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SECOND ANNUAL QUELLO TELECOMMUNICATIONS POLICY AND LAW SYMPOSIUM: A MODEL OF AGENDA-SETTING, WITH APPLICATIONS *

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Text

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I was asked to discuss political constraints on policy change, using this model of agenda-setting that people have talked about. So I am going to do three things today. First, I am going to give you a brief sketch of this model. Second, I will give you an illustration of it by talking about the way deregulation emerged in the field of transportation. Third, I will discuss some implications that will get me back to this issue about whether change takes place incrementally or in big lumps all at once.

So first, the model. It is contained in this book that is in your handout called *Agendas, Alternatives and Public Policies*,¹ and it is based on a lot of empirical research in health and transportation policy. Today, I am just going to sketch a few concepts out of it, and then refer you to the book for the rest.

What I want to understand, and what all of us want to understand, is why things happen the way they do in entities like the federal government, or a university, that people have called organized anarchies. These are large, fragmented, multi-purpose organizations. For some purposes, the emphasis is on the organized, for some purposes it is on the anarchy, and that is why they are called organized anarchies.

Running through such organizations are separate streams. Each of these streams has a life of its own, and they are largely unrelated to the others. The outcomes really turn on how the streams get joined at the end. So in this particular case, what I think runs through the federal government, in the course of people grappling with policy formation, are three streams. First is a stream of problems. People come to concentrate on certain problems rather than others and there is a process by which they decide on which problems they are going to concentrate. Second, there is a stream of policies. They propose policies and refine policy proposals. Third, there is a stream of **[*332]** politics. Political events come along, like changes of administration or in Congress, or shifts in national moods, or

* This text is from a speech delivered at the Second Annual Quello Telecommunications Policy and Law Symposium, held jointly by The Law Review of Michigan State University-Detroit College of Law and The Quello Center for Telecommunications Management and Law at Michigan State University, on April 4, 2001, in Washington, D.C.

¹ See John W. Kingdon, *Agendas, Alternatives, and Public Policies* (2d ed. 1995).

interest groups' campaigns, and that stream, the stream of politics, moves along on its own. The first thing you notice is that these three are separate streams, and they each have their own independent rules by which they run.

Let me give you an example. People do not necessarily solve problems. That would imply that the two streams are joined together, the solutions and the problems. Instead, what they often do is generate solutions, and then look for problems to which to hook their solutions, and it happens all the time. My favorite example is the case of urban mass transit, which is a constant policy proposal, and has been promoted, seriatim, as a solution to the problems of traffic congestion, then as a solution to the problem of pollution, then as a solution to the problem of energy shortages. It has even been promoted as a solution to the problem of drunk driving. What is driving this is that it is a constant proposal that its advocates push; they hook it onto whatever problem is hot at the moment. So these streams develop, all independent of one another. The proposals are generated whether or not they are solving a given problem, the problems are recognized whether or not there is a solution, and political events have their own dynamics.

Then a choice opportunity comes along, and advocates join the streams together. At these moments, a problem is recognized, a solution is available, the political conditions are right, and the three streams get joined together. So advocates develop their ideas over a long period of time. They develop their rationales and supporting information, they get their proposals ready, and then they strike when such an opportunity comes along. I call that occasion an open policy window. The window is open for one of two reasons: either a problem is pressing, verging on a crisis, and that creates an opportunity for people to advocate their solutions to it, or the political stream changes, and the advocates take advantage of their open window to push their proposals.

For instance, a new administration comes in, and that new administration creates opportunities for some advocates, and closes windows for others. At these junctures, the advocates join their proposals to the pressing problems, or they push their proposals when the political conditions are right. The biggest policy changes take place when all three of the streams join. The problems are recognized, the proposals are ready as solutions, and the political conditions are right. There is no single-factor explanation for policy change; several things have to come together at once, and even then, the model is probabilistic. What I mean is that the best we can do is quote odds that something might happen, rather than say that something will happen. This window is like a space launch window. Something is done when the window is open, or the opportunity is lost, and advocates have to wait for the next window to open. **[*333]**

The last thing I want to say, and then I will go to my illustration, is a few brief words about two parts of the model: one is the problems and the other is the policies. People recognize problems partly by monitoring indicators of conditions, or by experiencing a focusing event like a plane crash, or the collapse of the Silver Bridge into the Ohio River, or whatever. But the most interesting part about recognizing problems is that problems are not simply objective conditions. People interpret conditions as problems, and that is what makes it interesting. So framing an issue is really critical.

Let me give you an example. We can approach the transportation of disabled people in urban areas as a transportation problem. If that is true, there are rather straightforward and simple ways of getting disabled people around urban areas, by dial-a-ride, and by subsidized taxis and so on. On the other hand, if we think of that as a civil rights issue, then it is a completely different issue. Then you have to be thinking about how we get disabled people to have the same access to public transportation as anybody else does, because it is their right, and if that is true, then we have to look at retrofitting subway systems for elevators, installing lifts on buses, and so on and so on. The framing of the issue makes all the difference.

The last thing I want to say about the model itself is that the development of the policy proposals is a little bit like biological natural selection. Evolutionary biologists tell us that molecules floated around in the primeval soup, before life came into being. Similarly, ideas float around in what I call the policy primeval soup. People hold conferences, like this one. They draft bills; they hold hearings; they circulate papers. They get reactions to their ideas; they revise their ideas; they float their ideas again. Much like molecules in the primeval soup, ideas start, combine, recombine, and through this long process of evolution, some ideas fall away, others survive and prosper.

Okay, now that is my sketch of the model. There is a lot more to say, and there is a lot more detail in the book, but let us move on. The second thing I told you I would do is to illustrate this. I want to bring this set of abstractions down to some concrete case, and because I do not know anything about telecommunications, I will do it by illustrating this with the case of deregulation in transportation. Let us analyze each of the three streams first and then talk about how they came together.

First the problem stream. In the 1950s, 1960s, and 1970s, there were a lot of complaints mounting about the effects of the formidable regulatory apparatus. The carriers complained that they could not enter new markets. The regulated carriers protested that they were forced to serve unprofitable markets. There were cross subsidies that came to light, inefficiencies that came to light, and everyone complained about red tape. So the problem **[*334]** stream produced this set of complaints and the generalized feeling that there was a problem here that ought to be dealt with.

As for the policy stream, during the 1960s there was a very large body of academic work that sprang mostly from economists' work on natural monopoly, on economies of scale, and on barriers to entry. It was a very large body of work. This body of work developed a general agreement, after some years of people writing books and papers and going to academic conferences and so on, that if entry is naturally possible in a given market, then market competition can be substituted for government regulation. In these kinds of markets, if government had stopped regulating entry and rates and service, then the natural forces of competition would do the regulating for the consumer, and society would save the cost of the regulatory apparatus. That theory, which got to be very well developed, was translated into practical legislative proposals by a set of people whose names you would recognize, for those of you who know about transportation. These are people like Fred Kahn, and Snow, and so on.

Then third, the political stream, which, to a political scientist, is, in some respects, the most interesting. In the political stream, there were several developments in the late 1960s and 1970s which provided the right political conditions. First, there was an increasingly anti-government mood in the public. The taxpayer revolt in California, the sort of popular opposition to the war in Vietnam and so on, fed a kind of anti-government mood. Then, there was the success of some political campaigns that were based on the theme of getting government off your back. I do not know if some of you might remember, but that was a major theme of Jimmy Carter's campaign in 1976, for example.

It was also true in this political stream that the politicians started to recognize the payoff of deregulation as a consumer issue, not just as an efficiency issue, but as a consumer issue. So Ted Kennedy held a bunch of hearings on airline deregulation, for instance. The signal events here were that the Nixon administration drew up a package of deregulation proposals designed to ease restrictions on entry and reduce government control over rates and service. President Ford personally started the major legislative push, and sent bills up on each transportation mode and argued for them. Those bills did not pass but they set the stage. Such bills were worked out and made ready to go during the Ford years. For instance, Kennedy and Cannon of Nevada got together and devised a bill and held hearings on it, refined it, and really got it into shape, on aviation deregulation, and then when the Carter administration came in they just took the Kennedy-Cannon bill, put the administration stamp on it and said this is a Carter administration proposal, and they pushed it, because it was all ready to go. **[*335]**

Now, there are three major features of this story. One is, all the three streams were primed, and they were pointing in the same direction; that is the first thing. The second is, it is interesting that the advocates of deregulation picked aviation to start with, not trucking, despite the fact that all this analytical work that I was talking about on natural monopolies, barriers to entry and so on, would have dictated that you would take trucking first. If you want to think about ease of entry into markets, it is easier to enter into a trucking market by buying a semi cab and entering the business, than it is to enter an aviation market when you have to get a 727 or some such thing as that. So why did they take aviation first? The answer is that you have to face the united and formidable opposition of the regulated truckers and the Teamsters if you are going to take on trucking first. Aviation was just a softer target, politically. There were some cracks among the carriers. For instance, United Airlines was ready to accept deregulation. And the regulatory agency, the Civil Aeronautics Board, came to favor going out of business in this period, which is a little unusual for a regulatory agency, but they actually testified to that. So aviation was the softer target, despite the fact that the theory would not have pointed you in that direction.

Once aviation passed, then there was what you might call spillover effect into the other modes. So aviation passed, then trucking, then a lot of others, and it was spillover in three senses. One is that the same intellectual rationale for deregulation could be applied to trucking. Secondly, a similar coalition building strategy could be used, and thirdly, politicians saw that deregulation was a political winner. So they were eager to extend success into trucking and rail, then communications, health, banking, occupational safety, and so on and so on. That kind of spillover effect often happens and this is not a unique case.

The last thing I want to do is to discuss some implications of this. The first thing I want to point out is that the analytical work of specialists in a policy community is critical. I do not think this deregulation of transportation would have come about without the groundwork being laid among the specialists. If you are not ready with the proposal that is based on all this work that has been done before, if you are not ready with the proposal when the window opens, it is too late to develop it at that point, and you have to wait until it comes. If there was a window for national health insurance in the early days of the Clinton administration, for instance, it was too late, because the proposals had not been developed. All of the Hillary Clinton and IRA Magaziner task force and all that kind of stuff spun their wheels for a couple of years, and by then it was too late.

But this analytical work of the specialists in the policy community is not the whole story because political constraints govern the outcomes as well. It is kind of interesting. When I talk to political scientists, I tend to stress the [*336] importance of the analytical work and the ideas, because they tend to look at the politics. When I talk to other audiences, I like to stress the importance of the politics, because they look at the analytical work. But, the fact is that it is a mirror image, and the two of them go together.

So the political constraints govern the outcomes, and I think there are two points to notice about that. One is the importance of picking the right target, and not picking it on theoretical grounds, but on political grounds. Like the theory would have dictated trucking deregulation, not aviation, but aviation was the softer target. Or take an example from health care, which I know a little about. National health insurance in this country started with Medicare for the elderly. If you think about that analytically, that is the wrong population with which to start, from a policy point of view. I mean, these are the elderly, they are the sickest and they are the most expensive. The society gets the least payoff from improving their health. But yet, we started with the elderly because that is what could be done at the time.

The second political constraint that I wanted to mention is that advocates have to adapt to the political culture surrounding them. The ideas that survive in this policy primeval soup adapt to the political culture that is surrounding them. My most recent book is called *America the Unusual*,² and it considers why approaches that work in other industrialized countries do not work in the United States. A lot of it has to do with a political culture in the United States that is quite distinctive compared to other industrialized countries. It is a political culture of limited government. I do not mean absolutely limited, I mean compared to other countries. We tend to value limited government more than other countries. This came about through a process of path dependence in this country. It started very, very early with the immigration of people to this country who were distinctively suspicious of authority, and this start of people who were suspicious of authority got reinforced by subsequent events. So we have this notion that government ought to be limited, and it is interesting that this is quite unusual, actually, in comparison with a lot of other industrialized countries.

There are a lot of results of that which last to the present day, and we still deal with them. When we have a societal or economic problem, the instinct in other countries is to create a government program, at least traditionally it has been, like nationalizing a utility, for example. The solution here was to leave the activity in the private sector, but regulate it. Instead of providing straightforward government subsidies in the United States - that is sort of a bad word, a government subsidy - we disguise our subsidy by using the tax code, and we create deductions and credits in the tax code in order to [*337] subsidize activities that in other countries they would just subsidize. To regulate various kinds of activities, many other countries use bureaucrats of one kind or another. But instead of using bureaucrats, because we do not like big government, we create causes of action, and we use courts and litigation

² See John W. Kingdon, *America the Unusual* (1999).

to do the same kinds of things that other countries do by bureaucrats. Now there are pluses and minuses to this strategy, and I do not have enough time, but I could go into the pluses and minuses that are all adaptations to a political culture.

The final implication about which I want to talk a little bit is inertia. There is a lot of inertia in this process. There is a lot of resistance to change, but, and this is the part I want to emphasize, the process is fluid enough that there are many opportunities to advocate change. Inertia can sometimes be overcome, and really big changes can take place. Indeed, if you take a look at the sweep of public policy changes over the last century, for example, you notice that policy mostly does not change incrementally, little bit by little bit. There are rapid, big changes, all of a sudden. Then after a spasm of change, the polity comes to rest, as if catching its breath, until the next big spasm of change. So you got the New Deal in the thirties. Then we had the Great Society in the sixties. We had the Reagan Revolution in 1981. Big, big changes all at once. This is actually not incremental change.

I want to close with a quotation from a lobbyist that I interviewed. He just generated a strikingly beautiful image to describe this whole thing. In the process he talks about windows, he talks about the importance of advocates being ready to move when the window opens, he talks about their inability to create forces that prompt change, and he talks about their ability to take advantage of such forces when they come along. So here is what the lobbyist said. He was a lobbyist in the transportation area, and I will close with this. He said, "When you lobby for something, what you have to do is put together your coalition. You have to gear up. You have to get your political forces in line, and then you sit there and wait for the fortuitous event. For example, people who were trying to do something about the regulation of railroads tried to ride the environment for awhile. But that wave did not wash them into shore. So they grabbed their surfboards, they tried to ride something else, but that did not do the job. The Penn Central collapse was the big wave that brought them in. As I see it, people who are trying to advocate change are like surfers waiting for the big wave. You get out there, you have to be ready to go, you have to be ready to paddle. If you are not ready to paddle when the big wave comes along, you are not going to ride it in."