerous changes in business practices in the air basin, and would significantly alter the lifestyles and working arrangements for many Southern California residents. The 1989 Plan required the SCAQMD to review the effectiveness of the Air Quality Management Plan (AQMP) and to update the existing standards every several years as deemed necessary by the District. The keeping with this mandate, and that of the CCAA, the SCAQMD Board adopted

revisions to the 1989 AQMP in the summer of 1991 and in 1994. The 1991 AQMP retains the basic structure and components of the 1989 Plan but also includes improved mobile source strategies and contains several additions to the emissions inventory, including greenhouse gases and toxic air contaminants. The 1991 and the 1994 Plans and future updates are designed to reflect improved pollution data, more effective control strategies, and new technology capabilities.

This chapter analyses the AQMP. The purpose of this analysis along with the case study of the SCAQMD in the previous chapter, is to help determine whether the AQMP is compatible with the regional government model to be developed in Chapter 5; and, whether the AQMP can serve as a model public policy approach for addressing the governability problem put forth in Chapters 1 and 2.

The chapter first traces the legislative history of the Plan's development and adoption. It next examines the nature and levels of existing emissions, and the potential for the Plan meeting the emission standards established by the federal Clean Air Act (CAA) and the CCAA. The third section analyzes the stationary and mobile source control strategies, the philosophy behind these regulatory control strategies, and the control strategy priorities under the Plan. Fourth, the chapter explores the various "market" control strategies that were incorporated into the 1991 and the 1994 versions of the Plan and examines the rationale for moving away from the regulatory approach. The fifth section of

the chapter analyzes the three stage, 20 year implementation schedule proposed for the Plan. The last section analyzes the strengths and weaknesses of the Plan, as well as the problems and pitfalls the AQMD faces in meeting the 20 year implementation timetable for the Plan.

The Legislative Development of the AQMP

As pointed out in the previous chapter the severity of Southern California's air pollution problem was recognized as early as 1945 when the Los Angeles County Board of Supervisors created the nation's first air pollution control district to treat the region's air pollution problems; and in the late 1950s California became the first state to establish a separate state agency to control motor vehicle emissions. By 1970, however, it became clear to local, state, and federal officials, that city- or countywide pollution control programs were inadequate for solving an air pollution problem that was regional in scope and did not confine itself to city and county boundaries. Something more needed to be done.

The Early AQMP

The 1970 federal Clean Air Act divided the nation into air quality control regions and required all areas of the country to meet federal ambient standards by 1975 (see Table 10). This deadline was first extended to 1977, and later extended to 1982 by the 1977 amendments to the Clean Air Act (SCAQMD, 1991a). Since 1982 Congress has repeatedly extended the

Table 10

State and Federal Legislation Contributing to the Creation of the Air Quality Management Plan (AQMP) and the Different Versions of the AQMP

- 1970 The federal Clean Air Act reauthorized--divided the nation into air quality control regions and required all areas to meet air ambient standards by 1975 (deadline later extended).
- 1976 The Lewis Air Quality Management Act enacted by the California Legislature--created the Air Quality Management District (AQMD), mandated by federal law, and charged the agency with developing a plan for reducing pollution in the South Coast Air Basin by dates established by federal and state law.
- 1977 Federal Clean Air Act reauthorized--required air quality plans for each region be established and included into a State Implementation Plan (SIP).
- 1979 The first AQMP was revised--created by a mandate of the Lewis Act, the Plan contained a short-term action plan for pollution reduction.
- 1982 The 1979 AQMP was revised--established an on-going planning process and developed a long-term pollution reduction strategy.
- 1987 A federal court ordered the EPA to disapprove the 1982 AQMP--the Plan did not meet attainment standards set by federal Clean Air Act.
- 1988 The California Clean Air Act is enacted by the California Legislature--became effective January 1989, and required the SCAQMD to develop an attainment plan to meet all state and federal standards.
- 1989 The 1989 AQMP was approved by the SCAQMD--it established a comprehensive 20 year, three tier plan for reducing air pollution in the air basin.
- 1990 The federal Clean Air Act reauthorized--acid rain earmarked as a new environmental problem but Southern California not greatly impacted by the Act.

Table 10--Continued

| | |
|------|---|
| 1991 | The 1991 AQMP was developed as the first revision of the 1989 Plan--this plan was mandated by the California Clean Air Act and generally follows the strategies of the 1989 Plan. Significantly, it introduces a cost-effectiveness model for the priority ranking of control measures. |
| 1994 | The 1994 AQMP introduces RECLAIM--a system for buying and selling pollution credits. RECLAIM is directed at larger, stationary sources of pollution. |

deadlines further. The 1977 amendments also required that air quality planning processes and plans be established for each area that have not met the federal standards. These plans are to be incorporated into the State Implementation Plan (SIP). The Environmental Protection Agency (EPA) is given the authority under the Clean Air Act to issue sanctions against states, or air quality regions that fail either to submit a plan or to implement an established plan. Such sanctions include the withholding of federal funds for highway or sewer construction and for clean air planning. The EPA can also ban the construction of major facilities in regions failing to meet the standards. The SCAQMD or AQMD has not, so far, met the federal standards (see Table 10).

As noted, the California Legislature enacted the Lewis Air Quality Management Act in 1976 under a mandate included in the 1970 federal Clean Air Act. The Lewis Act created the SCAQMD and charged the new agency with developing a plan for the four county region to attain federal ambient standards by the dates established under federal law. The AQMP was also mandated to meet state air quality standards as quickly as possible, and was to be reviewed and revised every 2 years as necessary. As a result of the Lewis Act the first AQMP was established in 1979 and was written to conform to both state and federal standards. This early Plan focused on developing an air pollution data base and on building forecasts in concert with other regional agencies such as the Southern California Association of Governments (SCAG) (SCAQMD, 1991a). The 1979 AQMP also contained a short-term action plan

emphasizing control measures which had been identified as high priority by the EPA and by the state Air Resources Board (ARB). The 1979 Plan was followed by the 1982 AQMP revision. Like the 1979 Plan, the 1982 AQMP emphasized short-term implementation goals along with the on-going planning process. But the significance of this Plan was its conclusion that the region could not meet the new 1987 attainment deadline. Acknowledging the difficulty the region would have in meeting any short-term attainment goals, the 1982 AQMP instead proposed a long-range 20 year attainment strategy. This new strategy consisted of three major elements: (a) Modifications to Transportation and Urban Form, (b) Alternative Energy Sources, and (c) Advanced Technology Development. In 1987, however, a federal court ruling ordered the EPA to disapprove the 1982 AQMP because it did not meet the 1987 attainment standards required by the federal Clean Air Act. But, while the federal court was rejecting the 1982 AQMP in 1987, it is noteworthy that the AQMD had been at work since 1982 on still another plan, the 1989 AQMP (SCAQMD, 1991a).

The 1989 AQMP

The 1989 AQMP was approved by the SCAQMD Board and the Executive Committee of SCAG in March 1989. The new Plan augments the long-range 20 year attainment strategy set forth in the 1982 Plan. It proposes a range of comprehensive control measures and delineates the implementation responsibilities of the SCAQMD, ARB, EPA, and local governmental agencies.

The control measures largely includes the use of new and less polluting solvents, and more efficient application methods; and requires the development of alternatives to conventional fuels, such as methanol and electricity. Most of the measures are to be adopted within 5 years (Tier I) after the Plan's approval. The remainder are to be adopted and implemented during the Tier II and Tier III phases as new technological breakthroughs occur. The 1989 Plan addresses all federal and state pollutants that had not yet been attained by the region. It includes updated projections of future air quality after the implementation of controls, and the projection of costs of the implementation, if known.

The attainment strategy generally follows three courses of action: First, it calls for implementing all technologically available cost-effective measures as quickly as possible. Second, it requires the adoption of procedures and mechanisms which maximize emission reductions. Third, the Plan forces the research and development of new technology. Considerable progress has been made in implementing the 1989 control measures, as indicated by the number of controls that have been adopted since March 1989. At the end of 1990 31 control measures have been adopted by the SCAQMD, or the ARB, producing a total emissions reduction of nitrous oxides (NO_x) of 161 tons per day, and a reduction of 236 tons per day of reactive organic gases (ROG) (SCAQMD, 1991a) (see Table 11).

Table 11

Control Measures Adopted Through 1990

| Control Measure Title | Agency |
|---|---------------------|
| <u>ROG^a Rules</u> | |
| Wood furniture | SCAQMD ^b |
| Can and Coil Coatings | SCAQMD |
| Aerospace Coatings | SCAQMD |
| Automobile Refinishing | SCAQMD |
| Marine Vessels Coatings | SCAQMD |
| Architectural Coatings | SCAQMD |
| Graphic Arts | SCAQMD |
| Expand Plastic-Foam Blowing | SCAQMD |
| Semiconductors | SCAQMD |
| Petro Solvent Dry Cleaners | SCAQMD |
| Underarm Products | ARB ^c |
| Domestic Products | ARB |
| Adhesives | SCAQMD |
| Sumps, Pits, & Separators | SCAQMD |
| Valves, Pumps, & Compressors | SCAQMD |
| Starter Fluid | SCAQMD |
| Exempt Equipment | SCAQMD |
| Soil Decontamination | SCAQMD |
| New Source Review | SCAQMD |
| Smoking Vehicle Enforcement | N/A |
| <u>NO_x Rules</u> | |
| Crude Oil Pipeline Heaters | SCAQMD |
| Oil Field Steam Generators | SCAQMD |
| Refinery Heaters & Boilers | SCAQMD |
| Internal Combustion Engines | SCAQMD |
| Small Boilers & Heaters | SCAQMD |
| Industrial Boilers, Heaters, & Generators | SCAQMD |
| Gas Turbines | SCAQMD |
| Electric Power Generators & Boilers | SCAQMD |
| New Source Review | SCAQMD |

Table 11--Continued

| Control Measure Title | Agency |
|-----------------------------|--------|
| <u>SO_x Rules</u> | |
| Sulfur Content-Gas Fuels | SCAQMD |
| Sulfur Content-Liquid Fuels | SCAQMD |

Note. From Draft, Air Quality Management Plan, by South Coast Air Quality Management District, 1990, El Monte, CA: Author.

^aReactive organic gasses. ^bSouth Coast Air Quality Management District. ^cAir Resources Board.

The 1991 and 1994 AQMPs

At the time the AQMD and SCAG were developing the 1989 Plan, the California Legislature, in September 1988, passed AB-2595, known as the California Clean Air Act (CCAA). The CCAA became effective January 1, 1989 and requires the SCAQMD (and all other nonattainment districts) to develop an attainment plan to meet state, as well as federal standards. The deadline for adoption of the CCAA attainment plan was July 1, 1991.

The CCAA established several new and significant requirements for the AQMP. First, the Act established a mandate to attain health-based state air quality standards by the earliest possible date. Second, the CCAA divides the states nonattainment areas into three levels of pollution: moderate, serious, and severe; and requires severe nonattainment areas, like the South Coast Air Basin, to develop specified emission reduction strategies and to meet deadlines in implementing the emission controls. Third, the Act requires the following new emission controls: (a) an indirect and area source control program, (b) mitigation of all emissions from new and modified permitted sources, (c) the use of the best available retrofit technology for existing sources, and (d) transportation control measures, including the use of low-emission vehicles by fleet operators. These control requirements have either been adopted, or are included in the 1991 AQMP. Finally, the CCAA also includes the following significant new control requirements: (a) reduce pollutant emissions by 5% a year, or 15% over 3 years, (b) achieve a commuter ridership average of 1.5

persons per vehicle by 1999, (c) reduce human exposure to the most damaging pollutants, and (d) create a control measure ranking system based on cost-effectiveness and an implementation priority formula. These last four mandates are likely to have a substantial effect on present and future control strategies.

While the 1989 AQMP is a federal attainment plan, the newly passed CCAA requires the SCAQMD and SCAG to update the 1989 Plan. The 1991 Plan is the first such update. The new Plan is built on the structure of the 1989 Plan and follows the same overall strategy and the three tier implementation timetable (SCAQMD, 1991a, ES-19). The changes in the 1991 Plan from the earlier Plan are designed to: One, update emissions data and modeling techniques; two, respond to CCAA performance tests; and three, recognize prior regulatory achievements. For example, the CCAA requires that 1987 emission data be used rather than 1985 data under the 1989 Plan. In addition, emission estimates were updated for on-road vehicles, trains, airplanes, and vegetative sources; while the emission inventories were expanded to include winter versus summer emissions as well as global warming, ozone depletion, and air toxic data. One of the more important changes in the 1991 Plan is the CCAA requirement of the listing of control measures in order of their cost-effectiveness and an implementation ranking by specific criteria. This priority ranking will be discussed in greater detail later in this chapter. As a result of this requirement adoption dates for certain control measures have been moved

forward or backward to conform with the new ranking system. The final major change in the new Plan is the introduction of market incentives to complement the existing regulatory approach. This change, however, was not required by either state or federal law. The inclusion of market incentives will also be discussed more fully later in this chapter.

Two major attainment shortcomings of the 1991 Plan need to be mentioned here. First, until July 1991 the SCAQMD had adhered to the CCAA requirement of a 5% per year reduction in emissions. The AQMD has requested an exemption from this requirement, asking instead that it comply with the alternate, "maximum extent feasible" standard for the years between 1994 and 2000. Five percent per year would hopefully reduce emissions to zero by the end of year 2010. The relaxing of this annual target can put the 20 year reduction goal in jeopardy. Second, the 1991 Plan (like the 1989 Plan) does not meet all of the requirements of the 1990 federal Clean Air Act. While the federal Act is generally less stringent than the CCAA it does contain some amendments which affect the Plan's control measures. The EPA, however, must issue its federal guidelines before the AQMD can incorporate the new changes into the Plan. Still, the EPA has not certified the 1991 Plan as one capable of producing air quality levels which will meet the federal standards by 2010. Until the AQMD demonstrates that its Plan will reduce emissions consistent with federal requirements the AQMP will not be in compliance with the federal Clean Air Act.

The 1994 update to the 1989 Plan includes several important changes (H. Hogo, senior planner, SCAQMD, personal communication, Diamond Bar, May 22, 1996). First, and perhaps most notable, is the introduction of RECLAIM, a market approach that establishes a system for selling and purchasing pollution credits. RECLAIM is created for use by larger stationary, producers of air pollution. Second, the 1994 Plan has more emphasis on the mobile sector sources of pollution, particularly off-road mobile sources, in contrast to the 1989 and 1991 versions. Third, the implementation schedule terminology has been changed. The 1989 and the 1991 Plans divided the implementation timetable into "Tier I," "Tier II," and "Tier III." The 1994 Plan changes these three to short-, intermediate-, and long-term respectively. Finally, the 1994 Plan adds 85 short- and intermediate-term control measures to stationary and mobile sources of pollution.

The RECLAIM pollution credit trading system is aimed at approximately 500 of the largest stationary sources of pollution. Specifically, this includes those sources that produce 4 tons or more annually of nitrogen dioxide or sulfur dioxide. This would typically include oil refineries, utility companies of large manufacturing companies. Many of these sources produce 10 tons or more annually (H. Hogo, personal communication, May 22, 1996). Under this scheme each facility is given an emission allocation for each year. Those who stay under their allocation are given "credits." Those who exceed their allocation can purchase "credits" from those facilities who have excess credits. Thus,

those who take steps to reduce their pollution emissions are rewarded with extra credits, while those who will not, or cannot, reduce emissions under their allocation will have to purchase credits from those who have them. Those facilities designated as large polluters under this program have established a centralized trading market for buying and selling "credits."

Also important as the result of the 1994 Plan is: (a) the district is now under attainment for nitrogen dioxide; and (b) most importantly, the 1994 Plan has been approved by the EPA as a state implementation plan (SIP) capable of meeting federal pollution reduction goals by the year 2010--an approval that was not given to either the 1989 or 1991 Plans. The next update in the Plan is scheduled for 1997.

Thus legislative history of the current Plan to attain clean air in the South Coast Air Basin is both long and torturous. The Plan is a consequence of a series of state and federal legislative mandates that have resulted in an aggressive set of air pollution control measures, which, if fully implemented, can bring a significant improvement to the level of air quality in Southern California.

Current and Future Pollution Emissions

Before effective air control standards can be proposed, it is necessary, of course, to measure the levels of existing air pollutants and to identify the sources of pollution by the type and amount of emissions they contribute. Prior

to developing the 1989, the 1991, and the 1994 Plans, the SCAQMD researched current air quality and emission sources to give the District a pollution data inventory sufficient for setting pollution abatement standards and implementation timetables (SCAQMD, 1991a, 1994). This section examines the most recent data available on air pollution levels and emission sources.

Current Air Quality

The AQMD is subject to both federal and state pollutant standards for ozone, carbon monoxide, nitrogen oxide, sulfur dioxide, particulate matter 10 (PM10), and lead, which have been identified as most serious. The state also has established other pollutant standards for sulfates, visibility, hydrogen, sulfide, and vinyl chloride, where the federal government does not. Of the six joint pollutant standards listed above, the California standards are more stringent than the federal standards, and in the cases of sulfur dioxide and PM10, far more stringent (SCAQMD, 1991a).

Between 1975 and 1994 significant improvements in air quality in the Air Basin have been achieved (SCAQMD, 1991a, 1994). During that period, for example, the federal standards for sulfur dioxide and lead were met each year. Within the past 2 years the levels of nitrogen dioxide met the federal standards as well. In addition, there was a 13% reduction in the number of days that ozone violated the standard, a 58% reduction for carbon monoxide, and an 84% reduction for nitrogen dioxide during that 19 year period (SCAQMD,

1994). Because PM10 has been monitored for a relatively short period of time, no trend toward improvement can be seen. Thus, some pollution concentrations have been significantly reduced, despite a 25% increase in the state's population between 1981 and 1990 (24 million people to 30 million); and despite the associated increases in vehicle miles traveled, and in industrial activity. These reductions clearly indicate that even modest regulatory efforts can result in improved air quality in the Air Basin.

Nonetheless, present concentrations for several important pollutants still exceeded federal and state standards, and were well above levels set to protect public health. For example, one or more of the federal standards were exceeded in the Air Basin on 219 days in 1989. Ozone concentrations currently exceed the federal standards more than three times as often as any other region in the U.S. The carbon monoxide standard was violated 2.5 times more than any other area in the nation and the Basin had the highest annual average PM10 concentration; 1.2 times higher than elsewhere in the U.S. (SCAQMD, 1994).

Current Emissions

In order to identify and develop effective air pollution control measures, the sources of pollution and the type and amount of emissions contributing to the pollution must be identified. The AQMD, in cooperation with the ARB, the California Department of Transportation (CALTRANS), and SCAG,

develops an updated emission inventory for the Basin about every 3 to 4 years (SCAQMD, 1991a). For example, the most recent emission data used for the 1991 AQMP, shown in Table 12, is the emissions occurring during the base year, 1987. These baseline emission data are founded on annual average day emissions (the annual emissions divided by 365 days), and provide data for emission forecasting and control strategy development. As indicated in Table 12, emissions are separated into the broad categories of stationary and mobile sources. Stationary sources are, in turn, divided into two major subcategories, point sources and area sources. Mobile sources are also composed of two subcategories, on-road sources and off-road sources. Point sources are those sources with polluting equipment in a fixed, identifiable location; while area sources consist of numerous pieces of equipment or small facilities, such as residential barbecue grills, and gasoline stations, whose locations are not specifically identified but where socioeconomic data are used to calculate the emissions. For modeling area sources the Basin is divided into a grid system and sources are allocated to each grid using current demographic data (e.g., population, land use, and housing (SCAQMD, 1990). For information on major point sources (those emitting more than 18 tons per year) the AQMD maintains an Emissions Inventory System (EIS) which is updated annually by facilities reporting under the District's emission fee reporting program. Annual audits are conducted by the AQMD Engineering Division to insure the accuracy of the emission data. The information on point sources stored in the data base for each

Table 12

Basin Baseline Emissions By Major Source Category--1987 Projected Emission Inventory (Average Annual Tons/Day)

| Source Category | TOG | ROG | CO | NO _x | SO _x | PM | PM10 |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <u>Stationary Sources</u> | | | | | | | |
| Total Fuel Combustion | 44.60 | 16.80 | 77.74 | 257.05 | 23.22 | 14.60 | 14.10 |
| Total Waste Burning | 1.48 | 1.05 | 3.07 | 1.64 | .46 | 2.21 | 1.25 |
| Total Solvent Use | 531.47 | 497.08 | .01 | .26 | .00 | 1.55 | 1.49 |
| Total Petroleum Process, Storage, & Transfer | 343.43 | 106.63 | 6.38 | 9.11 | 19.34 | 4.83 | 2.95 |
| Total Industrial Processes | 53.38 | 41.09 | 6.76 | 11.68 | 7.60 | 63.25 | 44.46 |
| Total Miscellaneous Processes | 520.23 | 57.52 | 5.53 | .73 | .08 | 1,719.03 | 941.78 |
| Total Stationary Sources | 1,494.59 | 702.17 | 99.49 | 280.47 | 50.71 | 1,805.46 | 1,006.03 |
| <u>Mobile Sources</u> | | | | | | | |
| Total On-Road Vehicles | 652.79 | 604.55 | 4,363.25 | 664.16 | 31.61 | 88.72 | 53.24 |
| Total Other Mobile | 76.22 | 72.34 | 509.68 | 153.13 | 41.85 | 13.90 | 13.43 |
| Total Mobile Sources | 729.01 | 676.89 | 4,872.93 | 817.29 | 73.46 | 102.62 | 66.66 |
| <u>Total Air Basic Southern California</u> | 2,223.60 | 1,379.07 | 4,972.76 | 1,097.76 | 124.17 | 1,908.08 | 1,072.69 |

Note. From Draft, Air Quality Management Plan, by South Coast Air Quality Management District, 1990, El Monte, CA: Author.

facility includes the type of business, location, and the characteristics of equipment used—including the size and type of fuel. New area source categories of emissions are identified through numerous ongoing studies conducted by the AQMD, SCAG, the ARB, and outside consultants.

Mobile source data from on-road source emissions is supplied jointly by the ARB, SCAG, CALTRANS, and the Department of Motor Vehicles (DMV) (SCAQMD, 1990). ARB provides composite emission data by (a) vehicle type and operating speeds; (b) mileage accumulation and fuel consumption; (c) cold-start, hot-start operating conditions; and (d) emissions for hot-soak and running losses. SCAG provides information on traffic speed and volume for morning and afternoon peak and nonpeak hours, on housing-job ratios, as well as highway capacity. DMV maintains data on the number of registered vehicles in the Basin and CALTRANS provides additional traffic volume information. Off-road, or "other" mobile sources include emissions from locomotives, ships, aircraft, and mobile off-road engines, such as those used on construction sites or for oil well maintenance. Engine manufacture, research, as well as studies by the EPA, ARB, and the AQMD between 1984 and 1989 have improved emission estimates for off-road mobile sources.

In addition, the AQMD breaks the stationary and mobile sources into major source categories. Stationary sources, as shown in Table 12, are source categories that include: fuel combustion; waste burning, solvent use; petroleum process, storage and transfer; industrial processes; and miscellaneous processes.

On-road mobile sources are divided into type of vehicle categories that include: light-duty passenger vehicles; light-, medium-, and heavy-duty trucks; urban buses; and motorcycles. Off-road categories include: aircraft, trains, ships, off-road farm vehicles, and mobile equipment. Since emissions result largely from fuel combustion, solvent and fuel evaporation, and the processing of materials, grouping emissions into categories with similar characteristics make the identification and measuring of emissions easier and comparable over time.

Future Emissions

The target years under the California Clean Air Act for emissions reduction are 1994, 1997, 2000, and 2010. For purposes of evaluating the success of various control measures on future emissions, the AQMD has developed a forecasting model to compare the 1987 base year emissions with the emission in these later years if no additional controls are introduced. This forecast is derived by using (a) the 1987 base year emissions, (b) pollution control regulations adopted by the AQMD and the ARB prior to June 1990, and (c) emission growth factors affecting the increase in source emissions between the base year 1987 and future years (SCAQMD, 1990). The growth of emissions are determined by the growth forecasts of various socioeconomic categories such as population, motor vehicles, employment and housing. The baseline socioeconomic forecasts for the South Coast Air Basin developed so far is seen in Table 13. As the data indicate, the population of the Basin will increase by

Table 13

Baseline Socioeconomic Forecasts For the South Coast Air Basin^a

| Socioeconomic Category | Year | | | | |
|------------------------------------|-------|-------|------------|-------|------------|
| | 1987 | 2000 | (% Growth) | 2010 | (% Growth) |
| Population (Millions) | 12.0 | 14.3 | (+19) | 15.7 | (+31) |
| Housing Units (Millions) | 4.4 | 5.5 | (+25) | 6.1 | (+39) |
| Total Employment (Millions) | 6.0 | 7.4 | (+22) | 8.2 | (+36) |
| VMT ^b ((Millions Miles) | 240.1 | 323.4 | (+35) | 387.6 | (+62) |
| In Use Vehicles (Millions) | 7.9 | 9.2 | (+17) | 10.3 | (+31) |
| Vehicle Trips (Millions) | 29.2 | 35.3 | (+21) | 40.0 | (+37) |

Note. From Draft Air Quality Management Plan (p. 3-11), by South Coast Air Quality Management District, 1990, El Monte, CA: Author.

^aNo Air Quality Management Plan measures included. ^bVehicle miles traveled.

almost one-third (31%) by the year 2010, from 12 million to 15.7 million people; and the number of vehicles in use will expand by the identical 31%. Vehicle trips are expected to increase by 37%, while vehicle miles traveled (VMT) will swell by a whopping 62% in 2010 over 1987. Because of the expected regional growth in population, housing and motor vehicle use, the baseline emissions for pollutants will not decline substantially between 1987 and 2010, despite the strict regulations adopted prior to July 1, 1990. Significantly, the future emission forecast suggests that if the pollution effects of expected growth were eliminated the emission reductions from existing regulations would be far more noticeable. Because CCAA requirements call for emission reductions to be calculated based on the 1987 emission levels, future emissions caused by growth will need to be fully off-set by other reductions in order to meet the CCAA requirements. Thus, to ensure that no further decline in air quality occurs, the AQMD adopted Regulation XIII, New Source Review (NSR) on June 28, 1990 (SCAQMD, 1990). This significant regulation allows for no growth in emissions from new or modified facilities. It requires that any increases in pollutants from new or modified equipment by facilities operating under an AQMD permit, be required to offset fully new emissions with emission reductions elsewhere.

Measuring existing levels of air pollution and identifying existing types and sources of present and future emissions, is crucial in helping decide the nature and scope of new air control regulations. Since the extent of air is

different in each region of the country, it is vital for the AQMD to develop an accurate baseline measurement of current emissions in the South Coast Air Basin; and, to develop an accurate forecast of future emissions, with and without growth, in order to create workable and justifiable control measures necessary to reduce air pollution to acceptable levels by the year 2010.

The AQMP Control Strategy

The emissions control strategy element of the 1991 and 1994 AQMPs is built on the attainment strategy originally contained in the 1989 AQMP (SCAQMD, 1991a, 1994). The control strategies are aimed at both stationary and mobile sources of pollution, and includes 48 additional control measures developed in 1989 and 1991, and 85 control measures adopted in 1994. The stationary source component of the strategy is separated into point source and area source measures, while the mobile source component is divided into on-road, off-road, and indirect source measures. The control measures are, as mentioned earlier, organized into three phases (first called tiers), based on their readiness for implementation. Short-term measures include the implementation of known technology using existing management practices, and can be adopted and implemented by the year 2000. Intermediate-term control targets require a significant advancement of today's technology along with extensive regulatory applications. "On the horizon" scientific breakthroughs will be necessary if adoption and implementation are to occur over the next 10 to 15 years.

Attaining long-term goals require the development of new technology, with adoption and implementation to take place over the next 20 years. The AQMP identified all existing and potential control methods available for implementation by the year 2010, and quantified each of them where possible. The control measures were then modeled to demonstrate their effectiveness in meeting the attainment deadlines.

Stationary Source Control Strategies

Stationary sources represent a major portion of the total emission inventory in the South Coast Basin; especially for Reactive Organic Gases (ROG) and fine particulate matter (PM₁₀) emissions. There are about 50,000 stationary point sources in the South Coast Air Basin (SCAQMD, 1991a). Point sources are those emissions with a clearly defined location, e.g., oil refineries, boilers, and power plants. Stationary area sources, on the other hand, are emissions from many small facilities or small pieces of equipment in which locations are not easily, or specifically, identified, e.g., household products, surface coatings, and solvent use. According to AQMD modeling, short-term controls should reduce baseline emissions, on a composite pollutant basis, more than twice that of intermediate-term controls and about three times that of long-term controls. Short-term controls should reduce point source emissions 33% and area source emissions by 37% of the baseline emissions.

Mobile Source Control Strategies

Mobile and transportation sources are the largest producers of air pollutants in the South Coast Air Basin, making the control of these emissions essential for improving air quality. There are about 8 million on-road vehicles in the Air Basin, including passenger cars, motorcycles, light-duty trucks, and medium- and heavy-duty vehicles. These vehicles, combined, traveled more than 240 million miles in 1989. If no further controls are adopted and implemented by 2010, these sources will contribute an estimated 77% of the NO_x, 95% of CO, and 35% of ROG emissions (SCAQMD, 1991a).

The strategies for reducing on-road vehicle emissions include developing less-polluting fuels, more stringent tail-pipe emission standards, and reducing vehicle use. The stringent tail-pipe standards and clean fuel strategies were added to the 1991 AQMP and include the following key features: (a) requires the sale of zero-emission vehicles by 1998; (b) allows vehicles powered by alternative fuels, ethanol, to be put in use; (c) requires the availability of alternative fuels; and (d) sets new vehicle emission standards that will result in significant ROG and NO_x reductions. Thus, new emission control technology and alternate fuels are important new strategies for the intermediate- and the long-term goals of the AQMP. The new strategies are known as the Low-Emission Vehicle and Clean Fuels rules and are the responsibility of the ARB, since the state agency has the primary responsibility for establishing standards for on-road vehicles in California. Significantly, the ARB's new approach calls

for treating a vehicle and its fuel as a single system in order to promote greater research cooperation between vehicle makers and fuel suppliers in developing low-emission/clean fuel burning vehicles.

The 1991 and the 1994 AQMPs include other transportation strategies, as well as growth management and land use that impact on vehicle use. Transportation and land-use control measures have been proposed by SCAG, which has the primary authority for transportation and land-use planning. Among the most important of the SCAG proposals are: One, the use of market incentives as options for implementing some measures contained in SCAG's Growth Management and Transportation Task Force report; and two, providing a choice of local ordinances, regional regulations, and/or market incentives in implementing some measures. The major transportation and land-use control strategies include the following:

1. Reducing vehicle miles traveled (VMT) to achieve the jobs/housing balance ratio for growth management.
2. Improving highway and transit facilities, such as high occupancy vehicle (HOV) facilities, and bus and rail facility improvements.
3. Congestion relief measures such as ending free employee parking and imposing accident fees for trucks involved in freeway accidents.

Off-Road Motor Vehicle Control Strategies

Off-road motor vehicles include aircraft, marine vessels, locomotives, farm and construction equipment, utility engines, off-road motorcycles and off-road vehicles, such as fork lifts. Generally, the strategies to reduce off-road emissions include: (a) modifications in vehicle operations, (b) the application of new emission technology, (c) more stringent standards limiting vehicle use, and (d) the use of fuel cells to replace diesel fuel. While the AQMD and SCAG have some responsibility for addressing off-road control measures, the bulk of the authority and responsibility rests with the ARB and various federal agencies. The ARB, for example, has authority to regulate marine vessels, large construction and farm equipment (above 175 horsepower), utility engines, off-highway vehicles, and motorcycles. Federal agencies, the EPA included, have emission control responsibility for aircraft, locomotives, and small construction and farm equipment (under 175 horsepower).

Indirect Source Control Strategies

Indirect sources are defined as "any facility, building, structure or installation, or combination thereof, which generates or attracts mobile source activity that results in emissions of any pollutant for which there is a state ambient air quality standard (SCAQMD, 1991a, Chapter 4, p. 31). Indirect sources are not defined in the CCAA, but rather is spelled out by the ARB. These sources include, for example, airports, universities, sport and entertainment facilities,

and regional shopping centers. Indirect source control measures are included in both the 1989, 1991, and the 1994 versions of the AQMP. The CCAA gives the SCAQMD authority to adopt and implement regulations to either lower, or mitigate, emissions from indirect sources, and regulations to encourage ride sharing, van pooling, or other ways of reducing vehicle trips. Control strategies in the AQMP include: (a) mitigation measures to offset new sources of pollution; (b) measures to reduce both the vehicle miles traveled, and the number of work and nonwork related trips to and from indirect source facilities; and (c) measures relating to truck usage such as more effective truck scheduling, rerouting, and dispatching. The AQMD hopes to have local government adopt the appropriate rules before Districtwide rules become necessary.

Market Incentives

An important new element in the 1991 and 1994 AQMPs is the inclusion of a number of market incentive measures as instruments for emission reduction (SCAQMD, 1991a, Chapter 4, pp. 40-41, 1994). The use of market incentive mechanisms is not required by state or federal mandate; but, the SCAQMD argues that while the regulation of specific sources of pollution has been proven successful, market incentives can augment the regulatory approach. The District contends that the severity of the air pollution problem in Southern California requires the use of every possible form of pollution

abatement tools. The District's approach seems to be a pragmatic one. The goal, it argues, is cleaner air by the lowest cost possible; and if market incentives will help achieve that goal, they should be used (SCAQMD, 1991a, Chapter 4, pp. 40-41). The RECLAIM system, discussed earlier, is one of the more notable examples of these market approaches.

But critics of the market approach maintain that some of the proposed market orientated schemes represent a retreat by the District from its earlier strong commitment to pollution abatement. Tim Little (Pasternak, 1991), Director of Los Angeles based Coalition for Clean Air, contends that the proposed smog trading market is a "windfall profits for big business," which will hurt smaller polluters and delay the air pollution clean-up effort (p. A1). Indeed, the plan has been pushed by a coalition of major polluting industries in the Basin as a more flexible, and less costly, way of reducing air pollution. Nevertheless, the AQMD is pursuing a number of additional market incentive measures in addition to RECLAIM which center around the following major concepts:

1. Using toll roads and congestion fees to improve vehicle occupancy rates and reduce vehicle miles traveled.
2. Developing the concept of emission reduction credits and offsets for indirect sources of pollution.
3. Expanding the use of the existing Emission Fee System to encourage further incentives for emission reductions.

4. Increasing emission fees for higher polluting engines to encourage the making, selling, and buying of less polluting engines.

5. Developing effective market incentives to improve the balance of growth in the region.

6. Establishing market incentives for employees to encourage car pooling and the use of public transportation.

Moreover, the AQMD is considering several state legislative changes to further expand the potential for market incentives. These changes would include the following:

1. Using tax credits to offset a portion of the cost of new air pollution equipment.

2. Increasing vehicle registration fees on older, higher polluting vehicles.

3. Requiring product labeling and price surcharges on high polluting consumer products to discourage consumer use.

4. Expanding the AQMD's small business loan assistance program to help smaller polluters.

The debate over the value of the market incentive approach continues. While some of the market-based concepts will likely be accepted by all interested parties, and be adopted, some of the more controversial, and less fully defined schemes, may not be approved.

Control Measure Ranking

As indicated earlier in this chapter, the CCAA requires control measures to be ranked for adoption and implementation according to a prioritization schedule established by the SCAQMD (SCAQMD, 1991a). The Act lists six criteria (the District added three more criteria) to be used in ranking the various control measures. The nine criteria include: Cost-Effectiveness, Efficiency, Emission Reduction Potential, Enforceability, Equity, Legal Authority, Public Acceptability, Rate of Emission Reduction, and Technological Feasibility. To these control measure criteria the District applied six attributes, or characteristics, of the nine criteria that aided in developing the priority ranking. These attributes included Lives Saved, Other Health Benefits, and Welfare Effects (all benefits); and Employment Losses, Control Technology Impacts, and Behavioral/Personal Choice Impacts (all costs).

By using technical input from the AQMD's Public Health and Socio-economic (PHSE) Task Force, the SCAG Growth Management and Transportation Task Force (GMT), and with input from the public at Task Force meetings and public workshops, the AQMD arrived at the priority ranking of criteria for control measures seen in Table 14. Significantly, Emission Reduction Potential and Cost Effectiveness of the control measures are ranked 1 and 2 in importance among the nine criteria, while the criterion of Rate of Emission Reduction and Legal Authority were ranked 7th and last respectively. From this criteria ranking the AQMD then established the order by which control

Table 14

Criteria Priorities For Evaluating 1991 AQMP Control Measures

| Criteria | Description | Ranking | Priority |
|------------------------------|---|---------|-------------|
| Emission Reduction Potential | The total amount of pollution that a control measure can actually reduce | 1 | 19% |
| Cost Effectiveness | The cost of a control measure to reduce air pollution by 1 ton (cost covers obtaining, installing, and operating the control measure) | 2 | 18% |
| Efficiency | The positive effects of a control measure compared to its negative effects | 3 | 17% |
| Equity | The fairness of the distribution of all the positive and negative effects among various socioeconomic groups | 4 | 11% |
| Technological Feasibility | The likelihood that the technology for a control measure will be available as anticipated | 5 | 9% |
| Public Acceptability | The support the public gives to a control measure | 6 | 8% |
| Enforceability | The ability to force polluters to comply with a control measure | 6 | 6% |
| Rate of Emission Reduction | The time it will take for a control measure to reduce air pollution | 7 | 4% |
| Legal Authority | The possibility that local governments and agencies will cooperate to approve a control measure | 8 | <u>100%</u> |
| Total | | | 100% |

Note. From Draft Air Quality Management Plan (p. 9-3), by South Coast Air Quality Management District, 1990, El Monte, CA: Author.

measures in the 1991 AQMP should be chosen for implementation. Since Emission Reduction Potential is listed higher than Cost Effectiveness among the priority criteria, the implementation ranking for control measures does not follow the Cost Effective ranking. The next step in the control measure prioritization process requires the AQMD to fully evaluate the performance of each control measure according to each of the nine priority criteria.

Implementing the AQMP

The implementation of the 1991 AQMP requires the cooperative partnership of a number of governmental agencies at the federal, state, regional, and local levels. The EPA is the primary agency at the federal level with other agencies given more limited responsibility controlling federal sources of emissions (see Table 15). The ARB is the principal agency at the state level and is responsible mainly for motor vehicle emissions and fuel reformulation. At the regional level, of course, the SCAQMD is the chief agency and is charged with the development and implementation of the AQMP, as well as reducing stationary source emissions, indirect source emissions, some mobile source emissions, and certain consumer production emissions. At the local level, SCAG and local governments are mainly responsible for implementing transportation, energy conservation, and land use measures.

Table 15

Major Agency Implementation Responsibilities

| Agency | Responsibilities |
|---|--|
| U.S. Environmental Protection Agency and the U.S. Department of Transportation | <ul style="list-style-type: none"> ● Forty-nine state mobile vehicle emission standards; ● Airplanes, trains, and ships; ● Construction & equipment; and, ● Off-shore oil development. |
| State Air Resource Board | <ul style="list-style-type: none"> ● On-road/Off-road vehicles; ● Motor vehicle fuels; and, ● Consumer products. |
| South Coast Air Quality Management District | <ul style="list-style-type: none"> ● Stationary (industry/commerce) & area sources; ● Some mobile sources; ● Some consumer products; and ● Indirect sources. |
| South Coast Association of Governments/ Local Government/ County Transportation Commissions | <ul style="list-style-type: none"> ● Air Quality Management Plan conformity assesemnt; ● Adoption of Regional Transportation Improvement Program; ● Transportation and land use measures; and ● Transportation facilities. |

Note. From Draft Air Quality Management Plan (pp. 7-1 & 2), by South Coast Air Quality Management District, 1990, El Monte, CA: Author.

Short-Term Implementation

The SCAQMD characterizes the short-term (previously Tier I) phase as "action-oriented" since it includes control measures that can be adopted within the next several years using existing technology (SCAQMD, 1991a, Chapter 7, p. 2). These measures largely address stationary sources, various vehicle emission sources, and certain indirect sources added to the 1991 and 1994 AQMP.

In addition to the EPA, short-term control efforts require the cooperation of the federal departments of Interior, Defense, and Transportation; the Federal Highway Administration; the Federal Aviation Administration; and the Coast Guard. These agencies have differing levels of responsibility over federally regulated pollution sources that include: federal facilities, ships, planes, trains, off-highway vehicles, most farm and construction equipment, and off-shore oil operations. Also, motor vehicles originating out of state--about 20% of California's total vehicles, numbering 1.2 million--are among the federally regulated sources.

At the state level the California Transportation Commission (CALTRANS), the California Energy Commission, the Public Utilities Commission, the Department of Motor Vehicles, and the California Highway Patrol (CHP) are among the agencies in addition to the ARB, which have some responsibilities for certain short-term control measures. These agencies are largely responsible for exhaust emission standards, fuel quality requirements for

vehicles, certain off-road mobile source controls, consumer product emission controls, and energy conservation and efficiency standards.

The AQMD has authority for implementing control measures affecting stationary sources, indirect sources, and certain mobile sources. The stationary control measures will be implemented largely through AQMD rules and regulations, with the assistance of the state Public Utilities Commission and the California Energy Commission; while many of the mobile source controls will be implemented in partnership with the ARB and local governments. Indirect source measures will be implemented with the support of SCAG and also in conjunction with local governments. The AQMD will adopt a blanket rule governing indirect sources but will give local governments the option of implementing their own control program consistent with the AQMD rules.

Local governments, including port, airport, and transportation commissions will be mainly responsible for developing energy conservation, trip reduction, and dust control programs, in addition to the indirect source controls discussed earlier. SCAG, besides preparing land use and transportation control measures for the AQMP, will also assist local governments by providing information and analysis relating to local and regional projects which may impact pollution levels. The AQMD, likewise, will assist local governments by providing educational and technical assistance in the drafting, adoption, and implementation of control measure ordinances. The AQMD seemingly encourages

local governments to adopt versions of model ordinances developed by the AQMD rather than be subjected to the District's regional rule.

As indicated earlier in this chapter, the short-term control measures can be adopted over the next several years and implemented by the year 2000. Doing so, however, will reduce a substantial degree of inter-agency communication and cooperation, and a high level of commitment by those agencies responsible for the implementation of the many control measures.

Intermediate- and Long-Term Implementation

Since intermediate-term control strategy (previously Tier II) is comprised of a more strict application of the short-term measures, as well as the development of the "on the horizon" technology, immediate research is required in areas such as nonpolluting power generation, energy storage, and solvent reformulation. The intermediate-term control strategies have no precise adoption or implementation deadlines as do many of the short-term measures. Rather, the SCAQMD has established emission reduction targets, and is hopeful that the necessary research and development of the intermediate-term measures will take place by the year 2000. Also, certain growth management and transportation infrastructure measures may need additional legislature authority and more public funding before the agencies responsible can effectively implement them.

Like intermediate-term, long-term implementation in the AQMP does not contain specific control measures. Rather, the Plan speaks of long-term implementation "goals" and depends on significant technological advances throughout the next 15 years. These goals are largely an expansion of intermediate-term research and development targets. Like short-term implementation, intermediate- and long-term controls require substantial cooperation between federal, state, local, and regional agencies responsible for implementation of the strategies.

To aid in implementation the AQMD is developing outreach and technical assistance programs for those agencies responsible for implementing the AQMP. The outreach and technical assistance is largely directed toward local governments, transportation agencies and small businesses. This effort will include local meetings and workshops, educational programs and documents, environmental audits, and loan guarantee programs for small business affected by compliance requirements. A final element in the implementation process is the on-going monitoring of the effectiveness of the various pollution control programs. This monitoring is a requirement of both the federal Clean Air Act and the CCAA and is designed to help determine whether the Air Basin is making appropriate progress toward meeting clean air standards. The periodic assessment will help inform the public about the levels of air quality, and will give the AQMD the necessary information for prioritizing existing and future control measures in the AQMP.

Implementation Problems and Pitfalls

While the AQMP is a far-reaching proposal for reducing air pollution emissions in the South Coast Air Basin, it is also a plan filled with controversy and uncertainty. The Plan will only succeed if the control strategies actually work as hoped, and if the control measures are fully implemented as called for in the three stage timetable. There are a number of scientific, political, and economic obstacles to the successful implementation of the Plan. From a scientific perspective, questions remain as to whether the District (or anyone else) has developed the capability for accurately measuring existing, or forecasting future emission levels. A precise assessment of the major sources and amounts of emissions is vital for selecting the appropriate control measures necessary for reducing emissions. While the District appears generally satisfied with its measuring and forecast modeling capabilities, and points proudly to data showing recent reductions in pollutant levels, doubts exist among the AQMD staff, and others, regarding the District's scientific ability to develop dependable pollution data. These doubts were expressed forcefully in a December 1991 report from the National Academy of Sciences (Stammer, 1991) which contends that the nation, including Southern California, may be losing the environmental battle because of its reliance on "flawed information" (p. A1). The Academy report contends that accounts of improved air quality over the past several years are overly optimistic because regulatory efforts were based on an under-estimation of pollutant levels from both mobile and stationary sources.

Professor John H. Seinfeld, who directed the Academy study, argues that the use of faulty data may explain why so many regions of the country have failed to meet federal clean air standards. The report also concludes that regulatory agencies have failed to control smog because inaccurate data on hydrocarbon levels led regulators to incorrectly emphasize controlling hydrocarbons rather than nitrogen oxides. Among its other findings, the Academy report contends that claims of ozone levels declining are based on unreliable measurements that may reflect weather conditions rather than smog controls. AQMD officials indicate they were aware of the data collection problems identified in the Academy report and are taking steps to improve the accuracy of emission measurements. Nevertheless the lack of accurate emission measurement capability remains an important potential obstacle to the Plan's successful implementation.

A second science related obstacle, potentially affecting the Plan's implementation is the heavy reliance for intermediate- and long-term controls on technology not yet developed. To some observers, placing so much of the Plan's success on the expectation that future scientific research will solve the Basin's air pollution dilemma is an example of rosey optimism (Little, 1991). For the appropriate technology to be developed and available for use in a timely manner will require some degree of central direction and coordination of future research; a sufficient amount of public and private monies for research and development; coordination between the various responsible public agencies;

and, in some cases, additional legal authority from the state Legislature. The AQMP, for example, contains a goal of 1 million electric cars to be built, and in use, on California highways by the year 2010. A study by Professor Daniel Sperling (Pasternak, 1992b), Director of the Institute for Transportation Studies at the University of California, Davis, indicates that while this goal is achievable, a considerable amount of public and private sector planning and coordination will be necessary. In addition to the required research and experimentation, it is likely that various tax incentives, government subsidies, and on-going cooperation between local, state, and regional agencies will be essential to attaining this goal.

Political obstacles represent yet another set of problems affecting the successful implementation of the AQMP. As mentioned previously, implementing the various control measures will require substantial interagency cooperation and support. However, a number of government officials and agencies are openly hostile to the Plan. Most city governments from conservative Orange County, for example, have officially voiced opposition to many of the stringent controls, both during and after the Plan's development (LaGanga, 1993). Further, a local government survey by SCAG on the 1989 AQMP revealed that 75% of the 142 local governments in the Air Basin had taken no action on 24 transportation, land use, and energy control measures contained in the 1989 AQMP. Twenty-five percent of the local jurisdictions did not even respond to the SCAG survey (SCAQMD, 1991a). Clearly, the lack of local

government support for the Plan, and lack of cooperation in implementing many of its important control measures represents a serious roadblock to the full implementation of the Plan. While the relationship between the AQMD, the ARB and the EPA has generally been cordial and collaborative the past few years, future appointments to the ARB and the EPA by new presidents and governors may result in a less harmonious relationship between the agencies. Already, the working alliance between the AQMD and SCAG is strained, due in large part to SCAG's close ties to city government interests.

Still another important area of potential interagency problems rests with the responsibilities given to federal agencies, other than the EPA, for air pollution abatement. As pointed out earlier in this chapter, the federal departments of Defense, Transportation, and Interior, among others, have considerable responsibility for implementing certain control measures involving trains, ships, airplanes, and federal facilities. These agencies may not always regard air pollution abatement as an important part of their agency's mission, or to be consistent with agency priorities. Thus, the incentive for cooperation may not exist to the extent it does for air pollution control agencies like the EPA.

One of the more important political impediments to the Plan's implementation comes from interest group opposition to many portions of the AQMP. This particular issue was discussed at length earlier in the chapter; but it is necessary to acknowledge here that a number of private and public

interests impacted by the Plan's controls have been pressuring the AQMD to slow down the implementation process and to relax certain rules considered to be overly harsh and costly (Pasternak, 1992a). Organized resistance by numerous commercial and industrial companies, along with public sector jurisdictions impacted by the rules, have increased since the adoption of the 1989 Plan. As more of the short-term control standards are implemented resistance is likely to continue in the form of political pressure on the AQMD Board, and on state and local elected officials. Fifteen years gives plenty of time to weaken the Plan. Changes in the political make-up of the AQMD Board, the Governor's Office, and the state Legislature, also add to the uncertainty of successful implementation.

From an economic perspective, the Plan's implementation can be stymied in at least three ways. First, the lack of available public funds for both infrastructure development and intermediate- and long-term controls research is a real possibility. The fiscal difficulties government at all levels are facing today can easily extend further into this decade, thwarting essential and timely research and development efforts. Governments encountering severe revenue shortfalls and budget deficits, arguably, may be forced to direct public monies to short-term necessities, while postponing longer term research and development plans. Second, the District's efforts may suffer from inadequate cost-benefit or cost-effectiveness analysis. The public and private sector institutions affected by the Plan have consistently voiced concern with what they regard as

the high cost associated with compliance. Specifically, the complaint is with the cost of new technology application and with job losses resulting from changes or cutbacks in product manufacturing or use. As noted earlier, the District is continually working to improve its modeling techniques, including cost-benefit and cost-effectiveness analysis, but the manufacturing sectors own cost-benefit studies tend to keep the District on the defensive regarding the costs of implementation (Lee, 1991). Increasingly, however, the AQMD is aided by medical research showing a direct causal relationship between air pollution and lung and heart diseases. A recent study by the Harvard School of Public Health, for example, revealed that exposure to air pollution in U.S. cities accounts for 60,000 deaths annually (Pollution Kills, 1991). Additional research from within the Southern California Air Basin has further helped the AQMD to pinpoint the health costs resulting from air pollution. One study, by UCLA epidemiology Professor Roger Detels (Haldane, 1991), repeatedly tested residents, ages 3 to 59, in the cities of Glendora, Lancaster, and Long Beach from 1972 to 1983. The study showed marked lung function deterioration in the Long Beach and Glendora residents compared to the residents of the clean air desert community of Lancaster. New medical research will further aid the AQMD in developing a more complete (and more favorable from the District's point of view) cost-benefit analysis. But in the meantime the District will remain on the defensive due to retrofitting costs and likely businesses and job losses resulting from implementation of the clean air standards.

A third potential economic roadblock to implementation centers on the debate over the market versus the regulatory approaches for solving the regions air pollution problem. As noted earlier, when the 1989 and 1991 Plans were first developed, the District relied entirely on the regulatory approach for cleaning up air pollution. But when the District Board approved a new "market" element of the 1994 AQMP, questions were raised regarding the feasibility and the effectiveness of the various market schemes. Admittedly, several of the market elements, such as the RECLAIM concept, for stationary sources of pollution, are quite novel and as yet untested (Pasternak, 1992a). And, since this share trading mechanism would replace some 40 existing regulations, and would apply to a relatively small portion of polluting sources, the impact on air pollution also remains unknown. Thus, while these market approaches may very well prove to be less costly and more effective than the regulatory approach in the long run, considerable uncertainty presently exists about their eventual impact.

Two other observations must be made regarding the problems associated with the implementation of the AQMP. First, the Plan does not attempt to control population growth and community development. While SCAG has developed a housing-jobs model for reducing employment related travel, neither SCAG or the AQMD addresses the impact of population growth on future air quality. The state's population grew from 24 million to 30 million between 1980 and 1990, and is expected to increase another 5 million by 2000.

The South Coast Air Basin's population of slightly over 11 million is projected to increase by 37% to 15.5 million by 2010. Increases will occur in the number of vehicles in use and the number of miles driven. Likewise, residential, commercial, and industrial development will increase, in part to accommodate this new population. This continued population growth and economic development will place greater stress on the region's environment and will make the task of improving the region's air quality much more difficult, since gains made by the imposition of air pollution regulations will be partially offset by population growth and economic development (Kamieniecki & Ferrall, 1991). If the Air Basin is to be in compliance with federal standards by the year 2010, somewhere along the way these two variables will need to be addressed. Second, because of the intractability of the region's air pollution problem the Plan is not likely to meet the 2010 timetable even if all opposition to the Plan ceases and all of the strict controls are implemented as the Plan's timetable calls for. Thus, even with the most stringent and sweeping controls of any area in the nation in place, the region may still not ultimately comply with the clean air requirements set forth in the federal Clean Air Act.

Conclusion

The main goal of the SCAQMD is to bring the South Coast Air Basin into compliance with the federal and state clean air standards by 2010. The AQMP is the program by which the District hopes to achieve that policy goal.

This chapter first detailed the legislative development of the Plan, including the mandates contained in the federal Clean Air Act and the California Clean Air Act, and concluded with the observation that the Plan was a product of a complicated mix of federal and state legal requirements for reducing air pollution. Second, the chapter examined the current and future levels and sources of pollution emissions in the Air Quality Basin. Basing existing data collection inventories and on up-to-date modeling of future air pollution, with, and without future levels and sources of pollution, it was noted, is essential for developing a workable and justifiable set of control strategies and control measures necessary for reducing air pollution emissions to acceptable levels by the year 2010. Third, the chapter analyzed the various control strategies contained in the Plan for reducing stationary, mobile, and indirect sources of emissions. It reviewed the separate strategies for point and area stationary sources; for on-road and off-road mobile sources; and for indirect mobile sources. Of particular importance is that the 1991 and 1994 versions of the Plan includes strategies aimed at indirect sources of pollution; incorporates "market" oriented strategies for certain stationary sources; and contains a priority ranking system for the adoption and implementation of the control measures. The fourth section of the chapter examined the short-, intermediate-, and long-term implementation schedule of the AQMP. It was pointed out that especially crucial to successful implementation is the need for a high degree of intergovernmental cooperation between the many regional, state, federal, and local governmental

agencies responsible for implementing the various controls; and the importance of the development of new technology in the three phases of the implementation timetable. The final section of the chapter identified and analyzed the major obstacles which could prevent a successful implementation of the Plan by 2010, and which could force the Plan to fall short of reducing air pollution to levels consistent with the standards set forth in state and federal clean air legislation. A number of scientific, political, and economic pitfalls were examined, including:

1. The possible inaccuracy of existing pollution emission data.
2. The uncertainty of future research and development of new technology.
3. The lack of intergovernmental cooperation necessary for successful implementation of the Plan.
4. Opposition to the Plan from politically powerful interest groups within the District who may try to weaken the Plan or delay its implementation.
5. Changes in the political makeup of the regional, state, federal agencies responsible for implementation of the Plan.
6. The lack of state and federal funds available for research of new technology and for infrastructure development.
7. Inadequate cost-benefit or cost-effectiveness analysis to support the adoption and implementation of many of the more controversial control measures.

8. The uncertainty over the effects of several "market" oriented control incentives initiated by the District.

Thus, while the AQMP may be the most comprehensive and sweeping plan ever proposed for reducing air pollution, implementation and enforcement of the Plan faces troubling uncertainties.

CHAPTER 5
A NEW REGIONAL GOVERNMENT FORM: A PARTIAL
SOLUTION TO THE GOVERNABILITY PROBLEM

Introduction

If the governability problem is an increasingly apparent problem in the American federal system, as argued in Chapters 1 and 2, the next obvious question is what can be done to address this dilemma? Can the new regional South Coast Air Quality Management District (SCAQMD) and its new Air Quality Management Plan (AQMP), discussed and analyzed in Chapters 3 and 4, be used as a model to address the governability problem? Are there other potential solutions to the problem? As Rose (1988), and others have observed, a range of major and minor changes have been recommended over the years for dealing with this problem. Some scholars, like James Sundquist, for example, suggest moving away from federalism toward a parliamentary system similar to European democracies. Sundquist and others promoting this change maintain that the divided character of the American federal system is the primary cause of the dilemma. Lowi (1979) likewise suggests a "radical reform" of the existing system, and offers "Juridical Democracy" as the way to reverse what he calls the "decline of law and of legitimate government in the United

States" (p. 298). He contends that so far, all efforts at government reform, however well intended, are mainly "procedural tinkering." Other suggestions for reform offered by various scholars and politicians include eliminating the electoral college; strengthening political parties; establishing term limits for elected office holders; reforming campaign finance laws in local, state, and national elections; eliminating bi-cameral legislative bodies; or removing barriers to voting. Many of these reform recommendations may be highly desirable but will not be addressed here. However, some, particularly those requiring changes to the U.S. Constitution, may be very difficult to achieve because of lack of consensus. Still others can be viewed as narrowly focused, "quick-fix" schemes which may have minimal impact, or may even make the problem of governance worse.

In 1787 the Founding Fathers faced the governability problem. Their collective solution at that time was to create a new national form of government. In doing so the Founders spelled out the structural form of the new national government (legislative, executive, and judicial branches); the areas of policy responsibility (foreign and military affairs, regulating interstate commerce, posting roads and post offices, coining money, etc.); the nature and degree of legal authority (the authority to tax and spend, declare war, create an army and maintain a navy, appoint and confirm federal cabinet officials, etc.); most importantly, they clearly spelled out the limitations of the national government's scope of policy responsibility and legal authority, and, with the Bill of

Rights, specified the basic rights of the people that government cannot circumscribe. But the Founding Fathers did even more. In analyzing what was wrong with the existing confederation they became political analysts; and in writing the Constitution and the Bill of Rights they became political philosophers.

However, in promoting the value and adoption of the new government their role became that of a politician; and once the new national government became a reality many among the Founding Fathers became elected officials, serving as legislators, presidents, and governors. In other words, they identified the shortcomings of the existing political system, proscribed a solution for the shortcomings, took steps to put the solution into effect, and finally, played a role in making the new system work properly.

This chapter explores the potential for a new regional government form as a means of addressing the growing governability problem in the present American federal system; and develops a regional model that can be used to improve the effectiveness and the legitimacy of government jurisdictions in America. The first section of this chapter briefly spells out the main purpose and the underlying philosophical principles behind this new government model. The second section develops a regional government model and includes analysis of the following: (a) type of membership, (b) possible geographical scope of the regional government, (c) scope of policy responsibility, (d) degree of legal functional authority, and (e) structural form of the new regional organization. The third section develops some variables for selecting the type of regional

model to use. The final section briefly analyzes the political process, or steps, by which the new regional government model can be created and implemented. This new model will then be used to determine whether the SCAQMD and the AQMP, addressed in Chapters 3 and 4, can be used as an existing solution to the governability problem. This analysis will be provided in the final chapter.

How a New Regional Government Form Can Help Correct the Governability Problem

There are several reasons why a new form of regional government can be considered a viable solution to the governability problem. First, at this point in American history it does not seem feasible that the nation can make major alterations to existing municipal, state, or national government institutions that would be necessary in order to treat the governability problem. Because such major changes to existing governments is quite difficult it seems more reasonable to create a new form of government than to make major changes to existing political institutions. As noted, the Founding Fathers, facing the governability problem in 1787, saw the wisdom of creating a new "national" government form rather than dismantle or restructure existing municipal or state governments. Second, American public sentiment seems to favor decentralized over centralized authority and local government over state or national government--except in matters involving national security. The view held by many voters that "local government is closer to the people" has obstructed efforts to consolidate government authority within existing local, state, or national models

(Berman, 1990). Because of this long-held attitude toward government, the likelihood is greater of creating an effective regional government than for giving more authority to national or state governments. Third, in the past there have been attempts to form "metropolitan" governments or to combine city-county government functions. Admittedly, these attempts have been very limited in their application and have had little overall impact as instruments of reform.

But, as noted in the previous chapter, thousands of "special districts" have been created in recent decades to address specific policy problems or to provide a single type of service. While these special districts have contributed to the fragmentation of government authority and are thus part of the governability problem, the creation of these new governments supports the contention that it is easier to create a new government form than to alter dramatically existing governments.

Fourth, more than realized, the public also possesses a strong regional orientation that lends itself to a regional government identity. For example, most areas of the nation have regional education systems, cultural centers, shopping malls, and water resources. There are regional bus, highway, port, and airport transportation systems and regionwide sports and entertainment systems all of which are important to the lives of most citizens but do not fall precisely into the local, state, or national governmental models. The expanded use of the automobile, in recent decades, and broader territorial work--residence patterns have changed much of life in America from a city scale

orientation to a regional scale orientation. Increasingly, for instance, citizens tend to function on a regional basis and to define their existence in terms of their attachment to a "regional community" rather than a city community. Historically, the United States has always had regional identities; "New England," the "Great Lakes" states, the "Sun Belt" states, the "Rocky Mountain" states, and the "West Coast." But regional identities often are much smaller in scope. In California, for example, people identify themselves as living in the "Bay Area," "the Valley," "Orange County," the "Westside," or the "Inland Empire." Thus, the existing regional orientation can make the public's identification with regional government much easier.

An examination of the literature and the scholarly treatment of local and regional government reveals a distinct lack of a coherent theory or study of government at this level as opposed to state and national government.¹¹

Lewis and Anechiarico (1981) describe the field of study as a study of "the chaotic and the pathetic" in which social scientists are in a desperate "search of theory" (p. 5). They contend that changes in cities "threw the students of cities

¹¹The scholarly treatment of state and local government, regional government, and urban government and politics include Advisory Commission on Intergovernmental Relations (1966); Banfield (1974); Berman (1990, 1993), Culver and Syer (1980); Fainstein, Fainstein, Hill, Judd, and Smith (1986); Garnett (1993); Judd (1988); Kirilin and Winkler (1989); Lewis and Anechiarico (1981); Lowi (1979); Lowi and Ginsberg (1992); MacIver (1947); Mayo (1960); Peterson (1981, 1995); Rivlin (1992); Ross, Levine and Stedman (1991); Smith (1979); Stouffer, Opheim and Day (1996); Straayer, Wrinkle, and Polinard (1994); Truman (1951); and Wilson (1987).

into a turmoil that continues to the present day. The boundaries of our thought collapsed as the social, political, and economic life of cities changed and changed again" (p. 5). Peterson (1981) and Rivlin (1992) go even further and claim that we no longer have a coherent theory of federalism in which local, state, and national government authority and policy responsibility are clearly defined for each level of government. Rivlin calls this a "confused" federal system (p. 7). This picture of urban America remains today as the fragmentation and overlapping of legal authority and policy responsibility grows more confusing (Lowi, 1979; Ross et al., 1991; Straayer et al., 1994).

This confusion manifests itself in the manner in which local government is studied. For many years local government was studied as the history of cities in which the number and size of cities grew throughout the United States (Lewis & Anechiarico, 1981). Cities were then reviewed in terms of the impact of new immigrants on city life or in terms of migration from rural to urban area. The history of cities was also portrayed as the site of industrial change in which the impact of industrialization on the city and its inhabitants were studied (Judd, 1988). This historical approach also incorporated the study of city political machines and the progressive reform movement which sought to reduce the influence of political bosses with the introduction of the civil service system. More recently the study of urban America emphasized the growth of suburbia and the conflict between the older center city and the newer suburbs.

From a political perspective urban politics, for much of this century, has been studied in one of two ways. The first involves the study of optional forms, the legal authority, and the different agencies or components of local government (Lewis & Anechiarico, 1981). This included, for example, drawing distinctions between strong mayor/weak city council, weak mayor/strong city council or the city manager/city council forms of city government and the difference between city, county, and regional government. A second approach involved the study of campaigns and elections, political parties, party bosses, and political elites.

A good deal of the research on urban America has come from the discipline of sociology and emphasizes the descriptions and analysis of community power. The debate between elitists, beginning with C. W. Mills (1956), The Power Elite and the pluralists, with Robert Dahl's (1962) Who Governs exemplifies the nature of this sociological research. More recently, the sociological emphasis has expanded to include the study of community problems such as poverty, homelessness, racial discrimination, unemployment, crime, education, transportation, racial and ethnic conflict, and the government agency programs designed to deal with these problems (Fainstein et al., 1986). From a public administration perspective there is a distinct de-emphasis of politics and an emphasis on the administrative aspects of governing a city such as the importance of budgeting, good planning, and successful policy implementation. There is also accent on intergovernmental relations. Thus, each of these

separate but interrelated fields treat local government and urban America quite differently.

From a theoretical perspective then, only a few weak attempts can be perceived which sought to identify and explain the nature, power, and purpose of local government. These include: (a) the progressive movement at the turn of the century which attempted to remove politics and partisanship from local government by introducing the civil service system and non-partisan elections; (b) the elitist/pluralist debate over how power is distributed in cities (and the nation); (c) the 1960's/1970's movement to encourage "metropolitan" government development; and (d) the "home rule" movement, also in the 1960s/1970s by local officials which sought to remove local governments from the control of state governments by giving local governments legal independence from state authority. With the exception of the progressive "reforms" none had a major impact on the question of the nature, power, and purpose of local government.

There have been some attempts to remedy this problem. Banfield (1974) suggests that the study of the metropolitan area should stress three basic characteristics: demographics, technology, and economic. He contends that all other factors revolve around these three. Demographics will tell us whether the population of the city is growing and if so, the city must expand--either up or outward. Technology will help decide the nature of transportation of the city--train, bus or automobile--and the nature of communication and other infrastructure. Economic data, he argues, will determine the distribution of wealth

and income which will determine, for example, who can afford housing and who can afford to commute. By contrast, Ross et al. (1991) suggest four different themes or approaches to the study of urban America: (a) the study of private sector institutions and their role in shaping metropolitan America; (b) the structure of public institutions and government procedures; (c) the role of intergovernmental actors, particularly the federal and state governments; and (d) the distribution of power and the problem solving capabilities of urban communities. Still others (Fainstein et al., 1986) contend that the study of the city can best be seen as a study of class and racial conflict, the winners and losers of this conflict, and how government can assist those who are the least-well-off among city dwellers. Some scholars, such as Lowi (1979), suggest that the emphasis of study should be the important changes in urban America, particularly in growth of suburbs and the decline of the city as a result of this urban growth; and in the resulting legal and political fragmentation and conflict in urban areas especially between the city and the suburbs.

Finally, Peterson (1981), in City Limits, argues that we do not have a theory of federalism because: (a) contemporary descriptive analysis of government has failed to identify distinct functions for each level of government, particularly for local government; and (b) the same descriptive analysis has failed to identify any patterns of cooperation and conflict between the different governments. Peterson (1981) contends that a new theory of federalism must clearly spell out the structural arrangements or forms of government and the

policy responsibilities of each level of government. He suggests (1995) that the national government should concentrate on what he calls "redistributive" policies (in health and social welfare) while state and local governments emphasize "developmental" policies (i.e., education, job training, and infrastructure) aimed at improving economic productivity. He argues further (1981) that one of the main reasons scholars have not spelled out the structural arrangements and policy responsibilities of each level of government is because of the process oriented behavioralist approach of study that emphasizes groups, elites, constituencies, and bureaucracy. Thus, to Peterson (1981) a theory on local government must address the important questions of government form and structure, legal authority, and policy responsibility (pp. 13-14). In developing a new regional form of government, this chapter focuses largely on the concerns expressed by both Lowi (1979) and Peterson (1981).

To be successful, however, a new regional government must confront the characteristics of, and the factors contributing to, the governability problem addressed in Chapters 1 and 2 respectively. In creating the new regional government the problem of government "overload" must be avoided. This can be done by clearly delineating the policy responsibilities of the new regional government. Likewise, the regional government must not be allowed to repeat the governmental characteristics associated with the loss of government "effectiveness." This can be done by giving the new government the legal authority and fiscal independence necessary to carry out its policy mandates. Preventing

government overload and ineffectiveness, as noted in Chapter 1, can restore the legitimacy of government in the eyes of the people, and reduce the governability problem. Good government, or an effective government, as discussed in Chapter 1, is a government that "works," or "gets the job done"; one that can achieve policy objectives or solve problems expected of the government by citizens and elected officials alike. It is matching government promise with government performance. Effective government requires a government in which government leaders can identify new problems and proscribe and enact solutions to those problems in a timely fashion. An effective government is one in which existing policies are effectively and efficiently implemented and enforced as required by law. Also, an effective government is one that can avoid the legal and political fragmentation common to so many governments identified and analyzed in Chapter 2; one that can avoid fiscal limitations and the overlapping and duplication of authority and responsibility. These basic requirements of the new regional government are addressed in detail in this chapter.

Of course, a regional governmental approach is not a remedy for all aspects of the governability problem discussed and analyzed in Chapters 1 and 2. It will not, for example, erase the gridlock in our national government associated with the separation of powers. Nor will it remove the political fragmentation and political pressure emanating from national or statewide interest group politics, or other problems stretching beyond the geographical

reach of regional boundaries. But there are elements of the systemic problems, addressed in Chapter 2, which can be mitigated or eliminated by developing an effective system of regional government. For example, a regional approach can remove some of the legal causes of fragmentation, such as the overlapping of legal authority, the duplication, and interagency sharing of responsibility, and the jurisdictional and agency rivalries that exist now among many local, regional, state, and national government agencies. Second, a new regional government form, if given total fiscal independence, can significantly reduce the problems associated with the fiscal limitations of government jurisdictions. With full legal and fiscal powers the new government will not have to rely on intergovernmental funds for its policy successes. Third, the regional government can address the problems associated with limited jurisdictional boundaries of existing local governments. An intermunicipal or intercounty regional government can escape problems now facing small government jurisdictions. Finally, a new regional form can improve accountability now lacking in the existing system. By establishing clear areas of regional policy responsibility and fiscal authority citizen/voters can readily fix praise or blame for policy decisions which they now have difficulty doing.

The Philosophical Principles Underlying the New Form of Regional Government

Creating a new form of government will not be an easy task, and it is not likely to be successful if doing so is perceived as simply adding a new costly

level of government, or creating yet another large bureaucracy. Therefore, the underlying principles and goals of this undertaking must be clearly stated and understood from the outset; and these principles must plainly show that this new creation will improve government performance and not add to the current dilemma. It seems, therefore, that the new governmental model must be guided by the following general principles.

1. The new regional system must demonstrably improve governability.

To demonstrate enhanced governability the new model must show the following:

a. demonstrate that it is more effective in solving problems and providing services than the existing local, state, or national governments;

and

b. by its performance, clearly enhance the legitimacy of government in the eyes of the voting public.

2. The regional form must plainly reduce fragmentation in governmental policymaking and in policy implementation. Reducing fragmentation in the policy arena will require:

a. an identifiable decrease in the number of governmental units or agencies in the area--either national, city, county, or special districts--that previously had responsibility in one or more policy areas now handled by the new regional government;

- b. a conspicuous reduction in the duplication and overlapping of government authority; and
 - c. a distinct reduction in the cost of government services compared to the old government arrangement.
- 3. The new system must be fully consistent with the philosophy of representative democracy. In order to conform to the principles of representative democracy the regional model must include:
 - a. the direct election of the policymaking board members; and
 - b. contain other features in accord with the theory of representative democracy.
- 4. The system must enhance accountability by establishing clear lines of authority for policymaking, implementation, and enforcement. This will be done by designating legislative and executive branch authority for these responsibilities.
- 5. The new regional system must be given complete fiscal independence for financing its policy responsibilities. This will require that none of the agency's activities be financed by federal, state, or other local funds.

These general principles will be addressed in greater detail throughout this chapter. It is important for those responsible for implementing this new governmental model, and for the voting public, to have a clear picture of the underlying principles and the goals of this undertaking.

Developing a Regional Government Model

Establishing a regional government model requires that a logical framework be constructed relating to the type of membership, geographical size, degree of legal functional authority, scope of policy responsibility, and the organizational form of the new government (see Table 16).

Forms of Membership

Membership in regional governmental organizations can occur in two forms: voluntary membership and mandated membership. A voluntary regional organization is typically a consortium of states, counties, cities, or special districts that contractually unite to address common problems or to provide services. Member governments join, obviously, because of the perceived benefits of membership, and can withdraw from the organization if the benefits are not received. The authority relationship in the voluntary organization is horizontal, with each government member having equal voting strength and authority. There are numerous examples of voluntary regionalism throughout the United States including the Great Lakes Interstate Compact, and WESTAR, a Western compact to address common natural resource problems. Council of Governments (COGS), which provide research and policy advice to cities and counties, represent another example of voluntary regionalism common throughout the United States (Stouffer et al., 1996). Another common use of voluntary regional organizations are joint powers agreements (JPA) between

Table 16

The New Regional Government Characteristics

| Organizational Characteristics | Options |
|--------------------------------|--|
| Type of Membership | <ol style="list-style-type: none"> 1. Voluntary 2. Mandatory |
| Geographical Size | <ol style="list-style-type: none"> 1. Interstate 2. Intercounty 3. Intercity |
| Degree of Functional Authority | <ol style="list-style-type: none"> 1. Research 2. Planning 3. Policy development 4. Policymaking (lawmaking) 5. Implementation 6. Enforcement 7. Fiscal independence 8. Legal autonomy |
| Scope of Policy Responsibility | <ol style="list-style-type: none"> 1. Single policy 2. Multiple policy <ol style="list-style-type: none"> a. Four policy typology b. "Reasonably Related" policy model |
| Organizational Structure | <ol style="list-style-type: none"> 1. Legal charter 2. Separated powers, or 3. Fused powers 4. Bicameral, or 5. Unicameral 6. Appointed board, or 7. Elected board 8. Representative democracy, or 9. Participatory democracy |

cities or counties to provide local services, such as fire protection (Ross et al., 1991). The advantage of voluntary regional government is, of course, that it allows governments to apportion the costs and other burdens for addressing shared problems. Interstate compacts have been used, for example, to resolve environmental problems such as inland and coastal waterway management, acid rain control, hazardous waste disposal, and wilderness and wildlife protection. The voluntary character of these regional associations, however, requires a high degree of cooperation and consensus, and this fact represents a major shortcoming of the voluntary approach. Because a government can refuse to participate or withdraw at any time, efforts to address controversial and intractable political problems are rarely attempted. Because of this fact, the voluntary regional approach has serious limitations as a governmental reform tool.

Mandated regional governments are, for the most part, created by national or state government legislative action. Since they are "top down" creations the legal authority is vertical in nature, with the authorizing legislation setting the parameters of the agency's authority and responsibility. The regional body is thus subjected to state or federal legislature oversight, and often must gain prior upper level approval before implementing new policies or regulations. Examples of these mandated regional forms include air quality management districts, regional transportation planning agencies, and regional water quality control boards. One advantage of this mandated approach, of course, is that policy initiatives have the statutory authority of either the state

or national government behind them. The main disadvantages, however, are the lack of agency independence, the fragmentation of government responsibility, and difficulty in assessing accountability for government policy.

Geographical Size

The geographical size and the population base of existing regional governments differ greatly, but for purposes of this study three distinct geographical organizational variations will be identified and used: (a) interstate, (b) intercounty, and (c) intermunicipal organizations (see Table 16). A fourth variation, the international organization, obviously also exists, but will not be included in this study. Interstate regional government primarily exists in three major forms: (a) federal regional field service offices, (b) interstate compacts, and (c) government corporations. There are 10 designated federal regional field offices throughout the nation, and about 90% of the 3 million nonmilitary federal employees work in these regional offices, while the remaining 10% work in Washington, D.C. The Federal Regional Boundaries System was created to decentralize and streamline the administration of federal government operations and to encourage closer working relations with federal, state, and local governments (Congressional Quarterly, Inc., 1985-1986, pp. 830-856). Each of these 10 regions have a designated headquarters and the offices include most of the major cabinet, and some noncabinet, departments of the national government. Included for example, are the departments of Education, Health and

Human Services, Housing and Urban Development, Labor, and Transportation, as well as the Environmental Protection Agency and the Small Business Administration.

There are some federal departments which do not conform to the above regional arrangement, such as the departments of Agriculture, Defense, Commerce, Interior, Justice, Treasury, and Energy. Also, certain independent agencies and commissions do not conform including the Federal Communications Commission, the Federal Trade Commission, the Federal Reserve Board Districts, and the Securities and Exchange Commission. In addition, the federal court system has its own decentralized appellate and trial court districts (Congressional Quarterly, Inc., 1985-1986). In a strict sense, while these federal agency field offices are called regional agencies, they are not regional governments at all but rather a decentralized means of implementing the national government's programs. In other words, they implement policy but do not enact public law. Also, while this decentralized system is designed to bring the federal government "closer to the people," and to local and state officials, it poses a continuing problem for coordination among the different regional offices.

Interstate Compacts, in contrast, are agreements between two or more states. Article I, section 10 of the U.S. Constitution requires that compacts between states have the consent of Congress. This constitutional requirement was written to prevent states from threatening the union by creating an alliance

among themselves. In practice, minor interstate agreements not enhancing the power of states are made without the consent of Congress. One of the earliest interstate compacts was between the states of New York and New Jersey, in 1921, establishing the New York port authority to regulate and operate the New York harbor and related shipping facilities. A number of other states have compacts addressing common waterway and other boundary related policies. The Tahoe Regional Planning Agency, for example, was created by California and Nevada to address common developmental and environmental concerns over the commercialization of the Lake Tahoe area (Culver & Syer, 1980, pp. 176-177). The Great Lakes Interstate Commission, mentioned earlier, is a compact by eight Great Lakes states to help solve common problems affecting navigation and commerce, environmental quality, fish and wildlife, shoreline use, and recreation (Legislative Reference Bureau, 1977, pp. 565-572). Likewise, the Mississippi River Parkway Planning Commission, comprised of states along the Mississippi River from Minnesota to Louisiana, was formed to develop parks and scenic highways along the banks of the river (Legislative Reference Bureau). A number of states have created interstate boundary commissions with adjoining states to help address common boundary problems.

However interstate compacts, because of their voluntary membership arrangement, seem to work best addressing areas of public policy in which there is general consensus among the state regarding both the nature of the problems to be addressed and the solutions to the problem. Thus, while the

interstate compacts can be useful in addressing some problems which fall beyond the jurisdiction of individual states, it has not been used to tackle problems that are controversial or intractable.

Government corporations are "top down" creations of the national government designed to operate a government sponsored business enterprise. Common examples include the Tennessee Valley Authority, the Federal Deposit Insurance Corporation, and the United States Postal Service. Because of the commercial nature of these "public" corporations they typically produce all, or part, of their operating revenue. Although they are quite independent from day-to-day influence from either the president or Congress, and are usually run by a separate board of governors, they nevertheless are subject to federally mandated budgetary and auditing controls and to civil service laws. They also, typically, are attached to a major government department, or agency, for administrative purposes. These corporations have been created to provide a narrowly defined, yet important, public service. The problem with this quasi-public corporation device, however, is how to balance the corporation's semi-independent status with the democratic requirements of executive and legislative controls. This problem would seem to limit the value of government corporations as a more extensive instrument for providing a broad assortment of government programs or services. There does not seem to be any need to expand the form, or use, of regional interstate government units beyond the three forms and uses discussed above. No interstate problem or government

service would seem to require the creation of a new government structure. The only exception may be where metropolitan areas share a boundary between two adjoining states, such as Kansas City, Missouri and Kansas City, Kansas. Even then, the use of the interstate compact may be adequate to satisfy the metropolitan concerns of that region.

An analysis of intercounty regional governmental arrangements reveal that they are generally found in three forms: (a) voluntary joint powers agreements between counties; (b) special districts, usually created by state government mandate; and (c) the three-tier metropolitan government district. Joint power agreements between local governments, including counties, are generally used to address interjurisdictional problems and services, or to achieve economies of scale through joint purchasing agreements. Counties may agree to provide mutual police and fire emergency assistance, special education service, capital equipment purchases, or waterway cleanup and preservation programs, to name several. The advantage of the joint agreement is not only is it voluntary, but it is a fairly easy and unobtrusive way for governmental units to resolve common problems and to assist each other in providing necessary services and technical support. The disadvantage of the joint power agreement, as with the interstate compact, is that it cannot easily be used to address controversial or difficult problems. Its value as a governmental tool is, therefore, greatly limited.

Special districts tend to have the following characteristics: (a) they are mainly established to deal with a single policy area; (b) they are a separate governmental unit, independent of existing local government units; and (c) they are legally subordinate to the state government that created them (Garnett, 1993). As the name suggests, special districts are limited-purpose units created to deal with a single policy area, or occasionally, several related policy areas. (see Table 17). Special districts constitute the most numerous and the fastest growing form of government between 1972-1992.

There are several reasons for the expanded use of special districts. First, general purpose (multipurpose) governments--municipalities, townships, counties--were perceived to be unwilling or unable to assume new policy responsibilities. Often boundary limitations, or fiscal constraints, prevented general purpose governments from handling services such as flood control or fire protection (Garnett, 1993). Second, since most special districts are fee-for-service, and are therefore largely self-financing, the political difficulties associated with raising taxes can be avoided. Also, spending limits on some general-purpose governments can be circumvented. Third, national government mandates, such as in soil conservation, flood control and air pollution control policies, have spawned some special districts.

Table 17 shows the broad range of the uses of special districts. About 90% of existing special districts fall entirely within a single county while the remainder extend into two or more counties; but most special district

Table 17

Special District Governments by Policy Responsibility: 1993

| Policy Type | Number | Percentage |
|--------------------------------------|--------|------------|
| Total | 33,131 | 100.0 |
| <u>Single Policy Districts</u> | 30,457 | 91.9 |
| Natural resources | 6,564 | 19.8 |
| Fire protection | 5,354 | 16.2 |
| Housing and community development | 3,663 | 11.1 |
| Water supply | 3,442 | 10.4 |
| Cemeteries | 1,646 | 5.0 |
| Sewerage | 1,850 | 5.6 |
| Parks and recreation | 1,212 | 3.7 |
| Libraries | 1,063 | 3.2 |
| Hospitals | 774 | 2.3 |
| Education | 870 | 2.6 |
| Highways | 666 | 2.0 |
| Health | 619 | 1.9 |
| Airports | 447 | 1.3 |
| Other | 1,808 | 5.5 |
| <u>Multiple-policy districts</u> | 2,674 | 8.1 |

Note. From Census and You (p. 3), by U.S. Bureau of the Census, 1993, Washington, D.C.: Government Printing Office.

boundaries do not conform to those of general purpose governments. Most have a part-time appointed board, or commission, that are responsible for making policy. The board members are often elected municipal or county officials who serve for set staggered terms (Garnett, 1993). In some instances, particularly where the district, such as school districts, has taxing powers, board members are directly elected by the voters. But despite their value for dealing with problems which transcend local boundaries, the growth of the use of special districts has further fragmented government authority and has added to the complexity of governmental policymaking. Furthermore, critics, like David Berman (1990), contend that special districts often act in isolation from other local governments; and, because their governing boards are usually not elected by the voters, they lack public accountability.

The three-tier metropolitan system is a rarely used model and the most prominent examples are found in the Twin Cities (Minneapolis-St. Paul) Metropolitan Council and the Greater Portland (Oregon) Metropolitan Service District (Ross et al., 1991, pp. 264-277). This reform concept tries to deal with the problems of multicounty areas. The three-tier system gets its name from the fact that municipal and county governments are kept intact and a third area-wide coordinating government is added at the top. The purpose of this plan is to avoid intergovernmental hostility and to provide for a more comprehensive planning and service approach for the area. The Greater Portland Metropolitan Service District was approved by voters in a 1978 referendum. This district

has fairly limited service responsibilities but is responsible for zoo administration and waste disposal, for example, in the three-county Portland area (Ross et al., 1991).

The Twin Cities Council, by contrast, was created by the Minnesota state legislature in 1969. The council was given the authority to deal with problems relating to high population growth in the area (Ross et al., 1991). Its authority includes the power to tax property and to issue bonds to support its planning and service responsibilities. In addition, it controls housing, transit, airports, sewers, waste management, sports facilities, and open space policy. It also controls development in rural and agricultural areas and can veto city or county proposals that are contrary to its policies. Thus, its area of policy responsibilities is much broader than the Portland District. The council board members are appointed by the state governor and are independent of local municipal governments. This independence allows the council to make difficult policy choices, but it has problems implementing its policies successfully.

As a response to the chaos and confusion with the modern system of providing local governmental services, some limited attempts have been made to form a more rational and centralized, intermunicipal metropolitan governmental structure. Intermunicipal governmental systems that have been instituted in America, so far, tend to follow two distinct variations: city-county consolidation and a two-tier federated plan. City-county consolidation is the most common of the metropolitan variation with about 30 examples nationwide

(Ross et al., 1991). Under this model a single county, and cities within its boundaries, merge to form a single governmental unit. Existing municipal governments are eliminated and the county government becomes the government for the entire metropolitan region. Some of the most common examples occurred in the 19th century, including New Orleans, Boston, Philadelphia, San Francisco, and New York (see Table 18). More recent well known consolidations include Nashville-Davidson County in Tennessee, Jacksonville-Duval County in Florida, and Indianapolis-Marion County in Indiana, commonly called "Unigov." The Nashville and Jacksonville consolidation cases came about by voter approved measures, and the impetus for approval came as a perceived means of removing corrupt or incompetent government officials (Ross et al.). The Indianapolis consolidation was a creation of the Indiana State Legislature.

The two-tier metropolitan model is found in only one important example in the United States, the Metro Miami-Dade County System, created in 1957. Under this arrangement there is no consolidation of governments, rather, localized services are left to existing municipalities and areawide services are assumed by the metropolitan government. The Miami-Dade County plan was also created in a "good government," anti-corruption atmosphere and was strongly supported by business and the local media (Ross et al., 1991). The operation and implementation of this two-tiered system has been turbulent. The wealthier cities in the county opposed the plan from the outset, and the division of powers between the two levels of government has been complicated

Table 18

City-County Consolidations

| Year | City-County | State |
|------|---|---------------|
| 1805 | New Orleans-Orleans Parish | Louisiana |
| 1821 | Boston-Suffolk County | Massachusetts |
| 1821 | Nantucket-Nantucket County | Massachusetts |
| 1854 | Philadelphia-Philadelphia County | Pennsylvania |
| 1856 | San Francisco-San Francisco County | California |
| 1874 | New York (Manhattan)-New York County | New York |
| 1884 | New York-Bronx and Staten Island | New York |
| 1898 | New York-Brooklyn and Queens Boroughs and Richmond County | New York |
| 1904 | Denver-Arapahoe County | Colorado |
| 1907 | Honolulu-Honolulu County | Hawaii |
| 1947 | Baton Rouge-East Baton Rouge Parish | Louisiana |
| 1952 | Hampton and Phoebus-Elizabeth City County | Virginia |
| 1957 | Newport News-Warwick City County | Virginia |
| 1962 | Nashville-Davidson County | Tennessee |
| 1962 | Chesapeake-South Norfolk-Norfolk County | Virginia |
| 1962 | Virginia Beach-Princess Anne County | Virginia |
| 1967 | Jacksonville-Duval County | Florida |
| 1969 | Indianapolis-Marion County | Indiana |
| 1969 | Carson City-Ormsby County | Nevada |
| 1969 | Juneau and Douglas-Greater Juneau Borough | Alaska |
| 1970 | Columbus-Musckogee County | Georgia |
| 1971 | Holland and Whaleyville-Nansemond County | Virginia |
| 1971 | Sitka-Greater Sitka Borough | Alaska |
| 1972 | Lexington-Fayette County | Kentucky |
| 1972 | Suffolk-Nansemond County | Virginia |
| 1975 | Anchorage, Glen Alps, and Gridwood-Greater Anchorage Borough | Alaska |
| 1976 | Anaconda-Deer Lodge County | Montana |
| 1976 | Butte-Silver Bow County | Montana |
| 1984 | Houma-Terrebonne County | Louisiana |
| 1988 | Lynchburg-Moore County | Tennessee |

Note. From County Government Structure (p. 121), by National Association of Counties, 1989, paper prepared by B. R. Jeffery, T. J. Saloni, & A. J. Boroshok, Washington, DC: Author.

and unclear. Several hundred lawsuits have been filed challenging the Metro's authority. Yet, the new scheme has now gained greater acceptance and the conflict and debate has subsided (Ross et al., 1991).

In addition to the City-County Consolidation and the limited use of the two-tier plan, the most common nonstructured form of intermunicipal cooperation is through the use of the joint powers agreement and special districts discussed earlier. The use of the joint powers agreement covers a broad array of community services, and as mentioned earlier, about 90% of special districts are at the intermunicipal level. Thus, the geographical regional variations identified above--interstate, intercounty, and intermunicipal--represent a fairly broad mix of approaches to address regional problems of different geographical dimensions. Some approaches obviously have been more successful than others, but collectively they have added greatly to the fragmentation of government authority and to the voting public's confusion as to what agency, or level of government, to hold accountable for a given policy. Further, none of the examples discussed above, with the exception of the single Twin Cities three-tiered model, seem to represent any model for reform to deal with the governability problem. But even this three-tiered model has problems.

As indicated earlier, there does not seem to be a great need to construct a new form of interstate regional government; rather the greatest potential seems to lie in creating either a new intercounty or intermunicipal form of regional government. Several variables can be used for selecting the

geographical size and the population base of the new regional system. These variables include the following: (a) the geographical stretch of the system must be sufficient to reduce as much as possible the "free-rider" syndrome which allows some municipalities and counties to receive the benefits of policies and programs of adjoining governmental jurisdictions without paying for them; (b) the size must be such to prevent the "prisoners dilemma," in which one municipal jurisdiction, for example, will not undertake a new policy or program for fear it will pay a big price for doing so, while others benefit from their action; (c) the geographical scope must be large enough to incorporate local government jurisdictions that are harmed by the action or inaction of adjoining jurisdictions; (d) the geographical size and the population base must be large enough to ensure total fiscal independence, now and in the future, for the new regional government so that it will never need to depend on intergovernmental funds from any source; and (e) the size must be such that the policies the new government engages in are common to existing jurisdictions, or have an impact on them.

The Degree of Functional Authority of Regional Government

A review of existing regional systems reveal wide variations of degrees, or levels, of legal functional authority exercised by regional governments. The degrees of legal functional authority include one or more of the following: (a) policy research, (b) policy development, (c) lawmaking (policymaking), (d)

policy planning, (e) implementing, (f) enforcement, (g) fiscal (taxing), and (h) legal and political autonomy (see Table 16, p. 273). Policy research authority in this instance includes any level of research into existing problems, or into policy and program implementation successes or failures. Policy development entails the process of drafting, redrafting or amending the policy document. Policy-making is actually the lawmaking action (the two terms can be used interchangeably), or process, taken by the governing body to adopt or enact the law. Policy planning involves establishing policy and program goals and strategies for achieving them. Policy implementation includes the actual applying or carrying out of the new policy by the appropriate government official or body. Enforcement involves the policing of the implementation and often uses fees, fines, or other legal punishments as instruments of compliance. Fiscal policy here relates to the authority to impose taxes on citizens within the governmental jurisdiction. And legal and political autonomy relates to being able to make policy, or law, independently without receiving authority or approval from another government jurisdiction.

Virtually all forms of regional government engage in some degree of research and planning. These functional activities are basic to nearly all organizations. Some forms of regional government, such as intercounty councils of government (COGS) engage only in research and planning through joint powers agreements with local municipal and county governments. Areas of research and planning by COGS can differ case by case but usually include some

elements of housing, transportation, law enforcement, and land use planning policy (Kirlin, 1989). Still other regional organizations, such as regional transportation planning agencies, are confined to more narrowly focused transportation related research and planning activities.

Some regional governments have a greater degree of authority for policy development, lawmaking, implementing, and enforcement, in addition to research and development. For example, the Dade County, Florida, the Twin Cities Metropolitan Council in Minnesota, and the Portland, Oregon "Metro" system, mentioned earlier, have extended authority for policy development, lawmaking, implementation, and enforcement in varying policy areas. In California, the Bay Area Air Quality Management District and the South Coast Air Quality Management District have similar levels of authority, as does the Bay Area Rapid Transit (BART). These same regional governments, likewise, have a high degree of fiscal independence, with the authority to either levy taxes, or impose fees, fines, and penalties (see Table 19). Fiscal independence, of course, means that the organization does not have to rely on other governmental units for financial support.

Legal and political autonomy does not exist to a large degree for regional governments that are created by a "top-down" mandate from state or national governments. Most of these regional creations must answer at some point to the state or national government that created them. Often, as in the case of the SCAQMD, regulatory policy adopted by the agency must be

Table 19

California Regional Organizations

| Regional Organization | Geographic Jurisdiction | Function | Governing Body |
|--|---|--|--|
| Bay Area Air Quality Management District | 7 Bay Area Counties & parts of Solano & Sonoma Counties | Regulate stationary sources of air pollution; reduce emissions from indirect sources | Local elected officials appointed by city & county committees; number is population based |
| South Coast Air Quality Management District | Los Angeles, Orange, Riverside & parts of San Bernardino | Regulate stationary & indirect sources of air pollution | Local elected official appointed by city & county committees; public members named by the Governor, Senate Rules, & the Assembly Speaker |
| Multi-County Councils of Government | Bay Area; Los Angeles Area; Santa Cruz-Monterey Area; Sacramento Area | Regional Planning | Varies with Terms of Enabling JPA; Generally, one vote per member agency or population weighted system |
| Metropolitan Transportation Commission | 9 Bay Area Counties | Regional transportation planning | Governing Body Appointed by member counties with city involvement; ARAG & BCDC each appoint one member; 3 nonvoting members from state & federal governments |
| Regional Transportation Planning Agencies (including MTC and TRPA) | Bay Area; Los Angeles Area; Santa Cruz-Monterey Area; Sacramento Area; Tahoe Area | Regional transportation planning | See COGS, MTC, TRPA |
| Regional Water Quality Control Boards | All Major Watersheds in the State | Water quality planning and regulation | Each board has 9 members by the Governor; all are residents of the region; mix of water quality experts & city/county members |
| San Francisco Bay Conservation Commission | San Francisco Bay & a 100-ft. strip of shoreline in 9 Bay Area Counties | Implement Bay Plan through its land use permitting authority | 27 membs: 9 Supervisors, 4 ABAG-appointed city members, 7 public members, 7 from federal, state & regional agencies |
| Tahoe Regional Planning Agency (Also an RTPA) | Tahoe Basin | Land use planning & permitting | 14 members, 7 from California, 7 from Nevada; CA members: 3 city/county reps. & 4 state appointed non-residents |

Table 19--Continued

| Regional Organization | Geographic Jurisdiction | Function | Governing Body |
|---|---|---|---|
| Bay Area Rapid Transit | Alameda, Contra Costa & San Francisco Counties | Plan, construct & operate a rapid transit system | 9 members elected locally |
| A-C Transit | Alameda & Contra Costa Counties | Public transportation operator | 7 members elected locally |
| Golden Gate Bridge, Highway & Transportation District | San Francisco, Marin, Del Norte & parts of Mendocino & Napa Counties | Operate Golden Gate Bridge & other transportation modes in corridor | 18 members: City/County |
| East Bay Municipal Utility District | Parts of Alameda & Contra Costa Counties | Water supplier; sewage disposal services | 7 members elected locally |
| Metropolitan Water District of Southern California | Los Angeles, Orange, Riverside, San Bernardino, San Diego, & Ventura Counties | Water supplier | One representative for each District member |
| East Bay Regional Park District | Parts of Alameda & Contra Costa Counties | Develop & maintain regional parks | 7 members elected locally |

Note. From California 2000: Getting Ahead of the Growth Curve (p. 38), by California, State Legislature, Assembly Office of Research, 1989b, Sacramento: Author.

approved by some higher level state or national agency or both. Usually, these regional governments must operate within policy guidelines, goals, or timetables set by the creating agency. This is due to the fact that such agencies were created initially to address a specific policy goal.

Policy development and lawmaking responsibilities can be exercised by the lawmaking body or the two functions can be handled by separate governmental units. Thus, land use, transportation or environmental policy, for example, can be developed by the bureaucracy staff specialists, outside agency specialists or by the lawmaking body itself. The lawmaking body, however, retains lawmaking authority for itself.

Policy implementation and enforcement authority can, likewise, be exercised by the same, or different agencies. A regional port authority can implement a set of policies governing the operation and use of port facilities but often will rely on other agencies, such as city police, custom officials, drug enforcement agency officials, and the Coast Guard to enforce harbor related policies. In other instances the port authority may rely mainly on port police and other port officials to implement port policy.

Thus, an analysis of existing regional government arrangements suggest a broad range of functional authority; from very limited authority, such as research and advisory authority only, to a high degree of functional authority including policymaking (lawmaking), implementation, and enforcement. The level of authority seems to fall into two distinct patterns.

1. Single purpose (single policy area) regional governments (which will be discussed in the next section) tend to have a high degree of functional authority. Since this type of agency is created to address a single policy area, such as transportation or air pollution control, the creating state or national government is willing to give the new regional government nearly all the authority tools it needs to carry out its mission. So when the policy goals are narrow and focussed, the degree of functional authority is broad.

2. When the regional government has a multipurpose (multipolicy responsibility), or broad policy involvement, the functional authority is limited. In the case of COGS, for example, where policy involvement often includes housing policy; highway, railway, air and seaport transportation policy; air, water, solid waste, and toxic waste pollution policy; job creation and economic development policy; land use planning; and law enforcement and public safety policy, the level of functional authority is limited. For example, while COGS generally have considerable responsibility for research, planning, and policy development, they usually have no authority for lawmaking, implementation or enforcement. They, likewise, have no independent source of revenue. Those creating a COG desire the research and advice it provides but do not want this agency to intrude into the authority prerogatives of city, county, or state governments. The exceptions to the above patterns, of course, include the Twin Cities, Dade County, and Portland regional governments discussed earlier.

In developing a regional governmental model, therefore, the level of authority given to that model is an important aspect of that model. Drawing from the above analysis, two very important aspects of functional authority must be emphasized when creating the new model. First, the new government must be given the full range of functional authority discussed above--from research to enforcement. Since the governability problem was identified in part as resulting from fragmentation of government authority, it must be made perfectly clear that this new government is fully and solely responsible, let us say, for policymaking, policy implementation, and policy enforcement. There can be no confusion as to which government has the authority to act and will be fully accountable for its actions. After all, the whole purpose of developing this new model is to eliminate the confusion in the present system where one level, or agency, of government makes policy and other units are responsible for implementation and enforcement. Likewise, the sharing, duplication, and overlapping of authority between different governments and agencies can be eliminated by clearly pinpointing the responsibility for functional authority.

Second, the designation of functional authority for both the legislative branch and the executive branch of the new government must be clearly established. Doing so will also eliminate the duplication and sharing of authority that presently exists in the areas of research, policy planning, policy development, policymaking, and implementation. The responsibility for functional authority could be distributed as follows:

Legislative Branch

1. Policy research
2. Policy planning
3. Policy development
4. Fiscal policy
5. Policymaking (lawmaking)

Executive Branch

1. Policy implementation
2. Policy enforcement

This arrangement gives most levels of authority to the legislative arm of the new government. By moving authority for research, planning, and policy development to the executive arm, the legislative arm obviously, would have less authority. But however functional authority is apportioned, it is vital that it be clearly designated so that all doubt is removed as to who has what authority in the policymaking process.

The Scope of Policy Responsibility For Regional Government

As pointed out in the above section, the scope of policy responsibility in existing regional organizations are either single policy (single purpose) or multi-policy (multipurpose); with the vast majority of special districts being single policy. Single policy agencies, of course, are those that deal, for example, with either highway transportation, public education, water supply, air pollution

control, waste disposal or fire protection. Multipolicy agencies are those that exist in Portland, the Twin Cities, and Dade County where they are responsible for a combination of policy areas. Council of governments also are typically multipolicy in scope. However, as with many aspects of regional governments, the scope of policy responsibility given to them is limited, and has developed in a haphazard and unthinking fashion. If the use of regional government is to be expanded, therefore, a more rational approach must be used to make regional government more logical and effective (see Table 16, p. 273).

Scholars previously have developed different policy models in order to analyze and explain the types of public policy created by policymakers. Lowi and Ginsberg (1992), for example, use three distinct policy types--promotional, regulatory, and redistributive--to explain the nature of public policy (see Table 20). Promotional policy, according to Lowi and Ginsberg, involves government efforts to promote economic activity in the private sector, and includes the use of subsidies, grants, tax credits, licensing, contracting, and permitting. Regulatory policy, by contrast, attempts to restrict behavior through the use of criminal and civil penalties, administrative regulation, regulatory taxation, expropriation, or the withholding of subsidies or licenses. These policies include those designed to protect health and safety, establish quality standards, cost ceilings, restrict use or consumption, or set uniform standards. Redistributive policy is that which alters the distribution of money, taxes, or government

Table 20

Lowi and Ginsberg Public Policy Typology

| Type of Policy | Explanation | Examples | Political Characteristics |
|-----------------------|--|--|---|
| Promotional Policy | Provides resources and facilities Not directly coercive | Public works Land grants Unconditional licensing Defense procurement and R&D | Clientele oriented Individualistic, log-rolling Committee-centered structure, if any: the "complex" |
| Regulatory Policy | Imposes obligations and restrictions Directly coercive Uses sanctions to enforce standards of conduct | Antitrust Food and drug purity Protection of workers' rights to strike Licensing to enforce standards Reduction of racial discrimination | Pluralistic Group-dominated bargaining Congress-centered Coalitional structure, decentralized to "middle levels" |
| Redistributive Policy | Macropolicies Manipulates the structure Alters status or categories of people Controls "environment of conduct" | Income tax Social security Discount rate Deliberate deficit or surplus | Power elite, external base Large class interests or "peak associations" Ideological Executive-centered |

Note. From American Government (p. 656), by T. Lowi and B. Ginsburg, 1992, New York: W. W. Norton & Co.

spending. These policies include tax and budgeting policy, monetary policy, social welfare policy, or policy to limit or encourage investment or consumption.

Still another model is suggested by Peterson (1981). His model uses developmental, redistributive, and allocational as three alternative policy forms to explain, in this instance, local city policy (see Table 21). Developmental policies, according to Peterson, are those local policies which improve the economic condition of the community; policies which expand the local tax base, create jobs, or build a local shopping mall. Redistributive policy, is used by Peterson to identify policies which transfers income from the higher to the lower income sectors of the community. These policies include low cost housing subsidies, free medical care or free meals for low income elderly citizens. Redistributive policy, thus, often involves shifting income from the productive to the nonproductive segments of the community. Allocational policies, by contrast, are described by Peterson as neither developmental or redistributive. Rather they are policies that benefit nearly all segments of the community and have a positive impact on community life. These policies include police and fire protection, garbage collection, public health, and recreation services. Peterson would have local governments emphasize developmental and allocational policies while state and national governments can emphasize all three.

The Peterson (1981) and the Lowi and Ginsberg (1992) models are helpful in analyzing the nature of public policy areas they address. Yet both models seem incomplete for the purposes of this study. Therefore, two other

Table 21

Peterson Policy Typology

Developmental

Developmental policies enhance the economic position of the local jurisdiction.

Redistributive

Redistribution policies benefit low-income residents but also negatively affect the local economy.

Allocational

Allocational policies tend to have neutral economic affects.

Note. Adapted from City Limits by P. E. Peterson, 1981, Chicago: University of Chicago Press.

models will be developed to assist in analyzing the scope of policy responsibility options for regional government.

The first model actually combines elements of the Peterson (1981) and the Lowi and Ginsberg (1992) models and, instead of three, includes four policy types: (a) regulatory policy, (b) developmental policy, (c) allocational policy, and (d) redistributive policy (see Table 22). These four policy types offer a more accurate and complete representation of the broad scope of public policy options available for regional government. Regulatory policy, in this instance, includes any policy for which the primary purpose is to regulate human behavior in order to protect other people or the public at large. It would include obvious examples, such as law enforcement policy and a broad array of health and safety code regulations; but it could also include land use and zoning regulations, pollution control regulations, occupational licensing, and utility rates. In short, it would embody the regulatory policies included in the Lowi and Ginsberg model in which the main purpose is to restrict human behavior in order to achieve a perceived public good.

Developmental policy contains an economic enhancing, or development, component and encompasses any policy designed to improve the economy. Included, for example, are policies aimed at increasing economic productivity, expanding trade, business development, infrastructure development, job creation, expanding the tax base, technology development, or education, and job training policies and programs. It also would include government sponsored

Table 22

Ferrall "Four Policy" Typology

Regulatory

Regulatory policies include policies designed to regulate human behavior to protect the public: Law enforcement, health, and safety codes; zoning regulations; pollution control; and utility rates.

Developmental

Developmental policies include policies designed to enhance the economic climate of the community: Business development, job creation, infrastructure development, trade expansion, education, and job training.

Allocational

Allocational policies include policies designed to benefit citizens at large: Public health, recreation, utility services, and refuse collection.

Redistributive

Redistributive policies are directed at assisting the needy: Welfare, homeless shelters, housing subsidies, unemployment compensation, and food subsidies.

research, tax credits and incentives, and other public works projects. Developmental policy in this model would incorporate the Lowi and Ginsberg (1992) promotional, and Peterson's (1981) developmental policy types.

Allocational policy in this new model is similar to Peterson's (1981) allocational policy. These policy's principles allocate tax resources broadly to benefit the citizens at large, and are service oriented. They would include public health, recreation, garbage collection, and utility services.

Redistributive policy is also similar to the Peterson (1981) and the Lowi and Ginsberg (1992) redistributive policy. These policies are chiefly directed at assisting the needy, or the unfortunate, and generally involve shifting tax revenues from the more productive segments of society to the least productive segments. These policies would include, welfare, homeless shelters, housing subsidies, unemployment compensation, pensions, and food or health care subsidies. Thus, in developing a new regional government system the scope of policy responsibility can be designed around any of these four policy types, whether the new governmental system is single-policy, or multipolicy.

However, a second model that can be developed to assist in analyzing the scope of policy options for regional government is one that can be called the "Reasonably Related" policy model (see Table 23). Under this model a single regional government would be granted the scope of responsibility for all "reasonably related" policy areas where policy goals can be readily integrated within the single agency. For example, a regional government can be created

to handle all transportation related policy. This could include the creation, operation and maintenance of streets and highway, airports and seaports, busses and taxicabs, and trains and trolleys. Another agency could handle all environmental policy including clean air and clean water policy; toxic waste, refuse and sewage policy; as well as policy related to natural resources, water supply, parks, rivers, and lakes. Such an approach could also make a single agency responsible for all law enforcement and public safety policy. Still another regional agency could be responsible for land use planning, housing, and commercial and industrial development, and so on. The essence of this "reasonably related" policy model is for a regional government to incorporate policy areas that interconnect, or overlap, with each other in some coherent manner, and which requires common, or related, areas of expertise.

As revealed in Chapters 1 and 2 and earlier in this chapter, the preponderance of regional governments created this century has been of the single-policy rather than multipolicy type governments. While the two models developed above--the "four" policy typology model and the "reasonably related" policy model--can be used in determining the scope of policy responsibility for either single-policy or multipolicy governments, the two models are designed to encourage the creation of multipolicy regional governments. Since the existence of thousands of single-policy governments has contributed to the fragmentation of government authority in the United States, the fragmentation problem can be lessened by creating more multipolicy, general purpose governments

Table 23

"Reasonably Related" Policy Models

Examples of Reasonably Related Policies

Transportation Policy

Streets, highways, busses, trains, airports, seaports, trolleys, and taxicabs.

Education Policy

Elementary and secondary education, community colleges, universities, museums, cultural centers, libraries, and job training.

Public Safety Policy

Law enforcement, fire protection, public health, building codes, and toxic waste.

Land Use Policy

Housing, commercial, and industrial land use.

whenever possible. Further, by devising a regional governmental scheme that apportions policy responsibility around either regulatory, developmental, allocational, distributive policy types, or by using the "reasonably related" policy model, a more rational and effective system of regional government can be created. But, as with the allocation of functional authority, it is vital, regardless of what policy model is used, that the assignment of areas of policy responsibility be made perfectly clear. There can be no doubt as to which areas of policy the new government is responsible. This also suggests, of course, that whatever the areas of policy is given to it, that no other level, or agency, will be responsible for the same policy. Thus, fragmentation of policy responsibility can be reduced and effectiveness and accountability can be enhanced. Most importantly, this will allow for the elimination, or consolidation of a number of existing single purpose (single-policy) governments.

The Organizational Structure of Regional Government

The organizational structure of regional governments, as mentioned earlier, varies considerably; and, often the institutional shape is determined by the scope of authority and the scope of policy responsibility given to the agency. One feature of organizational structure common to most regional governments, however, is the appointive nature of the governing body. The Twin City Metropolitan Council membership, for example, is appointed by the state governor, even though the council has broad policymaking authority, including taxing

authority. In addition, most regional special districts, or single purpose bodies, are governed by a board appointed by some state, county, or city appointment mechanism--the governor, county board, city mayor, etc. While the appointment authority and process varies, the important point here is that the boards are appointed and not elected. As late as 1989 California had 29 intercounty regional governments, and only four Northern California agencies including the Bay Area Rapid Transit (BART)--had elected boards (CA, State Legislature, 1989b).

But in developing a coherent organizational structure for a model regional government, the question of whether the organization is governed by an appointed or elected body is only one of a number of important organizational options.

From a theoretical perspective, noted in the previous chapter, the organizational structure, or form, of the regional government model should address the following organizational options:

1. Whether the organization should be given a legal charter, or written constitution, similar to city charters or state constitutions clearly detailing the "legal autonomy" of the organization.
2. Whether the system should be a separate system or a fused system in terms of apportioning legal legislative and executive authority.
3. Whether the governing board of the organization should be bicameral or a unicameral body.

4. Whether the governing board should be an appointed board or an elected board.

5. Whether the democratic form of the regional organization should be representative democracy or participatory democracy (see Table 16, p. 273).

Since most regional organizations are formed as a result of state or federal legislative authorization, and because the authority and independence is limited by the statutory language that created the regional agency, one problem, according to Martin (1963), is that regional government "has no capital, court-house, or city hall, no corporate existence, no body, no soul, no sense of being, indeed no being in any concrete meaning of the term" (p. 141). Thus, regional governments have a limited identity with the public as a legitimate governmental unit or entity. This perception could change if regional government was to be given not only its own seat, or place, of governance, but if it were also to be given its own constitution, or legal charter, which could be altered only through the typical constitutional amendment process. A constitutional identity would not only legitimize the existence, and the authority, of the regional entity but would give it the same legal independence as state or municipal governmental units. In putting such a constitutional document together the debate over the provisions of legal and policy authority would add further to the public's understanding and support of the nature and purpose of the regional organization. Achieving such a constitutional framework will require a model draft by the legislature, later to be put before the voters for approval. The details of such a

document will not be treated here but it should include language relating to the scope of regional authority and policy responsibility, among other provisions. But equally important, this constitution, like the U.S. Constitution, will outline the organizational structure of the regional government.

Since the reason for creating this new regional government is to address the problems associated with the governability problem in the American political system, its creation offers the opportunity to debate once again several of the philosophical underpinnings of our democratic system. First among these, as recited in Chapter 2, is the principle of separation of powers, inherent in our national and state governments. The arguments favoring the concept have been discussed at great length beginning with the Federalist Papers and were revisited in Chapter 2. The concept of separation of powers can easily be incorporated as a central organizational element of a new regional government. However, if the problem of fragmented government authority is a contributing factor to the governability problem, and if separated powers is part of that fragmentation, perhaps it is time to explore the potential for a system of fused power, or nonseparated powers, as a viable alternative.

When the concept of fused, or unified, power is mentioned the British parliamentary example is often used. However, as discussed in Chapter 2, there are also examples found in American municipal and county government forms, although they are not the best models. For example, 79% of county governments in America are the "Commission" form of county government

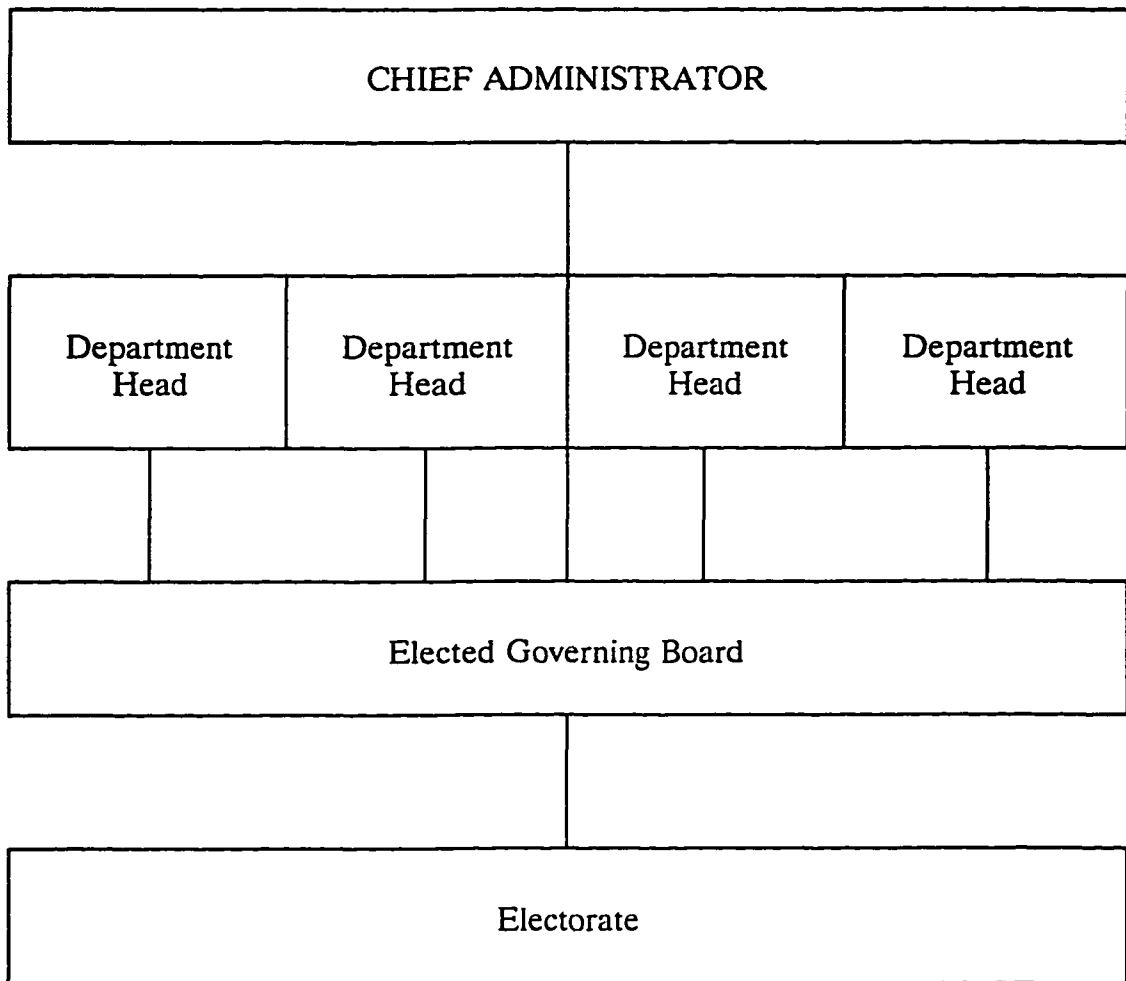
(Garnett, 1993). Under this commission form, an elected board of 2 to 100 members have both legislative and administrative powers. Collectively, the members of the board exercise legislative powers by adopting budgets and approving ordinances. Individually, board members exercise administrative powers by supervising some, or all, county departments, and by appointing high level administrative employees. Likewise, at the city, or municipal level, fused powers exist in municipal commission forms and in weak mayor-council systems (Garnett, 1993). The city commission form exists in only about 6% of all municipal governments, but the weak mayor-council system is quite common in the smaller cities in the south and west. Under the weak mayor-council system the mayor is elected from among the elected council members. But as the term suggests, weak mayors have little formal power and their administrative duties are largely ceremonial. Nevertheless, there are a number of examples of fused legislative-executive authority to borrow from if one wishes to establish a regional government based on this concept.

The decision to select a fused system rather than a separated system is critically important in developing a regional government model. As mentioned earlier in this chapter, one of the philosophical principles guiding the development of regional government is that the new plan must clearly reduce the fragmentation of governmental authority and clearly improve governability. From a theoretical perspective a fused system of legislative and executive power can indeed reduce fragmentation of authority. Starting from the regional

governing board, the top administrative officers of the agency can be chosen from among the governing board members (see Figure 4). The board members, thus, will exercise both legislative and executive functions.

Developing a fused system also requires a re-examination of the role of the bureaucracy. In the separated system there exists an executive branch bureaucracy and a legislative branch bureaucracy. Both bureaucracies have different areas of responsibility, but in the main each bureaucracy serves the leaders of each branch. Likewise, under the separated system, the legislative and executive bureaucracies are often in conflict with each other because of different loyalties, if not because of ideology. In the existing separated systems, both national and state, legislative bureaucracies largely have functional authority for policy research, policy development, lawmaking, and oversight (enforcement). While there are some differences in function there is obviously considerable overlap in functional authority between the legislative and executive bureaucracies. Therefore, by fusing the bureaucratic functional authority, fragmentation, bureaucratic conflict, and overlapping responsibility can be reduced. Likewise, the size (number of employees) of the bureaucracy can be lowered. Thus, under the fused system one bureaucracy can serve both legislative and executive functions.

However, if the decision is made to create a separated system, specific changes can be made to improve the agencies' effectiveness and to reduce fragmentation and conflict in the organization. One such change is to



Members of the Elected Governing Board also serve as the Chief Administrator and as Department Heads.

Figure 4. A "Fused" Legislative-Executive System.

designate clearly not only legislative functions from executive functions, but also to clearly differentiate the responsibility of the legislative bureaucracy from the executive bureaucracy. This will require that the legislative bureaucracy be given the sole functional authority for research, policy development, lawmaking, fiscal authority, and legislative oversight. The executive bureaucracy would be given the functional authority for research, planning, implementing policy, and enforcement policy.

Presently, under existing separated systems, legislative and executive responsibilities are sometimes blurred and there is considerable bureaucratic duplication. For example, legislators and legislative bureaucrats often intrude into executive implementation and enforcement responsibilities. Presidents and governors complain of this frequently. Likewise, executives and executive bureaucrats often engage in, or intervene into, the policy development or the lawmaking process. The intrusion by the one into the others responsibility not only produces unnecessary conflict but also obstructs clear lines of accountability. Thus, in developing the organizational structure of the new regional government the question of whether to create a separated or a fused system of legislative and executive powers is a very important question to be addressed.

There are two additional fundamental philosophical principles to be addressed and debated when creating the organizational structure of this new regional government, in addition to separation of powers. They are the dual questions of: (a) to have an appointed or an elected governing board, and (b)

to have a unicameral or bicameral governing board. A secondary principle to resolve is the numerical size of the board. As observed earlier in this chapter, and in the previous chapter, the vast bulk of regional governments, including single policy special districts, have appointed, unicameral governing boards. Often these boards are comprised of elected municipal and county officials but they are not elected directly by the voters to the governing board. The appointments tend to be for specific terms and the members may or may not be reappointed. The boards also vary considerably in numerical size.

In keeping with this tendency the new regional organization can also be appointed. But a strong argument can be made in favor of an elected board. As discussed in Chapter 2, one of the guiding principles of creating this new regional system was that it conform to the principles of representative democracy. An appointed board with significant policymaking, implementation, and enforcement authority is fundamentally incompatible with the principles of representative democracy. Admittedly, it is possible for individuals and organized interest groups to influence an appointed board. For example, the SCAQMD and the Metropolitan Water District of Southern California readily invite testimony and policy input from interested parties. But as Mayo (1960) points out, public influence is not sufficient to make the system democratic. Rather, he argues, "popular control of policymakers . . . is our first and most general principle [of democracy]," and this requires "choosing the policymakers (representatives) at elections held at more or less regular intervals" (pp. 61-62).

Public influence over appointed board members is a very unequal process with very unequal results. An elected board, therefore, is an essential element of the structural design of the new organization.

The issue of a unicameral versus a bicameral governing board discussed in Chapter 2, offers intriguing possibilities. Obviously, a unicameral board, similar to existing regional and municipal boards can easily be fashioned and, a unicameral board most certainly would reduce much of the fragmentation and political gridlock associated with existing bicameral systems. But developing a new bicameral board represents a timely opportunity to update and modernize representative democracy. Of course, one approach toward bicameralism is to simply follow the pattern found in our national and state governments. With this bicameral form the new board would have two bodies, each differentiated primarily by geography, number of voters, length of term of office, and legal authority. But the present bicameral system was fashioned long ago to satisfy the political realities of that day, and to recreate merely the same bicameral form precludes the opportunity for innovation. But just as there were practical reasons 200 years ago in Colonial America, so too are there practical reasons today for bicameralism. This new bicameral form can be created for the new regional organization in the following manner. First, one branch must be elected by the voters, in keeping with democratic principles, and represent the interests of citizens, however defined. The numerical size of the elected body can vary, of course, just as elective legislative bodies vary today. The numerical

size should be reasonably equated to the size of population the board will represent. The electoral system for selecting board members can replicate the existing electoral process, except for several major changes which will be discussed later in this chapter.

The second branch of the new bicameral body represents the opportunity for innovation and modernization. This branch can be either elected or appointed, and composed entirely of recognized experts in the policy fields in which the regional agency deals. (For example, if the agency deals with transportation the branch will be composed of airport, railroad, and highway specialists.) The reason for allowing the second branch to be elected or appointed is because this branch will have advisory powers only. The body will have the authority to recommend policy and to delay the lawmaking process, but the branch will not have the authority to "kill" or defeat proposed policy or law. Because of this narrow role in policymaking (lawmaking), the members of this branch can be elected, if that is preferred, but they can also be appointed without violating the principles of representative democracy. Because the members are to be experts in various policy fields they will need to possess established academic, or scientific, credentials whether they are elected or appointed.

Setting high academic or scientific credentials for members of this branch can be criticized as "elitist." But that is not the purpose here. Rather, having an identified body of specialists in making public policy is simply a

recognition that the nature of public policy, and the policymaking process, is far more complex today than it was 200 years ago. The use of academic credentials in selecting public policy experts is not really new. Specialized credentials are now required for judges, school superintendents, and college presidents, for example. So while this second branch will have limited legal authority in the legislative process, it nevertheless will play a very important role in the areas of policy research, policy development and lawmaking.

The purpose for having experts and specialists directly involved in the policymaking and the lawmaking process is to help insure that that highly complex policy is drafted into language that is scientifically and technically correct, as well as legally correct. A second reason is to reduce the reliance on executive and legislative branch bureaucrats and lobbyists. The idea here is that an elected or appointed body of experts and specialists can offer both credible and independent advice in developing complicated and highly technical public policy.

Some observers may ask whether this branch of experts will simply duplicate existing bureaucratic specialists or lobbyists who now offer expert advice. The answer is no if the regional board is constructed correctly. By reducing the role of the executive bureaucracy in policy development, it allows a smaller executive bureaucracy to concentrate on implementation and enforcement. The legislative bureaucracy will be directed in research, policy development, and lawmaking by the new branch of experts. Further, existing

bureaucracies are biased by concerns over job protection and "empire building," and lobbyists are biased toward the interests they represent. The new experts, by contrast, besides being recognized in their specialty field, will also be more independent in exercising judgement by virtue of having a specific term in office of 6 to 10 years. Thus, they are free to offer expert advice free of personal or political concerns.

The third reason for creating this new branch of experts is to address the problem in the existing system identified by Lowi (1979) (and described in Chapters 1 and 2). That is, the problem associated with the increasing tendency of the legislative branch to delegate lawmaking authority to the executive bureaucracy. In the new system, with the academic and scientific specialists writing the law, policy can be written in more precise and detailed language, thus avoiding the perceived necessity to delegate detailed policy language to the bureaucratic specialists. The legislative branch itself thus becomes more responsible and accountable for the policy it drafts and approves.

Finally, under this new bicameral system policy will be drafted by the expert branch and approved by the other elected political branch. Thus, the branch composed of experts and specialists will play a major role in researching and writing policy and the elected first branch will be responsible for law-making. The advice of the experts can be accepted or rejected as necessary by the elected branch.

The final organizational option to be considered in developing the regional model is whether the democratic form of the regional organization should follow a representative democracy model or a participatory democracy model. As discussed at length in Chapter 2, the heart of this question is whether the voting public is going to have a direct or indirect role in policy development and in lawmaking. Under the theory of representative democracy the role of the people is to select those who shall govern. The Founding Fathers (discussed in the previous chapter) created a representative democracy, or a republican form of government (Madison, 1961). Thomas Jefferson, writing in 1789 about the importance of the people in self-government, explained the people's role as follows: "They are not qualified to exercise themselves the executive department, but they are qualified to name the person who shall exercise it. . . . They are not qualified to legislate. With us therefore, they only choose the legislators" (Dumbould, 1955, p. 89). Or as MacIver (1947) earlier this century put it: "Democracy is not a way of governing . . . but primarily a way of determining who shall govern. . . . The people, let us repeat, do not and cannot govern; they control the government" (p. 198). The only exception to this fiat is the occasional use of "direct democracy" devices such as the referendum or the initiative. Under the concept of representative democracy, therefore, the role of the voting public in making policy is an indirect role.

But American democracy in the 20th century (noted in Chapter 2) has witnessed an evolutionary shift toward what is now called "participatory

democracy," in which the people have a more direct voice in policy development and policymaking. This evolutionary change is embodied in the rise of the "interest group" society, discussed at some length in the previous chapter. Modern communication and transportation allows citizens to have immediate access to government lawmakers and to the lawmaking process. Organized interest groups have, as noted earlier, developed sophisticated strategies for conducting policy research, campaign fundraising, lobbying, and public relations, all of which allow organized citizen groups to influence directly the outcomes of policymaking.

The evolution toward participatory democracy was part of a change over the proper role of voters in government. The proponents have suggested that simply choosing who should govern, as Pateman (1970) argued, was not enough. Instead participatory democracy required that voters should be able to affect the outcome of government policy after the election and not just during the electoral process. Thus, the voters could directly affect both the outcome of elections and the outcome of government policymaking. The effect of the participatory democracy shift was to expand the relationship between the citizen-voter and the democratic government.

Lobbying, of course, is not a new concept, and is certainly not new to 20th century American democracy. But as the size and role of government changed, and as the impact of government on citizens grew in scope, the interest of citizens in what government did also grew. The rise of the welfare state,

the cold war, the labor movement, the consumer movement, the civil rights movement, the women's movement, and the environmental movement all added greatly to the size and sweep of government activity in the last half of the 20th century. By the early 1960s these citizen movements began to achieve success in directly influencing government policy at all levels. That success spurred efforts by other organized interests to influence government policy. The anti-war movement against U.S. military involvement in Vietnam succeeded in impacting foreign and military policy.

The proponents of participatory democracy, noted in the previous chapter, particularly those associated with success in the civil rights, anti-war, consumer and women's movements, tend to applaud participatory democracy as a necessary and logical growth to democracy. Truman (1951), as revealed in Chapter 2, had an early and lasting effect on shaping how political scientists and others, view interest group politics. Truman asserted that interest group participation in making public policy is the most democratic method of channeling public demands to government. Led by labor leaders, Martin Luther King, Ralph Nader, and a number of other similar leaders the nation came to accept interest group interaction as both a realistic and a legitimate political development. This was a great leap from James Madison's (1787) admonition against "factions" and the importance of representative democracy.

Madison's concerns have been echoed by more recent scholars, including Lowi (1979). Lowi contends, as noted in the previous chapter, that the shift

from representative democracy to interest group dominated democracy was, in effect, a revolution, with the result being the end of liberal democracy, i.e., representative democracy. This revolution, he argued, has removed the law-making responsibility from elected representatives and given it instead to interest groups and bureaucrats. Under Lowi's analysis, as interest groups demanded a greater role in policymaking, elected representatives were more than willing to delegate policymaking to the interest group representatives, and to executive branch bureaucrats. So, while Truman (1951), Dahl (1956, 1981, 1982, 1989), and other leading proponents of interest group pluralism were applauding both the legitimacy and the fairness of interest group politics, Lowi (1979), Schattschneider (1975), and other leading scholars were bemoaning America's loss of a "republican" form of government and the unfairness of this new interest group dominated political system.

Thus, in developing a new regional government model a choice can be made as to whether the new model is structured more toward the "informal" participatory democracy form or toward the more "formal" representative democracy form. If the choice is toward the "participatory" form then few changes will need to be made in current interest group political behavior; but if the choice is made to create a structure more in keeping with representative democracy then significant changes in interest group political behavior will be required. These changes will also provide the potential for interesting innovations to the structure of regional government.

As discussed and analyzed in Chapters 1 and 2, the growth in strength of interest group politics has been accompanied by a higher level of lobbying activity and a greater degree of "group" identity and loyalty. Because of this, attempting to reverse, or change, the trend toward participatory democracy will not be an easy undertaking. Further, the constitutional guarantees of speech, press, assembly, and petition require a high level of caution when trying to reshape the American political process. But because the nature of existing interest group behavior contributes so mightily to the political fragmentation that in turn helps produce ungovernability in the American system, it is necessary that an attempt be made here to revert to the basic principles of representative democracy.

At the heart of this undertaking is the goal of making elected representatives truly responsible for policymaking (lawmaking), and not simply a "rubber-stamp" for influential "pressure" groups. As Mayo (1960) correctly observed: "So long as it is the politicians who finally decide and reconcile, policymaking is not handed over to pressure groups, and the democratic principle is preserved--at least as much as it can be in real life" (p. 165). Admittedly, it is naive to suppose that policymaking will, or should, be made in a void, without influence from the executive, bureaucrats, party leaders, interest groups, or the media. But, as noted in the previous chapter, the theory of representative democracy requires a certain open, free, and deliberative policymaking process that must be maintained. These requirements are as follows:

1. The policymaking process must occur in an open forum and be free from secretive, behind-the-scenes manipulation by interested pressure groups.

2. The elected representatives making the actual decision, or casting the vote, on public policy must be free from threats or intimidation of any sort, and not be subjected to bribery or promises of any personal or financial favor.

3. Competing or alternative policy options must always be included in the policymaking process.

Now the above simple requirements seem so basic as to not require restating here. But the nature of interest group behavior, described in greater detail in Chapters 1 and 2, have all too often resulted in violations of these democratic axioms. The enormous sums of money spent collectively by interest groups on political contributions and for lobbying each year results in a very unhealthy and unethical mixture of money and policymaking. While a handful of criminal convictions remind the nation from time to time of the unethical and illegal use of money in influencing public policy, many voters are left with the perception that "big money," behind the scene manipulation, and "secret deals" are commonplace in the policymaking process.

In order to return to a system more consistent with representative democracy the regional governmental model could incorporate the following laws affecting procedure and protocol:

1. Policymaking procedures would be made more formal than the present informal procedures.

2. No private meetings or audiences can be conducted between citizens and elected officials.

3. No private sector money can be spent on elected officials for any purpose, except perhaps campaign donations.

Currently, as Burnham (1982), Lindblom (1977), Grieder (1992), Lowi (1979), and other scholars referred to in Chapters 1 and 2 have shown, successful interest groups are able to use financial and organizational influence to shape the views and decisions of policymakers in informal, nongovernmental settings. These students of modern government, and elected representatives themselves, readily acknowledge that interest group success in influencing policy is attributable to the personal and private audiences (access) with important policymakers. Personal telephone conversations, private lunches, cocktail gatherings, corporate retreats, and sporting events are the type of nongovernmental, informal settings in which influence over public policy is wielded.

A new protocol affecting the relationship between the public and elected governing board members would prohibit these forms of private audiences. Instead, all contact made between citizen-voters, or interest group representatives, and elected officials must be in a formal public legislative setting, or communication must be in writing which will be made part of the public legislative record. By insisting on formalized lawmaking processes and by eliminating the potential for private informal negotiations and discussion

(debate), the regional model can move away from the participatory model and back toward the representative democracy model.

Finally, the question must be addressed as to whether public or private funds should be used to finance public campaigns and elections. On one hand, the principle must be established which declares that private sector money cannot be given to, or spent on, elected officials, or used to finance, or conduct, public elections or campaigns. Instead, a reasonable sum of public tax dollars could be allotted for each elective position in the new regional government, with an equal sum available for the incumbent and the challenger. Removing private sector interest group money from political campaigns will change elected officials from "money-raisers" to policymakers, and will reduce the level of influence interest groups have on the policymaking process. Admittedly, voters may resist "spending tax dollars on politicians." But tax dollars already finance all other aspects of elections, and a strong argument can be made for using tax dollars to finance the candidates "message" as well.

However, if voter approval for using public money for campaigns cannot be obtained, then the law should ban all "group" (PAC) contributions and most importantly require that candidates receive money only from persons who can legally vote for the candidate. This will preclude citizens from outside the legislative district, or state, from affecting the outcome of elections. The above suggested changes--more formal policymaking procedures, no private audiences between lawmakers and citizens, no private money spent on public officials or

private money only from persons who can vote for the candidate, will tend to reduce interest group influence over the policymaking process.

In establishing the organizational structure of the new regional model, therefore, a number of options are available. Some of the options are clearly preferable if the goal is to enhance the effectiveness and the legitimacy of government. These preferences are:

1. That the organization be given a separate legal charter enumerating its legal independence and scope of functional authority policy responsibility.
2. That the policymaking board be elected rather than appointed.
3. That the democratic form should follow a representative democracy model rather than a participatory democracy model.

This section has explored the essential characteristics of a new regional government model. This exploration has included an analysis of the options for the type of regional government membership, the geographical size, the degree of functional authority to be given to the new government, the scope of policy responsibility, and the organizational form of the new regional government (see Table 16, p. 273). In some instances this analysis has resulted in a clear preference for certain options over others. For example, membership should be mandatory, not voluntary; the geographical size should be intercity or inter-county rather than interstate; the degree of functional authority must be as extensive as possible with the legislative arm given control of research, planning, policy development, taxing and spending, and policymaking (lawmaking),

while the executive arm is made responsible for implementation and enforcement; the scope of policy responsibility should be multipolicy, not single policy; and the organizational structure should include a legal charter (constitution), an elected policy board, and follow a representative democracy model rather than a participatory democracy model. In several instances involving the organizational form several options seem to have comparable merit. This is specifically the case in deciding whether legislative and executive power should be separated or fused, and whether the legislative body should be bicameral or unicameral--although an argument can be made that a fused, unicameral system will result in less fragmentation of government authority, and thus are preferable.

Creating and Implementing the New Regional Government

Developing a regional government model is an important although only a first step for using regional government as a means of restoring governability to that part of the American political system where governability is an apparent problem. The questions of how and by whom it should be created and implemented are also important and will be addressed here briefly.

Since the new regional system will either be intercounty or inter-municipal in scope the proper source for its creation is through a state government mandate. State governments constitutionally have the authority for substate government creations, including municipal, county, and special districts.

As noted earlier, nearly all existing intermunicipal and intercounty regional governments are either mandated or authorized by state statutory or constitutional law. Depending on the precise requirements of a given state constitution, the proposal creating the regional government may require state voter approval as a state constitutional amendment, or may require approval by those citizens living within, or affected by, the new government arrangement.

Regardless of the precise method for approval, the state legislature and the governor will play a significant role in its creation. The success of this legislative endeavor will be enhanced if the following actions occur. First, the governor should act as a change agent in this initiative. Major legislative or political change is very difficult without the active cooperation and support of the state chief executive. The likelihood of success, therefore, will largely depend on whether the existing governor will actively serve as the change agent. Second, strong legislative support by the legislative leadership will also be necessary. Leaders of both houses, the appropriate committee chairs in both houses, and legislators from the affective areas will likewise determine the success or failure of this endeavor. Third, major changes of this type are sometimes made easier if they are the product of a legislative committee study. Such a study serves to give the governor and the legislature support and credibility for creating the regional government. In place of a legislative study a special blue ribbon commission composed of prominent public officials and private sector leaders can recommend and champion the creation of the

regional system. Finally, the process of creating the regional system can be aided by two additional features:

1. The regional government will first be established in one or two areas of the state as a pilot project(s) so the system can be evaluated and altered as necessary before developing the system statewide.

2. A sunset date of 15 to 20 years can be set for the new government arrangement so that the system can be reevaluated after a lengthy period of operation and reenacted permanently after further debate.

The manner in which the regional system can be created is not a major part of this study and will not be addressed further here in greater detail. But it is important to note that developing the regional government model is one important step and creating and implementing the system is still another hurdle; and, sometimes this obstacle forces some changes to be made in the original proposal in order to gain final approval. The details of this process, however, can be the topic of an additional study.

Conclusion

This chapter has explored the potential for a new system of regional government as a means of combating the ever-growing governability problem in the American political system. Toward this end a regional government model was developed to be used as a mechanism to improve the effectiveness and the legitimacy of representative democracy.

In establishing the regional model the following elements of the plan were developed and analyzed. First, the underlying philosophical principles and the main purposes behind the new model were established. Second, two possible types of regional government membership, voluntary and mandatory, were briefly analyzed and the argument was offered that the new regional government would not accomplish its intended purpose unless membership was mandated. Third, the potential geographical scope of the new system was examined and the conclusion arrived at that the most workable likelihood was for the creation of an intermunicipal or intercounty system, rather than a new interstate system. Fourth, the important question of the degree of functional authority to be given to the regional government was addressed. The argument was made suggesting that the governing body be given broad authority over policy research, policy planning, policy development, lawmaking (policymaking), and fiscal policy; while the executive (in a separated system) be given the main responsibility for policy implementation and policy enforcement. Fixing the functional authority clearly among the legislative and executive arms of the new regional system will reduce some of the fragmentation of government authority that now exists, and will enhance accountability of government behavior. Fifth, the scope of policy responsibility for the new regional government was analyzed. The proposition was offered that the new system would be far more effective by being responsible for areas of commonly related policies--that is a government with multiple policy responsibilities rather than a single policy

responsibility. This will allow for the elimination, or consolidation, of a number of existing single policy special districts. Sixth, the options for the organizational structure of the new regional government was examined in detail. The argument was made that to be consistent with the principles of democracy the governing board of new regional body must be elected by the citizens, and that the new system should move away from the current participatory democracy model and back toward a system of representative democracy originally created by the Founders. Finally, the chapter briefly reviewed the alternative means by which the new regional system could be created and concluded that because the system would be intermunicipal or intercounty it should be created by state government mandate rather than national government mandate.

To combat the problems of government "overload" and the loss of government effectiveness, addressed at some length in Chapter 1, the scope of policy responsibility for this new regional model is limited and clearly spelled out. The four policy typologies presented in this chapter--regulatory, developmental, allocational, and redistributive--along with the "reasonably related" policy model (e.g., transportation, education, and public safety) will help guide the new regional government toward achieving this reform goal. By clearly delineating the scope of policy responsibility the problem of shared policy responsibility is also avoided which in turn vastly improves accountability in government.

Finally, by distinctly detailing the degree of legal authority and by granting complete fiscal independence the loss of government effectiveness can further be avoided and reduced. The new regional model can clearly be used to address the problems associated with legal fragmentation, fiscal limitation of governments, limited jurisdictional boundaries, and the loss of accountability that contribute to the governability problem in America today, and elaborated on in detail in Chapter 2. Additionally, it can significantly reduce the problem of governmental duplication of authority, overlapping jurisdictional responsibility, and unnecessary rivalries between governmental jurisdictions.

However, the new regional government will have much less of an affect in reducing the governability problems in the American political system associated with political fragmentation discussed at length in Chapter 2. The new model can reduce some aspects of political fragmentation by reforming regional lobbying laws and changing campaign and election financing laws as recommended in this chapter; and by developing a more formalized form of law-making--also proposed in this chapter. The political fragmentation resulting from the rise of laissez faire conservatism, the New Left, Post-Modernism, Radical Feminism, and Egalitarian Democracy cannot be fully addressed by simply altering the organizational structure and authority of regional government. The political fragmentation caused by the anti-government, anti-authority ideology of these political movements and the group oriented division and conflict that is inherent in them must be addressed mainly in the realm of

political debate and discourse. The debate between the laissez faire conservatives and the New Left has been quite open and vigorous over the past 30 years, but the negative nature of this discourse has contributed further to the loss of trust and legitimacy in government in the eyes of many American citizens. Political discourse now and in the future must be decidedly more "civilized," but it must also include an intelligent discussion about what the proper role of government ought to be and not simply a verbal attack on democratic government itself. The ideological inroads of Post-Modernism, Radical Feminism, and Egalitarian Democracy into American political and cultural institutions has been pervasive but the debate has been far from open and above board. These three ideological movements with a clear anti-intellectual, anti-democratic, and an anti-Western cultural bias are determined to transform America in accordance with their political goals. The threat they each pose, individually and collectively, to Western democratic principles and traditions of free and open political debate, intellectual and scientific inquiry and learning, and to democratic national unity must be challenged. Fortunately, both liberals and conservatives, in the academic and political worlds alike, are responding to the challenge. Prominent liberal scholars and writers, such as historian Arthur Schlesinger, Jr. writing in his recent book The Disuniting of America (1992) strongly criticized these academic trends; as has political scientist and anti-Vietnam war activist James David Barber, constitutional law professor Allan Dershowitz, sociologists C. Van Woodward and Seymour Martin Lipset, Marxist

historian Eugene Genovese, literary critics James Atlas and Robert Hughes, and civil libertarian Nat Hentoff (Sommers, 1995). Liberal feminists Camile Paglia, Joan Didion, Susan Sontag, Christina Hoff Sommers, and professor of literature Mary Lefkowitz have likewise been critical of the intolerance and anti-intellectualism of these movements. Centrist and conservative scholars and writers such as philosophy professor Harold Bloom in, The Closing of the American Mind (1987); and E. D. Hirsch, Jr., Kevin Phillips, Charles T. Sykes, and William Bennet, philosophy professor and former Secretary of the Department of Education, among others, have voiced strong opposition to both the message of these movements and their outcomes. Hopefully these voices and critics will continue and grow in the years ahead. At the same time the regional government model presented in this chapter, if adopted and put into effect, can offer an important partial solution to the governability problem now facing local, state, and national governments in America today.

CHAPTER 6
THE GOVERNABILITY PROBLEM: A SEARCH
FOR SOLUTIONS

Introduction

This final chapter provides an analysis showing that the newly created South Coast Air Quality Management District (SCAQMD), the new regional Air Quality Management Plan (AQMP), and current federal, state, and local air pollution control policy approaches addressed in Chapters 3 and 4, are incompatible with the new regional government model spelled out in Chapter 5; and further, that they actually contribute to the governability problem. This first section briefly summarizes the main findings of this study from the preceding five chapters. The second section analyzes the current air pollution policymaking process in Southern California and concludes that this process indeed contributes to the governability problem. The third section advances the argument that the SCAQMD and the AQMP, as presently constituted, are incompatible with the new regional government model developed in Chapter 5. The section also provides a brief analysis of how the SCAQMD can be changed to address the governability problem in the present federal system.

Summary of Study's Findings

The first chapter of this study developed the proposition that the governability problem is a growing problem in the American federal system making governing increasingly difficult. The governability problem was characterized as: (a) government "overload," (b) the loss of government effectiveness, and (c) a loss of government legitimacy in the eyes of citizens. Government "overload" was identified as the growth in government laws, programs and agencies, and in the growing expectation of citizens for government to solve more and more of life's problems. Government ineffectiveness was attributed to: (a) the inability of government to address satisfactorily a series of major "political events" over the past 45 years, and (b) the inability of government to satisfy effectively the public's expectation in a number of critical "policy arenas" over the same period of time. The ineffectiveness of various government jurisdictions in addressing these major political events and critical policy arenas left the impression for many voters that governments were too often incompetent and unable to protect the interest of America or its citizens. The loss of legitimacy was seen, in turn, in terms of declining voter trust in government, lower voter participation levels, reduced citizen attachment to political parties and, importantly, a level of alienation by citizens from their government that threatens political stability. In Chapter 2, four main causes of the governability problem were identified and analyzed: (a) the problem of legal and political fragmentation in the American political system, (b) the problem of fiscal limitations of political institutions, (c)

the problem of limited jurisdictional boundaries of governments, and (d) the problem of lack of accountability in the American political system.

The problems of legal and political fragmentation were identified in the following: (a) the fragmentation of government legal authority and responsibility, (b) the heightening of interest group conflict and influence, (c) the decline in support and respect for government authority, (d) the rise in political and social anarchy, and (e) the evolution toward participatory democracy. All of these factors were seen as contributing significantly to the governability problem in the American political system.

The problem of fiscal limitations of government jurisdictions was identified in the following ways: (a) the demand for public expenditures exceeding the willingness, or ability, of government to provide revenue; (b) the growth of public debt at all levels of government; (c) the rising demand for nonservice expenditures such as salaries, pensions, and other income support; and (d) the nontaxation of certain wealth and the noncollectability of some taxes owed. These fiscal shortcomings were seen as leaving government jurisdictions with little flexibility in pursuing necessary public policy goals. The fiscal shortcomings contribute further to the ineffectiveness of government, and this in turn adds to the loss of government legitimacy in the eyes of the public.

The problem of limited jurisdictional boundaries was depicted in two forms. The first is in the recognition that some, if not most, local government jurisdictions are geographically too small to provide services effectively, and

that in many instances the problems they are asked to address fall well beyond the geographical boundaries of the given governmental entity. The second is the limitations of jurisdictional boundaries imposed by the sheer number of governmental units, the great variations in jurisdictional size and authority, the overlapping of legal responsibility, and, the duplication of services among many governments in a given area. These jurisdictional limitations have caused the creation of numerous single purpose local and regional governments, which add further to the fragmentation of government authority and to the duplication of services and the overlapping of responsibility.

The problem of lack of accountability in the political system was portrayed as contributing to the governability problem in several ways. First, the study addressed the lack of accountability resulting from the increasing tendency toward partisan division between the executive and legislative branches of government at the federal and state levels. This partisan division precludes the voting public from assigning credit or blame for government policy. In other words, the partisan division prevents officials from being held accountable. The second factor contributing to the growing lack of accountability is the expanded roles of the bureaucracy and interest groups in the policymaking process. The evolution of liberal democracy in America this century, as was pointed out, is characterized by the rise of the bureaucratic state, the emergence of interest group liberalism, and, by the corresponding decline of the legislative branch in the lawmaking process. A third element contributing to the loss of

accountability is the trend toward shared public policy responsibility among the different levels of government. Increasingly, during the post-WWII period, governments have tended to share the responsibility for program development, implementation, and funding. In the policy areas of education, health, transportation, law enforcement, and housing, for example, there has been a complicated assortment of policy responsibility among the national, states, and many local units of government. As this policy sharing responsibility grew it became more difficult to fix the praise or blame for government policy, and the citizen/voter is increasingly bewildered about who is accountable for a vast array of public policy decisions. The final contributor to the lack of accountability analyzed was the tendency of government to use nonpublic sector agents to solve public sector problems. This problem exists primarily by relying on interest group sponsored research, private sector consultants, "experts" who provide advice and analysis on public policy decisions. These outside legal, engineering, and economic specialists and "blue ribbon" commissions often exert significant influence on elected officials and on the outcome of public policy decisions; but the public rarely knows the biases of these outside policy specialists. Further, these private sector advisors, agenda setters, and decision makers cannot be held accountable by the public for their actions.

Chapter 3 of this study examined the intergovernmental air pollution control efforts in California between 1942-1994 culminating in the creation of the SCAQMD. The purpose of this case study was to help determine whether

the relatively new regional government (the SCAQMD) is consistent with the new regional model put forth in Chapter 5, and could therefore be used as an existing solution to the governability problem; or instead, contributes to the governability problem. First, the chapter addressed briefly the unique nature of the air pollution problem in Southern California including geographical factors, the impact of a growing population and rapid urban development, pollution measurement and cost assessment difficulties, and the political climate surrounding air pollution control policy. Next, an analysis was made of state and local air pollution control policy initiatives, and the evolving roles of city, county, state, and regional governments, during the period of 1942-1994 in California. This analysis included an examination of the creation of the regional SCAQMD and the political factors contributing to its creation, the District's legal authority, the governing board selection process, the District's financial resources, organizational staffing, the relationship between the District and the citizen/taxpayer, and the early policy initiative by the SCAQMD.

This analysis suggests the following conclusions about California's approaches to air pollution control during this 50 year period of time:

1. Responsibility for air pollution abatement began with city/county government, then shifted to several different state government agencies, and ended with the state and the newly created SCAQMD sharing the main responsibility for policymaking, policy implementation, and enforcement.

2. Early era pollution control measures were aimed at mobile pollution sources, particularly new automobiles, while more recent policy has emphasized both mobile and stationary pollution sources, with the state ARB responsible for the former and the regional SCAQMD responsible for the latter.

3. Early pollution control policy was in the form of basic command and control regulations, while economic incentives have been used in recent years to reduce stationary source pollution.

4. The first local and state control policy was directed at reducing existing pollution while modern era policy has additionally emphasized pollution prevention.

5. Mobile source control was first aimed toward hydrocarbon emissions with more recent policy shifting toward nitrogen oxide emission control.

6. Successful pollution control policy during either period was generally related to successful research that most accurately measured pollution levels and control costs, and resulted in new pollution control technology.

7. Major business interests heavily impacted by pollution controls have generally succeeded in either modifying stringent regulations or pushing back implementation timetables.

8. With the air quality management districts and the state sharing responsibility with the national government, air pollution policymaking and implementation is more fragmented today than in the early era.

9. While California has been a leader among states in developing air pollution control policy, its history is also one of shortcomings and disappointments in implementing that policy.

The fourth chapter provided a detailed case study analysis of the new AQMP created by the SCAQMD. The purpose of this AQMP case study--as was the SCAQMD case study in Chapter 3--was to help determine whether the SCAQMD and the new AQMP are compatible with the regional government model established in Chapter 5, and whether, both can be used as a model to address partially the governability problem in the American political system.

The chapter first detailed the complicated legislative development of the Plan including federal and state mandates for reducing air pollution. Second, it examined the current and future levels and sources of pollution emissions in Southern California based on existing data and on up-to-date modeling of future air pollution. Third, the chapter provided an analysis of the various control strategies contained in the Plan for reducing stationary, mobile, and indirect sources of emissions. These strategies also included the potential for "market" oriented strategies, such as RECLAIM, for certain stationary sources that may be implemented in the early 1990s. Fourth, the short-, intermediate-, and long-term implementation schedules of the AQMP were examined and a number of potential problems and obstacles to the implementation timetable were identified and analyzed. Among the scientific, political, and economic obstacles and pitfalls were the following:

1. the possible inaccuracy of existing pollution emission data;
2. the uncertainty of future research and development of new technology;
3. the lack of intergovernmental cooperation necessary for successful implementation of the Plan;
4. opposition to the Plan from politically powerful interest groups within the District who may try to weaken the Plan or delay implementation of key provisions of the Plan;
5. changes in the political make-up of the regional, state or federal agencies responsible for implementing the Plan;
6. the lack of state and federal monies available for infrastructure development and research of new technology;
7. inadequate cost-benefit or cost-effectiveness analysis to support the adoption and implementation of many of the more controversial and costly control measures; and
8. the uncertainty over the effects of several "market" oriented control incentives initiated by the District.

Thus, while the AQMP on paper is a comprehensive set of pollution control policies, and may indeed be a model pollution control law for others, its implementation and enforcement is fraught with numerous uncertainties.

Chapter 5 of this study offered a new regional form of government as a partial solution to the governability problem in the American political system.

The first section of the chapter spelled out the underlying principles and the main purposes of the new governmental model. The chapter next analyzed the possible characteristics of the regional model, including the following: (a) the type of membership, (b) the possible geographical size, (c) the scope of policy responsibility, (d) the degree of legal functional authority, and (e) the structural form of the regional organization. Some alternatives of the above characteristics were examined. The chapter concluded by briefly analyzing the political process by which the regional government model can be created and implemented.

The analysis of the alternative characteristics of the regional model concluded with the following preferred characteristics:

1. The type of membership should be mandatory not voluntary.
2. The geographical size should be intercity or intercounty rather than interstate.
3. The scope of policy responsibility should be multipolicy, not single policy.
4. The degree of functional authority must be as extensive as possible with the legislative arm (in a separated system) given control of policy research policy planning, taxing and spending, policy development, and lawmaking (policymaking); while the executive arm is made responsible for policy implementation and enforcement.

5. The organizational structure should include a legal charter (or constitution), an elected governing board and not appointed, follow a representative democracy model rather than a participatory democracy model, have either a separated or a fused system of legislative and executive power, and can be either a bicameral or a unicameral legislative body. It was noted also that choosing a fused system of legislative and executive power gave rise, potentially, to some interesting innovations in government organization. Likewise, developing a bicameral regional model offered the opportunity to experiment with using one legislative body as a policy "specialist" branch composed of "experts" in a particular policy arena.

The chapter concluded by suggesting that this new regional model could best be implemented if the following occurred:

1. The state Governor served as a major change agent in promoting the need for a new state mandated regional system.
2. The proposal receive strong support by the state legislative leadership.
3. The proposal be a product of a bipartisan legislative study.
4. The regional government be first established as a pilot project in one or two areas of the state so the system can be evaluated and altered as necessary before applying the system statewide.

In developing this regional model the arguments were made that the new system would help address the governability problem in America in the

following ways. First, this new model will result in a reduction in the legal fragmentation of government authority and responsibility by removing authority for certain policy responsibilities from existing city, county, state, and special districts, and combining the authority under the jurisdiction of the new regional model. Second, the new model will result in the reduction in interest group influence on the lawmaking process by limiting public input to formal hearings and by banning private money from being spent on elected officials. Third, the governability problem resulting from existing fiscal limitations will be lessened by giving the new government taxing authority sufficient to develop, and implement, and enforce all policy for which it is given responsibility. Fourth, the expanded geographical size of the new regional model will diminish the governability problems associated with small limited jurisdictional boundaries. And fifth, the governability problems resulting from lack of accountability in the existing political system can be addressed by electing the governing board of the regional government and by clearly designating the areas of policy responsibility for the new government.

Why the Current Policy Approaches to Controlling Air Pollution Contribute to the Governability Problem

Air pollution policy is a fairly new policy arena, and it can reasonably be expected to reflect the up-to-date government approaches to modern, effective policymaking. An analysis of the current national-state-local approach, however, suggests that existing policy approaches, in fact, contribute to the

governability problem rather than serving as a model solution to the problem. The present policy approaches contribute to the governability problem in the following ways.

First, there exists the fragmentation of governmental authority and responsibility in making and implementing clean air policy under the federal Clean Air Act. As Lester (1990) noted, this has resulted in a very uneven implementation of the law nationwide since some states are far more committed than others toward effective implementation. With policymaking and implementation dependent on so many state and national departments and agencies, and with no strong overall coordination of the pollution abatement effort, it is reasonable to expect that some departments and agency will be less inclined, or willing, to develop a vigorous implementation program. Furthermore, as Rosenbaum (1991) points out, the Clean Air Act gives state and national administrators a variety of enforcement options to achieve compliance with the law. In reality, this often is authority to "lets make a deal." Agency administrators are thus able to negotiate control policy and implementation mechanisms with interest groups impacted by the law. Air pollution policy, therefore, often results from a combination of administrative discretion and interest group political pressure, and can vary considerably from state to state and region to region. Even worse, according to Grieder (1992), is that the fragmented and spotty implementation of the Clean Air Act "fosters public deception on a grand scale and a legacy of deepening cynicism among citizens

who thought something might actually be accomplished by government" (p. 124). To Grieder the problem is that Congress and the President created a sweeping law that was simply not implemented. He argues persuasively that the law was debased largely by the EPA who ignored the law, closed its eyes to obvious violations of the law and succumbed time and again to political pressure from large polluters including Texaco, Mobil, Shell Oil, Goodyear, DuPont, Dow Chemical, General Electric, Uniroyal and Weyerhaeuser; all of whom operated facilities which were known by the EPA to emit air toxics at levels that created a cancer risk for neighboring inhabitants greater than 1 in 100 (pp. 124-125). Grieder contends, for example, that while the 1970 Clean Air Act empowered the EPA to reduce toxic air pollution from stationary industrial sources in order to guarantee "an ample margin of safety" for nearby citizens, the EPA refused to act against 149 industrial sites in 33 states where air toxic levels were known to be quite dangerous. Equally significant, he argues, is that the EPA over 2 decades has managed to establish emission standards for only seven pollutants (mentioned earlier) among more than 270 toxic substances emitted by stationary industrial sources.

From a governability perspective, therefore, the problem here is not the absence of laws but the presence of laws in name only; a law adopted with great fanfare and expectations but one carried out with limited, or mixed results. It is a realization that effective governance is both making policy and

implementing it, and when government is unable to do either one, the governability problem is the consequence.

The second governability problem with this federal-state-local air pollution control policy has to do with the delegation of authority by the legislative branch to the nonelected bureaucracy. It is a problem of lack of accountability. The Clean Air Act sets goals and standards but often delegates rule making and implementing authority to nonelected federal and state bureaucracies. A system that gives authority for lawmaking, for setting penalties, and for implementation of policy to nonelected officials, is contrary to the accountability principles of representative democracy, which requires that voters elect the policymakers. Under the existing arrangement the bureaucracy negotiates policy with the organized interest groups who are likewise not elected by the voters. Thus, as representatives of the automobile industry, the oil and coal industries, and environmental groups, for example, compete and negotiate with each other over the details of air pollution policy, the voters and elected officials are largely left out of the policymaking process. Thus, the interest groups and bureaucracies that do participate in policymaking are not held directly accountable to the voters for their decisions. And, as Lowi (1979) observes, this bureaucratic-interest group system of policymaking is directly or indirectly responsible for some of the most troubling attributes of modern government: (a) "the atrophy of institutions of popular control," and (b) resistance to

political change (p. 58). These two attributes, as noted in Chapter 1, are two of the main characteristics of the governability problem in political institutions.

National Government Fragmentation of Policy Responsibility

As noted in Chapters 3 and 4 the fragmentation of policymaking and implementation takes the form of both vertical and horizontal fragmentation. Vertically, the fragmentation of authority naturally includes the national and all state governments, but also includes regional pollution control districts, counties, cities, and numerous other public jurisdictions like colleges and school districts. Horizontally, the fragmentation of authority spreads throughout numerous national government departments, agencies, offices, commissions, legislative committees and subcommittees; likewise for state governments. The fragmentation of authority is also divided between policymaking (lawmaking) and implementation authority. In other words, some levels of government and some departments and agencies have both policymaking and implementation authority, while some in other instances have only policymaking authority; still others have only implementation authority. Further, some government jurisdictions also have research, policy development, enforcement or oversight responsibilities. The degree of fragmentation of air pollution control policy at the national level can be seen in Table 24 showing major Executive Branch responsibilities, and Table 25 showing Congressional Committee air pollution responsibilities.

Table 24

Major Executive Branch Departments, Agencies, and Offices With Air Pollution Control Policy Responsibilities in 1995

Environmental Protection Agency

Researches air pollution
 Policy development
 Policymaking
 Policy implementation
 Enforcement Clean Air Act
 Oversight of Clean Air Act

Executive Office Council on Environmental Quality

Research air pollution
 Policy development
 Oversight of National Environmental Policy Act

Department of Agriculture

Researches acid rain affects

Department of Defense

Develops, makes, and implements air pollution control policy on military facilities

Department of Health and Human Services

Researches and develops occupational health policy
 Researches human exposure to radiation
 Develops policy on radiation exposure

Department of Justice

Enforces air pollution control policy

Executive Office Chief of Staff

Develops air pollution policy

Executive Office of Management and Budget

Agency budgeting
 Fiscal oversight

Department of Commerce

Researches atmospheric and oceanic conditions and changes

Department of Energy

Researches renewable sources of energy
 Develops energy policy

Department of Interior

Researches affects of acid rain on public lands

Department of Transportation

Researches, develops, makes, and enforces pollution control policy on aircraft and railroad emissions
 Researches ozone depletion

Table 25

Major Congressional Committees With Air Pollution Policy Authority in 1995

| Committee | Policy Authority |
|---------------------------------------|---|
| <u>House of Representatives</u> | |
| Appropriations | Appropriates funds for EPA and all national pollution control programs |
| Commerce | Researches, develops, makes policy on air pollution including the Clean Air Act |
| | Oversight of EPA and enforcement of the Clean Air Act |
| Government Reform and Oversight | Oversight of EPA |
| Science | Researches and develops policy on air pollution and renewable energy |
| <u>Senate</u> | |
| Appropriations | Appropriates funds for the EPA and national pollution control programs |
| Commerce, science, and transportation | Research on technology and development. |
| | Research on weather and atmospheric conditions |
| Environment and public works | Researches, develops, and makes policy on air pollution |
| | Oversight of EPA and council on environmental quality |
| | Oversight of implementation of the Clean Air Act |

There are at least 12 separate national government departments, agencies, offices, and councils in the Executive Branch with authority over some aspect of air pollution control policy. There are also seven Congressional Committees, each with one or more subcommittees, with major authority over a portion of air pollution control policy. In addition, six other committees (not included in Table 25)--three in each house--have limited jurisdiction over air pollution. The Senate Finance Committee and the House Ways and Means Committee have authority to approve revenue measures such as user fees. The Judiciary Committees have jurisdiction for setting criminal and civil penalties, and the Armed Services Committees in each house have authority to recommend limits on military jet plane emissions.

The fragmentation of both Executive and Congressional Branch authority by itself makes consensus on air pollution policy difficult. This dispersed authority naturally leads to on-going "turf wars" so common in both the Executive bureaucracy and the halls of Congress. Conflicts among agencies and committees over policymaking and implementation authority, and over resources, makes reaching consensus even more difficult. The degree of fragmentation of course is not the result of a carefully thought out scheme. Rather it results from incremental changes and additions to government authority over time as the national government developed and reenacted the Clean Air Act; and, the degree of fragmentation is further argument that a dramatic new approach to governing, such as that developed in Chapter 5, is necessary.

State Government Fragmentation of Policy Responsibility

Fragmentation in the state air pollution control policy arena is equally obvious, although not as extensive as just seen at the national level. Typically, air pollution control policy is shared between an assortment of state and local departments, agencies, boards, commissions, and legislative committees. In California, authority for air pollution can be seen in Tables 26 and 27.

There are six major state and local agencies and nine legislative committees that exercise authority over some aspect of air pollution control policy in the South Coast Air Basin. In addition, the Assembly Committee on Ways and Means, and the Senate Appropriations Committee have fiscal authority over the five agencies. The California Environmental Protection Agency (Cal-EPA) was created in 1991 in an effort to bring some degree of coordination to the state's overall environmental protection effort, including the Air Resources Board (ARB), the Public Utilities Commission (PUC), and the California Energy Commission (CEC). Cal-EPA, however, has little direct authority at this time over these three agencies, even though the ARB is one of six other agencies that are organizationally a part of Cal-EPA. The ARB is the state agency primarily responsible for air pollution policy, as noted in Chapters 3 and

Table 26

Major State and Local Agencies With Air Pollution Control Authority in Southern California's South Coast Air Basin in 1994

| | |
|--|---|
| <u>California Environmental Protection Agency (CAL-EPA)</u> | <u>California Energy Commission (CEC)</u> |
| Coordination of state environmental policy | Approves power plant licensing |
| Develops environmental policy priorities | Develops energy conservation policy |
| Researches risks to public health | Researches and develops renewable energy resources, alternative energy technologies, and clean transportation and fuels |
| Enforcement of air pollution control laws | Forecasts state energy needs |
| | |
| <u>California Air Resources Board (ARB)</u> | <u>California Public Utilities Commission (PUC)</u> |
| Develops and makes statewide policy for controlling motor vehicle emissions | Develops and approves utility rates for gas, electricity, water, and telephone companies |
| Researches and monitors air pollution and air quality | Develops and approves rates for railroads, airlines, buses, and trucks |
| Provides fiscal and technical support to local and regional pollution control agencies | Makes policy encouraging energy conservation and energy |
| Makes policy for state air quality standards | Cogeneration |
| Enforces state and local pollution control laws | |
| | |
| <u>Southern California Association of Governments (SCAG)</u> | <u>South Coast Air Quality Management District (SCAQMD)</u> |
| Researches and develops policy to assist the SCAQMD and local governments | Researches and monitors air pollution |
| | Develops and makes pollution control policy for stationary sources, vehicle use, and off-road vehicles |
| | Implements, enforces, and oversees air pollution control laws |

Table 27

Major California Legislative Committees With Authority For Air Pollution Control Policy in 1994

| Assembly Committees | Senate Committees |
|---|------------------------------------|
| Natural resources | Natural resources and wildlife |
| Environmental safety and toxic materials | Energy and public utilities |
| Economic development and new technologies | Toxic and public safety management |
| Transportation | Transportation |
| Utilities | |

Note. Adapted from Guide to California Government, by League of Women Voters, 1994, San Francisco: Author; and California: Its Government and Politics, by M. T. Ross, 1992, Pacific Grove, CA: Brooks/Cole Publishing Co.

4. This responsibility includes the direct authority for regulating on-road vehicle emissions. It also provides technical and financial support to assist regional and county pollution control agencies set emission limits on stationary sources such as factories and power plants. The PUC is chiefly responsible for setting utility rates on electric, gas, water, and telephone companies (Asmus & Piasecki, 1989). But it also conducts research on new energy sources.

The CEC was created in 1975 to help the state address growing energy supply concerns. Its responsibilities include researching and developing renewable energy resources and generating technologies, and developing clean transportation and fuels.

The SCAQMD was addressed at length in Chapters 3 and 4 and will not be discussed here further. However, it is worth noting that in California there are 33 regional and county air pollution control agencies (including the SCAQMD) which have varying degrees of authority for addressing air pollution (League of Women Voters, 1994, pp. 91-92). Among the largest is the Bay Area Air Quality Management District comprised of portions of nine counties. SCAG, as noted in Chapter 4, plays a narrow, but important role in the South Coast Air Basin.

The state Legislative Committees shown in Table 27 play an important and on-going role in developing air pollution control policy, including the creation of the ARB and the SCAQMD, and the adoption of the California Clean Air Act mentioned in Chapters 3 and 4. Obviously, the roles of

legislative and committee leaders, along with the governor are a significant factor in developing, approving, and implementing air pollution control policy as well.

Thus, when looking at the combined national-state-local air pollution control policy picture, it can be seen that 18 separate major Executive Branch Departments, agencies, offices, and councils have varying degrees of influence and authority over air pollution policy. There are 16 separate national and state legislative committees with varying degrees of authority as well. This does not include major subcommittees or about eight other legislative committees with limited jurisdiction over air pollution control policy. It also does not include numerous other government jurisdictions such as city and county governments, state and local transportation agencies, military bases, and airport and seaport authorities responsible for implementing and enforcing pollution control policy. Clearly, this picture of fragmented government authority in the area of air pollution policy in America, particularly Southern California, is a major reason why progress in reducing air pollution has been slow and spotty. The degree of fragmentation is made even worse by several other parts of the policymaking picture: (a) the influence of fragmented interest groups, each of whom can exercise a veto over agency or legislative committee policy; (b) the growing role of judicial participation in policymaking, especially in interpreting vague statutory language, or by imposing delays in implementation, or by demanding additional studies or data; and (c) the fact that the executive

agencies and legislative committees mentioned above have other policy area responsibilities, and generally have limited staff and financial resources.

Lack of Accountability in the Current System

In terms of accountability in the existing system, the problem arises in several ways as noted in Chapter 2. First, there is the lack of accountability resulting from the expanded roles of the bureaucracy and interest groups in the whole policymaking system. The more that the nonelected actor's role in the policymaking process expands, the less accountability there is in the system. Bureaucrats and lobbyists are not accountable to the voter. As legislative bodies delegate more authority for policy development, policymaking, and implementation to bureaucrats, as has happened over the past 25 years in the air pollution arena, the level of accountability for public policy decisions declines. The creation of the EPA and the Department of Energy, at the national level, and the establishment of the ARB, the CEC, the SCAQMD, and Cal-EPA in California, represent a major expansion of bureaucratic control of making and implementing air pollution control law.

The second element of this system contributing to the lack of accountability is the trend toward shared public policy responsibility among the different levels of governments. As was elaborated on in the second chapter, policymaking among the three levels and among different agencies has increasingly involved expanded sharing of authority that masks who is really

responsible, and makes it very difficult for the public to fix praise or blame. The citizen/voter is increasingly bewildered about which level, branch, agency, committee, or individual to hold accountable. This bewilderment is even greater as competing governments and agencies point fingers at each other to escape blame for bad policy decisions. As more agencies have been created, and as others have been given additional authority for air pollution control, as noted above, it is very difficult for anyone to be held accountable for air pollution policy.

A final element contributing to the lack of accountability here is the increased use of nonpublic sector agents to solve public sector policy problems. With the air pollution control effort becoming more complex and more reliant on newer technology, pollution control officials increasingly rely on data emanating from interest group research and other private sector sources. Since air pollution control policy is increasingly driven by new technology--as noted in Chapter 4--the private sector sources of research and technology development increasing influence the direction of air pollution policy. When this happens the public once again has difficulty knowing who to hold responsible. The governability problem then is seen in the high levels of fragmented authority and the increasing lack of accountability in the current air pollution control system.

Fiscal Limitations in the Current System

Fiscal limitations in the current air pollution control system represent a final contributor to the governability problem. While the federal Clean Air Act mandates state and regional air pollution reduction, the Act does not provide funds sufficient to carry out the mandate. The Clean Air Act requires each SIP to show that all implementing agencies, including local governments have adequate funding, as well as personnel and authority, to ensure adequate implementation (SCAQMD, 1991b). The EPA and the state ARB do provide small annual grants of up to several millions of dollars to regional and county pollution control agencies. However, neither the federal Clean Air Act, the 1976 Lewis Act creating the SCAQMD, or the 1988 California Clean Air Act appropriates money for air pollution abatement. Instead, the Clean Air Act allows the state and local agencies to impose various pollution fees and fines on businesses, polluting equipment and vehicle registration. However, the major pollution control agencies, mentioned above, have no independent source of operating revenue and must rely on congressional or state legislative authorization. As Rosenbaum (1991) notes, "the EPA has been badly underfunded and understaffed throughout the 1980's" (p. 122). Further, the SCAQMD, as observed in Chapter 3, has undergone several budget cutbacks during the early 1990s. This lack of agency funding limits the institutional capacity for research, implementation and enforcement. Thus, the fragmentation of authority, the lack of accountability and the fiscal limitations inherent in the current air pollution

control policy arena are consistent with the governability problems analyzed in Chapters 1 and 2.

The SCAQMD and the AQMP: Why They Are Incompatible
With the New Regional Government Model

Chapter 3 of this study examined the scope of authority of the AQMD and the legislative history of its creation. Chapter 4 examined the AQMP as a plan for reducing air pollution in the South Coast Air Basin. These case studies of the AQMD and the AQMP were made for the purpose of helping determine whether either could serve as a model for addressing the governability problem spelled out in Chapters 1 and 2. The reasoning here is that both the new air pollution control agency and the new air pollution control plan are relatively new creations and thus could represent the latest state-of-the-art thinking on effective government organization and government policymaking. Air pollution policy generally is a rather new policy arena, getting its start with the 1970 Clean Air Act. But the AQMD, created in 1976, and the AQMP (the 1989, 1991, and 1994 versions), are even more recent creations designed to deal with a complicated array of air pollution problems. Secondly, both the new District and the new Plan are regional in the scope of their application, and therefore, would fit squarely with the proposition developed in Chapter 5 that a new regional form of government can be developed to address the governability problem in the American political system.

In developing the argument that a new regional government model can be used as a partial solution to the governability problem, a new regional form was developed in Chapter 5. This section of the chapter now presents an analysis of the SCAQMD and the AQMP which will show that neither the SCAQMD as a new regional government creation, or the AQMP as a new regional public policy approach are compatible with the requirements of the new regional model established in Chapter 5.

In developing a new regional model that can improve both the effectiveness and legitimacy of government, Chapter 5 detailed: (a) the underlying philosophical principles and purposes of the new regional model; and (b) the main elements, or characteristics, of the new model, including the scope of policy responsibility, the degree of functional authority, and the structural form of the new regional organization. For the SCAQMD and the AQMP to be compatible with this new model both would have to be consistent with the philosophical principles and purposes of the regional model and conform to the main characteristics of the model outlined in Chapter 5. The problem with the SCAQMD and the AQMP is that both, in too many ways, do not conform to the principles, purposes, and characteristics of the regional model. This non-conformity, or incompatibility, can be identified as follows:

1. The SCAQMD has no legal charter, or constitution, giving it legal or fiscal independence from other government jurisdictions.

2. It is a single policy agency rather than a multipolicy agency, a fact that contributes to the problem of fragmented government authority.

3. It has shared policy development, policymaking, implementation, and enforcement responsibilities along with numerous other government jurisdictions, a fact that clouds the line of accountability in the air pollution policy control arena.

4. The SCAQMD policymaking board is a nonelected board which is incompatible with the principles of representative democracy, a characteristic required by the regional model spelled out in Chapter 5.

5. Both the SCAQMD as an agency, and the AQMP as an air pollution control plan, are dominated by bureaucratic specialists and interest group lobbyists, both nonelected, who exert considerable influence over the governing board and pollution control policy.

For a new regional government to have the legal and fiscal independence necessary to be an effective government entity it should have, as explained in Chapter 5, the same level of constitutional authority as any state government or charter city. Instead, the SCAQMD, while created by direct state and national mandates, remains subjected to on-going state and national legislative control and supervision. Under this arrangement the legal and fiscal authority to act can be altered at any time, or in any fashion, by an act of either the state Legislature or the U.S. Congress. The size of the governing board can be changed; the limited fiscal authority to impose permit fees and fines can be

altered or limited; and, a host of other restrictions can be placed on the agency's authority to make policy or to implement or enforce existing or future air pollution control policy. Further, under present law main portions of the existing AQMP must be approved by the state ARB and the federal EPA, and future changes or additions to the pollution control plan must also be approved by the ARB and the EPA. Finally, there have been attempts in the past several state Legislative sessions to adopt legislation requiring legislative review and approval of the AQMD budget, to restrict the AQMD's authority to levy fines, and, to even abolish the agency (SCAQMD, 1993b). The lack of a charter clearly impacts on the agency's effectiveness, its legitimacy as a government jurisdiction, and fosters on-going doubt about its legal authority to develop and implement tough air pollution control regulations. The agency thus faces a never-ending attack on its independence and legitimacy that continually threatens its effectiveness. For purposes of fiscal independence and clear lines of accountability it is important for an agency like the SCAQMD to be given all the independent fiscal authority necessary to carry out its mandate to reduce air pollution. This requires that the SCAQMD not rely on, or accept, any inter-governmental fund transfers so that citizen/voters will know that the agency is responsible for its own fiscal decisions. Praise or blame can thus be easily placed on the agency itself for the fiscal decisions it makes. As Peterson (1981) acknowledged, when local governments are not fiscally independent they "lose the capacity to act responsibly" (pp. 67-68).

As a single policy agency (air pollution control) the SCAQMD is not consistent with the requirement established in Chapter 5 that a new regional model be a multipurpose agency. As noted, the proliferation of special districts in the form of single purpose governments adds greatly to the problem of fragmented government authority and to the complexity of governmental policy-making in America. In the case of the SCAQMD the problem of being a single policy agency is compounded further by the fact that the agency is responsible for a limited (although important) portion of air pollution control policy, namely stationary sources of pollution and off-road mobile sources. Most on-road vehicle and railroad, airplane, and shipping sources are the responsibility of various state and federal agencies. Thus, the SCAQMD and the AQMP, while fairly new--and in the case of the AQMP quite sweeping as an air pollution control program--are inconsistent with the requirement that the new regional government be a multipolicy government.

Since the SCAQMD has shared responsibilities for policy research, policy development, policymaking, implementation, and enforcement with other state and federal agencies, the lines of accountability for air pollution control decisions are greatly blurred. To achieve clear lines of accountability the principles underlying the new regional government model requires that a single government jurisdiction be made responsible for a given policy area. This necessitates a lessening of shared responsibility and a focusing of policy authority within that given governmental jurisdiction. Thus, the shared responsibility

in the California air pollution control effort detailed earlier in this chapter is further evidence that the SCAQMD contributes to the problems of ungovernability rather than serving as a vehicle for solving the governability problem.

An important fourth characteristic of the SCAQMD that puts the agency at odds with the regional model, established in Chapter 5, is the fact that the governing board of the agency is an appointed board and not a board elected directly by the voters. While all but three of the board positions are held by city and county elected officials; and may indeed represent the voters who elected them, they do not represent the citizen/voters of the entire region. As observed in Chapters 2 and 5, the most fundamental principle of representative democracy is the direct election of policymakers by the voters. Without this direct election there is no accountability to the citizens for air pollution control policy established by the SCAQMD. This dilemma of nonelected lawmakers making air pollution control policy is compounded by a final set of problems, analyzed in Chapters 3 and 4, common to the SCAQMD. These problems have to do with the following: (a) the extent to which the bureaucracy and interest groups dominate the development, enactment, and implementation of air pollution control policy by the SCAQMD; and (b) the extensive reliance on participatory democracy in policymaking and implementation of air pollution control policy.

By the very nature of air pollution, the staff expertise requires a high degree of scientific knowledge, with specialists in chemistry, biology, and

engineering. This degree of specialization gives the bureaucracy, individually and collectively, enormous influence over the governing board who tends not to have such scientific background and who does not have other independent researchers or advisors to contradict the agency's staff. Also, as noted in Chapter 3, air pollution control efforts in the South Coast Air Basin impact heavily on major industrial and commercial polluters. These industrial and commercial interests--oil refineries, utility companies, building developers and contractors, and the Chamber of Commerce among others--along with various regional environmental and health groups' attempt to influence the development, enactment and implementation of air pollution policy. The extensive use of participatory democracy through numerous board hearings, public forums, advisory committees, and other lobbying give the interest groups considerable opportunity to directly impact the outcome of air pollution control policy.

The problem here is, of course, that the bureaucracy and the interest groups are not elected by, or accountable to, the voting public. So with the SCAQMD there is an arrangement where the bureaucracy and interest groups are strong, and where the legislative body is weak and mainly "rubber-stamps" the policy recommendations of either the bureaucracy or the interest groups. This picture of government is precisely in line with Lowi's (1979) view, and discussed in some detail in Chapters 1 and 2. According to Lowi, the end of liberal democracy in America occurred with the following:

1. with the rise of the specialized bureaucracy in national, state, and local governments;
2. when the legislative branch of government delegated to the bureaucracy sweeping authority for administrative rule making (lawmaking), policy implementation, and enforcement responsibilities; and
3. with the rise of interest group democracy in which well organized and financed interests are able to dominate and even veto the enactment of laws by the legislative branch.

Under this scenario the legislative branch increasingly acquiesces policy-making decisions to the bureaucracy and the interest groups. Thus it is with the SCAQMD, except in this instance the SCAQMD board did not delegate authority to the bureaucracy. Rather the bureaucracy was granted a high level of authority by the state legislation which created the agency. For all of the above reasons the SCAQMD and the AQMP cannot serve as models for a new regional government, or regional policy created by a regional government. Instead, both possess a number of characteristics that contribute to the governability problem.

In order for the SCAQMD to become compatible with the regional model developed in Chapter 5, it will have to eliminate the shortcomings spelled out in the above section. That is, it will need to:

1. have a constitution, or charter, giving it complete independence from other governments, including the authority to impose the revenue necessary to accomplish its legal responsibilities;

2. expand the SCAQMD's policy authority beyond its present single policy responsibility, for example, to include other pollution policy such as surface and underground water pollution, toxic waste and landfill, wildlife and wetland protection;

3. create an elected governing board to make the policymaking board consistent with the principles of representative democracy; and

4. give the newly elected board its independent staff, with greater authority over research, policy development, and policymaking in order to reduce the influence of the bureaucracy and interest groups.

Indeed, the above changes would bring a measurable improvement to the SCAQMD. However, a much better change would be to create a new regional government along the lines spelled out in Chapter 5.

Conclusion

Over 200 years ago the Founding Fathers also faced a governability problem. Their collective solution to the fragmented and weak government authority under the Articles of Confederation was to create a new form of government. The new national government was given a constitutional structure and a scope of authority designed to complement the governments of the

existing 13 separate states. They too sought a government that was both effective in its workings and legitimate in the eyes and minds of citizens.

This study has examined the nature and degree of the governability problem in the American political system in the last half of the 20th century. The new regional form of government proposed in this study is not offered as a solution to all the governability problems in the American system. It is offered, however, as a plausible solution to some governability problems associated with existing national, state, regional, and local governments.

Aside from addressing the systemic problems of fragmented government authority, fiscal shortcomings, limited jurisdictional boundaries, and lack of accountability--which were identified and analyzed in this study and to which the new regional government form was offered as a partial solution--the growing serious problem of political fragmentation in our body politic must be dealt with as well. While the new regional government system can address this problem in a limited way by changing, for example, certain election and lobbying practices, more will need to be done in the existing federal, state, and local jurisdictions. Solutions to the political fragmentation problem will not, of course, be addressed in detail here, but several useful guidelines can be briefly offered as a starting point for future study. First, it is important to realize that political liberty, at home and abroad, is now threatened not by authoritarianism but by anarchy. The first half of the 20th century saw the industrial democracies of the Atlantic basin under threat by different authoritarian regimes. The

central powers of the Austrian/Hungarian empire and Germany in 1914, Germany under Hitler in 1939, Japan in 1941, and the Soviet Union under Stalin and Khrushchev, were all authoritarian governments pursuing military aggression resulting in major military conflicts, including World Wars I and II, and the Korean and Vietnam Wars. These authoritarian regimes are now gone and in each instance they have been replaced by some form of democratic government. This on-going conflict between capitalist industrial democracies and authoritarian military governments was indeed brutal and costly, both in terms of human life and resources, but capitalism and democracy have clearly won. Other authoritarian governments, of course, still exist (i.e., China, North Korea, and Cuba), although none appear to pose a significant threat to their democratic neighbors.

The major threat to political liberty from anarchy, as the 20th century comes to an end, is seen in a number of examples. Anarchy abroad is seen in the break-up of the Soviet Union and the conflict that exists between Russia and several new nation states from the old Soviet Union; in the on-going political and military conflict between Israel and the Arab states of the Middle East; in tribal strife and warfare in sub-Saharan Africa; in the long-standing religious clashes in the Middle East, Northern Ireland, and parts of Asia; and in the rising racial and ethnic strife in the former Yugoslavia. At home, anarchy is seen in the examples presented in Chapters 1 and 2; in the loss of government effectiveness and authority; the rise of criminal lawlessness and urban gangs; in

the increase in racial, ethnic, and gender balkenization and conflict; and in the attack on traditional authority by the New Left, Post-Modernists, and Radical Feminists. A more extreme form of anarchy, abroad as well as at home, is in the potential for various acts of terrorism instigated by members of radical religious, racial, ethnic or political groups. Recent examples of the bombing of buildings, airplanes, and buses, highlight the reality of this form of anarchy. Any solutions to the political fragmentation problem, therefore, must take into account the causes, forms, and effects of the rise of anarchy.

Second, the concept of "the public interest" should be reintroduced into American political discourse. As noted in Chapters 2 and 5, "interest group liberalism" seeks to satisfy "private" group interests, and pluralist scholars, like David Truman (1951) and Robert Dahl (1956), among others, deny the existence of an identifiable "public interest." But the rising level of political anarchy in the American political system is proving Madison's (1787) admonition about "factions" to be correct. Political debate at all levels must begin to distinguish between "private" and "public" interests, and candidates and political parties must offer their platform for satisfying the "national," "state," or "community" interest. Organized groups must be asked to explain how their "group interests" are consistent with the broader "common interests" of the city, state, or nation. Elected executives and legislators must begin to develop a sense of "communitarianism" in their public policy approaches. They should be asked to show how policies and programs will enhance the "public good" as opposed to

satisfying narrow "private wants." The debate, in other words, must be over what constitutes the public interest.

Third, the importance of "personal responsibility" should be reintroduced along with the demand for new individual or group "rights." Political debate should reemphasize the inherent relationship between "rights" and "responsibility," between the individual and the community. The great political battle over the past 30 years has been a one sided demand for more and new forms of "rights." But the social contract between the individual and society is a two-sided relationship. At some point the larger political society can rightly expect the individual to fulfill his or her citizen/voter/taxpayer responsibility to the community, state, and nation. Clearly that time has come.

Fourth, political discourse should begin to discourage the self-segregation of individuals into narrow biological groupings of race, ethnicity, gender, age, and sexual orientation as depicted by liberal historian Arthur Schlesinger (1992) and conservative writer Kevin Phillips (1982) in Chapters 1 and 2 of this study. The political conflict and hostility resulting from this retreat into group enclaves makes political fragmentation more intense, and makes a sense of "community," "state," or "nation" difficult to achieve. Obviously, the right of association and assembly cannot be trampled on here. But the trend toward self-segregation in politics, the work place, on university campuses, and in civic life must be reversed.

Fifth, the government "overload" problem requires a complete re-examination of the role of government in America. Creating a new regional form of government, as suggested by this study, will help steer citizens toward this re-examination. However, the debate must also entail a full review of the roles of existing national, state, and local governments. Since the current federal system, noted earlier in this study and elaborated on by Lowi (1979) and Peterson (1981), is such a confusing assortment of over-lapping, duplication, and sharing of policymaking and enforcement authority, this re-examination is now critical. By defining more clearly the appropriate purpose and role of each form and level of government, this confusion and the "overload" problem can be addressed.

Finally, an element of the political fragmentation problem and the government "overload" problem can be reduced by re-thinking and transforming national, state, and local lobbying laws. The Bill of Rights, of course, grants citizens the right to "petition" their government for "re-dress of grievances." This fundamental right, too, cannot be eroded. However, there is no constitutional right to buy your legislator dinner, or pay for his or her vacation to Miami Beach. Reform of the current emphasis on money and personal access to lawmakers can be achieved by adopting the following principal changes: (a) require all contact between citizen and lawmaker to be in a formal public setting (i.e., a public hearing), and prohibit all private meetings or audiences between the citizen and lawmaker. This will eliminate private, behind the

scene negotiating or deal-making; and (b) prohibit private money to be given to, or spent on, public officials for gifts, dinners, vacation, speeches or travel, or any other purpose (except perhaps campaign contributions). Together these two changes can remove the spurious influence of money and private influence on public policy and public lawmaking, and confine citizen influence to public, formal settings where ideas and not private influence determine the outcome of the lawmaking process.

The governability problem and the loss of legitimacy exposes a terrible irony for American democracy. On one hand it is the oldest constitutional democracy in the world and the one often envied by others; on the other hand, American citizens have a very high level of mistrust in their democratic government and in elected politicians. The magnitude of this growing dilemma requires a sense of urgency for addressing the problem. Toward this end it will also be helpful if we begin looking at government in America differently. First, for example, while some observers see government in America as "too big," this study suggests that the problem is one of "too many" governments. Second, while some critics see an American government as too "powerful" and "intrusive," this study suggests that in many instances American government jurisdictions are too often "weak" and "ineffective." Third, while some see government power as highly "concentrated" and "centralized," this study shows government authority to be highly "fragmented" and "decentralized." Fourth, while there are those observers who see government as unduly controlling the "private sector,"

this study indicates, instead, that organized "private sector interests" control government. Fifth, while some critics contend that elected government officials are too often "unresponsive" to citizen "wishes" and "demands," this study suggests that elected officials often "respond too readily" to citizen organized "pressure." Finally, although some commentators condemn "elected politicians" as the source of government ineffectiveness, this study would suggest that the source of ineffectiveness rests instead with the nonelected actors in the political system--the "bureaucrats" and "interest group" leaders.

There are additional explanations for the loss of legitimacy, and for the governability problem in our political system, such as the nature and type of negative media coverage of politics and government activity, or the increased reliance on the judicial branch to settle public policy conflicts; there also may be other reforms that can be used to address the problem, such as restructuring and strengthening Congress, the Executive Cabinet, or county or city governments. But these will be left for a future study.

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