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**BUILDING A VOLUNTARY STATE:  
THE POLITICS OF INSTITUTIONAL CHANGE  
AND THE REAGAN PRESIDENCY**

**By**

**DANIEL MARTIN COOK**

**A dissertation submitted to the Graduate Faculty in Political Science  
in partial fulfillment of the requirements for the degree of  
Doctor of Philosophy. The City University of New York**

**2003**

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This manuscript has been read and accepted for the Graduate Faculty in Political Science in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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**Abstract****BUILDING A VOLUNTARY STATE: THE POLITICS OF INSTITUTIONAL  
CHANGE AND THE REAGAN PRESIDENCY****By: DANIEL MARTIN COOK****Advisor: Prof. Frances Fox Piven**

This dissertation contributes to the empirical and theoretical understanding of president-led institutional change with an examination of the Ronald Reagan presidency. It argues that the Reagan administration refashioned a number of New Deal government institutions while constructing a “voluntary state.” As key examples, K-12 education and pollution control regulation policies that were previously mandatory and coercive became, after the Reagan presidency, voluntary and reliant upon cooperative enforcement mechanisms. These findings contribute to theories of American political development; they dispute the notion that late-twentieth-century national institutions resisted structural change, and reveal the influence of exogenous interests like social movements on presidential politics.

This dissertation focuses on two executive departments for study that were particularly opposed by the incoming administration: the Education Department and the Environmental Protection Agency. Under Reagan, both departments received new political appointees, suffered drastic budget cuts, provided new points of access

for new interest groups, and were used to promote a new agenda. In fact, many functions of both agencies were transferred to the Department of Justice, an agency which received more support from the administration. This dissertation compares how the EPA, the Education Department, and the Department of Justice were managed by President Reagan.

This Reagan-led policy shift has endured today despite an eight-year period of opposition control of the White House. The government policy agendas for K-12 education and pollution control are still dominated by privatization, less national intervention, and market-based solutions, a package which can be summarized as “voluntarism.” This disputes with empirical examples a conclusion in the literature that Reagan did not complete a reconstruction because of institutional thickening. In fact, I present evidence above of new institutions and greatly transformed old ones.

This dissertation also adds a missing piece to presidential regime theory, which does not pay enough attention to the influence of exogenous interests or policy seekers. These interests take the form of organized Washington lobbies, social movements, and electoral blocs. Reagan mobilized interests like the corporate sector and the Christian Right for policy support, but at the same time he accommodated them and smartly managed their potential disturbance of political stability.

## **Acknowledgments**

I want to thank the many people and organizations that provided encouraging support for this dissertation. First, my sponsor and advisor Frances Fox Piven was always extremely helpful, responsive, and efficient, and her brilliance as a scholar inspires me to work harder. I thank her and also Andy Polsky, who as my reader provided tremendous assistance on everything from the theoretical level to the sentence level. I thank my other committee members, Christa Altenstetter, Fred Lane, and KC Johnson, for their insightful comments in the final stages. Dick Pious gave comments on early chapters and I thank him for his ongoing support and advice. As another mentor, Ruth O'Brien gave terrific guidance and support throughout my graduate student career. I am grateful for the Piven dissertation workshop group of students who gave very useful feedback and assistance. The idea for working on education policy came from my work at the Howard Samuels Center. My position as a writing fellow at Kingsborough Community College provided financial support and also greater awareness of the writing process itself. My summer seminar at the Supreme Court Historical Society gave me the opportunity to conduct research in Washington and I also thank the other participants there for their comments. My friends and relatives provided housing and transportation for research trips. My sister, parents, step-parents, in-laws, and friends were always supportive. I thank my mother and father for encouraging academic achievement from a young age. Most of all, I thank my wife Chai for supporting my career and this dissertation with patience and love.

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## **Chapter 1**

### **Introduction: President Reagan and Policy Shifts**

#### **Introduction: Reagan and Policy Revolutions**

Is there any evidence of a “Reagan revolution?” In 1981 the new conservative Republican presidential administration initiated efforts at institutional change in response to the fading New Deal Democratic governing arrangement. But several scholars have found that despite tremendous effort, the Reagan administration ultimately failed to significantly change American government, because most New Deal institutions survived the assault on their legitimacy.<sup>1</sup> One study concludes that Reagan left intact the fundamental, and relatively recent, principle that the polity relies upon government for economic support.<sup>2</sup> These scholars might agree with others who suggest that our national institutions are increasingly resistant to political control.<sup>3</sup> To the contrary, I argue that Reagan successfully replaced a number of New Deal government institutions with a “voluntary state.” As key examples, education and pollution control policies that were mandatory and coercive became voluntary and reliant upon cooperative enforcement mechanisms.

Certainly, when incoming presidents seek to overturn and replace the entrenched governing order, they face a formidable challenge.<sup>4</sup> Arrayed against new presidents may be other policymaking institutions and some or all of the established state apparatus, which are supported by policy networks allied with the old order. While the political

science literature indicates the conditions under which presidents may seek to smash the previous regime, we know less about how presidents go about this process, for example by refashioning the federal bureaucracy.<sup>5</sup> This dissertation proffers an explanation drawn from the policy literature. Presidents, I argue, seek to create new “policy monopolies,” which are the set of participants and goals that dominate a policy.<sup>6</sup> I find that Reagan successfully changed at least two policy monopolies, public education and pollution control, by smashing and rebuilding relevant segments of the national state. These findings contribute to theories of American political development; they dispute the notion that late-twentieth-century national institutions resisted structural change, and reveal the influence of exogenous interests like social movements on presidential politics.

In an effort to develop a fuller theory of regime building, this study focuses on agenda-setting and policy reconstruction: the first activity is used for regime-smashing, the second for regime-building. First, the president uses rhetoric to change policy agendas, which contributes to regime smashing. Drawing attention to a policy area expands the scope of conflict by attracting attention from policy outsiders, eventually contributing to a shift in the policy monopoly.<sup>7</sup> In my search for evidence of this process, I focus on the amount of attention that interest groups, the media, and Congress gave to specific parts of the Reagan policy agenda following a presidential rhetorical campaign. Second, the president uses administrative powers and formal executive authority to disrupt and remake agencies.<sup>8</sup> I focus on budgeting, reorganization with executive orders, and appointments by the Reagan White House that institutionalized a new governing arrangement.

I maintain that comprehensive partisan regime building is a protracted process that one president usually cannot complete, but that the president may more quickly accomplish a shift in arrangements that dominate a specific policy. These policy orders are housed in the executive bureaucracy, which should be differentially responsive to incoming politicians. Presumably, the Reagan administration did not really “remake” the Department of Defense, for example, which welcomed more money and attention from the new president. Instead, I chose two executive departments for study that were particularly opposed by the incoming administration: the Education Department was initially targeted for elimination by the Reagan administration, and the Environmental Protection Agency represented the regulatory “burden” on the economy from which Reagan promised relief. Under Reagan, both departments received new political appointees, suffered drastic budget cuts, provided new points of access for new interest groups, and were used to promote a new agenda. Reagan’s second term appeared less radical than the first, which has led many observers to conclude that Congress or interest groups defended the basic structures of the New Deal. In fact, this Reagan policy shift has endured today despite an eight-year period of opposition control of the White House. The government policy agendas for K-12 education and pollution control are still dominated by privatization, less national intervention, and market-based solutions, a package which can be summarized as “voluntarism.” This agenda benefits in particular business interest groups, which now participate in the policy networks with increased influence and institutionalized access points.

In this chapter, I present the scholarly framework for analysis, develop the argument, and explain the research design. This chapter also explains how three agencies

were selected for study, and presents evidence of differential management of the agencies by President Reagan; the Education Department was severely weakened, the EPA more moderately so, and the Department of Justice was strengthened. The second chapter presents the case of pollution control policy shift, and the third chapter investigates a shift in K-12 education policy. The fourth chapter focuses on the Department of Justice as an example of an institution regarded more favorably by the new Reagan administration, and explains how this department was also used to advance the administration's education and environmental goals. Each case study examines two spheres of power in which the president dominates: rhetorical agenda-setting and the administrative state. The fifth and concluding chapter explores evidence from presidential administrations following Reagan for signs of a durable policy shift, and finally considers the implications of these findings for presidential leadership, politics and policy. Throughout the dissertation, I connect president-led policy shifts to the influence of exogenous interests, namely organized business interest groups, the Christian Right, and other Republican and Democratic voting blocs and constituencies.

### **The Analytical Framework: Presidents and Institutional Change**

This dissertation builds on the American politics literature from several areas, including the presidency, regimes, and policy development. In this section I draw from the relevant literature to define the concepts used in this study. This study focuses on institutions and institutional change, which are concepts I now define more specifically. European policy scholar Majone eloquently describes institutions as "laws, regulations, norms, organizations, and decision-making procedures."<sup>9</sup> Institutions therefore

encompass both the formal legal structures of government organization, and the informal political order which grows up around them, including stable sets of preferences, participants and procedures which that informal order manifests.<sup>10</sup> Sociologist Sewell argues that state structures include “mutually sustaining cultural schemas and sets of resources that empower and constrain social action and tend to be reproduced by that action.”<sup>11</sup> Further, institutions develop to protect policy subsystems by limiting access.<sup>12</sup> In policy analysis the policy networks are coupled with institutions, and the networks themselves have norms and procedures with controlling authority over a policy sector. This dissertation will consider institutions to be both the formal and informal, or legal and extra-legal, structures that establish policy.

Moreover, state actors with temporary power advantages will often change “the rules,” i.e. institutions, in order to keep or increase power.<sup>13</sup> One explanation of institutional change in American national politics rests upon the construction of partisan regimes; politicians construct with state power a political system benefiting partisan coalitions. The term “regime” used here describes the political-institutional arrangements politicians inherit when taking office and must reckon with during governance. Regimes are long-term governing coalitions with specific political commitments that have an electoral base and are strengthened by institutional arrangements.<sup>14</sup> In a quest for lasting dominance in national government, office holders linked to a party coalition and interest groups use governance power to stabilize their power, perhaps for decades. These arrangements may be called partisan regimes, which must be “cross-institutional, geographically broad in membership, and restricted in their policy scope.”<sup>15</sup> Partisan

regimes are often built upon the electoral base of the party system and the institutional base of the government. As Shefter further elucidates:

by restructuring the party and the bureaucracy, various contenders for power seek to create an institutional order that will enable them to (1) defeat their opponents in the other party, or in other factions of their own party; (2) subject voters to their discipline; (3) control the use of public authority; and (4) have the structural and technical capacity to perform those functions that the group in question wants the government to serve.<sup>16</sup>

This dissertation does not specifically consider party restructuring, but focuses on how presidential leadership relies upon rhetoric and the bureaucracy for partisan institution-building.

At the national level, presidential politics may be associated with these governing orders, which have recurrent patterns of decay and reconstruction, as identified by Stephen Skowronek. He argues that presidents make or block political opportunities for their successors, who are limited by the strength of inherited regimes.<sup>17</sup> Presidents are either opposed to or affiliated with the established regime, and while new regimes start out resilient, they gradually become rigidly vulnerable to socio-economic changes. When a longstanding regime is falling apart, a newly-elected president seeks institutional change favorable to his own coalition; regime-opposed presidents in this position can more effectively use historical opportunities for “repudiation” and become “regime reconstructors.” The president opposed to a vulnerable regime has greater powers of repudiation than other presidents, and can use this to remake the state. Skowronek

identifies the reconstruction presidents as Jefferson, Jackson, Lincoln, F. Roosevelt, and Reagan.

But Skowronek also finds Reagan's reconstruction to be rather constrained, and suggests that the increasing strength of bureaucracies has discouraged sweeping reconstruction.<sup>18</sup> Skowronek asserts that under the accumulating weight of institutions built by each new regime, institutional change will become more difficult, and surmises that Reagan's reconstruction has mostly failed. But this view suggests that politicians are increasingly powerless as institutions evolve, and implies that the theory is not relevant in the 21<sup>st</sup> century. Polsky explains that the process of regime-building may simply be more protracted, extending beyond one or two presidential terms.<sup>19</sup> This is likely to be the case most of the time, especially in the absence of a major crisis like the Civil War or Great Depression. I therefore argue that this theory of extended regime-building applies to Reagan's presidency and recent presidential politics. With this dissertation I present evidence that Reagan did remake institutions; this study contributes further to our understanding of presidential order building under the modern conditions of "institutional thickening" that Skowronek describes. On the whole, the theory of president-centered governance regimes offers an attractive, and at present perhaps the best, method for studying the presidency from an institutional perspective that focuses on structural change.

### **Regimes and Policy Seekers**

So far, this chapter has discussed presidential studies and other political theories that focus on institutional change. Much of the literature on partisan regimes cited above

is usually called “historical institutionalism.” This label distinguishes it from “rational choice institutionalism,” a body of work that describes institutional change with econometrics and/or theories of rational political behavior borrowed from economic behavior. The rational choice institutionalists, also known as political scientists who practice “new institutional economics (NIE),” assume that presidents will try to maximize the structural and institutional power of the executive to control government “policy and process”.<sup>20</sup> This emphasis on structural change is a critique of Neustadt’s focus on the personal and informal powers of persuasion.<sup>21</sup> The rational choice and historical institutionalists thus agree on the importance of structural change and the need for an alternative to Neustadtian presidential studies.

But the rational choice institutionalists also set aside questions of organized interest-group politics and other outside sources of institutional change. Kenneth Mayer, who found that presidents have used executive orders to steadily expand their institutional power, explains that “the dynamic, which has repeated throughout the past hundred years, is as follows: exogenous economic, political, and social pressures serve as the impetus for new government capabilities.”<sup>22</sup> The NIE theorists do not wish to explore the nature of these exogenous shocks, but only to focus on how presidents consistently maximize their power whenever possible. But even though political shocks come from outside the political system, they should not be left outside theories of scholarly analysis. President-led changes often specifically respond to outside forces, or may have any number of political motivations. I continue to explain below why this purposeful omission of so-called outside forces from presidential politics is problematic.

In fact, Robert C. Lieberman offered an excellent three-fold critique of “institutionalism” in a recent journal article, arguing that these theories: 1) wrongly focus on order rather than change, 2) neglect the role of “ideas,” and 3) assume political interests are constant and therefore unworthy of study.<sup>23</sup> These three problems may plague rational choice institutionalism, but in my view the first two do not apply to historical institutionalism; Lieberman groundlessly conflates institutionalism of all stripes. First, the historical institutionalist literature has not been limited to describing stability. For example, Skowronek’s book on presidential politics explains the historical conditions under which presidents may have the opportunity to make dramatic changes. He compares presidents who successfully instituted changes with those who were constrained by “political time;” historical institutionalists discuss order in part for the purpose of emphasizing moments of change in American political development. Skowronek’s theory focused on institutional change where Neustadt held postwar institutions to be a constant. Second, regime theory does not omit “ideas.” Rhetoric, argument and ideas have been a primary focus of much historical-institutional work on the presidency. As explained above, an acceptable definition of institutions includes norms; the ideas or stated goals communicated by a governance regime are fundamental to its formation. Skowronek argues that successful presidents change institutions using rhetoric. Later in this chapter I will explain that according to the literature rhetorical argument is one of the president’s major tools in the policy process.

Yet Lieberman’s third suggestion, that the exogenous nature of interest group politics to institutionalist theories is a problem, is applicable to historical approaches (as well as to the NIE approach). Lieberman writes that “the source of [political] change

must come from outside the system.”<sup>24</sup> Regime theorists from the historical-institutionalist perspective have occasionally defined the role of outside interest groups, but not usually as a source of political change. For example, regime theory predicts that “policy seekers” or exogenous interests, for example those representing the business sector, participate in governance.<sup>25</sup> At specific times, office holders enlist the resources of the private sector for policy goals in our fragmented system.<sup>26</sup> Moreover, since national governance regimes are focused on managing the domestic economy of the time, whether it is agrarian, industrial, or post-industrial, business interests will therefore be concerned with the state. In addition, the business sector always enjoys externalizing its costs through government-provided services, like public education, pollution abatement, and poor relief.

The business sector is a likely participant in a governance regime, as that sector is already well-organized for governance and has networks and resources that can be mobilized for political action.<sup>27</sup> In education policy, for example, business interests have been involved locally and intermittently throughout American history. During the progressive era, local-level school reform was a major project of various reformist groups including corporate representatives.<sup>28</sup> But in the post-World War II era, business mostly retreated from education politics until Reagan’s first term, which I discuss more specifically in Chapter Three. Among state elites, presidents specifically work with corporate interests, according to presidential scholar Bruce Miroff, who writes, “the complex partnership between the White House and the corporate community thus transcends personalities and party lines.”<sup>29</sup> Yet the business sector is not monolithic, and distinct economic interests support and oppose the partisan governance regimes at the

national level.<sup>30</sup> Shefter concurs, “as fiscal and economic crises erupt, the business interests that once had supported the party in question are likely to abandon it, and to insist that a program of retrenchment and ‘reform’ be adopted.”<sup>31</sup>

In fact, corporate profits were sharply down in the late 1970s, and business began to focus more on Washington politics, forming new organizations and establishing a larger presence there.<sup>32</sup> Reagan took office during a major shift among advanced industrial nations away from the industrial social compact, in part due to new technology and the globalization of trade and investment, as well as the rise of international institutions.<sup>33</sup> Sociological theories of political economy predict that parts of the business sector would participate in Reagan’s regime changing efforts, and my dissertation tests this idea by looking for the role of the business sector in presidential politics. I am convinced my research shows that many of Reagan’s institutional changes favored the business sector. Even while rational-choice institutionalism is guilty of ignoring outside organized interests, the theorists agree that when presidents remake institutions certain groups will benefit. Mayer writes, “by altering institutional arrangements and the incentives that govern individuals, presidents can create structures that favor some outcomes over others.”<sup>34</sup>

The relationship of outside interests and politicians must be symbiotic, that is, they can encourage and constrain each other.<sup>35</sup> This is related to another critique of Skowronek’s regime-building thesis that also raises the important influence of policy seekers to electoral politics and regimes. In a recent book, Russell Riley argues that presidents are not agents of change, but rather act in response to social disruption. This makes them order-sustainers or “nation-keepers,” as opposed to regime-topplers.<sup>36</sup> In his

study of race politics from 1831-1965, Riley found that presidents were always reactive rather than proactive, including supposed leaders on civil rights like Lincoln. This understanding of presidential “leadership” is in agreement with theories emphasizing the importance of social movements to American political development.<sup>37</sup> Other scholars have found that the most radical presidents acted in response to the demands of social movements, such as Lincoln in response to the abolitionists (according to Wills), Wilson to striking workers (according to Sanders), and LBJ to civil rights protestors (according to Loevy).<sup>38</sup> The labor movement also presented itself to FDR as an important potential voting bloc to be courted.<sup>39</sup> Presidents react to the power of electoral and movement interests when governing.

These two ideas of presidential roles, order-shattering and order-keeping, appear to conflict. But I suggest with this dissertation that both can occur, and the ideas are not mutually exclusive; social disruption can come from without or within government. Presidents build institutional and electoral coalitions within a social and economic context, and elite officeholders are instrumental for institutional change. Piven and Cloward found that “when government is unable to ignore the insurgents, and is unwilling to risk the uncertain repercussions of the use of force, it will make efforts to conciliate and disarm the protestors.”<sup>40</sup> As Miroff similarly argues, presidents try to manage and finesse social movements, especially those within the president’s own electoral coalition.<sup>41</sup> According to his view, social movements within the president’s party are divisive, polarizing, and electorally punishing.<sup>42</sup> He continues by explaining that movements may disagree with policies offered by government, might alienate other constituencies within the president’s coalition, and might threaten the foundations of the

president's public and private image. While resource-rich business interests are well-organized in Washington and "proliferate particularly for the singleminded pursuit of economic advantage," other forces like social movements occasionally gain political advantage and wrest social programs from the state.<sup>43</sup> A few presidents have the historic opportunity to create change, a situation which is likely created by exogenous political forces like social movements.

The political economy of governing includes responsiveness to organized interests, electoral interests and to the occasional social movements.<sup>44</sup> In addition to the business lobby, organized interests like unions, public interest groups, professional and provider groups may also act as policy seekers attempting to participate in governance. In a recent article, American political development scholars Tichenor and Harris present evidence that such interest groups proliferated in the Progressive era in a foreshadowing of late-20<sup>th</sup>-century developments.<sup>45</sup> They allude to the importance of social movements in American political development, and also to the APD literature's lack of attention to exogenous interests. They write that "because social movements at both the beginning and the end of this century found regular political institutions to be both inhospitable to reform programs and impediments to social progress, they eventually sought ways of working around or altering the status quo."<sup>46</sup> But their study is limited to organized interest groups, and they do not specifically illustrate the influence of social movements in the article. Movements and organized interests are different but related exogenous political interests. Both are important to the presidential politics discussed below.

My study is concerned, in part, with presidential regime politics and exogenous interests; the question of the complex array of interest group manifestations will have to

be simplified somewhat here. For this dissertation, then, I will use the terms “exogenous interests” and “policy seekers” interchangeably, and I define the terms as inclusive of three distinct categories: organized interests, electoral voting blocs, and social movements. Actually, political groups may act in each of these roles, and they often overlap. For example, in this dissertation I find different instances where the Christian Right acts as a social movement, an organized Washington interest group, and a voting bloc. Jack Walker found that social movements explained an increase in Washington interest groups.<sup>47</sup> Piven and Cloward had explained earlier that political social movements would develop formal organizations, but found that these groups have less political potency than mass protest.<sup>48</sup> In this study, I focus on business interests, and the Christian Right, and discuss other electoral voting constituencies both Republican and Democratic. Therefore, I conclude that like all presidents, “reconstructing” presidents also must exhibit the appropriate leadership with sensitivity to the demands of exogenous interests. I will search for evidence that Reagan was influenced by, and in turn mobilized, these groups. Clearly, presidential construction of a new governance regime is influenced in part by a calculus of future electoral gain, and I argue that the regime theory of presidential politics would be strengthened with more attention to society-centered political change.

### **Policy Seekers and Reagan’s Republican Coalition**

In response to the theoretical discussion above, I will search for political explanations of institutional change during the Reagan administration. According to Reagan’s second solicitor general, Charles Fried, Reagan’s electoral coalition was

comprised of businesspeople, freemarket libertarians, neoconservatives, social conservatives, the religious right, and “habitual or professional Republicans.”<sup>49</sup> This observation leads me to consider four categories of organized interests throughout this dissertation. The four categories are: business interests, the Christian Right, other Republican groups, and Democrats. In each chapter, I will discuss the influence of these four exogenous interests. Moreover, the interests and membership of the four categories are often interrelated.

Some of the components of Reagan’s coalition behaved, at times, like social movements. Various movements on the ideological right were influential in the 1970s and 80s. One scholar from the field of education divides conservative thought into three categories: economic libertarianism, social traditionalism, and anti-communism.<sup>50</sup> John Sloan more specifically describes the right-wing movements influencing Reagan and the Republicans. He observes five varieties of conservatives: traditionalists, the New Right, supply-siders, neoconservatives, and the Christian Right.<sup>51</sup> Reagan emerged as the leader of all these conservative factions, but Sloan argues that “conservatives confronted a number of problems in transforming themselves from a philosophy of protest to a philosophy of governance.”<sup>52</sup> In fact, the Christian Right became more engaged in Washington politics just before the Reagan election. Moen found that “the first four major organizations of the Christian Right were the National Christian Action Coalition, the Religious Roundtable, Christian Voice, and Moral Majority...they were all incorporated within twelve months of one another, beginning in December 1978.”<sup>53</sup> Thus President Reagan’s coalition included social movements in the Christian Right, which

usually portends trouble for sitting presidents. I will discuss the exogenous interests separately, but the links among them are numerous.

For example, one interesting point is the link between the Christian Right and other conservative movements and racial politics. Sloan's description of five conservative movements does not specifically mention race. In his explanation of the "New Right" faction, he mentions Kevin Phillips' political strategy of using social and religious issues like abortion, school prayer, and taxes in populist appeals to "ethnic and blue-collar Americans."<sup>54</sup> This political plan often credited to Kevin Phillips is also called the Southern Strategy, because the Republicans realized that they could win elections without the Black vote and with appeals to White Southerners (sometimes called the Reagan Democrats).<sup>55</sup> In fact, Sloan's distinctive varieties of right-wing movements share many economic and social objectives, like school prayer. I argue that one common goal of all right-wing social movements in the 1970s was civil rights retrenchment. In education, for example, school desegregation was being resisted in the South with white private schools that were often Christian. Non-Southern economic libertarians resented regulations on private schools and all forms of government-coerced equity among groups, and social traditionalists like William F. Buckley opposed the civil rights movement.<sup>56</sup> As I discuss in the final chapter, data on school segregation suggest that the intent of the Reagan administration was achieved, as segregation has increased according to several measures.<sup>57</sup> Clearly, new policies that favored religious groups were also related to racial politics. In fact, many scholars find Reagan's presidency to be instrumental at building new institutions around racial divisions, including new electoral coalitions. Goldfield argues that Reagan was an important constructor of a "white racist"

electoral coalition that influenced later presidents including Democrat Clinton.<sup>58</sup> The Edsalls and Hugh Davis Graham agree that the 1980 electoral strategy used race to build an anti-tax voting bloc.<sup>59</sup>

Further, the Christian Right and President Reagan lent each other political support for all sorts of new programs. The president undoubtedly saw the importance of this constituency. Earl and Merle Black argue, "Reagan especially sought to mobilize and win the votes of white religious conservatives – a new force in Republican politics."<sup>60</sup> Political scientist Matthew Moen explains more specifically that the Christian Right provided Reagan with votes, "religious credentials" and "grassroots and elite lobbying resources those leaders could marshal for a gamut of conservative causes, including aid to the Contras and support for the Strategic Defense Initiative."<sup>61</sup> In return, the Christian Right received legitimacy, support and access in Washington. Moen echoes Piven and Cloward's view of the relationship between social movements and the state when he writes about "the intricate and symbiotic nature of the relationship between Ronald Reagan and the Christian Right."<sup>62</sup> Throughout the dissertation and in my concluding chapter I discuss how much policy success the Christian Right actually won.

So far, this discussion has explained the importance of business interests, the Christian Right, and other Republican groups like neoconservatives to Reagan's presidential politics and regime building. The fourth category of interest groups discussed in each chapter of this dissertation is Democratic voting blocs. Reagan's institutional change was meant to disrupt sources of Democratic strength while at the same time building Republican party power. I find in Chapters 3 and 4, for example, that education policy was used to obstruct traditional Democratic constituencies like teachers

and African-Americans. According to Black and Black, Ronald Reagan was “one of the few prominent northern Republicans who had opposed both the Civil Rights Act and the Voting Rights Act.”<sup>63</sup> I discuss in each chapter how institutional change severed links between Democratic constituencies and institutions and obstructed other Democratic political activity. I find evidence that Reagan did remake institutions; this dissertation attempts to build the case that Reagan’s presidency succeeded at changing policy regimes in education and pollution control, and considers social movements and interest group politics that may have created the opportunity for change.

### **Policy Monopolies and Presidential State-Building Tools**

Regime literature argues that regimes consist of several orders, and that the process of regime building starts with institutional “dismantling” and continues with a phase of institutional “rearrangement.”<sup>64</sup> But less clear is how, and with what tools, the president actually begins to smash and remake parts of the state. In order to expand our understanding of regime-building, the policy studies literature and methodology can be used to examine more specifically the various sectors of government. Policy-level regimes function as smaller-scale governing coalitions. For example, a policy study found that regulatory regimes organize the resources of interest groups, because “regimes are political-institutional arrangements that define the relationship between social interests, the state, and economic actors such as corporations, labor unions, and agricultural associations.”<sup>65</sup> Policy studies have discovered a punctuated equilibrium pattern to the establishment and dissolution of hegemonic networks or coalitions of groups, called policy monopolies, that control particular policy agendas.<sup>66</sup> According to

these scholars, the participants in policy networks are usually stable and preempt the influence of others. The stable policy networks are reinforced by agencies and procedures that promote regime goals and limit access to opposing interests. This theory builds on Schattschneider's classic work, finding that once the scope of policy conflict enlarges, the corresponding policy subsystem is vulnerable to change.<sup>67</sup> These policy monopolies contribute to a broader governance regime; I therefore focus on policy-specific regime shifts influenced by President Reagan that reinforce a change in the broader governing order. One component of regime-building by presidents must be network disruption and the establishment of new policy monopolies. After all, the president could not meaningfully change government if old policy monopolies with the same goals remained powerful and preemptive in Washington. As I distinguish between policy orders and partisan regimes, I suggest that disrupting and rebuilding the former contributes to the latter.

Presidential agenda-setting uses rhetoric that draws attention to an issue to discredit and delegitimize the vulnerable order. Tulis calls rhetoric "the idea or set of ideas that legitimizes political practice."<sup>68</sup> According to Majone, institutional change requires intellectual argument and a change in the "cultural milieu."<sup>69</sup> Certainly, regimes themselves are marked by political philosophies that are communicated to voters by political actors.<sup>70</sup> Andrew Polsky similarly stresses the importance to order-building of the "regime narrative" offered by a "political entrepreneur."<sup>71</sup> The Baumgartner and Jones study of policy monopolies found that among all political actors, U.S. Presidents have enormous power to create periods of policy instability by attracting attention to a specific policy sector. They found that the communication of policy goals is an

important component of policy monopolies.<sup>72</sup> Presidential success is constrained by historical opportunity, but any president tries to communicate a new, winning philosophy during the election and the term of office. Based upon these ideas of the primacy of rhetoric, I survey Reagan's rhetorical communication of policy themes as part of his effort to remake institutions.

After disrupting issue stability with rhetoric, the president uses formal and informal legislative and administrative powers to establish the new regime. Legislative activities include budgeting and suggesting new laws, and administrative strategies include executive branch appointments and bureaucratic reorganization with executive orders.<sup>73</sup> For instance, President Reagan used executive orders to reorganize the OMB; the Carter-created Office of Information and Regulatory Affairs was used for central clearance of rules by the Reagan and Bush administrations to review, delay, and overturn regulations on business.<sup>74</sup> The president also uses appointment powers to install like-minded directors of bureaucratic agencies. Many studies, for example from Richard Nathan and Elizabeth Sanders, explain that the Reagan administration used appointment powers, budgets, and other strategies to effectively change the domestic service agencies.<sup>75</sup> After finding that certain civil service positions were downgraded to encourage resignation and to reduce the authority of nonpolitical jobholders, Sanders concluded that these administrative changes contributed to Reagan's role in the politics of reconstruction. Here I study Reagan's strategic use of these tools.

### **Hypotheses: Reagan and state-building**

The process of constructing a new governing order in American national politics is very difficult, and was especially so in the 1980s considering the strong postwar national state. Although an incoming president who represents the opposition to a decayed partisan regime enjoys a number of advantages, he and his partisan allies must reckon with the likelihood that their new agenda will be fiercely resisted by backers of the old order. In seeking to reconstruct the state apparatus, incoming regimes will find it useful to bring certain allied policy seekers into the existing policy monopolies. Some of these policy monopolies, informal institutions that consist of policy agendas and governance participants, are targeted for change by presidents. We can predict that the segments of the state that will be least receptive to the newcomers will be those grounded in incompatible ideas with close connections to organized interests linked to the old partisan regime. In these cases, regime building becomes a protracted process, as the effort to refashion certain agencies extends over several administrations.

This dissertation investigates the disjointed process of regime building through an examination of the Reagan administration's efforts to transform (or undermine) the Education Department and the Environmental Protection Agency. I contend that President Reagan succeeded in order-smashing, but also that the rebuilding process continued under his successors, so that over time the Republicans installed new policy monopolies, with new key players, in each policy domain. Although Reagan, as leader of the incoming regime, had support from the Senate and a group of centrists in Congress, he faced a Democratic leadership in the House of Representatives and a strong national

bureaucracy dedicated to administering the New Deal/Great Society programs. Reagan was forced to pursue his policy goals for the Department of Education and the Environmental Protection Agency mostly through administrative reorganization and rhetorical agenda-setting.

This dissertation examines regime building during the Reagan administration through institutional change and creation of new policy monopolies, while paying special attention to the influence of exogenous interests and business participation in governance. The study seeks to explore two tools of organizational change used by presidents: rhetorical agenda setting and bureaucratic management. The independent variable is presidential activity, including rhetoric, budgeting, appointments, and executive orders. The dependent variable is change in the policy monopoly for education and the environment, understood as a set of ideas, practices, and policy actors. The theory linking them is the political economy of regime building. Accordingly, the hypotheses for this study are:

1. Reagan's rhetorical activity disrupted the previous order by attracting attention to particular issues, expanding the scope of conflict, and communicating new policy solutions. Reagan directed his rhetorical attacks against agencies and policy networks that he viewed as most hostile to his agenda and/or electoral coalition.
2. When dealing with these "hostile" agencies, Reagan used his control over the administrative state, including budgeting, executive orders, and appointments, to remake institutions in ways that would forge and sustain new policy monopolies.

3. The new policy monopolies in environmental protection and K-12 education incorporate policy seekers central to the Republican coalition, and respond to the imperatives of exogenous interests like social movements and electoral politics.
4. Presidential disruption and reconstruction of policy monopolies, such as occurred under Reagan, may be resisted by institutions of the previous order, which causes the process of regime change to continue into subsequent presidential terms.
5. The policy changes begun under the Reagan and Bush administrations endured with only modest amendment under the Democratic Clinton administration, indicating the institutionalization of the Reagan Republican regime.

### **Selection of the Agencies**

According to Richard Pious, "the president can reward or punish bureaus."<sup>76</sup> The different treatment of federal agencies under Reagan is conspicuous, and the previous literature on the Reagan transition guided my selection of the cases for this study. For example, by all reports the Defense Department would be most welcoming of the Reagan administration. The stated agenda of the New Right was anti-détente and pro-missile spending.<sup>77</sup> Upon taking office, the Reagan administration immediately revised the defense budget upwards, raising spending for fiscal year 1982 by \$35 billion, or 12.3% after inflation.<sup>78</sup> In addition, the Departments of Justice, Defense, State, and the OMB were listed as "exempt" under Reagan's major bureaucratic executive orders that centralized control.<sup>79</sup> One examination of the Reagan Administration and bureaucracy found that "the concentration of political appointees varied from 22 percent at the Justice

Department to 45 percent at the Department of Education.”<sup>80</sup> Perhaps the Reagan White House most wanted to politically control and institutionally change the Department of Education. These facts suggest that the incoming Reagan administration had a friendlier disposition towards the Department of Justice. Even so, parts of the Justice Department were retailored under Reagan, such as the antitrust division of Justice, which suffered a personnel cut.<sup>81</sup> The same study found that the discretionary budget outlays that increased most between 1981 and 1985 were for Agriculture, Defense, Science and Space, and Law Enforcement, the latter presumably through the Justice Department.<sup>82</sup> All other discretionary categories decreased when inflation is taken into account. In this dissertation I argue that the Department of Justice was used by Reagan to undermine the other two agencies in this study, and used to advance particular goals of the administration, including racial politics. The next section of this chapter compares agency treatment by the incoming administration, and Chapter Four focuses specifically on the Department of Justice as a friendly agency.

Two federal agencies, the Department of Education and the Environmental Protection Agency, were particularly representative of the Democratic regime that preceded Reagan. In fact, the recently-created Department of Education feared the incoming administration in 1981. Reagan’s agenda for education was to discredit teachers unions, introduce privatization, and cut the budget. He initially pledged to eliminate the department, but soon found it useful as a bully pulpit for his own agenda of tuition tax credits and school prayer. Reagan used the attention for this agenda gained by the report published in 1983, A Nation at Risk, which suggested

that the U.S. had followed a policy of educational “disarmament” and that the economy could be more competitive globally if a path towards educational excellence were followed.<sup>83</sup> When releasing this report, Reagan declared that the public education establishment was to blame for poor academic performance.<sup>84</sup> The business sector identified educational improvement as an important policy goal for the economy with sudden vigor after 1983. According to one observer, “under Reagan the terms of discussion have changed from equity and access to excellence, from school and social welfare concerns to economic and productivity concerns, from federal intervention to state and local initiatives.”<sup>85</sup> In fact many education policy observers credit Reagan with a significant policy shift.<sup>86</sup> I intend to determine whether the education policy network shifted in the 1980s, to identify any new participants, to discover whether this monopoly has lasted, and to assess the correlation to Reagan administration activity.

Similarly, the Reagan administration introduced market solutions to environmental policy and brought the business sector into the policy network. Reagan inherited in the Environmental Protection Agency a bureaucracy designed to regulate business activities that pollute. The agency was created by Congress in 1970 after a strong environmental movement demonstrated the need for stronger anti-pollution laws. The institutionalization of environmentalism was the result of a “New Politics” movement of the 1960s concerned with quality of life, which was seemingly affordable in the context of sustained prosperity.<sup>87</sup> At the time Reagan took office, conservatives resented that environmentalists were still dominating the policy network. According to Ron Arnold of the Free Congress Foundation, a

conservative interest group, “most business activities” were thoroughly regulated, and the environmental movement influenced “all aspects of American life.”<sup>88</sup> In 1980 the conservatives were outside this policy monopoly, and business wanted to strengthen its influence.

Scholars have documented thoroughly how administrative powers were used by Reagan to control EPA, such as the use of the OMB and regulatory review to delay or kill environmental regulation.<sup>89</sup> According to one study of this period, Reagan’s attempt failed because environmentalists and Congress successfully counter-mobilized to defend pollution control institutions against the White House.<sup>90</sup> Another study of the EPA disagrees with this conclusion, because subsequent presidents have not overturned the institutional changes made by Reagan.<sup>91</sup> Still another recognizes a new “efficiency” regime in regulatory policy, but says it began before Reagan.<sup>92</sup> I argue that Reagan’s presidency contributed key elements to a new regime in pollution control policy. These other studies bolster my argument and will not be replicated here, but will be drawn upon as secondary sources. To them I add an examination of a president-led rhetorical shift about business regulation and the ensuing change in the array of interest group participation. Today, environmental groups report that business is often consulted on regulations, while programs such as pollution credits (passed under Clinton) use markets to effect policy solutions.

### **Differential Management of Three Agencies: Justice, EPA, and Education**

The incoming Reagan presidency, opposed to much of the New Deal regime, used administrative prerogatives to manage parts of the bureaucracy according to Republican priorities. A comparison of budget and personnel decisions reveals which agencies were punished and which were rewarded. First, I examine changes in personnel, including total workforce levels, accessions and separations, and payroll at each agency, which changes at a rate distinct from the workforce. Second, I look at budget comparisons, including divisions within the agencies. The Department of Education and the EPA were anathema to the Reagan White House, and they were appropriately "punished" by executive authority. The Education department was severely weakened by the new president while the EPA suffered at first but was then left alone. In comparison, the Justice Department was strengthened.

Reagan's appointments were extremely partisan, even in comparison to other presidents. Political scientist Matthew Moen refers to data from Gary King and Lyn Ragsdale when he writes, "the Reagan Administration was much more partisan. By the end of his first term, Reagan had appointed Republicans to some 82 percent of 524 major positions. That figure was particularly striking because it was fully 17 percent above the next most partisan president (Nixon), with respect to appointments."<sup>93</sup> But further, a comparison of personnel changes at the EPA, Education, and Justice Departments reveals differential treatment by the new administration. Information published by the government indicates that the agencies were not treated the same with regards to personnel management. The data below are taken from Office of Personnel Management figures for November of each year

(except for 1992 and 1996, which are from July, the only publication available). Dollar figures in these payroll data were adjusted by the author to account for inflation.

The differences in workforce levels for the three agencies are striking, and appear in Table 1. The Department of Education, which was created in 1979 and began hiring in 1980, suffered a decrease in workforce in every year for 8 years, 1981-88, except for 1987. During the same years, in contrast, the Department of Justice experienced a milder workforce cut in 1981 and then an increase every year afterwards. The EPA was cut in 1981 and 82, and then increased fairly steadily. These numbers accord with the data on accessions and separations in Table 2, which are year-to-date figures reported for November. I calculated accessions minus separations, to control for agencies with a larger workforce and turnover. This number for the Department of Justice is always in the positive category, while for Education it is negative during 5 of 8 Reagan years. The only negative Reagan-era year for EPA is 1981. Thirdly, the differences in payroll changes are more conspicuous; they appear in Table 3. When adjusting for inflation, the Department of Justice payroll grew much faster than its workforce, only showing a decrease in 1979 and 1986. The Department of Education payroll was decreased faster than its workforce, and is lower every year from 1981 to 1990 except for 1983 and 1989. Again, the EPA is a more moderate case, as its payroll was decreased in 1981, 82, and 83, but increased in all other years.

Table 1

**Change in Total Workforce from Previous November<sup>94</sup>**

<i>Year</i>	<i>Justice</i>	<i>EPA</i>	<i>Education</i>
1977	-0.6%	5.1%	N/A
1978	4.4%	4.1%	N/A
1979	0.2%	7.2%	N/A
1980	1.4%	9.0%	N/A
1981	-3.2%	-10.1%	-6.6%
1982	3.0%	-5.7%	-7.2%
1983	3.8%	3.6%	-7.1%
1984	4.6%	17.7%	-1.0%
1985	4.7%	6.7%	-2.5%
1986	1.1%	1.3%	-8.1%
1987	8.8%	8.3%	7.7%
1988	8.9%	1.1%	-5.0%
1989	2.8%	2.3%	4.0%
1990	5.3%	7.4%	-1.6%
1991	9.5%	8.2%	8.5%
*1992	6.3%	0.3%	1.3%
*1996	11.7%	-5.9%	-7.1%

(\*1992 and 1996 are July)

**Table 2:**  
**Accessions minus Separations<sup>95</sup>**  
 From Year-to-Date figures, each November

<i>Year</i>	<i>Justice</i>	<i>EPA</i>	<i>Education</i>
1980	2474	1416	8178
1981	2	-2173	-756
1982	3806	-361	-178
1983	4045	119	-191
1984	4420	1176	239
1985	5226	745	-62
1986	2915	341	-108
1987	7307	1334	404
1988	8104	364	6
1989	4592	477	332
1990	6516	1011	70
1991	11783	1231	530
*1992	6145	163	190
*1996	7404	-373	31

\* 1992 and 1996 are July

**Table 3:**  
**Change in Payroll from previous year in adjusted dollars<sup>96</sup>**  
 Each November

<i>Year</i>	<i>Justice</i>	<i>EPA</i>	<i>Education</i>
1977	2.4%	6.8%	*7.3%
1978	5.0%	4.3%	*1.8%
1979	-30.9%	2.2%	*-2.5%
1980	3.0%	9.7%	N/A
1981	22.7%	-12.0%	-41.5%
1982	6.1%	-3.3%	-7.0%
1983	2.6%	-1.3%	2.2%
1984	5.9%	8.2%	-4.0%
1985	4.7%	6.4%	-4.1%
1986	-2.3%	1.2%	-7.1%
1987	10.0%	7.7%	-2.9%
1988	6.8%	1.4%	-4.8%
1989	7.0%	4.2%	2.9%
1990	5.7%	6.8%	-0.4%
*1992	22.3%	18.7%	11.8%
*1996	16.0%	2.9%	0.5%

(\*1992 and 1996 are July)

Reagan's inaugural year of 1981 is noticeable here, as the payroll changes are more extreme for each agency. That year, the payroll for Justice increased almost 23% after inflation, while the payroll for Education decreased more than 41%. Certainly the payroll is linked to the federal budget, and calendar year 1981 was operating under fiscal year 1981 and 1982, the former being a Carter budget and the latter being the Reagan budget agreement engineered by David Stockman.<sup>97</sup> But the actual payroll costs are not solely influenced by budget appropriations, and may reflect turnover, hiring and firing, and reorganization during the president's first year. Additionally, the sitting president may use various discretionary spending powers that circumvent or rearrange the official authorizations and appropriations.<sup>98</sup> This difference in payroll change occurring in 1981 must reflect the new president. The Department of Education was targeted during presidential speeches for elimination, and the staff and payroll decreased dramatically, but the Justice Department received more workers and pay. The new administration was nourishing the Justice Department and starving the Education Department. These data also coincide with my thesis that some education policies were strategically shifted to offices at the Department of Justice.

### **Research Design**

In order to test my hypotheses, I take the cases of K-12 education policy and pollution control policy. In 1981 the incoming Reagan administration regarded the Department of Education and the Environmental Protection Agency with hostility. I consider how these

two agencies and the Department of Justice were treated by the presidential administration. I suggest that the introduction of Reagan's rhetoric and administrative actions changed the policy agenda and policy monopoly in education and pollution regulation. Throughout, the independent variable is Reagan's order-smashing and order-building activities, including rhetoric, budgeting, executive orders, and relevant appointments, and the dependent variable is the policy monopoly for pollution control and primary and secondary education. The independent variable, presidential activity, is studied using presidential speech content, the U.S. government budget authority, executive orders and other administrative reorganization, and data on personnel including appointments and workforce levels. I make additional use of data from the Office of Personnel Management to illustrate how the agencies were weakened or strengthened. The dependent variable, policy monopoly shift, is studied through such sources as Congressional Quarterly Almanac Stories, the New York Times Index of stories, Lexis/Nexis, records of interest group activity, records of major historic events, and secondary sources. Data from 1978 to 1994 portray the situation before Reagan, during his presidential term, and after the Reagan administration.

The variables are operationalized in the following manner. Rhetorical activity includes major and minor speeches from President Reagan. I search all major speeches for mention of education and pollution control. The types of rhetorical activity include campaign speeches, convention acceptance speeches, State of the Union addresses, other national addresses, and bill-signing ceremonies. The timing of this rhetoric is compared to the timing of changes in the other variables discussed below. For example, policy theory suggests that policy disruption occurs due to increased scrutiny of stable policy

networks by government, interest groups, and the public. I examine the attention these issues received from the media and Congress, which can be correlated with presidential activity. Media attention is measured using a database drawn from the New York Times Index. This database is a sample of the New York Times index, coded by topic, which has thousands of entries each year. The database was created in order to allow tracking of an issue across time as it is treated in the media. The number of stories is counted from 1978-1994, and then media coverage is examined more qualitatively to look for prominent examples of media attention to Reagan's rhetoric.

I also examine the Lexis/Nexis index of business journals in search of an increase in stories and coverage of Reagan's policy agenda. If the number of stories about education and pollution control suddenly rises after the Reagan rhetoric, it will indicate increased scrutiny of the existing regime. I study Congressional attention to these issues by first counting the number of relevant stories in CQ Almanac, the number of relevant public laws passed, and the number of Congressional hearings on the policy before, during, and after the Reagan administration, 1978-1994. Searching before and after the Reagan administration illustrates the agenda shift. As there are not many public laws on these issues, I examine them qualitatively in search of some abrupt new policy. Tables show the number of news stories per year and number of Congressional hearings per year, illustrating significant changes during the Reagan administration.

I study the administrative state by focusing on budget authority, executive orders and other reorganization, and appointments and workforce levels. Budgets are actually legislation representing a compromise between the President and Congress, but also demonstrate political control of the bureaucracy. The budget data should reveal the cuts

in specific programs associated with the old regime. This particular data set has budget numbers adjusted for inflation and categorized consistently across time. Executive orders and other reorganization activities are scrutinized for new procedures and new access points for different participants. I search executive orders and organization charts from the Reagan administration for new offices, commissions, committees, and procedures. One example of administrative reorganization is the five interagency executive cabinet councils created by Reagan.<sup>99</sup> In total, Reagan signed about 380 executive orders during his two terms, only some of which pertain to domestic social programs and the Department of Education and the EPA specifically. West and Sussman found 26 environmental executive orders from the Reagan administration.<sup>100</sup> These have political implications for the president's agenda.

In the following chapters, information on agency workforce levels from the Office of Personnel Management will demonstrate a shift in the agenda within the bureaucracy associated with the policy network. I also qualitatively examine the political staff appointments used by Reagan to control the career bureaucrats. For the two Reagan terms, I catalogue the backgrounds of top-level employees, such as the Secretaries and Undersecretaries of Education and the Administrators at EPA. This might indicate the influence of new policy participants. Second, I chart overall workforce levels. For example, according to the EPA History Office, the workforce numbers decreased there in fiscal years 1981, 82, and 83. The workforce regained its pre-Reagan levels only in 1987. Workforce levels by agency and year will demonstrate any differential hiring practices.

I determine the presence of a new policy monopoly from an examination of interest group participation. I search for any shift in the network participants and related policy outcomes. If interest groups newly mobilized around these issues during or after the Reagan administration, this change is evidence of a shift in the policy monopoly. Further, I pay particular attention to business interest group activity on education and pollution control policy. I catalogue business interest group activity as evidence of a policy monopoly shift, with a study of the various national business lobbies and when they began to work on education and the environment. Examples include but are not limited to The Business Roundtable, the National Association of Manufacturers, and the U.S. Chamber of Commerce. I also examine the influence of social movement politics on these policies. If this activity began with or increased during the Reagan administration, then it may be attributed to his agenda setting and serve as evidence of a new policy monopoly. Interest group activity analysis is qualitative and historical.

In order to look at durable regime change and subsequent presidential terms, most of the data for the dependent variable is gathered for the years 1978-1994. Accordingly, I examine relevant activities during the Bush and Clinton administrations not included in the other data sets that indicate a resilient and durable regime. For example, I elucidate several presidential initiatives such as the Education Summit of 1989 in which President Bush met with governors to encourage a new policy agenda. Clinton's similar education summit included CEOs and was sponsored by IBM. Moreover, privatization in school policy has continued to be a major goal of the Bush and Clinton administrations, with charter schools and private management companies replacing public schools. These historical events will demonstrate that Reagan's regime building was protracted and more

fully realized by his successors, and that the new policy monopolies are now institutionalized.

### **Conclusion**

Too often, unfortunately, policy studies and the literature on the presidency are not integrated. This dissertation argues that policy change corresponds to president-led institutional change. It also disputes the conclusion of other scholars that our institutions have developed increasing immunity to political control. In fact, President Reagan was able to disrupt and transform the Department of Education and the Environmental Protection Agency to benefit members of his conservative coalition. He also used the Justice Department to further his goals related to education and the environment, specifically opposing school busing and business regulation. Thirdly, this dissertation suggests that the American political development literature should recognize the importance of societal forces outside government, like social movements and interest groups. These policy changes were institutionalized in response to the demands of social movements, electoral politics, and organized interests, and remain largely in place today. Thus President Reagan displaced the institutions supporting compulsory New Deal programs and began the creation of a “voluntary state.”

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<sup>1</sup> e.g. Lowi, T. J. (1985). The Personal President: Power Invested, Promise Unfulfilled. Ithaca, Cornell University Press; Durant, R. F. (1992). The Administrative Presidency Revisited: Public Lands, the BLM, and the Reagan Revolution. Albany, State University of New York Press.

<sup>2</sup> Piven, F.F. and R.A. Cloward (1982). The New Class War: Reagan’s Attack on the Welfare State and Its Consequences. New York, Pantheon Books.

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<sup>3</sup> e.g. Skowronek, S. (1993). The Politics Presidents Make: Leadership from John Adams to George Bush. Cambridge, MA, Belknap Press; Harris, R. A. and S. M. Milkis (1996). The Politics of Regulatory Change: A Tale of Two Agencies. New York. Oxford University Press.

<sup>4</sup> Unfamiliar terms are defined below using political science literature.

<sup>5</sup> Orren, K. and S. Skowronek (1998-99). "Regimes and Regime Building in American Government: A Review of Literature on the 1940s." Political Science Quarterly 113(4): 689-702.

<sup>6</sup> Baumgartner, F. R. and B. D. Jones (1993). Agendas and Instability in American Politics. Chicago. University of Chicago Press.

<sup>7</sup> Baumgartner and Jones (1993) Agendas and Instability in American Politics.

<sup>8</sup> Arnold, P. E. (1986). Making the Managerial Presidency: Comprehensive Reorganization Planning 1905-1980. Princeton, Princeton University Press.

<sup>9</sup> Majone, G. (1989). Evidence, Argument, and Persuasion in the Policy Process. New Haven, Yale University Press.

<sup>10</sup> Hecllo, H. (1994). Ideas, Interests, and Institutions. The Dynamics of American Politics. L. C. Dodd and C. Jillson. Boulder CO, Westview Press: 366-392.

<sup>11</sup> Sewell, W.H. Jr. (1992). "A Theory of Structure: Duality, Agency, and Transformation." American Journal of Sociology 98(1): 1-29.

<sup>12</sup> Baumgartner and Jones (1993) Agendas and Instability in American Politics.

<sup>13</sup> Cloward, R. A. and F. F. Piven (2002). Eras of Protest, Compact and Exit. Paradigm Lost: State Theory Reconsidered. S. Aronowitz and P. Bratsis. Minneapolis, University of Minnesota Press.

<sup>14</sup> Plotke, D. (1996). Building a Democratic Political Order. New York, Cambridge University Press, pp.57-59.

<sup>15</sup> Polsky, A. J. (2000). "When Business Speaks: Political Entrepreneurship, Discourse, and Mobilization in American Partisan Regimes." Journal of Theoretical Politics 12(4): 451-472.

<sup>16</sup> Shefter, M. (1994). Political Parties and the State: The American Historical Experience. Princeton, Princeton University Press, p.63.

<sup>17</sup> Skowronek (1993). The Politics Presidents Make.

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- <sup>18</sup> Skowronek (1993). The Politics Presidents Make, Chapter 8.
- <sup>19</sup> Polsky, A. J. (1997a). "The 1996 Elections and the Logic of Regime Politics." Polity XXX(1): 153-166.
- <sup>20</sup> Mayer, K. R. (2001). With the Stroke of a Pen: Executive Orders and Presidential Power. Princeton: Princeton University Press, p.23-24.
- <sup>21</sup> Neustadt, R. E. (1990). Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan. New York: The Free Press.
- <sup>22</sup> Mayer (2001). With the Stroke of a Pen, p.30.
- <sup>23</sup> Lieberman, R. C. (2002). "Ideas, Institutions, and Political Order: Explaining Political Change." American Political Science Review 96(4): 697-712.
- <sup>24</sup> Lieberman (2002). Ideas, Institutions, and Political Order, p.698.
- <sup>25</sup> Polsky, A. J. (1997b). "Why Regimes? Ideas, Incentives, and Policies in American Political Orders." Polity XXIX(4): 625-640; Martin, C. J. (1994). "Business and the New Economic Activism: The Growth of Corporate Lobbies in the Sixties." Polity XXVII, No. 1(Fall 1994): 49-76.
- <sup>26</sup> Lindblom, C. E. (1977). Politics and Markets. New York. Basic Books.
- <sup>27</sup> Domhoff, G. W. (1990). The Power Elite and the State: How Policy is Made in America. New York, Aldine de Gruyter.
- <sup>28</sup> Peterson, P.E. (1985). The Politics of School Reform, 1870-1940. Chicago: The University of Chicago Press.
- <sup>29</sup> Miroff, B. (1976). Pragmatic Illusions. New York: David McKay Company, p.279.
- <sup>30</sup> Ferguson, T. (1995). Golden Rule: The Investment Theory of Party Competition and the Logic of Money-Driven Political Systems. Chicago, University of Chicago Press.
- <sup>31</sup> Shefter, M. (1994). Political Parties and the State: The American Historical Experience. Princeton, Princeton University Press, p.13.
- <sup>32</sup> Vogel, D. (1989). Fluctuating Fortunes: The Political Power of Business in America. New York: Basic Books.
- <sup>33</sup> Cloward and Piven (2002). Eras of Protest, Compact and Exit.

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<sup>34</sup> Mayer (2001). With the Stroke of a Pen, p.30.

<sup>35</sup> This is one of the major conclusions of Piven, F. F. and R. A. Cloward (1979). Poor People's Movements: Why They Succeed, How They Fail. New York: Vintage Books.

<sup>36</sup> Riley, R. L. (1999). The Presidency and the Politics of Racial Inequality. New York, Columbia University Press.

<sup>37</sup> Piven, F. F. and R. A. Cloward (1993). Regulating the Poor: The Functions of Public Welfare. New York, Vintage Books.

<sup>38</sup> Wills, G. (1994). "What Makes a Good Leader." The Atlantic Monthly(April): 63-80; Sanders, E. (1999). Roots of Reform: Farmers, Workers, and the American State, 1877-1917. Chicago, University of Chicago Press p.379; Loevy, R.D. (1985). The Presidency and Domestic Policy: The Civil Rights Act of 1964. The American Presidency. D. C. Kozak and K. N. Ciboski. Chicago, Nelson Hall: 411-419.

<sup>39</sup> Piven, F. F. and R. A. Cloward (1988). Why Americans Don't Vote. New York, Pantheon Books.

<sup>40</sup> Piven and Cloward (1979). Poor People's Movements. p.29.

<sup>41</sup> Miroff, B. (1981). "Presidential Leverage over Social Movements: The Johnson White House and Civil Rights." Journal of Politics 43(1): 2-23.

<sup>42</sup> Miroff (1981). "Presidential Leverage over Social Movements."

<sup>43</sup> Piven and Cloward (1993). Regulating the Poor.

<sup>44</sup> Eisner (1993). Regulatory Politics in Transition. Baltimore, Johns Hopkins University Press.

<sup>45</sup> Tichenor, D. J. and R. A. Harris (2002-2003). Organized Interests and American Political Development. Political Science Quarterly, 117: 4. 587-612.

<sup>46</sup> Tichenor and Harris (2002-2003). Organized Interests and American Political Development, pp. 605-606.

<sup>47</sup> Walker, J.L. Jr. (1991). Mobilizing Interest Groups in America: Patrons, Professions, and Social Movements. Ann Arbor: The University of Michigan Press.

<sup>48</sup> Piven and Cloward (1979). Poor People's Movements.

<sup>49</sup> Fried, C. (1991). Order & Law: Arguing the Reagan Revolution – A Firsthand Account. New York: Simon & Schuster, p.19.

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- <sup>50</sup> Lugg, C. A. (2000). For God and Country. New York, Peter Lang, p.12.
- <sup>51</sup> Sloan, J. W. (1999). The Reagan Effect: Economics and Presidential Leadership. Lawrence, University Press of Kansas, p.60.
- <sup>52</sup> Sloan (1999). The Reagan Effect p. 77.
- <sup>53</sup> Moen, M.C. (1992). The Transformation of the Christian Right. Tuscaloosa: University of Alabama Press, p.16-17.
- <sup>54</sup> Sloan (1999). The Reagan Effect p. 62
- <sup>55</sup> O'Reilly, K. (1995). Nixon's Piano: Presidents and Racial Politics from Washington to Clinton. New York, The Free Press, chapter 7.
- <sup>56</sup> Lugg (2000). For God and Country p. 14.
- <sup>57</sup> Orfield, G., S. E. Eaton, et al. (1996). Dismantling Desegregation: The Quiet Reversal of *Brown v. Board of Education*. New York, The New Press; Shull, S. A. (1999). American Civil Rights Policy from Truman to Clinton: The Role of Presidential Leadership. Armonk, NY, M.E. Sharpe.
- <sup>58</sup> Goldfield, M. (1997). The Color of Politics: Race and the Mainsprings of American Politics. New York, The New Press.
- <sup>59</sup> Edsall, T. B. and w. M. D. Edsall (1992). Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics. New York, W.W. Norton & Company; Graham, H. D. (1994). Race, History, and Policy: African Americans and Civil Rights Since 1964. *Civil Rights in the United States*. H. D. Graham. University Park, Pennsylvania State University Press: 12-39.
- <sup>60</sup> Black, E. and M. Black (2002). The Rise of the Southern Republicans. Cambridge, MA: Belknap Press, p.214.
- <sup>61</sup> Moen (1992). The Transformation of the Christian Right, p.205.
- <sup>62</sup> Moen (1992). The Transformation of the Christian Right, p.206.
- <sup>63</sup> Black and Black (2002). The Rise of the Southern Republicans, p.215.
- <sup>64</sup> Orren and Skowronek (1998-99). "Regimes and Regime Building in American Government," p.701.
- <sup>65</sup> Eisner (1993). Regulatory Politics in Transition, p.2.

- 
- <sup>66</sup> Baumgartner and Jones (1993). Agendas and Instability in American Politics.
- <sup>67</sup> Schattschneider, E. E. (1960). The Semisovereign People. Hinsdale IL, The Dryden Press.
- <sup>68</sup> Tulis, J. K. (1987). The Rhetorical Presidency. Princeton. Princeton University Press, p.13.
- <sup>69</sup> Majone (1989). Evidence, Argument, and Persuasion in the Policy Process, p104.
- <sup>70</sup> Skowronek (1993). The Politics Presidents Make; Stone, D. (1997). Policy Paradox: The Art of Political Decision Making. New York, W.W. Norton & Co.
- <sup>71</sup> Polsky (2000). When Business Speaks.
- <sup>72</sup> Baumgartner and Jones (1993). Agendas and Instability in American Politics.
- <sup>73</sup> Nathan, R. P. (1983). The Administrative Presidency. New York, John Wiley & Sons.
- <sup>74</sup> Duffy, R. J. (1996). "Divided Government and Institutional Combat: The Case of the Quayle Council on Competitiveness." Polity XVIII, No.3(Spring 1996): 379-399; Harris and Milkis (1996). The Politics of Regulatory Change.
- <sup>75</sup> Nathan (1983). The Administrative Presidency; Sanders, E. (1988). The Presidency and the Bureaucratic State. The Presidency and the Political System. M. Nelson. Washington, CQ Press.
- <sup>76</sup> Pious, R. M. (1979). The American Presidency. New York, Basic Books., p.235.
- <sup>77</sup> Sundquist, J. L. (1983). Dynamics of the Party System. Washington, DC. The Brookings Institution.
- <sup>78</sup> Trask, R. R. (1985). The Secretaries of Defense: A Brief History 1947-1985. Washington, Historical Office, Office of the Secretary of Defense.
- <sup>79</sup> Friedman, B. D. (1995). Regulation in the Reagan-Bush Era: The Eruption of Presidential Influence. Pittsburgh, University of Pittsburgh Press.
- <sup>80</sup> Durant (1992). The Administrative Presidency Revisited, p.40.
- <sup>81</sup> Sanders (1988). The Presidency and the Bureaucratic State.
- <sup>82</sup> Sanders (1988). The Presidency and the Bureaucratic State, p.381.

- 
- <sup>83</sup> National Commission on Excellence in Education (1983). A Nation at Risk: The Imperative for Educational Reform. Washington, DC, U.S. GPO.
- <sup>84</sup> Berube, M. (1991). American Presidents and Education. New York, Greenwood Press.
- <sup>85</sup> Kerr-Tener, J. (1990). Presidential Politics and Educational Commissions. The Presidency and Education. K. W. Thompson. Lanham, MD. University Press of America. 1: 79-95.
- <sup>86</sup> Berliner, D. C. and B. J. Biddle (1995). The Manufactured Crisis: Myths, Fraud, and the Attack on America's Public Schools. Reading MA, Addison-Wesley; Lugg (2000). For God and Country.
- <sup>87</sup> Shefter (1994). Political Parties and the State.
- <sup>88</sup> Arnold, R. (1982). At the Eye of the Storm: James Watt and the Environmentalists. Chicago, Regnery Gateway, p.153.
- <sup>89</sup> Benda, P. M. and C. H. Levine (1988). Reagan and the Bureaucracy: The Bequest, the Promise, and the Legacy. The Reagan Legacy: Promise and Performance. C. O. Jones. Chatham NJ, Chatham House Publishers: 102-142; Friedman (1995). Regulation in the Reagan-Bush Era.
- <sup>90</sup> Harris and Milkis (1996). The Politics of Regulatory Change.
- <sup>91</sup> Landy, M., M. J. Roberts, et al. (1994). The Environmental Protection Agency: Asking the Wrong Questions From Nixon to Clinton. New York, Oxford University Press.
- <sup>92</sup> Eisner (1993). Regulatory Politics in Transition.
- <sup>93</sup> Moen (1992). The Transformation of the Christian Right, p.102.
- <sup>94</sup> Office of Personnel Management, Agency Compliance and Evaluation. Federal Civilian Workforce Statistics: Monthly Release. Washington, DC: Office of Personnel Management, Nov 1977, Nov 1978, Nov 1979, Nov 1980, Nov 1981, Nov 1982, Nov 1983, Nov 1984, and Nov 1985; Office of Personnel Management, Workforce Analysis and Statistics Division. Federal Civilian Workforce Statistics: Employment and Trends. Washington, DC: Office of Personnel Management, Nov 1986, Nov 1987, Nov 1988, Nov 1989, Nov 1990, Nov 1991, July 1992, and July 1996.
- <sup>95</sup> Office of Personnel Management, Agency Compliance and Evaluation. Federal Civilian Workforce Statistics: Monthly Release. Washington, DC: Office of Personnel Management, Nov 1980, Nov 1981, Nov 1982, Nov 1983, Nov 1984, and Nov 1985; Office of Personnel Management, Workforce Analysis and Statistics Division. Federal Civilian Workforce Statistics: Employment and Trends. Washington, DC: Office of

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Personnel Management, Nov 1986, Nov 1987, Nov 1988, Nov 1989, Nov 1990, Nov 1991, July 1992, and July 1996.

<sup>96</sup> Office of Personnel Management, Agency Compliance and Evaluation. Federal Civilian Workforce Statistics: Monthly Release. Washington, DC: Office of Personnel Management, Nov 1977, Nov 1978, Nov 1979, Nov 1980, Nov 1981, Nov 1982, Nov 1983, Nov 1984, and Nov 1985; Office of Personnel Management, Workforce Analysis and Statistics Division. Federal Civilian Workforce Statistics: Employment and Trends. Washington, DC: Office of Personnel Management, Nov 1986, Nov 1987, Nov 1988, Nov 1989, Nov 1990, Nov 1991, July 1992, and July 1996; Robert C. Sahr (2000). "Consumer Price Index Conversion Factors to Convert to 1996 Dollars." Retrieved electronically at [http://www.orst.edu/Dept/pol\\_sci/fac/sahr/cv96.htm](http://www.orst.edu/Dept/pol_sci/fac/sahr/cv96.htm).

<sup>97</sup> Stockman, D.A. (1986). The Triumph of Politics: How the Reagan Revolution Failed. New York. Harper & Row.

<sup>98</sup> Pious (1979). The American Presidency, pp. 288-291.

<sup>99</sup> Nathan (1983). The Administrative Presidency.

<sup>100</sup> West, J. P. and G. Sussman (1999). Implementation of Environmental Policy: The Chief Executive. The Environmental Presidency. D. L. Soden. Albany, State University of New York Press.

## CHAPTER 2

### POLICY MONOPOLY CHANGE: REAGAN AND THE EPA

#### **Introduction: Unfettering the Market from Pollution Regulations**

In 1981 the new presidential administration attempted institutional change, focusing on regulatory policy. For example, institutions that regulate business activity associated with the Democratic regime, like the Environmental Protection Agency, were blamed by the Reagan administration as causing the sluggish economy. So the president promised “regulatory relief” and tried to undermine the original mission of that agency. There have been many studies of the EPA during these years. According to some, Reagan’s attempt at change failed because environmentalists and Congress successfully counter-mobilized to defend pollution control institutions against the White House.<sup>1</sup> Another study of the EPA disagrees with this conclusion, because subsequent presidents have not overturned the institutional changes made by Reagan.<sup>2</sup> Still another recognizes a new “efficiency” regime in regulatory policy, but says it began before Reagan.<sup>3</sup> I argue that Reagan’s presidency contributed key elements to a new regime in pollution control policy. I focus on White House activity that helped to launch long-term regulatory policy changes, using the example of Reagan’s environmental rhetoric and his management of EPA.

Reagan soon began a rhetorical campaign to discredit environmental regulations as too costly and oppressive. I argue that President Reagan’s use of the bully pulpit contributed to a change in the environmental regulatory regime. Reagan’s first-term

speeches on regulation will be closely examined in order to determine whether these speeches are associated with an increased awareness of regulation policy in the media and Congress. Using the agenda-shift methodology and data developed by Baumgartner and Jones, I compare three items with the timing of Reagan's rhetoric on pollution control: the number of news stories in the *New York Times Index* and *Congressional Quarterly Almanac*, and the number of Congressional hearings, which have been coded for "environment."<sup>4</sup> Further, I search news stories over fifteen years for the prevalence of Reagan's phrase "regulatory relief." My hypothesis is that Reagan's rhetorical activity in his first years as president disrupted the previous order in national pollution control by attracting attention to the issue, expanding awareness of the policy, and communicating new policy solutions like federal withdrawal, market-based solutions, and devolution.

Structural change was enacted concurrent with the rhetoric. While launching this verbal attack, the Reagan administration used administrative powers to institute central regulatory review using risk assessment and providing informal access points for industry, to weaken the EPA and cripple its enforcement division, and to apply some "new federalism" concepts to pollution control. This legacy impacts pollution control policy today. How does an incoming president begin to enact his own program at an unwanted agency whose existence is antithetical to his own values? I examine appointments, workforce levels, budgets, and bureaucratic reorganization efforts, and find that Reagan used these institutional resources successfully to assert political control over the inherited bureaucracy and begin the reconstruction of a new policy regime. I lastly argue that all these efforts displaced the previous environmental order with a

discussion of interest group politics and Reagan reforms that have survived later presidencies.

### **Presidential Rhetoric: the Bureaucratic Burden**

I first survey Reagan's rhetorical communications on pollution regulations as part of his effort to remake institutions. Reagan's election campaign often repeated the idea that reducing government would help the economy.<sup>5</sup> A Business Week article summarized five major elements of Reagan's campaign promises, and number four was "removing disincentives to business expansion posed by federal regulations. Reagan would seek a return to free-market policies in energy and agriculture and would target regulatory relief to troubled industries such as autos and steel."<sup>6</sup> Upon taking office in 1981, President Reagan began a campaign to convince the public that government regulations were burdensome and weakening the economy. Within two months, Reagan delivered three television addresses and several other communications that linked regulation to the economy. The first was his inaugural address. For the first time since FDR a president declared that "government is not the solution to our problem; government is the problem." Reagan pledged to remove the government "roadblocks that have slowed our economy and reduced productivity."<sup>7</sup> The new administration would soon identify federal regulations as the main roadblock.

Two days after the inauguration, Reagan announced the creation of a Presidential Task Force on Regulatory Relief, to be chaired by the vice-president. At the press conference, Reagan declared that "government regulations impose an enormous burden...and contribute substantially to our current economic woes."<sup>8</sup> The use of this

term regulatory relief by the Reagan administration was a distinct change from the regulatory “reform” of previous administrations. As Harris and Milkis explain, “this rhetorical shift was significant: whereas in contemporary parlance the word ‘reform’ implies an adjustment of the status quo, ‘relief’ suggests the elimination of certain objectionable behaviors and policies.”<sup>9</sup> One week later, the president issued a memorandum to eleven domestic cabinet secretaries and the EPA administrator announcing a moratorium on all pending and new regulations.<sup>10</sup> The work of the Task Force itself is discussed below under bureaucratic reorganization.

The president’s rhetorical campaign against regulation continued in February when Reagan presented his economic plan. In the first week of February, two weeks after his inauguration, Reagan delivered a major prime-time televised address on the economy. He argued that regulations on industry had harmed productivity, and related that he had instructed his vice president to “get rid of as many as possible.”<sup>11</sup> He later told state legislators that because of the “economic calamity” he would “transfer as many programs as are appropriate back” to the states.<sup>12</sup> A few days after this, Reagan released an “audit” on the U.S. economy and declared that “we must halt the growth in government and the corresponding burden of overspending, taxation, and regulation before they irreversibly alter the character of this nation.”<sup>13</sup> The following week Reagan sent an economic plan to Congress, and delivered a speech to Congress televised live during prime time. A major component of the economic plan was “reforming and eliminating regulations which are unnecessary and unproductive or counterproductive.”<sup>14</sup> In this speech, Reagan claimed that regulations had caused “higher prices, higher unemployment, and lower productivity growth.” The plan itself was sent to Congress

and reported upon in the media. Clearly the Reagan administration began to attack the existing regulatory regime with rhetoric immediately upon taking office in several major speeches to the public.

The anti-regulation rhetoric from the White House, also usually anti-environmental, continued throughout 1981. In March, an interview with Vice President Bush appeared in Business Week that focused on the activities of the Task Force on Regulatory Relief. Bush explained the work of the Task Force, saying “we are going to welcome suggestions, not just from businesses that are regulated but from those groups which have other interests as their prime concern... So I would expect that business should be excited about this prospect.”<sup>15</sup> In April, Vice President Bush read a statement to reporters on the automobile industry, claiming that recent massive layoffs were the result of “strangling regulations” from EPA and the National Highway Traffic Safety Administration.<sup>16</sup> In June, the White House released a report on the program for regulatory relief, and with it a statement from the president. As a “cornerstone of my economic recovery program,” Reagan claimed to have already created “billions of dollars in savings to the American people” through the elimination of regulations.”<sup>17</sup> In another example, when submitting his energy plan to Congress, Reagan emphasized his intention to remove “unnecessary environmental restrictions” and to “reduce the bureaucratic burden on all Americans.”<sup>18</sup> These examples demonstrate the ongoing rhetorical campaign by the White House to convince Washington and the public that the environmental bureaucracy was overly burdensome. And the White House rhetoric always linked regulatory relief to stimulating the economy and creating jobs.

In 1982 the White House focused its pollution control rhetoric on moving federal programs to the states and encouraging corporate initiatives. Reagan claimed in the State of the Union address that his policies had begun to improve the economy, and pledged to continue “removing unnecessary federal regulations to spark productivity.”<sup>19</sup> But in that same speech, Reagan pressed Congress to move several federal programs to the state level, including pollution control. The president argued that 36 federal pollution control programs was too many, and planned to combine programs and give them to the states. Reagan declared that with this plan, “in a single stroke we will be accomplishing a realignment that will end cumbersome administration and spiraling costs at the Federal level.” The January address also included a plea for private initiatives. The president praised the many private social programs “ranging from drug rehabilitation to job training. The volunteer spirit is still alive and well in America.”<sup>20</sup>

These two themes were soon repeated when the president spoke to two midwestern state legislatures. On the morning of February 9, Reagan delivered an address before the Iowa legislature in Des Moines. Proud of having cut “strangling” regulations, Reagan promised to focus on “paring the unmanageable size of the federal bureaucracy, returning government to the governed.”<sup>21</sup> That same afternoon, Reagan promised the Indiana state legislature he would “restore” the 10<sup>th</sup> Amendment in a “new phase that will last until the end of this century and prepare us for the next.”<sup>22</sup> Thus, after crusading against the federal environmental bureaucracy, Reagan began to suggest that the state level and private sector was more appropriate for pollution control.

However, environmental regulatory “relief” was not the subject of such significant presidential rhetoric during the final two years of Reagan’s first term. The

issue was not mentioned in the 1983 State of the Union address, and was only briefly touched in the 1984 address. It cannot be found in any other nationally broadcast addresses in those two years, but is mentioned in press releases and briefings on other issues. Apparently the White House sentiment was that relief had been granted by the changes in 1981. In fact, the January 1984 address emphasized a few pro-environmental initiatives taken by the administration, such as improving national parks and the EPA Superfund toxic clean-up program.<sup>23</sup> This apparent rhetorical change followed the uproar created by Reagan's departing appointees Watt and Burford, and some toxic waste blunders. In a sense, the Reagan presidency created an environmental crisis that it then moved to solve in 1984. This turn of events at the close of Reagan's first term will be the subject of further study. For the present study, I focus on the key years of 1981 and 1982 as a new rhetorical campaign for regulatory relief. Below I look for evidence that this rhetoric can be considered presidential "regime-smashing" activity and that it contributed to a new environmental policy regime.

**Issue Attention Indicators:**

In order to examine the impact of Reagan's anti-regulatory rhetoric, I next use a particular "policy agenda" analysis. One method of determining the efficacy of presidential rhetoric is to look at the attention an issue receives from the media and from Congress. The Policy Agendas Database, developed by Baumgartner and Jones, assists the search for issue attention shifts. The data include topic codes for stories in the *Congressional Quarterly Almanac*, congressional hearings, and a sample of stories appearing in the *New York Times Index*. I examined the major topic "environment" using

these data.<sup>24</sup> Unfortunately no clear pattern or notable change appeared that might be linked to the chronology of Reagan's speeches quoted above (see Table 1). In fact, the environment issue often has more attention from Congress and the media during the years of the Carter administration. Carter emphasized regulatory "reform" as part of his goal of increasing efficiency, but his concept of reform was very different from Reagan's attack on the legitimacy of federal bureaucracy.<sup>25</sup> The number of congressional hearings on the environment hits a peak in 1979 and 1980, perhaps indicating some attention shift during the Carter years. These data lend some support to Marc Eisner's periodization of regulatory regimes, one that marks a shift during the Carter years. The number of media stories in the *Times* and the *CQ Almanac* show no clear pattern here. I consolidated the data in Table 1 according to presidential administration in search of any dramatic shifts. Perhaps the only notable figure is the subtotal for congressional hearings during Reagan's second administration. Congress convened many more hearings during these four years than in previous administrations. This finding will be the subject of future study. This section is concerned with the first term, as I was looking for any effect from Reagan's rhetorical use of the term regulatory relief, which occurred mostly in 1981 and 1982.

(TABLE 1 TO FOLLOW)

**Table 1:**  
**Summary of Policy Agendas Database Search for Major Topic Environment**

<b>Administration</b>	<b>Year</b>	<b><i>New York Times</i> Stories</b>	<b><i>Congressional Quarterly Almanac</i> Stories</b>	<b>Congressional Hearings</b>
<b>Carter</b>	1977	15	14	87
	1978	6	17	65
	1979	7	16	102
	1980	14	29	78
	<b>Carter Subtotal</b>	<b>42</b>	<b>76</b>	<b>332</b>
<b>Reagan I</b>	1981	11	20	97
	1982	8	20	67
	1983	10	18	91
	1984	6	26	35
	<b>Reagan I Subtotal</b>	<b>35</b>	<b>84</b>	<b>320</b>
<b>Reagan II</b>	1985	4	12	99
	1986	5	13	58
	1987	8	16	125
	1988	4	23	125
	<b>Reagan II Subtotal</b>	<b>21</b>	<b>64</b>	<b>407</b>

The information in Table 1 suggests that Reagan's speeches against environmental regulation were not attracting attention to the policy monopoly in this case, according to the policy agenda shift model. However, a more qualitative look at the congressional hearings reveals some reaction to Reagan. As the database includes a short description of each hearing, I determined which of the hearings in Table 1 may be classified as more confrontational. Certainly, all congressional hearings have oversight functions and may serve to challenge the executive branch, but those hearings whose purpose is explicitly a review of particular executive actions are perhaps more confrontational. Therefore I chose hearings with key words like "review."

“implementation,” “oversight,” “management,” and “enforcement,” in the description. A summary of these confrontational hearings appears in Table 2. There does seem to be a difference between the Carter and Reagan administrations in the number of these confrontational hearings. The number of confrontational hearings during the Carter administration was 24, but during the Reagan administration the number was 45. This could suggest more “regime-opposed” and “regime-smashing” activity by the Reagan administration, which provoked a reaction by a Democratic Congress towards greater oversight.

**Table 2:**

<i>Year</i>	<i>“Confrontational” Hearings</i>
1977	3
1978	5
1979	12
1980	4
1981	14
1982	13
1983	14
1984	4

The Public Agendas Dataset does not code for “regulation” itself, so I next performed a Lexis/Nexis search of news stories for Reagan’s term “regulatory relief” from 1980 to 1994. This database only contains stories from 1980 to present, and the results for 1980 are probably misleading as it might omit part of the year for some publications. Also, some scholars consider this type of keyword search to be inconsistent and unreliable; the creators of this database are not social scientists. Nonetheless, the results here seem to demonstrate a stronger effect of Reagan’s rhetoric (Table 3). I

searched all major newspapers, all business periodicals, and all magazines and journals for the frequency of the term “regulatory relief.” I also searched a subset of the magazines and journals for the rightmost column of Table 3. For this column I included only magazines and periodicals that are mainstream and not specific to a certain industry, as this search produced many small, industry-specific journals. This column only includes such magazines as *Business Week*, *Newsweek*, and *The Economist*. Others, like *Chemical Week* and similar industry-specific journals, were excluded from that column.

**Table 3: Lexis-Nexis Searches for “regulatory relief”**

<u>Year</u>	<u>Major Newspapers</u>	<u>All Business News</u>	<u>Magazines and Journals</u>	<u>Mainstream non-industry-specific Periodicals</u>
1980	5	5	1	0
1981	39	32	38	14
1982	35	11	13	3
1983	11	7	7	1
1984	2	3	0	0
1985	5	5	6	1
1986	5	3	1	0
1987	8	7	3	1
1988	12	7	4	1
1989	5	6	1	0
1990	3	5	0	0
1991	10	29	1	0
1992	30	73	2	0
1993	21	80	10	1
1994	13	55	10	2

In major newspapers from a “general news” 15-year search, the use of the term “regulatory relief” occurs most often in 1981 and 1982. The same is overwhelmingly true for all magazines and journals. Thirty-eight magazine stories that mentioned

regulatory relief appeared in 1981, much more than in any other of the fifteen years. Reagan administration proposals were the subject of many of these stories. A separate search of “business news,” which includes relevant newspapers and magazines, turned up a high frequency of “regulatory relief” in 1981. This search also revealed a frequent use of that term in the early 1990s, which might be the subject of future study. The content of these stories from the 1990s concerned various Bush and Clinton proposals, and the presence of these stories may indicate a more durable Reagan influence. The subset of mainstream magazine stories also points to 1981. Of the major magazines, the highest frequency of the use of “regulatory relief” was also in 1981, which has a higher number than the other years combined. In sum, four comparisons of media content reveal a high frequency of the term regulatory relief in 1981. In three of these, the highest frequency in fifteen years occurred in 1981.

### **The Federal Budget for Pollution Control**

Many observers report a Reagan budget cut for the EPA or for pollution control spending of about 20%. For example, in her book about her tenure as Reagan’s first EPA Administrator, Anne (Gorsuch) Burford reports that “the operating budget was reduced by 22 percent.”<sup>26</sup> Another study of EPA reports a budget cut of about 27% by 1982 for the total budget, excepting Superfund.<sup>27</sup> My own examination of the budget authority reveals slightly different numbers. Table 4 shows two notions of the overall budget authority when adjusted for inflation. One column has the total EPA budget authority, and another column provides the total federal budget for “pollution control and abatement” as determined by the Policy Agendas Database compiled by Baumgartner and

Jones. The budget from Baumgartner and Jones may include money allocated to several agencies, and they have carefully considered budgets over several years in which relevant items change names or locations. Interestingly, the two budget lines, EPA and Pollution Control, are quite similar, especially when considering the percent change from the previous year in the Carter and Reagan terms. But with only this evidence, the Reagan administration cuts appear rather small.

(Table 4 to follow)

**Table 4****Inflation-Adjusted Total Budget Authority, in millions of 1996 dollars**

<b>Fiscal Year</b>	<b>Pres. Admin.</b>	<b>EPA</b>	<b>Change from Previous Year</b>	<b>“Pollution Control and Abatement”*</b>	<b>Change from Previous Year</b>
1970	Nixon	4064.70	---	3679.21	---
1971	Nixon	4995.27	22.9%	4488.63	22.0%
1972	Nixon	9201.39	84.2%	8132.00	81.2%
1973	Nixon	8400.11	-8.7%	23631.36	190.6%
1974	Nixon	1650.80	-80.3%	17719.48	-25.0%
1975	Nixon	2037.43	23.4%	22624.41	27.7%
1976	Ford	2125.90	4.3%	1718.60	-92.4%
1977	Ford	7159.97	236.8%	6301.75	266.7%
1978	Carter	13217.89	84.6%	11743.64	86.4%
1979	Carter	11668.60	-11.7%	10691.77	-9.0%
1980	Carter	8894.13	-23.78%	8654.19	-19.1%
1981	Carter	5234.32	-41.1%	5033.99	-41.8%
1982	Reagan	5977.25	14.2%	5748.93	14.2%
1983	Reagan	5808.96	-2.8%	5550.09	-3.5%
1984	Reagan	6143.50	5.8%	5854.66	5.5%
1985	Reagan	6346.44	3.3%	6039.59	3.2%
1986	Reagan	5241.55	-17.4%	4637.49	-23.2%
1987	Reagan	7408.96	41.4%	7018.33	51.3%
1988	Reagan	6667.69	-10.0%	6315.12	-10.0%
1989	Reagan	6525.48	-2.1%	6225.95	-1.4%
1990	Bush	6556.79	0.5%	6544.20	5.1%
1991	Bush	7021.07	7.1%	6957.84	6.3%
1992	Bush	7459.56	6.2%	7258.90	4.3%
1993	Bush	7483.63	0.3%	7397.34	1.9%
1994	Clinton	7046.49	-5.8%	6902.11	-6.7%

\*The budget line shown for “pollution control and abatement” may be distributed among several agencies. Source: Policy Agendas Database and EPA History Office.

However, the total agency budget, which includes Superfund and other trust accounts, masks cuts to specific parts of the agency. An analysis of subcategories within the EPA budget reveals significant and targeted Reagan administration cuts. Table 5 displays the EPA “operating programs” budget and a subcategory within that figure, the

funding for “abatement, control and compliance.” Both these budget lines experienced significant cuts during the Reagan years.<sup>28</sup> Taken together, the first two budgets during the Reagan administration cut EPA operating programs by over 30% and within that number cut enforcement activities by more than one-third. Carter’s final budget, which already reflected cutbacks, would not be matched again for ten years. The enforcement funding level in 1979 would not be matched for more than fifteen years.

As noted above, the new Reagan administration used top-down budgeting methods to unprecedented extent. An examination of budget lines within the agency reveals that Washington operations, specifically enforcement, were cut more than one-third by the Reagan administration. Meanwhile, EPA’s costs were increasing with the responsibility of several new environmental laws passed in the 1970s. This budget-cutting action would likely diminish the capacity of the agency to regulate business activity and fulfill its legal mission. In fact, the legal obligations were growing at this time “in the realms of toxic substances, drinking water, and hazardous waste, as programs legislated in the middle and late 1970s finally reached the implementation phase.”<sup>29</sup>

(Table 5 to follow)

**Table 5****EPA Budget Authority for All Operating Programs and Subcategory  
“Abatement, Control and Compliance”**

In millions of 1996 dollars. Source: EPA History Office.

Fiscal Year	Pres. Admin.	Operating Programs	Change from Previous Year	Abatement, Control, and Compliance	Change from Previous Year
1973	Nixon	1686.2	---	763.6	---
1974	Nixon	1650.6	-7.4%	815.3	6.8%
1975	Nixon	2037.3	23.4%	836.2	2.6%
1976	Ford	2125.9	4.3%	1197.5	43.2%
1977	Ford	2030.3	-4.5%	1001.3	-16.4%
1978	Carter	2400.5	18.2%	1252.2	25.1%
1979	Carter	2597.2	8.2%	1470.6	17.4%
1980	Carter	2417.9	-6.9%	964.6	-34.4%
1981	Carter	2333.5	-3.5%	923.7	-4.2%
1982	Reagan	1765.9	-24.3%	606.5	-34.3%
1983	Reagan	1651.5	-6.5%	581.3	-4.2%
1984	Reagan	1770.4	7.2%	670.5	15.3%
1985	Reagan	1964.4	11.0%	700.4	4.5%
1986	Reagan	2057.7	4.7%	808.3	15.4%
1987	Reagan	2129.6	3.5%	842.1	4.2%
1988	Reagan	2096.8	-1.5%	804.0	-4.5%
1989	Reagan	2209.0	5.4%	910.9	13.3%
1990	Bush	2292.3	3.8%	924.0	1.4%
1991	Bush	2664.9	16.3%	1159.6	25.5%
1992	Bush	2883.2	8.2%	1268.0	9.3%
1993	Bush	2925.0	1.4%	1432.1	12.9%
1994	Clinton	2845.2	-2.7%	1431.0	-0.1%

**Other EPA Administrative Reorganization**

Bureaucratic reorganization itself disrupts agency operations, especially right after a presidential transition. The bureaucracy focuses on the procedural changes rather than its program. Pfiffner explains, “undertaking a reorganization immediately after a transition can prolong the period of uncertainty so that it could be a year or more before

the agency can get down to work seriously on the president's program."<sup>30</sup> In an oral history about his tenure at EPA, Bush's Administrator William Reilly concurs that "reorganization involves tremendous costs in terms of time, organization, and momentum."<sup>31</sup> Therefore, bureaucratic reorganization causes confusion and is another way to undermine an organization. The Reagan administration undertook several reorganization efforts that arguably weakened the regulatory capacity of the agency. First, the president created a special task force that identified regulations for elimination. Second, he created central review of all regulations and abolished previous executive advisory boards. Third, he shifted many programs to the state level. Fourth, he reorganized the structure of the Environmental Protection Agency.

As mentioned above, the president announced the creation of the Task Force on Regulatory Relief within a few days of taking office. This body identified the regulations most offensive to the new administration and its supporting coalition. According to Richard N. L. Andrews, "the task force immediately began compiling a 'hit list' of 'burdensome' regulations for reconsideration, beginning with those pulled from the pending stream and then inviting nominations of others by businesses, trade associations, state and local governments, and anyone else who might feel burdened by them."<sup>32</sup> The Task Force focused on pollution control regulations and was remarkably successful. Andrews reports that "by December 1981, 91 existing regulations and 9 paperwork requirements had been targeted for review; 60 percent of the regulations targeted concerned health, safety, or environmental quality, the vast majority of them from EPA and the National Highway Traffic Safety Administration, while less than 15 percent were economic (price or output) regulations."<sup>33</sup> In fact, the Task Force later declared victory

and that its work was done. But new institutions created by executive order continued to politically control the regulatory bureaucracy in favor of the new administration and suggest the creation of a new regime.

Reagan's most famous bureaucratic reorganization affecting pollution control policy is the government-wide reform of the regulatory process, initiated by his Executive Order 12291 in 1981. This established central review of every agency action by the Office of Information and Regulatory Affairs within the Office of Management and Budget. Fuchs writes that "after centralizing power at OIRA, Reagan extended staff control through executive order to include all actions pursuant to prospective rule making, including control over the evaluative agenda."<sup>34</sup> After Reagan issued E.O. 12291 in 1981, the Office of Information and Regulatory Affairs within the OMB was used for central approval or clearance of agency rules in order to review, delay, and overturn regulations.<sup>35</sup> With this mechanism, the White House was able to delay and/or kill regulations from several agencies. In fact, the executive order "eliminate[d] virtually all other Executive Office agencies that might compete or share oversight powers with OMB," according to Richard Andrews.<sup>36</sup> The structures that were disbanded or absorbed into OIRA included the Office of Wage and Price Stability, the Regulatory Council, and the Regulatory Analysis Review Group. In addition, the new administration could not eliminate the Council on Environmental Quality, so its budget was cut and the entire staff replaced with Reagan appointees.

Further, E.O. 12291 required the agency to produce a cost-benefit analysis and risk assessment of every regulation.<sup>37</sup> These new procedures subjected the regulations to specific economic analysis that often favored business interests; the data on costs came

from industry itself.<sup>38</sup> In fact, the cost-benefit analysis was applied by the White House in such a way as to “legitimize actions sponsored by the business-presidency alliance at EPA.”<sup>39</sup> The methodology itself of these two policy tools minimizes the widespread public benefits of regulations and puts the onus on the government agency to prove the risks associated with not regulating. In addition, the new business access was kept secret, as Kenneth Meyer writes that “initially OMB officials did not keep written records regarding their contacts with either agencies or other interested parties regarding the new central clearance function.”<sup>40</sup> Meyer infers that this secrecy creates a new structure unaffected by oversight from other parts of government. This level of business access was unprecedented and represents a major development. Andrews writes that under the executive order, the OMB “may exercise these powers [of review] off the public record of the agency’s rulemaking and decision process and need to keep no public record of its comments or the agency’s response... These oversight powers represent a significant break with all previous versions of regulatory oversight.”<sup>41</sup> The executive order clearly provided new access for industry influence, and the regulated industries were an important part of Reagan’s political coalition, a point which will be discussed below in an examination of interest-group politics.

Third, the Reagan administration applied its “new federalism” principles to reorganizing the EPA and strengthened state pollution control programs even while defunding them. EPA was created with a federalist structure of 12 regional offices and reliance upon state agencies. A study by Ringquist found that state responsibilities for environmental protection greatly increased during the 1980s. He writes, “in a three-year period (1981 to 1984), the delegation of environmental programs to the states doubled

from 33 percent to 66 percent of all eligible programs.”<sup>42</sup> For example, the states conduct far more enforcement actions than the federal EPA.<sup>43</sup> Meanwhile, funding to the states for these programs was cut by the Reagan administration. After adjusting for inflation, federal grants to the states for abatement, control, and compliance were cut by about 28 percent from 1981 to 1984, and the 1980 level was not restored until 1992.<sup>44</sup> Some states easily filled the vacuum with their own pollution control programs, but others did not, which produced a regulatory variance among states. While the other reforms discussed here centralized presidential administrative power, the new federalism decentralized EPA authority. This loss of federal power over the state and regional level would occasionally embarrass the federal level bureau, as discussed below. But the important point here is that the federalist reorganization reduced EPA capacity to curtail pollution.

Fourth, the administration reorganized EPA itself. Among other reshuffling, for example, the office of enforcement was reorganized three times in 1981.<sup>45</sup> The most important divisions in EPA have Assistant Administrator positions; in 1981 the Office of Enforcement lost this status as it was abolished altogether and its staff was divided among several offices. Eventually Administrator Burford created an Office of Legal and Enforcement Counsel directly under her. But, the position of associate administrator of this new office was vacant in 1981 and early 1982, according to internal phone directories.<sup>46</sup> Later that year many of the attorneys that had been dispersed to various offices were brought back to the OLEC. In 1983 a separate Office of Enforcement Counsel was created, and that year the emergence of an Assistant Administrator for Enforcement and Compliance Monitoring restored the first-tier status to the enforcement division.<sup>47</sup> According to one study of EPA employees, this reorganization devastated the

morale of enforcement attorneys and turnover among those positions was high for several years.<sup>48</sup>

This is among the reasons enforcement activity itself decreased. Landy et. al. report that by the end of 1982, “the number of cases that EPA referred to the Justice Department declined by fifty percent, from 200 to 100, and the number of enforcement orders issued by the agency dropped by one third.”<sup>49</sup> The agency was fully aware of its enforcement difficulties. A memo obtained at the Reagan Library files outlines in great detail the many challenges of enforcing hazardous waste law at Reagan’s EPA. Just before leaving Washington, Edward A. Kurent, the Associate Enforcement Counsel for Waste, wrote to Robert M. Perry, the Associate Administrator and General Counsel in the Office of Legal and Enforcement Counsel in February 1983. He contends that “the resource shortfall has reached crisis proportions.” [emphasis in original].<sup>50</sup> He goes on to list several problems, including low staffing levels, increasing workload, no “nonclerical administrative support,” limited access to the “unlighted, unheated building on weekends,” delayed promotions and terminations, and a proposal for another office move that “would leave the staff spread out on three levels.”<sup>51</sup> He also states that “much of what this Division has accomplished to date (including the Congressional subpoena compliance work) is due exclusively to the considerable, continued, unpaid overtime effort by the professional staff [original emphasis].”<sup>52</sup> Mr. Kurent then blames much of the situation on administrative reorganization. He writes, “this sustained, high intensity effort in the face of reorganization, changing roles and inadequate resources has taken a serious toll. With inadequate support, little response to that problem to date, and no relief on the horizon, the quality and quantity of work product has begun to reflect the fatigue

and low morale of the staff.”<sup>53</sup> These management techniques, or this management neglect, disrupted the most important function of the EPA – enforcement of pollution laws mandated by Congress.

### **The Workforce at EPA**

The inadequate staffing situation at Office of Enforcement Counsel for Waste outlined above echoes the situation at the whole agency. The number of workers overall, including the career civil servants, was cut. Table 6 shows the decrease in employee “workyears” for EPA operating programs in fiscal years 1981, 1982 and 1983. Fiscal year 1981 was influenced by Carter’s last budget, but employment figures for that year may also reflect the changeover to a new administration. 1983 is almost 23% below the 1980 level of employment at EPA. In addition, other studies have found very high rates of turnover in 1981 and 1982, as would be expected at the beginning of the administration. Landy et. al. report that “by 1982 more than 4000 employees had resigned. Thus, close to forty percent of the agency’s workforce left in the space of little more than a year.”<sup>54</sup>

(Table 6 to follow)

**Table 6**  
**EPA Average Paid Employment (Workyear), by Fiscal Year<sup>55</sup>**

Fiscal Year	Administration	Operating Programs Only	Change from previous year
1970	<b>Nixon</b>	<b>4084</b>	---
1971	<b>Nixon</b>	<b>5744</b>	<b>40.6%</b>
1972	<b>Nixon</b>	<b>8358</b>	<b>45.5%</b>
1973	<b>Nixon</b>	<b>9077</b>	<b>8.6%</b>
1974	<b>Nixon</b>	<b>9743</b>	<b>7.3%</b>
1975	<b>Nixon</b>	<b>10438</b>	<b>7.1%</b>
1976	<b>Ford</b>	<b>9481</b>	<b>-9.2%</b>
1977	<b>Ford</b>	<b>11315</b>	<b>19.3%</b>
1978	<b>Carter</b>	<b>11986</b>	<b>5.9%</b>
1979	<b>Carter</b>	<b>12160</b>	<b>1.5%</b>
1980	<b>Carter</b>	<b>13078</b>	<b>7.5%</b>
1981	<b>Carter</b>	<b>12667</b>	<b>-3.1%</b>
1982	<b>Reagan</b>	<b>10878</b>	<b>-14.1%</b>
1983	<b>Reagan</b>	<b>10107</b>	<b>-7.1%</b>
1984	<b>Reagan</b>	<b>10424</b>	<b>3.1%</b>
1985	<b>Reagan</b>	<b>11060</b>	<b>6.1%</b>
1986	<b>Reagan</b>	<b>11249</b>	<b>1.7%</b>
1987	<b>Reagan</b>	<b>11241</b>	<b>-0.1%</b>
1988	<b>Reagan</b>	<b>11728</b>	<b>4.3%</b>
1989	<b>Reagan</b>	<b>11492</b>	<b>-2.0%</b>
1990	<b>Bush</b>	<b>12801</b>	<b>11.4%</b>
1991	<b>Bush</b>	<b>12892</b>	<b>0.7%</b>
1992	<b>Bush</b>	<b>13291</b>	<b>3.1%</b>
1993	<b>Bush</b>	<b>13575</b>	<b>2.1%</b>
1994	<b>Clinton</b>	<b>13330</b>	<b>-1.8%</b>

A rough comparison of these figures suggests that about 17 percent of EPA workers were immediately replaced with others more sympathetic to Reagan's deregulatory program. Those employees that remained were outnumbered by the new hires. In their study of Reagan appointees, Ban and Ingraham found that "the increase in the number of political appointees, and their placement into line positions, had decreased

the influence of the senior career staff.”<sup>56</sup> As mentioned above, the workforce was reduced under Reagan at the same time EPA’s legal responsibilities had grown.

The Reagan administration also used appointment powers for political control of the EPA. First, he chose his appointees very carefully; EPA appointees exemplify the observation that the Reagan administration used unprecedented tests of ideology at the subcabinet level.<sup>57</sup> For example, new enforcement attorneys were asked if they were “tree huggers.”<sup>58</sup> Every appointee was subjected to thorough examination by the Office of Personnel Management and new hires required the approval of several White House aides. Many of Reagan’s appointees to EPA and other agencies were activists opposed to business regulation or were representatives of the businesses themselves. One study suggests that “all of Reagan’s key regulatory appointees... were avowed ‘cost-side’ business-oriented conservatives.”<sup>59</sup> Also, these considerations slowed the appointment process, which left vacancies for much of 1981 and interrupted EPA’s ability to function.<sup>60</sup> Reagan’s first EPA Administrator was Anne Burford of Colorado, then known as Anne Gorsuch, an attorney and state legislator whose nomination had been urged by Joseph Coors.<sup>61</sup> She had been a friend of James Watt and the western “sagebrush rebellion” that opposed federal intervention in business and the environment.

The appointees below Burford were also opposed to business regulation. The deputy administrator was John C. Hernandez of New Mexico, an engineer professor recommended by Senator Domenici.<sup>62</sup> John E. Daniel, Burford’s chief of staff, was a lobbyist for the American Paper Institute and counsel for asbestos manufacturer Johns-Mansville.<sup>63</sup> Two special assistants, Thornton Field and James Sanderson were also from Coors, and another special assistant had worked for the Business Roundtable.<sup>64</sup> The

assistant administrator for solid waste and emergency response, Rita Lavelle, was a Meese associate who had worked for a major polluter in California.<sup>65</sup> The assistant administrator for toxic substances, John Todhunter, was a scientist who had represented industry.<sup>66</sup> General Counsel Robert Perry was a lawyer for Exxon.<sup>67</sup> Sanderson had worked for an EPA regional office, but otherwise “of the entire group, no one had ever worked at EPA’s Washington headquarters or on a congressional committee staff with EPA oversight responsibility.”<sup>68</sup> These ideological appointees did not trust the career bureaucrats, and often rewrote their work.<sup>69</sup> Burford openly produced “hit lists” of uncooperative career bureaucrats at EPA.

Of course, the Task Force on Regulatory Relief was also staffed strategically. The appointees to that body were closely related to the Office of Management and Budget. Vice President Bush was the Chairman, and his counsel, C. Boyden Gray, also served as counsel to the Task Force. The first Executive Director was James C. Miller III, who eventually became the OMB Director in Reagan’s second term. In the summer of 1981, Miller left the Task Force to become chairman of the Federal Trade Commission.<sup>70</sup> He was replaced at the Task Force by Christopher C. Demuth, a Harvard economist who concurrently held a job at the OMB.<sup>71</sup> Again, the Task Force became a point of access for business, as industry was invited to use that forum for complaints about regulations. The people serving the Task Force were also the people newly given greater authority over all regulatory activity, the OMB. In this use of appointees, the new regulatory rules were used for political gain, a point I expand below.

### **Policy Monopoly Change: Interest Group Politics and the Reagan Legacy**

These policy-changing activities might have been temporary. In fact, the extremism of Reagan's first term was seemingly gone by the second term. The Task Force on Regulatory Relief was (officially) disbanded. The original senior Reagan appointees to EPA had all left the agency by 1983. Burford had fired most her deputies and then resigned herself amid a dispute with Congress about executive privilege.<sup>72</sup> Some scholars observe that the environmental community and its congressional sympathizers were galvanized during Burford's tenure and after the storm became even stronger.<sup>73</sup> In addition, the data presented here indicate that the budgets and workforce levels began to increase in Reagan's second term. But while the extreme changes at EPA backfired somewhat for the Reagan White House, some important institutional changes remain influential today. For example, the resiliency of Reagan's ideology indicated here may suggest the contrary. The Lexis search reveals a resurgence of the term regulatory relief long after Reagan retired in the 1990s. In fact, when the Republicans took control of Congress in 1995, they formed an oversight committee for regulatory relief.

These changes assisted a policy monopoly shift that supports a new regime in environmental politics. I examined evidence from subsequent administrations for signs of a lasting regime shift and found that industry access to regulatory decisionmaking was institutionalized during the Reagan presidency and continues today. This is discussed further in Chapter Five. But the new policy monopoly was crafted with a consideration of electoral politics in order to build a new stable governing coalition. I analyze the electoral motivations of this policy shift by looking at four categories of electoral interest

groups that were relevant to Reagan's electoral success: business interests, the Christian Right, other Republican groups, and Democrats.

### **Business Interests**

The stable set of participants in environmental policymaking was disrupted with new points of access for the regulated community, which is industry. The new access to government was provided with appointments, new procedural rules, and a shift to the state level. First, industry gained access in the form of appointments to regulatory positions. As explained above, many were handpicked by industry leaders like Joseph Coors or came to the government from jobs representing industry. This was unprecedented access to business regulations. Other appointees were industry sympathizers. In one example, EPA deputy administrator John Hernandez blocked lead cleanup in Dallas with a series of delays.<sup>74</sup> Still others like Anne Burford were associated with the "Wise Use" anti-environmental movement in the western states.

In fact, certain industries in opposition to environmental regulation had become politically organized, and the new administration sought the political support of business. The timber, mining, and grazing industries of the western states had organized their workers and others to attempt a "Sagebrush Rebellion" that demanded the government permit "wise use" of public lands rather than impose coercive regulation.<sup>75</sup> Other organized environmental opposition developed in the 1970s as new environmental laws were passed, including efforts from the chemical industry, land developers, and utilities.<sup>76</sup> Under Reagan, the government was courting support for its policies from industry. For example, Anne Burford provides a list of "only some of my speaking engagements from

1982,” and industry events constitute almost the entire schedule: the 3M CEO Dinner, the E.I. DuPont de Nemours and Company executive committee luncheon, the Monsanto Company CEO Dinner, the U.S. Steel Corporation dinner, the National Association of Water Companies, the National Association of Manufacturers Roundtable, the Northwest Mining Association, and the Western Oil and Gas Association.<sup>77</sup> These groups received direct attention from, and access to, the EPA Administrator at these events. This suggests that the existing policy monopoly was disrupted and a new one created.

Second, the new regulatory review process provided access points to business, or even veto points, while regulations were being considered, a practice that continues today. The most important example of a Reagan-era institutional shift is risk analysis, which was an important instrument of presidential control over business regulation.<sup>78</sup> The use of risk analysis to weaken regulations began with the Ford administration, but Reagan institutionalized the practice. This institutionalization of risk assessment gave business and the president more control over the details of pollution regulation. One policy analyst argues further that risk assessment favors business interests by lending pollutive activity the veneer of scientific approval.<sup>79</sup>

The third pro-business reform involves federalism; Reagan’s “new federalism” reforms shifted programs to the local, state and regional jurisdictions over pollution regulation, which in turn may have increased the authority of business interests. The local level is often cited as more easily influenced by the demands of business and the economy. But this new federalism policy was not necessarily a real decentralization of control. It may have been just another way to cut funding to programs. Policy historian Hays writes, “at one time the Environmental Protection Agency had had the authority to

balance this loss of control against aid to communities to protect themselves against noise; however, the Reagan administration kept the federal preemptive authority but destroyed the federal assistance.”<sup>80</sup> Here, a change in federalism contributes to a multi-pronged attack on pollution regulation. But this is a policy change that weakens local authority to regulate and so reveals an inconsistent doctrine of federalism that may simply reflect forum shopping for weakening regulation.

### **The Christian Right and Other Republicans**

The shift in environmental policy towards market solutions did not directly appeal to the Christian Right. However, there are some links to this constituency that would benefit Reagan politically. The administration applied the rhetoric of regulatory relief to any regulation that it opposed, including those that directly affect the Christian Right. For example, the Internal Revenue Service used its regulatory authority to revoke the tax exemption of Bob Jones University and its grade school, a fundamentalist Christian institution, which was racially discriminating. (This court case and its politics are discussed in greater detail in Chapter Four.) The Reagan administration took the side of Bob Jones University against the IRS regulation. I discuss racial politics below; here I want to note that the rhetoric of regulatory relief affected other policies, and allowed the administration to demonstrate sympathy for the Christian Right. In addition, the Wise Use movement may have included other political constituencies, like westerners opposed to the federal government. But as shown above, this movement was financed by the affected businesses themselves and so I categorize it under business interests. Regulatory

relief appealed mostly to business interests and does not directly involve other elements of Reagan's coalition.

### **Democrats and Environmental Regulatory Policy**

The shift in environmental regulatory policy also disrupted Democratic voting constituencies, including civil rights groups. In a case somewhat similar to Bob Jones, the Reagan administration took the side of Grove City College in a court case involving civil rights regulations attached to federal funding. When Grove City College won its case, Congress responded with the Civil Rights Restoration Act. Reagan vetoed the legislation, but Congress overrode him and enacted the measure. These actions are consistent with Reagan's appeals to White southerners, which I recounted in Chapter One. But one scholar argues that anti-regulation sentiments explain the White House position on these matters, and not racial politics. Nicholas Laham writes, "Reagan saw the Civil Rights Restoration Act as a regulatory issue; the president feared that passage of the bill would result in a vast expansion in federal regulatory power over private and public institutions."<sup>81</sup> And this scholar marshals some evidence that the administration was only consistently following its regulatory philosophy in this matter. In my view regulatory relief was rhetoric that allowed the administration political cover for again playing the race card.

In addition, the priority given to deregulation distracted the civil rights movement from its own nascent environmental concerns. In the late 1970s and early 1980s, environmental advocates and civil rights groups began to understand that the location of environmental pollution was linked to race. For example, the controversy over EPA

Deputy Administrator John Hernandez's delay in closing a West Dallas lead smelter (cited above) was enhanced by the fact that the affected West Dallas residents were mostly Black and/or Latino. But the developing "environmental justice" movement, which sought to publicize the racially discriminatory nature of pollution, was pre-empted by the Reagan administration's broad assault on pollution control (and civil rights, discussed in Chapter Four). Political scientist Lester maintains that in the 1980s, "both environmental and civil rights organizations found themselves mobilizing around traditional themes in order to preserve their places on the policy agenda. This polarization caused environmental justice to once again be moved from the public agenda."<sup>82</sup> This is one example of how the president's domestic policy shifts advantageously disrupted the array of interest groups associated with the previous regime.

But further, the new institution of cost-benefit analysis disadvantages racial minorities and the poor. The methodology requires every aspect of the policy be quantified, usually in dollar amounts. This means that the lives of workers and residents were quantified based upon wage-earning power. A policy scholar writes, "the OMB then used these results to argue that some forms of pollution abatement were cost-effective, while others were not, in accordance with President Reagan's executive order No. 12291 that regulatory measures should 'be chosen to maximize the net benefit to society.'"<sup>83</sup> The lives of the poor are worth less under this assessment. This method of policy decisionmaking clearly privileges any imagined harms to those that can prove a higher loss of wages. And, this fact should be considered in combination with the knowledge that most industrial pollution is located in nonwhite regions. A recent

political science volume by Lester, Allen, and Hill, found class and race to be associated with environmental harm.<sup>84</sup> The Reagan government was aware of this, as Foster explains: “in 1983 a study by the U.S. General Accounting Office determined that three out of the four off-site commercial hazardous waste landfills in the southern states were located in primarily black communities even though blacks represented only 20 percent of the population in the region.”<sup>85</sup> The establishment of cost-benefit analysis disadvantages the poor and nonwhite, who are often Democratic voters. This becomes another institutional barrier to policy friendly to Democratic constituencies.

### **Conclusion:**

Reagan undertook a high-profile campaign in 1981, in several nationally broadcast speeches, to convince the public that the economy was in need of relief from regulations. The elimination of government regulation and the “bureaucratic burden” was quite different from Carter’s goal of regulatory reform. The punctuated equilibrium theory of policy agendas leads us to expect a major rhetorical campaign from the president to attract attention from Congress and the media, destabilize the policy system, and create an opportunity to remake the state. Some of the analysis using rhetoric and budget data shows either no pattern of policy shift, or some support for the Eisner thesis that the regulatory regime shift occurred in the 1970s before Reagan. However, the results of the Lexis print-media search suggest the influence of Reagan’s rhetoric, and a specific breakdown of the budget demonstrates the impact of Reagan’s changes. The newspapers, magazines, and business journals widely reported Reagan’s message to the public, and also began running stories about the concept of regulatory relief. This may

indicate that Reagan's rhetoric succeeded in attacking the legitimacy of the existing regulatory regime. The extensive reach of Reagan's message may have further politically mobilized some of the business sector.

In addition, I found that the most important Reagan legacy, cost-benefit or risk analysis, was begun under Ford but significantly institutionalized by Reagan despite strong and thick institutional inertia. Later presidents, including Democrat Clinton, would not or could not undo this procedure, which favors regulated industries with access and veto points. This administrative change, combined with previously presented evidence of significant rhetorical shifts in environmental policy, suggests that Reagan indeed created a new regime in this policy. Perhaps regimes are built one policy at a time. Using the administrative presidency, Reagan disrupted the existing policy monopoly and built a new one which save the regulated community having new access points. The American market was unfettered from pollution regulation by President Reagan, and the mechanism that Reagan used, the new institution of risk assessment, has never been undone. Next I find a similar policy change for K-12 education.

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<sup>1</sup> Harris, R. A. and S. M. Milkis (1996). The Politics of Regulatory Change: A Tale of Two Agencies. New York, Oxford University Press; Kraft, M.E. and N.J. Vig (2000). Environmental Policy from the 1970s to 2000: An Overview. N.J. Vig and M.E. Kraft. Environmental Policy: New Directions for the Twenty-First Century. Washington DC, CQ Press.

<sup>2</sup> Landy, M., M. J. Roberts, et al. (1994). The Environmental Protection Agency: Asking the Wrong Questions From Nixon to Clinton. New York, Oxford University Press.

<sup>3</sup> Eisner, M. A. (1993). Regulatory Politics in Transition. Baltimore, Johns Hopkins University Press.

<sup>4</sup> Baumgartner, F. R. and B. D. Jones (1993). Agendas and Instability in American Politics. Chicago, University of Chicago Press.

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<sup>5</sup> Dallek, R. (1999). Ronald Reagan: The Politics of Symbolism with a New Preface. Cambridge MA, Harvard University Press, p.56.

<sup>6</sup> "How Reagan would shape the economy," *Business Week*, July 28, 1980, p.39.

<sup>7</sup> Reagan, R. (1981a). Inaugural Address. Public Papers of the Presidents. January 20, 1981.

<sup>8</sup> Reagan, R. (1981b). Remarks Announcing the Establishment of the Presidential Task Force on Regulatory Relief. Public Papers of the Presidents. January 22, 1981.

<sup>9</sup> Harris and Milkis (1996), p.8.

<sup>10</sup> Reagan, R. (1981c). Memorandum Postponing Pending Federal Regulations. Public Papers of the Presidents. January 29, 1981.

<sup>11</sup> Reagan, R. (1981d). Address to the Nation on the Economy. Public Papers of the Presidents. February 5, 1981.

<sup>12</sup> Reagan, R. (1981e). Remarks on the Nation's Economy at a White House Meeting with State Legislators and County Executives. Public Papers of the Presidents. February 9, 1981.

<sup>13</sup> Reagan, R. (1981f). Remarks to Reporters on Releasing an Audit of the United States Economy. Public Papers of the Presidents. February 12, 1981.

<sup>14</sup> Reagan, R. (1981g). Address Before a Joint Session of the Congress on the Program for Economic Recovery. Public Papers of the Presidents. February 18, 1981.

<sup>15</sup> "Bush: We must get this country back to work." *Business Week*, March 9, 1981, p.64.

<sup>16</sup> Reagan, R. (1981h). Statement on Assistance for the Domestic Automobile Industry. Public Papers of the Presidents. April 6, 1981.

<sup>17</sup> Reagan, R. (1981i). Statement on the Reduction of Federal Regulations. Public Papers of the Presidents. June 13, 1981.

<sup>18</sup> Reagan, R. (1981j). Message to the Congress Transmitting the National Energy Policy Plan. Public Papers of the Presidents. July 17, 1981.

<sup>19</sup> Reagan, R. (1982a). Address Before a Joint Session of the Congress Reporting on the State of the Union. Public Papers of the Presidents. January 26, 1982.

<sup>20</sup> Reagan (1982a), State of the Union Address.

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- <sup>21</sup> Reagan, R. (1982b). Address Before a Joint Session of the Iowa State Legislature in Des Moines. Public Papers of the Presidents. February 9, 1982.
- <sup>22</sup> Reagan, R. (1982c). Address Before a Joint Session of the Indiana State Legislature in Indianapolis. Public Papers of the Presidents. February 9, 1982.
- <sup>23</sup> Reagan, R. (1984). Address Before a Joint Session of the Congress on the State of the Union. Public Papers of the Presidents. January 25, 1984.
- <sup>24</sup> The data used here were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation grant number SBR 9320922, and were distributed through the Center for American Politics and Public Policy at the University of Washington and/or the Department of Political Science at Penn State University. Neither NSF nor the original collectors of the data bear any responsibility for the analysis reported here.
- <sup>25</sup> Landy, Roberts, et al. (1994).
- <sup>26</sup> Burford, A. M. and J. Greenya (1986). Are You Tough Enough? New York, McGraw-Hill, p.123.
- <sup>27</sup> Landy, Roberts, et al. (1994), p.250.
- <sup>28</sup> These budget numbers were taken from EPA documents and adjusted to constant 1996 dollars using the conversion factors provided by Robert C. Sahr on [http://www.orst.edu/Dept/pol\\_sci/fac/sahr/cv96.htm](http://www.orst.edu/Dept/pol_sci/fac/sahr/cv96.htm). Ringquist found similar numbers and converted them to a different year, with similar results Ringquist, E. J. (1993). Environmental Protection at the State Level. Armonk, NY, M.E. Sharpe.
- <sup>29</sup> Landy, Roberts, et al. (1994), p.250.
- <sup>30</sup> Pfiffner, J. P. (1996). The Strategic Presidency: Hitting the Ground Running. Lawrence, University Press of Kansas, p.89.
- <sup>31</sup> EPA (1995). Oral History Interview 4: William K. Reilly. Washington, DC, U.S. Environmental Protection Agency History Program, p.66.
- <sup>32</sup> Andrews, R.N.L. (1984), Economics and Environmental Decisions, Past and Present. V. Kerry Smith. Environmental Policy under Reagan's Executive Order. Chapel Hill: University of North Carolina Press, p73.
- <sup>33</sup> Andrews (1984). Economics and Environmental Decisions, p.73.
- <sup>34</sup> Fuchs, E. P. (1988). Presidents, Management, and Regulation. Englewood Cliffs, NJ, Prentice Hall, p.110.

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- <sup>35</sup> Benda, P. M. and C. H. Levine (1988). Reagan and the Bureaucracy: The Bequest, the Promise, and the Legacy. The Reagan Legacy: Promise and Performance. C. O. Jones. Chatham NJ, Chatham House Publishers: 102-142.; Friedman, B. D. (1995). Regulation in the Reagan-Bush Era: The Eruption of Presidential Influence. Pittsburgh. University of Pittsburgh Press.
- <sup>36</sup> Andrews (1984). Economics and Environmental Decisions, p.75.
- <sup>37</sup> Biniek, J. P. (1986). Benefit-Cost Analysis: An Evaluation. Controversies in Environmental Policy. S. Kamieniecki, R. O'Brien and M. Clarke. Albany, State University of New York Press: 136-152.
- <sup>38</sup> Fuchs (1988) Presidents, Management, and Regulation.
- <sup>39</sup> Fuchs (1988), Presidents, Management, and Regulation. p.99.
- <sup>40</sup> Meyer, K. (2001). With the Stroke of a Pen: Executive Orders and Presidential Power. Princeton: Princeton University Press, p. 127.
- <sup>41</sup> Andrews (1984). Economics and Environmental Decisions, p.77.
- <sup>42</sup> Ringquist, E. J. (1993). Environmental Protection at the State Level. Armonk, NY, M.E. Sharpe, p.61.
- <sup>43</sup> Ringquist (1993), p.73.
- <sup>44</sup> Ringquist (1993), p.75.
- <sup>45</sup> Golden, M. M. (2000). What Motivates Bureaucrats? Politics and Administration During the Reagan Years. New York, Columbia University Press, p.123.
- <sup>46</sup> EPA (1981). Telephone Directory. Washington, U.S. EPA.; Kraft, D. E. (1982). Organizational, Support Services & Regional Components Section of EPA Headquarters Telephone Directory. General Services Branch, EPA.
- <sup>47</sup> EPA, U. S. (1989). Transition '89: Office Profiles. Washington, DC. United States Environmental Protection Agency, pp. 3-15 to 3-17.
- <sup>48</sup> Golden (2000).
- <sup>49</sup> Landy, Roberts, et al. (1994), p.249.
- <sup>50</sup> Memo, Edward A. Kurent to Robert M. Perry, February 25, 1983, Ronald Reagan Library, p.1.

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<sup>51</sup> Memo, Edward A. Kurent to Robert M. Perry, February 25, 1983. Ronald Reagan Library, p.2.

<sup>52</sup> Memo, Edward A. Kurent to Robert M. Perry, February 25, 1983. Ronald Reagan Library, p.2.

<sup>53</sup> Memo, Edward A. Kurent to Robert M. Perry, February 25, 1983, Ronald Reagan Library, p.2.

<sup>54</sup> Landy, Roberts, et al. (1994), p.250.

<sup>55</sup> EPA (2000). "EPA Workyear History." April 21, 2000. EPA History Office.

<sup>56</sup> Ban, C. and P. W. Ingraham (1990). "Short-Timers: Political Appointee Mobility and Its Impact on Political-Career Relations in the Reagan Administration." Administration & Society 22(1): 106-124, p.121.

<sup>57</sup> Pfiffner (1996), p.65.

<sup>58</sup> Golden (2000), p.125.

<sup>59</sup> Fuchs (1988), p.93.

<sup>60</sup> Michaels, J. E. (1997). The President's Call: Executive Leadership from FDR to George Bush. Pittsburgh, University of Pittsburgh Press, p.40.

<sup>61</sup> Brownstein, R. and N. Easton (1982). Reagan's Ruling Class: Portraits of the President's Top 100 Officials. Washington, DC, The Presidential Accountability Group, p.205.

<sup>62</sup> Landy, Roberts, et al. (1994), p.247.

<sup>63</sup> Landy, Roberts, et al. (1994), p.247.

<sup>64</sup> Brownstein and Easton (1982), p.211.

<sup>65</sup> Burford and Greenya (1986), p.113.

<sup>66</sup> Brownstein and Easton (1982), p.212.

<sup>67</sup> Landy, Roberts, et al. (1994), p.247.

<sup>68</sup> Landy, Roberts, et al. (1994), p.247.

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<sup>69</sup> Golden (2000), p.122.

<sup>70</sup> Cheshire, H. W. (1981). Capital Wrapup, Business Week, July 27, p.99.

<sup>71</sup> "Deregulation still has a long way to go," Business Week, August 23, 1982, p.24.

<sup>72</sup> Burford and Greenya (1986), Chapter 16; EPA (1993). Oral History Interview-1: William D. Ruckelshaus. Washington, U.S. Environmental Protection Agency History Program, p.30.

<sup>73</sup> e.g. Harris and Milkis (1996).

<sup>74</sup> Bullard, R. (1995). Government Should Work to Ensure Environmental Justice. At Issue: Environmental Justice, J. Petrikin. San Diego, Greenhaven Press: 74.

<sup>75</sup> Hays, S.P. (2000). A History of Environmental Policy Since 1945. Pittsburgh, University of Pittsburgh Press, p.111.

<sup>76</sup> Hays (2000), pp.111-112.

<sup>77</sup> Burford and Greenya (1986), pp. 125-127.

<sup>78</sup> Fuchs (1988), chapter 5.

<sup>79</sup> O'Brien, M. (2000). Making Better Environmental Decisions: An Alternative to Risk Assessment. Cambridge, MA: The MIT Press, Chapter 7.

<sup>80</sup> Hays, S. (2000), p.213.

<sup>81</sup> Laham, N. (1998). The Reagan Presidency and the Politics of Race: In pursuit of colorblind justice and limited government. Westport, CT: Praeger Publishers, p.5.

<sup>82</sup> Lester, J.P., D.W. Allen, K.M. Hill (2001). Environmental Injustice in the United States: Myths and Realities. Boulder: Westview Press, p.44.

<sup>83</sup> Foster, J.B. (1995). The Global Policies of the United States are Environmentally Unjust. At Issue: Environmental Justice, J. Petrikin. San Diego, Greenhaven Press, p.103

<sup>84</sup> Lester, Allen and Hill (2001). Environmental Injustice in the United States.

<sup>85</sup> Foster (1995). The Global Policies of the United States are Environmentally Unjust, p.103

### **Chapter 3**

## **REGIME DISRUPTION: THE CASE OF PUBLIC EDUCATION AND THE REAGAN ADMINISTRATION**

### **Introduction: Reagan and Deregulating the Schools**

The Department of Education continues to operate despite Reagan's assault on its existence. Yet experts in the field of K-12 education policy associate significant and enduring changes, such as the successful "excellence" movement, with the early Reagan years and the president's leadership.<sup>1</sup> Federal education policies promoting equity have been displaced since the Reagan years. Now, the government promotes school "excellence," efficiency, and competition. It seems that while the institution survives, the federal role in education is quite different. This chapter focuses on White House rhetoric and administrative powers that help to launch long-term policy changes, using the example of Reagan's management of the Department of Education. I argue that Reagan's presidency succeeded at building a new regime in education policy. The story of a White-House led shift in education policy contributes further to our understanding of presidential order-building under the modern conditions of "institutional thickening" that the literature describes.

The Carter administration together with Congress spent considerable time and energy creating the Department of Education in October 1979. The new department administered Lyndon Johnson's Elementary and Secondary Education Act and other programs. These were targeted at disadvantaged schools. Not long afterwards, the Reagan administration took office having promised to eliminate the newest cabinet-level

office, allow school prayer, and provide tax credits for private school tuition.<sup>2</sup> The department still exists, but the Reagan administration used it to promote new policy and left it weakened. Moreover, Reagan attacked not only the cabinet department but public education itself. In 1983 the administration exploited the dramatic A Nation at Risk report, which was written in spite of White House objection, to refocus education policy towards “excellence” programs and away from Great Society equity programs. The attention on educational “excellence” inspired a different direction for public school policy, one favoring higher standards, market-based policies, and “devolution” to the states. This particular focus continues to dominate national level education policy. Clearly a policy-level analysis can enhance our understanding of presidential power and leadership. This leadership often takes the form of rhetoric.

In one of the most important rhetorical incidents in the history of education policy, the Department of Education produced a report in 1983 called A Nation at Risk. This document suggested the U.S. had followed a policy of educational “disarmament,” and that the economy could be more competitive globally if a path towards educational “excellence” were followed.<sup>3</sup> Upon releasing this report, President Reagan declared that the public education establishment was to blame for poor academic performance, a conclusion not found in the document.<sup>4</sup> In fact, by many indicators, the schools had not suddenly grown worse.<sup>5</sup> The decline in certain test scores could be explained by an increase of students seeking college admissions, for example. Yet this term “excellence” apparently inspired a different direction for public school policy, one towards higher standards, market-based policies, and devolution to the states. This particular focus continues to dominate national level education policy. This chapter explores this

example further in order to illuminate the power of presidents to shift policy agendas with rhetoric. National education policy rests on a relatively small federal program having less institutional capacity. Nevertheless, rhetoric was used to capture the public imagination and to shift national policy goals.

Did President Reagan's use of the bully pulpit change education policy?

Reagan's first-term speeches on education will be examined closely in order determine whether these speeches are associated with an increased awareness of public education policy in the media and Congress. Using the agenda-shift methodology and datasets developed by Baumgartner and Jones, I will compare five items with the timing of Reagan's education rhetoric.<sup>6</sup> These five are: the news stories in the *New York Times Index* and *Congressional Quarterly Almanac*, the number of Congressional hearings and new public laws, and the budget authority for education. My hypothesis is that Reagan's rhetorical activity in his first years as president disrupted the previous order in public education policy by attracting attention to the issue, expanding awareness of the policy, and communicating new policy solutions (privatization and devolution).

Structural change was enacted concurrent with the rhetorical campaigns. Reagan used his control over the administrative state, including budgeting, to remake institutions toward his policy goal. I examine workforce and payroll levels, budgets, and bureaucratic reorganization efforts, and find that Reagan used these institutional resources successfully to assert political control over the inherited bureaucracy. Following the policy agenda methodology, my dependent variable is the education policy monopoly, more precisely the dominant policy goals. The independent variable is presidential rhetoric and executive administration. In conclusion I will suggest that the

Reagan initiatives continue to influence education policy even today. Ultimately this study reveals how incoming presidents use the power of rhetoric to disrupt ongoing institutional arrangements in pursuit of policy goals: disruption often, and often effectively, includes a rhetorical strategy.

### **Presidential Rhetoric: Educational Excellence**

In his first term, Reagan uttered or released a total of 72 statements on his agenda for K-12 public education, according to a search of speeches derived from the public papers of President Reagan held at the Reagan library. Most of these speeches (65) were given in 1983 and 1984, and only a few are from the first two years as president (Table 1); these numbers exclude statements of nominees to the Department of Education. These “speeches” are actually better named “rhetorical communications,” as they may also be public written transmissions never actually spoken aloud, such as proclamations and letters to Congress suggesting legislation. I include such written material because they are public and reported by the press; the language found in these documents serves as the official justification for certain actions, and might be borrowed by other government officials. For this reason, I show separately in Table 1 the most important nationally broadcast or reported speeches, which are actual oral communications.

**Table 1****Number of Presidential Rhetorical Communications  
Mentioning Education Policy, Reagan's First Term**

<i>Year</i>	<i>Total Communications</i>	<i>Nationally Broadcast</i>
1981	1	0
1982	5	1
1983	31	5
1984	25	4

**Source: "Public Papers of President Reagan," Reagan Library.**

Again, the beginning months of this administration do not include many references to education policy. The party nomination speech at the convention in August of 1980 did not mention the public education agenda, and neither did his first inaugural address. The sole mention of education policy by the president in 1981 was in a written proclamation declaring an American Education Week for November of that year. This was a minor rhetorical event, a document that was filed with the Federal Register and possibly reported by the press, yet it contains the seeds of the Reagan education policy agenda. Using the term "excellence" as an objective of the American Education Week, Reagan advocated more partnerships with "home, church, and the synagogue."<sup>7</sup> These are concepts later used and expanded in other Reagan communications.

In 1982, there were a total of five mentions of education among the speeches, one of them being the State of the Union address. Here Reagan explained his budget that eliminated the Department of Education, used block grants and trust funds for the states in place of grants-in-aid, and introduced the idea of private sector initiatives that would run schools better than government.<sup>8</sup> In the fall of that year, Reagan again proclaimed an American Education Week. This time, he said that, "our tax system should ensure that

effective parental choice in education is not the preserve of only the wealthy.”<sup>9</sup> This rhetoric supported his proposed tax credits for private school tuition, which would have increased school competition. The president explained to the National Catholic Education Association, “alternatives to public education tend to strengthen education...excellence demands competition among students and among schools.”<sup>10</sup> The content of these speeches describes the president’s agenda for education, but the infrequency of the message suggests that education policy was not yet a top priority.

Over the next two years, 1983 and 1984, public education policy seems to achieve higher importance in the Reagan White House. In 1983, the State of the Union address and four special national radio addresses reiterate the agenda for public education. The other 26 speeches that year included such communications as an interview with *USA Today*, messages to Congress, and remarks to interest groups. This year also brought the release of the Nation at Risk report mentioned above. The language of the report’s introduction, which claimed that we had experienced an educational disarmament, together with Reagan’s statement about the report, was widely reported at the time. At the announcement of the report, Reagan explained his intended program,

we’ll continue to work in the months ahead for passage of tuition tax credits, vouchers, educational savings accounts, voluntary school prayer, and abolishing the Department of Education. Our agenda is to restore quality to education by increasing competition and by strengthening parental choice and local control. I’d like to ask all of you, as well as every citizen who considers this report’s recommendations, to work together to restore excellence in America’s schools.<sup>11</sup>

This “excellence” agenda was very different from the goals of the existing education regime at the national level, which consisted of programs that focused on equality with compensatory programs.

In 1984 the increased activity level continued for the Reagan White House. The total number of speeches mentioning education in 1984 was 25, and 4 of these were national addresses. This number excludes the numerous campaign stops that year, where speeches also mentioned education policy, but includes the Republican convention and one televised debate. Reagan together with Congress declared May 1984 – April 1985 to be the Year of Excellence in Education. In the proclamation, Reagan stated “there must be more participation by business, industries, and individuals.”<sup>12</sup> Reagan gave a White House ceremony in September that year honoring “Hispanic Excellence in Education” with awards for teachers. Later that year Reagan signed the “Education for Economic Security Act” which funded teacher training in science and math, but at the same time objected to “excessive funding.”<sup>13</sup> In sum, Reagan began to communicate his new policy goal for education slowly in 1982, but the rhetorical activity on education began in earnest in 1983 and continued through the next year. This is the year in which policy agenda shifts should begin, and measures of attention to this subject should register a shift.

### **Issue Attention Indicators**

Using the year 1983 as the year of greatest rhetorical leadership, I used the Policy Agendas Database to look for any shifts in attention from the media and Congress from 1978 to 1994.<sup>14</sup> If the number of media stories or congressional actions noticeably

increases around or just after 1983, we could attribute this to presidential leadership. If there is an issue attention shift slightly earlier, the education rhetoric in the 1982 State of the Union address, as well as the campaign stump speech might be important. In fact, some of the data support the contention, and each indicator shifts as expected in 1983; the best indicator of a shift in issue attention in this case is congressional hearings. I place the charts together in order to illustrate the coincidence in 1983. I will initially explain the findings from this data and then later revisit the hypothesis more extensively in a discussion section below.

First, the *New York Times Index* database is a random sample of all stories appearing in the index. The frequency of stories unrelated to state and municipal issues that have education as a major topic appears in Chart A. While there does not seem to be a major shift in the coverage of national-level education in the Times, there is a trend upward at the key time. In 1983, the number of education stories is at a peak with 16, which is on the high side compared to other years, but is nothing dramatically unusual. These stories are mostly not about federal government policy; education simply best describes the article's major topic, as opposed to any other topic (and I omitted stories that exclusively concerned state and local matters in this analysis). More stories covering education in general can be an indicator of increased attention to the subject. Perhaps the 1982 State of the Union address, combined with the rhetorical campaign of 1983, created this peak in education stories. Again I note that this trend in coverage at the *Times* is not overwhelmingly supportive of the hypothesis.

Second, the *Congressional Quarterly Almanac* database provides a coding of all stories appearing in that publication (Chart B). Again, there is a peak at the right time for

stories on education, with 1982 and 1983 having 12 stories each while previous years are in the single digits. The number of stories doubles between 1981 and 1982. The attention shifts away in 1985. These stories are of course more directly concerned with Washington policy and congressional action. An increase in these stories demonstrates that education moved up in priority at the same time Reagan began to speak out.

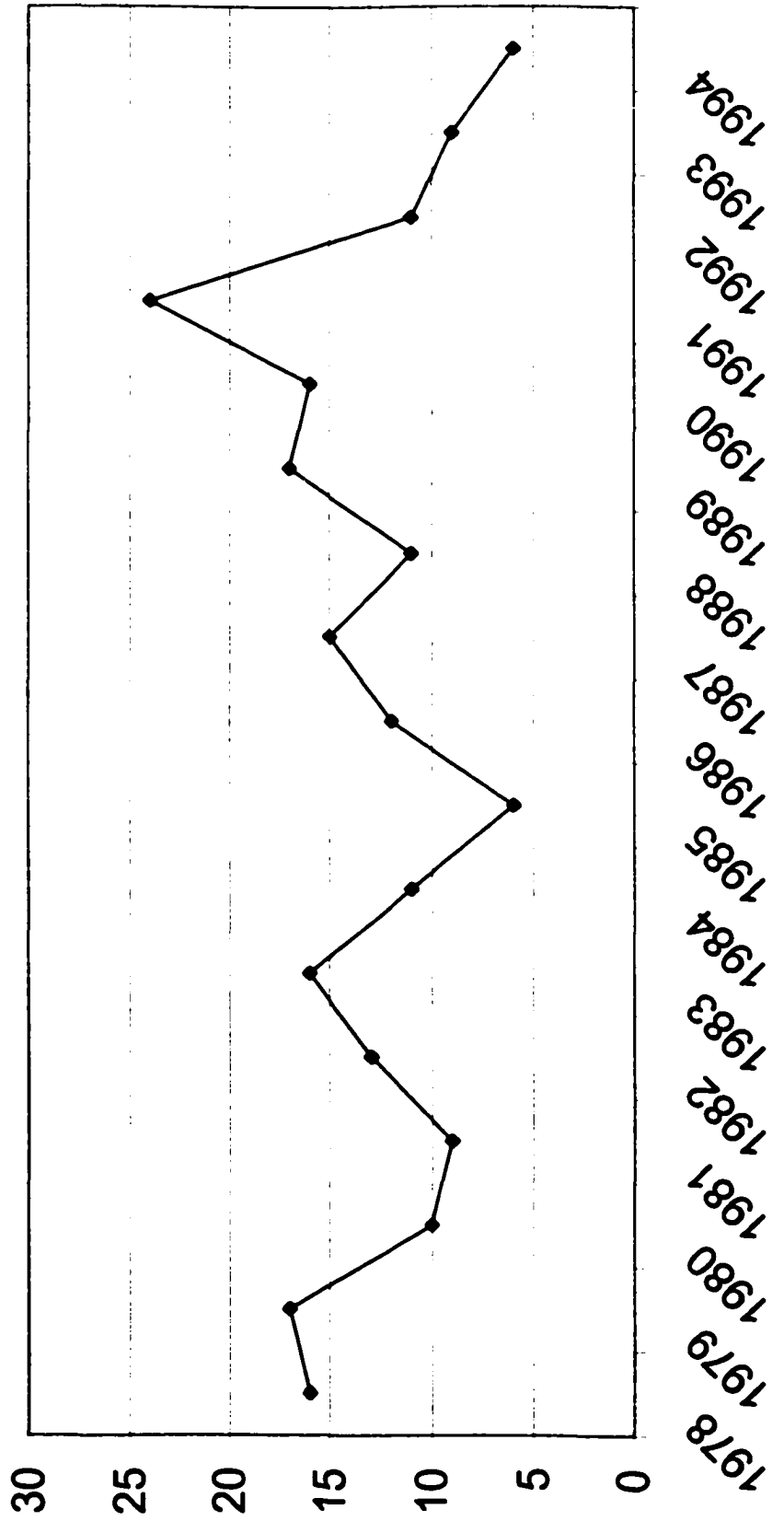
The other two indicators of agenda shifts concern Congress more directly. The number of public laws having education as the major topic also increases somewhat around the same time (Chart C). On this topic, the public laws are more frequent in even-numbered (election) years, and they rise in 1984 and peak in 1986 with 25. The election years, if considered separately, more clearly demonstrate an upward trend that follows the rhetoric (Chart D). Perhaps Reagan's rhetoric demonstrated that education was a popular with the public, and that during election years, action on education was helpful to re-election.

Fourth, the number of Congressional hearings jumped in each of Reagan's first four years, most dramatically in 1983 and 1984 to a peak of 35 hearings (Chart E). For this dataset of hearings, I chose to analyze a subset of only five subtopics within education that best fit the K-12 policy agenda (for the other data I used simply the major topic of education, and not a subset). The five used for hearings are: general education (which includes hearings that overlap subtopics or do not fit anywhere else), elementary and secondary education, education for underprivileged students, education research and development, and other education issues. The shift in issue attention as evidenced by hearings is perhaps the most striking of these indicators. Most of these hearings directly involve national intervention in elementary and secondary education. Reagan's rhetoric

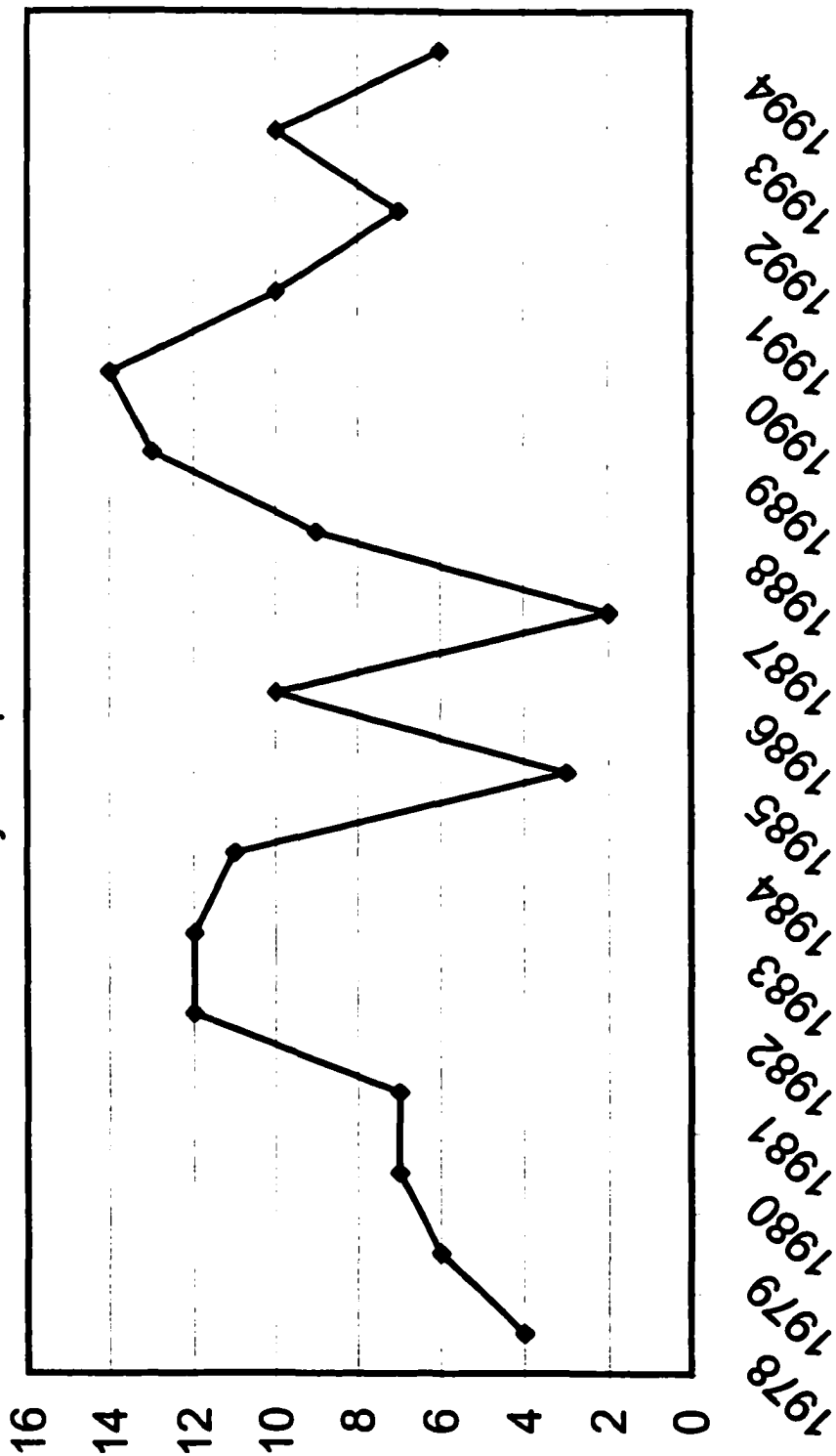
begins with his campaign speech, escalates in 1983, and seems to prompt a reaction by congressional members throughout the first term. Correlatively, educational initiatives by Congress increased with presidential communications.

[CHARTS A, B, C, D, E ABOUT HERE]

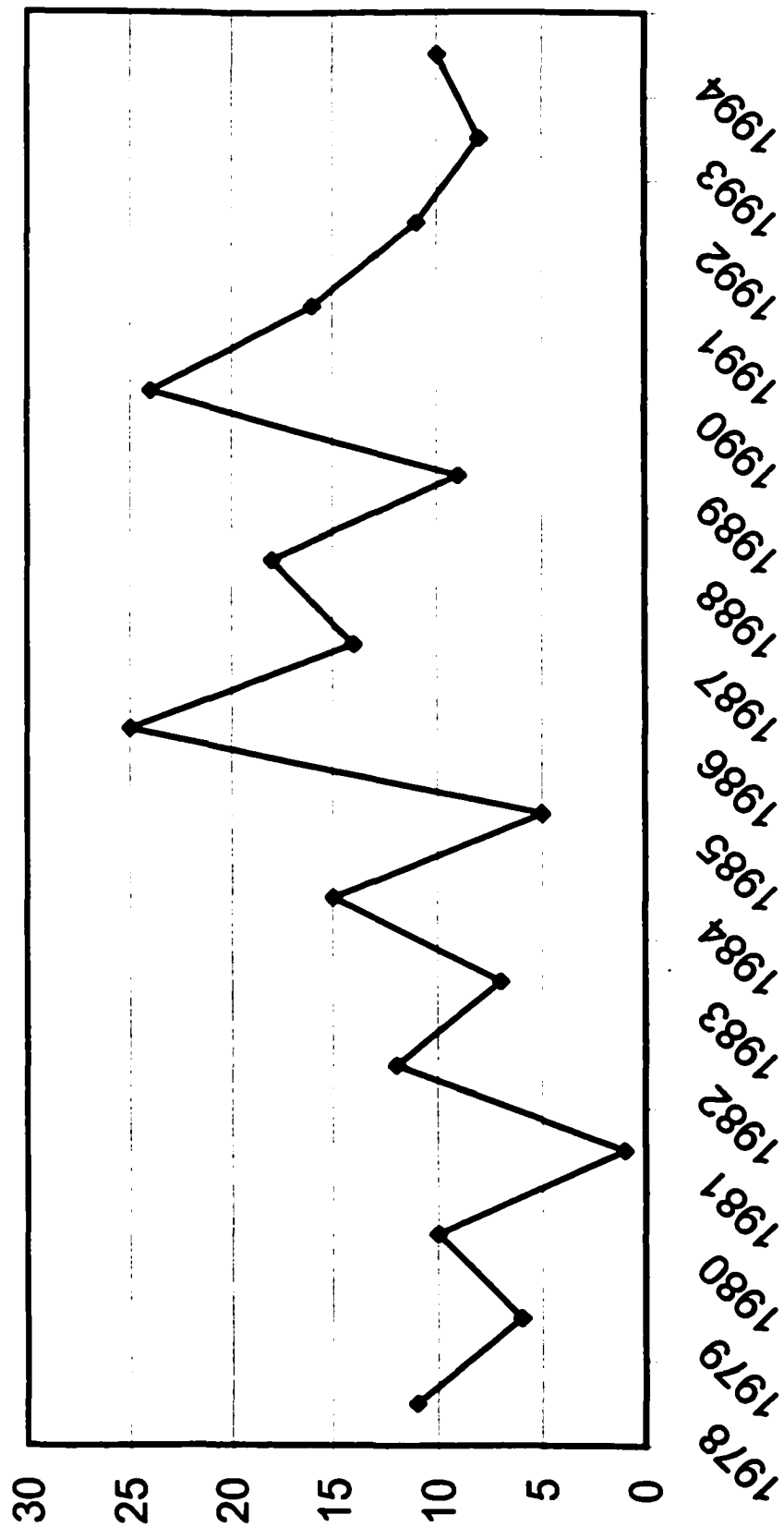
**CHART A**  
**Sample of Stories in New York Times Index**  
Major Topic: Education



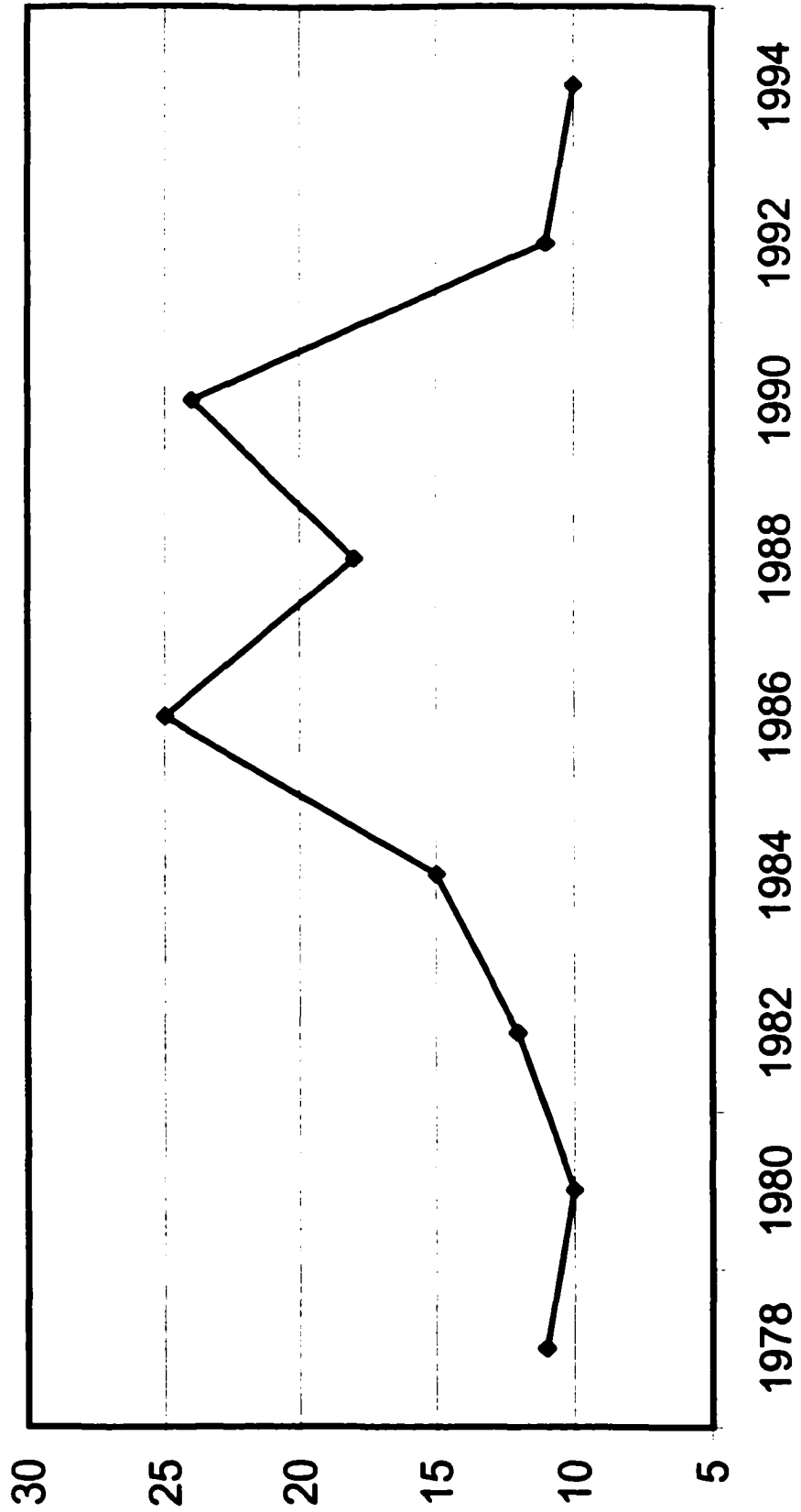
**CHART B**  
**Number of Stories in Congressional Quarterly Almanac**  
Major Topic: Education



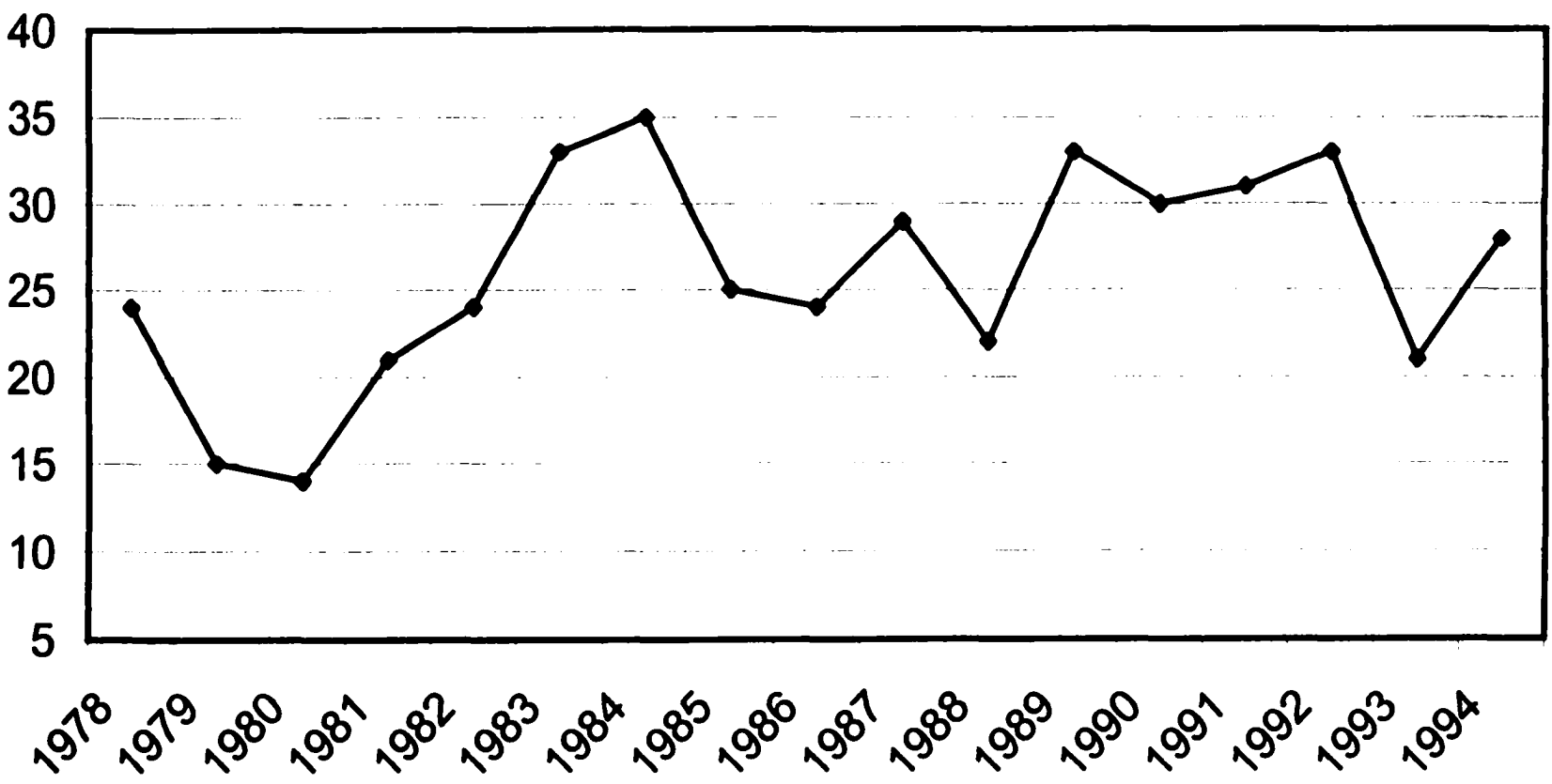
**CHART C**  
**Number of Public Laws**  
Major Topic: Education



**CHART D**  
**Number of Public Laws, Election Years Only**  
Major Topic: Education



**CHART E**  
**Number of Congressional Hearings**  
Five Education Subtopics: General; Elementary and Secondary;  
Underprivileged Students; Research and Development; Other Issues



### **Budget Authority for K-12 Education**

Presidential budgets require compromise with Congress, and perhaps a rhetorical campaign can influence the politics of budget decisions. First, Reagan decreased and deregulated federal education spending. When Reagan won the White House, federal dollars contributed almost 10% of total school spending. Most federal money went to schools in categorical grants created during the Great Society to aid disadvantaged, handicapped, and other students with particular needs. Since schools often rely upon local property taxes for funds, the federal compensatory money is very important to schools in poorer neighborhoods. Some schools may depend almost entirely on federal funding.<sup>15</sup> When Reagan left office, the federal component of school funding was about 6% (Table 2, below). More recently that figure has crept back up, and one estimate puts that figure today at 7.9%, still shy of pre-Reagan levels.<sup>16</sup> In addition, many of the existing categorical grants for schools were made into block grants to the states, and “regulations governing the use of funds were significantly reduced and reporting requirements were modified or eliminated” during the Reagan years.<sup>17</sup> The Education Consolidation and Improvement Act of 1981, part of the budget act that year, consolidated 42 programs into 7 block grants.<sup>18</sup>

**Table 2**

**Federal Contribution to Public Education, as a percent of all funding<sup>19</sup>**

<b><u>Year</u></b>	<b><u>Percent</u></b>
<b>1970</b>	<b>8</b>
<b>1975</b>	<b>9.02</b>
<b>1980</b>	<b>9.81</b>
<b>1985</b>	<b>6.63</b>
<b>1990</b>	<b>6.09</b>
<b>1995</b>	<b>6.8</b>

As noted above, the Reagan administration used an unprecedented top-down budgeting plan for all agencies. This administrative reform was certainly used to control the Department of Education; many have estimated the Department itself suffered a 20% budget decrease in 1981.<sup>20</sup> I examined a different figure, the budget authority line for “elementary, secondary, and vocational education,” in a database produced by the Policy Agendas Project. This project pays close attention to the ever-changing labels in budgets, and so especially lends itself to comparison over time. The education line in the budget includes most programs at the Department of Education, but also includes spending at other agencies. When adjusted for inflation, the budget figure decreased significantly throughout Reagan’s first term (Table 3). Under Reagan the budget authority was decreased 15% in 1981 and 11% in 1982. The Reagan budget in 1982 was down about 35% from a 1979 peak. In fact, the overall education budget did not regain Carter-era levels until 1992. Clearly, the federal dollars were reduced and placed under discretionary state control, which deregulated the schools from equity requirements.

**Table 3****Budget Authority for Primary, Secondary, and Vocational Education<sup>21</sup>**

<b>Year</b>	<b>Inflation-adjusted Budget Authority*</b>	<b>Change from Previous Year</b>
1978	14681.73	---
1979	15425.09	5.1%
1980	13383.24	-13.2%
1981	11336.18	-15.3%
1982	10098.88	-10.9%
1983	10345.48	2.4%
1984	10504.17	1.5%
1985	11176.68	6.4%
1986	10478.36	-6.2%
1987	11928.25	13.8%
1988	12214.10	2.4%
1989	12486.29	2.2%
1990	13327.97	6.7%
1991	14854.71	11.5%
1992	15638.77	5.3%
1993	15220.88	-2.7%
1994	15470.35	1.6%

\* In millions of 1996 dollars. The budget line for "primary, secondary, and vocational education" may be distributed among several agencies.

**Other Centralized Controls and Reorganization**

Second, the OMB was used by Reagan to control the bureaucracy in nonbudgetary ways. Upon taking office, Reagan declared a regulatory moratorium and began a centralized review process using the Office of Information and Regulatory Affairs in the OMB.<sup>22</sup> Education-related regulations that were delayed for review include those affecting handicapped students, girls' athletic programs, and school lunches.<sup>23</sup> In another instance of regulatory reconsideration, Secretary Bell tried to gain favor from conservatives in the White House when he moved to change a Carter regulation about bilingual education.<sup>24</sup> Moreover, the OMB and its Director, David Stockman, had

authority to approve agency behavior beyond regulations and budgeting. For example, Secretary Bell was required to submit his congressional testimony to Stockman for approval before delivering it to Congress.<sup>25</sup> Therefore, agency autonomy was greatly reduced under Reagan. This approach enhances regime disruption at an agency, which in this case was a departure from the founding principles of the Department of Education.

Secretary Bell's experience provides further evidence of White House reorganization that maximized central control of the agencies. Bell fulfilled his obligation to dismantle the Department of Education with proposed legislation that would make the agency a "foundation" with many of the same functions.<sup>26</sup> This bill first required approval from the Office of Policy Development at the White House. OPD Director Martin Anderson from the Hoover Institute initially characterized Bell's proposal as too liberal.<sup>27</sup> After a compromise was found, which included moving civil rights enforcement to Justice, the proposal was submitted to the Cabinet Council on Human Resources. Reagan had created five of these councils chaired by select cabinet members, and the chair of CCHR was Secretary Richard Schweiker of Health and Human Services. In this case, Bell's proposal did not have problems with this review, but nonetheless the organization had the authority to overrule department secretaries. The final step before going to Congress with the bill was full cabinet and presidential approval. The bill received little or no support from either party in Congress, as the department was so recently created by deliberative legislative process; it seems the newest agency is not an appropriate target for destruction. This example illustrates the centralized review structure of the Reagan White House.

### **Reagan and Staffing the Department of Education**

Thirdly, the new administration used its appointment powers in various efforts to politically control the Department of Education; Reagan reduced the workforce, cut the payroll, and strategically used political appointments. The president uses appointment powers to install like-minded directors of bureaucratic agencies. Reagan also used his limited number of lesser-rank political appointments to control certain agencies. The Reagan appointment system was more ideological and centrally controlled than those of his predecessors, and Stephen Hess reports that the first criteria for selection by this office was "commitment to the Reagan philosophy and program."<sup>28</sup> Apparently this criteria applied far down into the bureaucracy to "include political appointments below the presidential level."<sup>29</sup> Reagan staffed the agencies unevenly, according to Durant who cites Ingraham, with the agencies most adverse to the Reagan agenda receiving more Reagan-loyalist middle-managers, and in 1981 the Department of Education received the most.<sup>30</sup> This corps of upper-middle managers consists of the Senior Executive Service and Schedule C appointments. Ten percent of the SES and all of the Schedule C positions are political appointments controlled by the president, and these positions were used by Reagan to circumvent career civil servants at many agencies.<sup>31</sup> In addition the career SES positions have less civil service protections and often cooperated with Reagan as well.<sup>32</sup> Another study found that Reagan downgraded certain civil service positions to encourage resignations and to reduce the authority of nonpolitical jobholders.<sup>33</sup> Sanders specifically argues that these administrative changes contributed to Reagan's role in the politics of reconstruction. Below I add to these findings with data that shows Reagan cut

the workforce and payroll at the Department of Education while increasing numbers of SES personnel.

The department's workforce was drastically cut, as shown in Table 4. The agency was originally created with over 7,000 positions. This number was reduced by about 17% in 1981. Reductions continued throughout the first term at about 7% a year, although in the election year of 1984 they were minimal. The rate of reductions increased again in 1985 to about 7%. Today the agency has under 5000 employees. This decline demonstrates a considered weakening of institutional capacity at the agency. At the same time, the payroll for the remaining workers was lowered. In order to determine this, I took a crude figure of the total payroll divided by the total workforce for a given month. The results appear in Table 4, as monthly dollars that are not adjusted for inflation. The average monthly payroll went down by 22 percent in 1981, and did not reach 1980 levels for five years. Considering the high levels of inflation in those years, agency employees were being paid less. This could only contribute to a lowered morale and recruitment potential at the agency.

**Table 4**  
**Department of Education Workforce Description, Each November<sup>34</sup>**

Year	Total Workforce	Workforce Change from Previous Year	Monthly Payroll Average	Payroll Change from Previous Year	% of Workforce in SES
1980	7329	---	2777	---	12.1%
1981	6097	-16.8%	2155	-22.4%	11.8%
1982	5673	-7.0%	2288	6.2%	12.6%
1983	5260	-7.3%	2603	13.8%	13.0%
1984	5185	-1.4%	2643	1.5%	14.8%
1985	4832	-6.8%	2818	6.6%	15.1%

In fact, the administration had great difficulty recruiting workers to a cursed agency. Secretary Terrel H. Bell describes this as trying to recruit passengers to the Titanic.<sup>35</sup> His own appointment to Education may be the result of recruitment problems, as transition director and White House Counsel Edwin Meese mistrusted Bell as an academic and pragmatist Nixon bureaucrat. Perhaps they could not find another acceptable candidate. Bell, from Utah, was friendly with Senator Orrin Hatch, the chairman of the relevant senate committee. He was the final cabinet appointment made by the Reagan transition team, and Hess reports that the president “cared least about the jobs at Energy and Education, two departments he promised to abolish.”<sup>36</sup> Bell was unsure about the wisdom of the White House commitment to dismantle the department. He initially promised the president he would try to eliminate the agency, but quickly became convinced of its need.

At Education, all political appointments under Bell were first cleared through the Office of Personnel Management, which was directed by Pendleton James, a close friend of Meese. This office checked the conservative credentials of every appointment and preferred “movement conservatives,” as Bell calls them, over “pragmatists.”<sup>37</sup> The process was very slow and for several months nominees were rejected by either Bell or James, and positions were left unfilled. The lack of permanent staff contributed to a weakening of the agency, and tipped the balance of power towards the political appointees, lowering bureaucratic resistance to change.<sup>38</sup> Finally, after several compromises, the far-right loyalists held several top positions including general counsel, chief of regional office liaison, director of National Institute of Education, and other subordinate offices.<sup>39</sup> In fact, the new assistant secretary for Educational Research and

Evaluation, Donald Seneese, was a co-author of the Heritage Foundation policy book that often guided the administration, Mandate for Leadership.<sup>40</sup> Another co-author appointed to the Education Department was George Archibald, who became deputy assistant secretary for legislation, and the new departmental executive secretary, Charles Heatherly, was the book's editor. Many proposals from this document were enacted during 1981. The new Assistant Secretary for Civil Rights was Clarence Thomas.<sup>41</sup>

Moreover, the numbers of political appointees at the Department increased throughout the first term. The Senior Executive Service (SES) consists of mid-level managers that are moved around the bureaucracy, and are often politically allied with the administration. The noncareer SES appointments (about 10%) are the most loyal to the White House, but studies have found the career SES usually cooperate with presidential changes as well.<sup>42</sup> The total numbers of SES employees increased as a percentage of the total workforce at Education (Table 3) during the Reagan administration. After a slight decline in 1981 to below 12% (perhaps due to recruitment problems or White House neglect), the percentage of SES employees increased each year to pass 15% in 1985. This may be evidence of an increasing administration desire for political control of this agency. Indeed, another study found that Reagan strategically used vacancies and attrition among the career bureaucrats so that political appointees had more latitude and greater strength.<sup>43</sup> An increase in the percentage of SES at Education demonstrates this administrative approach to policy change.

### **Business Partnerships**

On October 3, 1983, the President proclaimed “the period from October 1, 1983 through June 30, 1984 as the National Year of Partnerships in Education.”<sup>44</sup> The program was intended to acknowledge, encourage, and further develop business partnerships in education, which usually meant companies adopting schools.<sup>45</sup> This program, combined with the national call to action associated with A Nation at Risk, led to greatly increased private sector involvement with public schools. Internal Department of Education documents from 1983, obtained from the Reagan Presidential Library, describe the Partners in Education program. For example, James K. Coyne, the Special Assistant to the President for Private Sector Initiatives in the White House, wrote a memo to Douglas Holladay, the Associate Deputy Under Secretary for Planning, Budget and Evaluation at the Department of Education, on January 31, 1984 regarding the allocation of responsibilities for the partnerships program. The Office of Private Sector Initiatives had responsibility for “coordinating, managing, and directing the Partnerships in Education Program and the development of the PIE database [original emphasis].”<sup>46</sup> The Department of Education was responsible for “promotion of the program among its constituencies, particularly within the education community as well as recruiting partners (particularly for disadvantaged schools) [original emphasis].”<sup>47</sup> The Department of Education office heading the project submitted a budget of just over \$300,000 for one year.<sup>48</sup> This initiative is an example of a presidential administration mobilizing business resources and support for a new policy that removed government assistance from existing programs.

The Department of Education began to research existing business partnerships and to develop support in the education and business community. In an undated memo (but one written after February 21, 1984 because it refers back to that date), Secretary of Education Bell wrote to Michael K. Deaver, Assistant to the President and Deputy Chief of Staff, to report on the progress of the partnerships initiatives. He reports several actions, including having “substantiated over 25,000 partnerships thus far.”<sup>49</sup> He attaches a list detailing each of 57 projects that involve, by my count of the numbers given, 24,375 schools. These projects encompass such projects as various business and “industry-oriented” adopt-a-school programs, Apple Computer donations, ARCO grants to principals, a sponsored elementary social studies unit on the steel industry, and a chamber of commerce partnership involving career counseling.<sup>50</sup> Bell’s memo to Deaver continues by reporting other action on the initiative, including: polling every school district to verify partnerships, distributing a brochure on partnerships to every principal in the nation, meeting with business leaders, sending a letter to each governor, and “working with the President’s Commission on Industrial Competitiveness in an effort to reinforce in the Commission’s minds the important link between education and international industrial competitiveness.”<sup>51</sup> This program clearly enlisted the resources of the private sector for the president’s new policy, and represents another form of privatization in education as public funds and programs were cut.

### **Reagan’s Second Term**

As noted above, the White House undertook a major campaign on educational excellence in the months preceding the election. In 1984, Congress passed the Education

for Economic Security Act, which mostly added funding for science and math, but also provided for magnet schools (a major topic of Chapter Four) and other “excellence” programs.<sup>52</sup> After Reagan secured reelection, the White House redoubled its efforts to shift education with further administrative action. Secretary Bell realized his superiors had a renewed commitment to eliminate the agency, and he resigned.<sup>53</sup> Bell had fought with the far-right economic conservatives throughout his tenure.

After Bell the “moderate” was gone, the department was staffed with neoconservatives and the religious right. William Bennett was made secretary. Gary Bauer was second in command as undersecretary from 1985-87.<sup>54</sup> William Kristol, whose father had been a mentor to Bennett, was a chief aide and Chester Finn was assistant secretary for research.<sup>55</sup> During his tenure, Finn co-authored a report with Diane Ravitch decrying high school proficiency levels and calling for a core curriculum.<sup>56</sup> The neoconservative agenda for education included basic skills, standards and testing, school and teacher “accountability,” less affirmative action and more discipline.<sup>57</sup> Bennett also advocated for school choice. The work of these officials continued to redefine the role of federal government in public education. One observer claims that Bennett was the second term’s most visible cabinet member, and that “he kept the focus on excellence school reform in the minds of the educational establishment, politicians, and the American public.”<sup>58</sup> In addition, the numbers on agency workforce and budget presented above demonstrate that the Education Department never recovered its pre-Reagan strength.

But additionally, the Christian Right sought appointments to the bureaucracy and received them during the second term. The Christian Right in Washington realized that

its legislative opportunities were few, and so focused on “placing religious conservatives in the executive branch”.<sup>59</sup> Political scientist Matthew Moen conducted interview research about the period and found the appointments to be a significant change during the second term. He writes:

According to [journalist] Ronald Brownstein, infiltration of the bureaucracy ‘proceeded steadily’ far into Reagan’s second term, particularly in Attorney General Ed Meese’s Justice Department and Secretary William Bennett’s Education Department. Even the Heritage Foundation’s ‘placement director’ for conservatives indicated satisfaction with the breadth of Reagan administration appointments, saying in 1986 that he felt ‘confident that there are a handful of technically competent conservatives touching every area of government.’<sup>60</sup>

Moen also emphasizes that observers from all sides of the spectrum agreed with the assessment above, so that “the consensus ‘inside the Beltway’ was that the nature of the bureaucracy was vastly different from what it was at the start of the 1980s.”<sup>61</sup> These appointments could influence policy for many years. As further evidence that a new regime has taken hold on education policy, presidents since the Reagan administration have followed the new “deregulating” agenda. This is discussed in detail in Chapter Five.

### **The Political Logic of Educational “Excellence”**

But what was the political motivation for this new policy? Here I discuss the relationship between policy change and interest group politics. As with environmental

policy in Chapter Two, I focus on distinct categories of interest groups that overlap in reality: business interests, the religious right, and other relevant Republican and Democratic constituencies, including racial politics. The president seeks to mobilize his own voters and disperse or weaken opposing groups.

### **Business Interests and the New Education Policy Regime**

The new education policy favored and encouraged business interests and brought them into the education policy regime. The Reagan policy shift created new policy access, fostered new lobby organizations, and opened new markets for industry profits. I will consider these three in turn. First, business gained new access in several forms. Through appointments to the Department of Education, members of the pro-business Heritage Foundation directly held control of the agency and its decisions. The administration developed public/private partnerships and industry adopt-a-school programs. Also, because funding was cut, the schools increasingly turned to private sources of funding for programs.

Reagan's new policies also began a process of privatization that created a new profit-taking industry, which further connects the private sector with education policy. The new policies favoring privatization and competition created space for new markets that were quickly filled by those with ties to the Republican coalition. For example, the (sometimes) very profitable companies Edison Project and Channel One were started by Chris Whittle, an entrepreneur with close ties to neoconservatives like Lamar Alexander, the Tennessee governor who was later Bush's Education Secretary.<sup>62</sup> These new business ventures slowly arose after the new policy began to allow them. Presidential

rhetoric about choice and vouchers in the 1980s generated state-level charter school laws as a compromise, which in turn opened the door to privately managed schools. The industry really developed in the 1990s. Therefore, I discuss them in greater detail in Chapter Five, which focuses on developments in the post-Reagan years.

Second, business interest groups, newly focused on Washington, gained access to the Washington education policy establishment for the first time during the Reagan administration. Reagan's promise to eliminate the Department of Education and refocus the bureaucracy on efficiency is consistent with the business vision of the role of government. This goal of efficiency directly addresses the business critique of "big government." Reagan promised to eliminate the two newest agencies, Education and Energy. The Department of Education was a fledgling agency that might have appeared easy to cut in order to fulfill promises of less government that were popular with business interests. The youth of these agencies may have contributed to their resilience, as Congress was reluctant to dismantle them so soon. Reagan responded by weakening and then refashioning the Department of Education around market-based policy goals. This encouraged the private sector to become involved.

As mentioned in Chapter One, business participation in education policy has been intermittent, for example during the progressive era, and was mostly influential at the local level. But during Reagan's first term, many Washington business interest groups created education sections for the first time. At that time, for example, the Business Roundtable collaborated with the National Alliance for Business to make the latter organization the premier umbrella organization for business and education policy.

Presidential rhetoric and policy announcements were influential at mobilizing this change. According to education policy scholar Roslyn Arlin Mickelson:

the Reagan and Bush administrations embraced both market principles and the precept that privatization is the antidote to flawed, inefficient governmental bureaucracies. Encouraged by these administrations, the business critique of public education acquired even greater legitimacy. It also found systematic institutional strength through advocacy organizations like the Business Roundtable, the Conference Board, and chambers of commerce across the nation.<sup>63</sup>

According to this description, the business critique of education bureaucracy arose independently and was then nurtured by presidential facilitation.

### **Education and the Religious Right**

Reagan's education policy was influenced by the Christian Right, which won some policy changes. As discussed in Chapter One, the Christian Right was organizing nationally in the late 1970s, and it provided political support to the president. The Christian Right was accommodated with favorable rhetoric from the president, which was an important source of institutional support for an interest group. Moen explains that "Reagan mentioned six of the Christian Right's top agenda items in those important speeches, a major coup for any pressure group," and that this rhetorical attention "bequeathed secular legitimacy to the claims of religious conservatives, thereby 'mainstreaming' them and their concerns into politics."<sup>64</sup> As explained above, the Christian Right also received many bureaucratic appointments, particularly in education.

In fact, one of Moen's interviewees happily proclaimed, "the Christian Right has infiltrated the bureaucracy. There are many of its followers set into the structure of government, even at the highest levels of the civil service. It will take years to measure the effect of that success."<sup>65</sup> The movement won access to policy institutions.

School prayer and tuition tax credits did not immediately pass because they were unpopular outside religious fundamentalism, but the Christian Right movement was accommodated and leveraged by Reagan. This is an example of presidential response to the pressures of exogenous interests. Moen agrees that the Washington organizations of the Christian Right were overly mollified with the presidential attention it received in the form of "symbolic assuagement."<sup>66</sup> In fact, Christian Right leaders channeled their energy towards appointments and bureaucratic infiltration after receiving signals from the administration that this would be more appropriate than legislation or other forms of political action. In this way, the movement was kept happy by rhetoric and appointments, but also was a less visible polarizing force that might have split Reagan's coalition. But the Christian Right's short- and long- term accomplishments are significant. In fact, the overall policy shift to school choice and voluntarism favored the Christian Right, which often prefers private schools. The movement also contributed to Reagan's landslide reelection in 1984, when they registered large numbers of new voters.<sup>67</sup> The Christian Right is discussed further in relation to school policy at the Justice Department in Chapter Four.

### **Other Electoral Constituencies**

The new education policy shift towards choice and competition was also helpful to Reagan's coalition-building politics among other constituencies. First, the new policy takes advantage of the "southern strategy" of Republican presidential politics. School choice was another way to get around mandatory desegregation. Chapter Four discusses racial desegregation, electoral politics, and again the Christian Right in the context of an education policy shift at the Justice Department. Nonetheless, the new agenda of school choice begun with Reagan's rhetoric and administrative changes is itself related to issues of race and southern politics. The southern strategy is a Republican appeal to southern white voters, normally Democrats, that exploits the backlash to the civil rights movement in that region among that constituency. Desegregation orders in the South inspired many communities to create private (often religious) white academies. These would become the natural beneficiaries of school choice plans. Betsy Levin writes:

the first tuition voucher programs were proposed by southern state legislatures to replace public schools with a private school system in order to forestall court-ordered desegregation. Freedom of choice was a clear euphemism for a method of maintaining segregated schools and for placing the burden of desegregation on minority parents rather than on school officials; this method was later part of the southern strategy.<sup>68</sup>

The rhetoric of choice sent appealing signals to southern whites, who were part of the so-called "Reagan Democrats." An administration official writes, "The racial policies of the

Carter years were made an explicit target of the Reagan campaign, and this helped attract many of the traditional Democrats who supported Reagan.”<sup>69</sup>

Further, any new policy attractive to white racists is probably a detriment to African-Americans, who vote overwhelmingly Democrat. For example, the decentralization policies, which consolidated federal programs into block grants with greater state control, are associated with southern racial politics. Aistrup explains, “New Federalism to Southerners (both black and white) represented Reagan’s attempt to fulfill the promise of local control of race relations.”<sup>70</sup> In fact, Reagan’s presidency did much to encourage southern whites to permanently switch to the Republican party. According to Earl Black and Merle Black:

Not until Reagan’s presidency did more southern whites begin to think of themselves as Republicans than as Democrats. Reagan was the first Republican presidential candidate to poll back-to-back landslide majorities from white southerners; and his vice president, George Bush, captured the presidency in 1988 by running on the strategy that Reagan had mastered: attracting substantial majorities from conservative and moderate whites, while implicitly conceding the votes of blacks and liberal whites.<sup>71</sup>

These political scientists and experts on southern politics are quite emphatic that Reagan’s presidency successfully built a new voting coalition. This electoral transformation was helped by racially-tinged education policies explained above, and which are explored further in Chapter Four.

Second, the new Reagan policies weakened another important Democratic constituency, unionized teachers. Upon its creation, the Department of Education

became an organization whose “education establishment” network was loyal to the Democratic Party. The teachers unions like the National Education Association had endorsed Carter twice, and after the 1976 election were rewarded with the new Department of Education.<sup>72</sup> Members of teachers unions continued to vote overwhelmingly Democratic, and the agency spent federal money mostly on urban low-income schools in Democratic districts. The Reagan-led rhetorical attack on the public schools was a direct attack on the educators and administrators. According to Marshall and Tucker, “the educators were hurt and angry at the criticism being leveled at the schools.”<sup>73</sup> The attack on the teachers unions is clear from the above discussion. The Heritage Foundation, which published a blueprint for policy change and placed its employees in the administration, was created in order to combat unions in all industries. Education scholar Catherine Lugg writes “during Reagan’s first two years, both teachers’ unions, the American Federation of Teachers and the National Education Association, were largely shut out of the policy loop, with the NEA becoming a favorite rhetorical target of various administration officials.”<sup>74</sup> But Reagan’s actions were not just an attack on the political power of unions in Washington, but on the organizations themselves, because they would have fewer members under the Reagan plan for school competition. The shift to school choice would mean a proliferation of nonunion teaching jobs in the alternative schools. There is evidence of weakened teachers unions in the Chapter Five discussion of the years following Reagan’s term.

## **Conclusion**

A 1988 study of executive agencies reported that the Department of Education was a “nervous and dispirited bureaucracy” with a “largely disaffected constituent community.”<sup>75</sup> Reagan’s management of the agency must have contributed to this demoralization. Congress created a new cabinet-level department in 1979 with particular goals, but then gave it to the executive branch as our system of shared powers dictates. Federal public education programs are minimal in two respects: as a component of public school spending, and as compared to other federal programs. The Department of Education is among the smallest cabinet departments. Yet the Reagan White House chose to spend much of its limited political resources on this policy. This study demonstrated that five items related to education increased in the year 1983: presidential speeches, news stories in two journals, Congressional hearings, and laws. Meanwhile, one education-related item decreased in that same year: its federal budget. Together, the coincidence of these changes indicates a presidential role in setting the agenda.

The data on rhetoric catalogued above for Reagan’s first term demonstrates that while the new government’s intent for public education was mentioned occasionally in the first two years of the administration, the campaign to change public education began in earnest in 1983 and continued into 1984. This was determined to be the key time to examine presidential actions for signs of leadership according to the policy agenda methodology. The content of Reagan’s public communications reveals that the choice of language was very effective as a repudiation of the existing education policy agenda. The president attempted with these speeches to recast the goals of education policy from equity to excellence. The New Deal/Great Society goals were shoved aside.

Specifically, the change in the number of congressional hearings most distinctly illustrates the shift in issue attention that followed this rhetoric.

This rhetoric appears also to have contributed to cutting the relevant budget lines. Baumgartner and Jones suggest that an increased awareness of national education policy destabilizes the policy network; there is at least some evidence of this process here. Further, the Department of Education was starved for employees and funding for several years under Reagan. Considering population growth, funding of these programs has never regained previous levels. Federal education programs now focus on testing and standards of excellence. And central control frustrated the efforts of education professionals like Bell, who left the department to neoconservatives. As presidents since him have followed a similar course, the Reagan legacy in public education is increasingly evident. This evidence supports the claim that a new regime began despite the continued existence of the Department of Education. Regime scholars looking for institutional destruction must look for changes that are less visible but just as important; this institution was saved but entirely repositioned.

In sum, as in other areas, Reagan sought in the 1980s to reduce federal intervention. Reagan tried to smash the New Deal/Great Society order, and one part of that order is the K-12 education regime in which national government programs addressed inequities in the state and local schooling system. A rhetorical campaign by the president seems to have destabilized this regime by attracting congressional attention to the issue. This language refocused education policy on problems of standards and achievement, and away from inequality of educational opportunity. The solution offered by the Reagan administration was market competition. He sought to strengthen private

schools as competitors to public schools. He convinced Congress to reduce federal support for schools and encouraged intervention from the business sector. Federal support that was given out had fewer strings attached. Meanwhile, administrative restructuring changed the mission of the agency. These findings are consistent with Skowronek's model of presidential regime politics. In addition, the pattern of peaks and troughs suggested by the Baumgartner and Jones model of issue attention was found in the data. Six trends converged in the year 1983, and the presidential rhetoric likely played a key role.

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<sup>1</sup> Berube, M. (1991). American Presidents and Education. New York, Greenwood Press.; Berliner, D. C. and B. J. Biddle (1995). The Manufactured Crisis: Myths, Fraud, and the Attack on America's Public Schools. Reading MA, Addison-Wesley.; Education Commission of the States (1999). Governing America's Schools: Changing the Rules. Denver, Education Commission of the States.

<sup>2</sup> Fiske, E. B. (1990). George Bush as the Education President. The Presidency and Education. K. W. Thompson. Lanham, MD, University Press of America. 1.

<sup>3</sup> National Commission of Excellence in Education (1983). A Nation at Risk: The Imperative for Educational Reform. Washington, DC, U.S. GPO.

<sup>4</sup> Berube (1991).

<sup>5</sup> Bastain, A., N. Fruchter, et al. (1985). Choosing Equality: The Case for Democratic Schooling. New York, New World Foundation. Chapters 2 and 3.

<sup>6</sup> Baumgartner, F. R. and B. D. Jones (1993). Agendas and Instability in American Politics. Chicago, University of Chicago Press.

<sup>7</sup> Reagan, R. (1981). American Education Week 1981, Proclamation 4880. Public Papers of the Presidents. October 29, 1981.

<sup>8</sup> Reagan, R. (1982a). Address Before a Joint Session of the Congress Reporting on the State of the Union. Public Papers of the Presidents. January 26, 1982.

<sup>9</sup> Reagan, R. (1982b). American Education Week 1982, Proclamation 4967. Public Papers of the Presidents. September 13, 1982.

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<sup>10</sup> Reagan, R. (1982c). Remarks to the national Catholic Education Association in Chicago, Illinois. Public Papers of the Presidents. April 15, 1982.

<sup>11</sup> Reagan, R. (1983). Remarks on Receiving the Final Report of the National Commission on Excellence in Education. Public Papers of the Presidents. April 26, 1983.

<sup>12</sup> Reagan, R. (1984a). Year of Excellence in Education, Proclamation 5197. Public Papers of the Presidents. May 22, 1984.

<sup>13</sup> Reagan, R. (1984b). Statement on Signing the Education for Economic Security Act. Public Papers of the Presidents. August 11, 1984.

<sup>14</sup> The data used here were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation grant number SBR 9320922, and were distributed through the Center for American Politics and Public Policy at the University of Washington and/or the Department of Political Science at Penn State University. Neither NSF nor the original collectors of the data bear any responsibility for the analysis reported here.

<sup>15</sup> Sack, J. L. (2002). Federal Spending Burst Nudges Up Uncle Sam's Share. Education Week. **21**: 30, 36.

<sup>16</sup> Sack (2002).

<sup>17</sup> O'Neill, J. A. and M. C. Simms (1982). Education. The Reagan Experiment. J. L. Palmer and I. V. Sawhill. Washington, DC, The Urban Institute Press: 329-359.

<sup>18</sup> Public Law 97-35.

<sup>19</sup> Source: Snyder, T. D. and C. M. Hoffman (1998). State Comparisons of Education Statistics: 1969-70 to 1996-97. Washington, U.S. Department of Education National Center for Education Statistics., "State Comparisons of Education Statistics: 1969-70 to 1996-97." National Center for Education Statistics, U.S. Department of Education, Office of Educational Research and Improvement. Document Number NCES 98-018, p. 85.

<sup>20</sup> O'Neill and Simms (1982).

<sup>21</sup> Policy Agendas Database.

<sup>22</sup> Eisner, M. A. (1993). Regulatory Politics in Transition. Baltimore, Johns Hopkins University Press.

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- <sup>23</sup> Education Week (1981). Education Deregulation. September 7.
- <sup>24</sup> Bell, T. H. (1988). The Thirteenth Man: A Reagan Cabinet Memoir. New York, The Free Press, pp. 45-46.
- <sup>25</sup> Bell (1988), p.73.
- <sup>26</sup> Bell (1988), Chapter 8.
- <sup>27</sup> Bell (1988), p.91.
- <sup>28</sup> Hess, S. (2001). First Impressions: Presidents, Appointments, and the Transition. Innocent Until Nominated: The Breakdown of the Presidential Appointments Process. G. C. Mackenzie. Washington, Brookings Institution Press: 122.
- <sup>29</sup> Pfiffner, J. P. (2001). Presidential Appointments: Recruiting Executive Branch Leaders. Innocent Until Nominated: The Breakdown of the Presidential Appointments Process. G. C. Mackenzie. Washington, Brookings Institution Press: 54.
- <sup>30</sup> Durant, R. F. (1992). The Administrative Presidency Revisited: Public Lands, the BLM, and the Reagan Revolution. Albany, State University of New York Press, p.40.
- <sup>31</sup> Golden, M. M. (2000). What Motivates Bureaucrats? Politics and Administration During the Reagan Years. New York, Columbia University Press, p.157.
- <sup>32</sup> Golden (2000), Chapter 2.
- <sup>33</sup> Nathan, R. P. (1983). The Administrative Presidency. New York, John Wiley & Sons; Sanders, E. (1988). The Presidency and the Bureaucratic State. The Presidency and the Political System. M. Nelson. Washington, CQ Press.
- <sup>34</sup> Office of Personnel Management, Agency Compliance and Evaluation. Federal Civilian Workforce Statistics: Monthly Release. Washington, DC: Office of Personnel Management, Nov 1977, Nov 1978, Nov 1979, Nov 1980, Nov 1981, Nov 1982, Nov 1983, Nov 1984, and Nov 1985.
- <sup>35</sup> Bell (1988), p.38.
- <sup>36</sup> Hess (2001).
- <sup>37</sup> Bell (1988), Chapter 4.
- <sup>38</sup> Pfiffner, J. P. (1996). The Strategic Presidency: Hitting the Ground Running. Lawrence, University Press of Kansas, p.61.

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<sup>39</sup> Bell (1988), p.52.

<sup>40</sup> White, E. (1981). Heritage Provides Conservative Blueprint for Education Policy. Education Week.

<sup>41</sup> Trattner, J. H. (1988). The Prune Book: The 100 Toughest Management and Policy-making Jobs in Washington. Lanham MD, Madison Books, p.214.

<sup>42</sup> Golden (2000).

<sup>43</sup> Michaels, J. E. (1997). The President's Call: Executive Leadership from FDR to George Bush. Pittsburgh, University of Pittsburgh Press, p.35.

<sup>44</sup> Reagan, R. (1983). Proclamation 5112, National Year of Partnerships in Education 1983-1984. Public Papers of the Presidents. October 3, 1983.

<sup>45</sup> Unsigned and undated memo, "Partners in Education Program". White House Staff/Office Files of J. Douglas Holladay, Ronald Reagan Library.

<sup>46</sup> Memo to Douglas Holladay from James K. Coyne, "Partnerships in Education: Memorandum of Understanding." January 31, 1984. White House Staff/Office Files of J. Douglas Holladay, Ronald Reagan Library, p.1.

<sup>47</sup> Memo to Douglas Holladay from James K. Coyne, "Partnerships in Education: Memorandum of Understanding." January 31, 1984. White House Staff/Office Files of J. Douglas Holladay, Ronald Reagan Library, p.2.

<sup>48</sup> Total annual budget submitted by J. Douglas Holladay, "Partnerships in Education." No Date. White House Staff/Office Files of J. Douglas Holladay, Ronald Reagan Library.

<sup>49</sup> Memo to Michael K. Deaver from T.H. Bell, "Update on the Partners in Education Initiative." No Date. White House Staff/Office Files of J. Douglas Holladay, Ronald Reagan Library, p.1.

<sup>50</sup> Attachment to Memo to Michael K. Deaver from T.H. Bell, "Update on the Partners in Education Initiative." No Date. White House Staff/Office Files of J. Douglas Holladay, Ronald Reagan Library.

<sup>51</sup> Memo to Michael K. Deaver from T.H. Bell, "Update on the Partners in Education Initiative." No Date. White House Staff/Office Files of J. Douglas Holladay, Ronald Reagan Library, p.1-2.

<sup>52</sup> Public Law 98-377.

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- <sup>53</sup> Bell (1988), p.161.
- <sup>54</sup> Trattner (1988), p.209.
- <sup>55</sup> Berube (1991), pp.104, 110.
- <sup>56</sup> Berube (1991), p.112.
- <sup>57</sup> Berliner and Biddle (1995), p.137.
- <sup>58</sup> Berube (1991), p.110.
- <sup>59</sup> Moen, M.C. (1992). The Transformation of the Christian Right. Tuscaloosa: University of Alabama Press, pp.101-102.
- <sup>60</sup> Moen (1992), The Transformation of the Christian Right, p. 103.
- <sup>61</sup> Moen (1992), The Transformation of the Christian Right, p. 104.
- <sup>62</sup> Berliner and Biddle (1995), pp.149-151.
- <sup>63</sup> Mickelson, R.A. (1999). International Business Machinations: A Case Study of Corporate Involvement in Local Educational Reform. Teachers College Record 100:3 Spring, p.478.
- <sup>64</sup> Moen, M.C. (1990). Ronald Reagan and the Social Issues: Rhetorical Support for the Christian Right. The Social Science Journal, Vol. 27. No. 2, p.205.
- <sup>65</sup> Moen (1992), The Transformation of the Christian Right, p. 104.
- <sup>66</sup> Moen (1992). The Transformation of the Christian Right, p.27.
- <sup>67</sup> Moen (1992). The Transformation of the Christian Right, p.8.
- <sup>68</sup> Levin, B. (1999). Race and School Choice. School Choice and Social Controversy: Politics, Policy, and Law. S. D. Sugarman and F. R. Kemerer, eds. Washington DC: Brookings Institution Press, p.270.
- <sup>69</sup> Fried, C. (1991). Order & Law: Arguing the Reagan Revolution – A Firsthand Account. New York: Simon & Schuster, ,p.101.
- <sup>70</sup> Aistrup, J.A. (1996). The Southern Strategy Revisited. Lexington: The University Press of Kentucky, p.48.

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<sup>71</sup> Black, E. and M. Black (2002). The Rise of the Southern Republicans. Cambridge, MA: Belknap Press, p.205-206.

<sup>72</sup> Lugg (2000). For God and Country, p.3.

<sup>73</sup> Marshall, R. and M. Tucker (1992). Thinking for a Living: Education and the Wealth of Nations. New York: Basic Books, p.77.

<sup>74</sup> Lugg (2000). For God and Country, p.109.

<sup>75</sup> Trattner (1988).

## **Chapter 4**

### **Voluntary Compliance: Education and Environmental Politics at Reagan's Department of Justice**

#### **Introduction:**

In contrast to the two agencies examined in previous chapters, the Reagan administration showed a friendlier disposition towards the Justice Department. In Chapter One, I presented evidence that the department as a whole received personnel and budget increases throughout Reagan's term. Indeed, the Republicans usually profess support for the "law and order" function of the Justice Department. The budget and personnel growth at Justice was in contrast to the cuts at EPA and Education. As noted previously, moreover, many programs from EPA and Education, like enforcement of regulations and civil rights, were being transferred to Justice during the Reagan administration. By statute, the EPA and Education share enforcement authority with the Department of Justice. At Justice, the policy was in safer hands, from the president's perspective. But interestingly, divisions of the Justice Department were also cut, further reducing education and environmental programs. In this chapter, I examine the education and environmental policies executed by Reagan's Justice Department and consider the political implications of these policies. I find that the Reagan administration used the Department of Justice for dramatic policy change, including an end to school desegregation and to curtailment of environmental enforcement. These policies were in response to social movements associated with the president's party.

## **Part I: Department of Justice Personnel and Budget**

The Office of Personnel Management publishes data further broken down for some divisions of some agencies. For example, the Justice Department contains Corrections personnel and the Immigration and Naturalization Service. Another departmental subset is "Offices, Divisions, and Boards." These figures include the Civil Rights Division and the Environment and Natural Resources Division, which are the focus of this chapter, and appear in Table 1. The workforce for this subset of the agency was cut in 1981 and then increased every year of the Reagan administration except 1986. Payroll figures for November 1980 were not published, making rate of change for 1981 unavailable, but the payroll was increased every other Reagan year except 1986 again. These payroll raises often outpaced the workforce increases, and the 1986 cut was minimal. According to these numbers, the offices, divisions, and boards of the Justice Department were encouraged by the new administration along with the whole department. The figures for this segment of the Justice Department can again be compared to the changes at Education and EPA, which were cut. Specific appointments and administrative changes at the Civil Rights Division itself are discussed below.

**Table 1: Department of Justice  
"Offices, Divisions and Boards"<sup>1</sup>**  
Workforce and Payroll (in Thousands of 1996 Dollars), each November

<i>Year</i>	<i>Workforce</i>	<i>Wf Change</i>	<i>Payroll</i>	<i>Pr Change</i>
1980	10003	---	n/a	---
1981	9670	-3.3%	34599	---
1982	9872	2.1%	38037	9.9%
1983	10844	9.8%	40926	7.6%
1984	11435	5.5%	43997	7.5%
1985	11997	4.9%	46382	5.4%
1986	11510	-4.1%	45599	-1.7%
1987	12285	6.7%	48967	7.4%
1988	13068	6.4%	51480	5.1%
1989	14379	10.0%	56696	10.1%
1990	15871	10.4%	61843	9.1%
*1992	18528	16.7%	75077	21.4%
*1996	18464	-0.3%	84340	12.3%

\*1992 and 1996 are July; other years November

A table in Chapter 1 showed the Department of Justice workforce increasing while the workforce at EPA and Education decreased. Table 1 shows a more specific figure, the Justice programs workforce, which was also increasing. But still more specific figures are available for budget and workforce, and they show a different picture for civil rights and environmental policy. The Department of Justice publishes the budget and personnel figures for the individual divisions. In contrast to the general increases we have seen at Justice, the budgets and number of authorized positions for the Civil Rights Division and the Environment and Natural Resources Division were cut. I explain below that a major function of the Civil Rights Division is to enforce school desegregation. The Environment and Natural Resources Division enforces pollution laws. Table 2 illustrates the budget and employment trends for these two divisions.

**Table 2: Budget and Workforce Trends at Two DOJ Divisions<sup>2</sup>**

Year	Civil Rights Division			Environment and Natural Resources Division		
	Budget* (1993 \$)	Budget Change	Authorized Positions	Budget* (1993 \$)	Budget Change	Authorized Positions
1975	23.3	---	365	18.2	---	232
1976	22.7	-2.6%	367	17.9	-1.6%	237
1977	24.9	9.7%	381	18.5	3.4%	245
1978	26.2	5.2%	398	19.4	4.9%	248
1979	26.2	0	418	20.4	5.2%	263
1980	26.0	-0.8%	436	27.6	35.3%	338
1981	25.6	-1.5%	436	27.4	-0.7%	338
1982	26.1	2.0%	385	25.5	-6.9%	336
1983	27.7	6.1%	385	27.6	8.2%	329
1984	28.7	3.6%	399	27.4	-0.7%	329
1985	30.2	5.2%	404	29.8	8.8%	347
1986	29.3	-3.0%	404	28.1	-5.7%	347
1987	30.0	2.4%	404	30.3	7.8%	349
1988	31.3	4.3%	400	32.4	6.9%	349
1989	32.0	2.2%	425	30.8	-4.9%	349
1990	35.7	11.6%	465	38.1	23.7%	383
1991	46.8	31.1%	485	46.2	21.3%	429
1992	48.9	4.5%	521	50.5	9.3%	429
1993	52.7	7.8%	516	51.4	1.8%	425
1994	58.2	10.4%	543	51.8	0.8%	419
1995	59.1	1.5%	565	53.8	3.9%	457
1996	59.4	0.5%	557	53.4	-0.7%	449
1997	56.2	-5.4%	557	52.2	-2.2%	449
1998	57.3	2.0%	557	54.2	3.8%	449
1999	66.8	16.6%	581	54.1	-0.2%	449
2000	68.6	2.7%	671	54.4	0.6%	452

\* Budget figures are millions of 1993 dollars. ENR Division figures exclude Superfund.

## Part II: Education at the Department of Justice

As explained in Chapter 3, the incoming Reagan administration's stated policy objectives for education were threefold: school prayer, eliminating the Department of Education, and tuition tax credits. But examination of the Department of Justice reveals that the new administration immediately began working towards a fourth objective:

ending the enforcement of school desegregation. The Reagan administration argued that school integration should be voluntary, and I explain below how this policy was pursued vigorously. This new education policy was established using the Department of Justice Civil Rights Division (CRD) at the same time the Department of Education was being disrupted and reshaped. This shift in education policy involving race plays a key role in the Reagan administration's construction of a "voluntary state" to replace the decaying New Deal order. I present a case of executive-led policy change and then explore the political explanations for this action. The Reagan White House shifted civil rights enforcement to the Justice Department, and then used the latter agency in a legal strategy to disrupt existing desegregation policy. This new policy was a component of presidential coalition-building while also being a direct response to conservative social movements.

Reagan's new voluntary desegregation policy emerged in five stages of policymaking. Reagan and his appointees first discredited the existing school desegregation policy with rhetoric before and after the election. After inauguration, the Justice Department's Civil Rights Division was reorganized by an ideological leader, appointee William Bradford Reynolds. Thirdly, the government reversed its position on several pending court cases challenging various school districts, produced no new objections to district segregation, and slowed enforcement cases referred from the Department of Education. Fourth, the CRD advocated for school choice as a voluntary desegregation policy, asking in court for magnet school programs and urging policies that favored private schools. Fifth, the Justice Department participated in a new crusade about "school discipline," which was associated with race and school choice. These five

steps of presidential policy-making fall into the categories of rhetoric, administrative action, and legal strategies. The president did not try to legislate on this policy, so this instance of presidential policymaking does not follow the conventional understanding of that process. Rather, this is an example of a more “muddled” policy process, to use a word suggested by Deborah Stone, that is built upon the executive’s political arguments.<sup>3</sup>

Skowronek proposes that with each new regime, institutional change will become more difficult, and surmises that Reagan’s reconstruction has mostly failed. He suggests that the increasing strength of bureaucracies has discouraged sweeping reconstruction.<sup>4</sup> Detlefsen agrees, at least in the field of civil rights policy, because he thinks Reagan failed to dislodge affirmative action and the prevailing civil rights policy with a more “color blind” theory because it was protected by a strong “civil rights elite” issue network that remains in place.<sup>5</sup> This view suggests that politicians are increasingly powerless as institutions evolve. Shull takes the middle ground, concluding that Reagan and Bush “left a substantial civil rights legacy,” but also that under Reagan civil rights defenders “were strong enough to prevent much policy retrenchment.”<sup>6</sup> Yet many other scholars find Reagan’s presidency to be instrumental at building new institutions around racial divisions, including new electoral coalitions. Goldfield argues that Reagan was an important constructor of a “white racist” electoral coalition that influenced later presidents including Democrat Clinton.<sup>7</sup> Others agree that the 1980 electoral strategy used race to build an anti-tax voting bloc.<sup>8</sup> In addition, data on school segregation suggests that the intent of the Reagan administration was achieved, as segregation has increased according to several measures.<sup>9</sup> In fact, the process of regime-building may simply be more protracted, especially in the absence of a major crisis like the Civil War

or Great Depression.<sup>10</sup> Here I build the case that Reagan's presidency succeeded at changing the policy regime specific to school desegregation, and consider social movement politics that may have created the opportunity for change.

### **Transforming National School Desegregation Policy**

A crucial first stage of presidential policy making is rhetoric. Reagan opened his campaign with a speech calling for states' rights in Philadelphia, Mississippi, where four civil rights activists had been killed in 1964.<sup>11</sup> During the 1980 campaign, the Republicans voted for party platform language on education that was a preview of the Reagan administration's policy, affirming that education was less important than religion and the home, and "forced busing" should end.<sup>12</sup> The administration position on desegregation was that group rights should not trump individual rights, and that policy should be truly "color-blind" without any racial preferences.<sup>13</sup> In fact, Reagan liked to repeat that Dr. Martin Luther King dreamed of a color blind society.<sup>14</sup> This is rhetorical artifice, because King never ruled out race-based remedies for past discrimination. Political scientist Busch has reviewed all the claims of Reagan's rhetorical influence on civil rights, and says Reagan "enjoyed only modest success in his efforts," while listing some policy failures and citing polls on increasingly progressive racial attitudes.<sup>15</sup> But a rhetorical campaign of modest success is still important, given the context of right-wing social movements. Even small signals from officeholders like the president encourage the movement's sense of efficacy.<sup>16</sup> The themes of forced busing, religion above education, and King's color-blind society were repeated often by Reagan and his appointees. These became rhetorically powerful arguments for changing national policy.

In fact, I explain next that Reagan's appointees took policy cues directly from Reagan's speeches and the party platform.

The second move to shift policy was to appoint ideologues to the appropriate jobs at the Justice Department and to reorganize the agency in order to focus on school desegregation policy. Many have reported that Assistant Attorney General for Civil Rights, William Bradford Reynolds, was more influential at directing school desegregation policy than his boss, Attorney General William French Smith.<sup>17</sup> Smith, Reynolds, advisor Ed Meese, and other top officials agreed with Reagan's statements that school desegregation should not be "forced," that "reverse discrimination" was a danger of race-conscious policy, that individual rights were more important than group rights, and that busing was a "second generation" civil rights question.<sup>18</sup> Reynolds, Meese, and an important Schedule C political appointee, Charles Cooper, were active Federalist Society members, a conservative legal group.<sup>19</sup> Upon his appointment, Reynolds had to learn civil rights law, having no prior experience with that subject, and became a strong advocate of the White House position.<sup>20</sup> Reynolds astonished House committee members when he explained his civil rights policy with quotes from the party platform and the president's speeches.<sup>21</sup> Clearly, Reagan's rhetoric became the policy vigorously pursued by top officials.

Moreover, Reynolds was a dedicated official who worked long hours and strictly supervised everything within his division, which meant the career lawyers, mostly "liberal Democrats," were prevented from autonomously continuing previous desegregation policy.<sup>22</sup> Solicitor General Charles Fried writes, "certainly Ed Meese was a strong and pervasive presence during my years in office. But his friend, adviser, and

finally Counselor, Civil Rights chief Brad Reynolds, was just as pervasive a presence, and one I had to deal with sometimes several times a day. Though his official title gave him a quite limited role, in fact he was ubiquitous.”<sup>23</sup> The Civil Rights Division was reorganized and tightly managed by Reynolds. A new section, called “Educational Opportunity,” was created from the former General Litigation section “to provide central control and guidance over the careerists’ activities.”<sup>24</sup> The name of the section itself indicates a new pursuit of “opportunity” rights and not results-based equality in education.

In addition, the number of political appointees at CRD was greatly increased.<sup>25</sup> Golden found that the careerists lost influence as Reynolds reassigned cases to political appointees, and she calculated that about 25 career attorneys left the CRD in protest, in contrast to zero such resignations during the Carter administration.<sup>26</sup> One such attorney released his resignation letter to the public, accusing the new administration of hiding its “meager enforcement” record.<sup>27</sup> Many career attorneys frequently debated with Reynolds and issued protest memos, but were always overruled.<sup>28</sup> This is an example of the effective use of administrative power to politically control a bureaucracy.

Third, the newly controlled Civil Rights Division applied its novel interpretation of civil rights law by reversing its position on pending desegregation lawsuits and foregoing school district challenges. The new CRD pursued a legal strategy “opposed to desegregation unless, presumably, it is undertaken in the purest voluntary sense”.<sup>29</sup> These actions included such tactics as providing briefs against new integrative remedies, withdrawing previous Carter-era intervention, and refusing to further appeal cases. City school systems involved in these disputes included Seattle, Norfolk, Oklahoma City,

Charleston, St. Louis, E. Baton Rouge, Houston, Kansas City, Yonkers, Bakersfield, and Chicago.<sup>30</sup> The Justice Department also filed an amicus curiae brief in support of the Nashville school board, which wanted its desegregation reviewed, but the Supreme Court declined the case.<sup>31</sup> The Justice Department's position won clear victories in at least three of the cities, and some of these cases ended in consent decrees and used magnet schools as a solution to segregation, which is discussed further below.

Another well-known case of CRD reversal involves Bob Jones University, which the court considered together with Goldsboro Christian Schools. These private schools challenged an IRS revocation of tax-exempt status based upon racial discrimination; Goldsboro had never admitted nonwhite students. The new Reagan administration reversed the previous government position, claiming that Congress had not given the IRS such authority, and the Supreme Court actually heard both positions.<sup>32</sup> The CRD supported Bob Jones University's case and lost, but this sent a signal in support of private schools with racial policies in the South. Later, the CRD had a victory in the Grove City College case that made discrimination requirements of federal funds program-specific, not school-wide, which was later overturned with Congressional legislation that overrode Reagan's veto.<sup>33</sup>

The Civil Rights Division decided that it would focus on discriminatory intent rather than discriminatory results, a much tougher standard to prove.<sup>34</sup> According to one study, the Justice Department abandoned investigations into school districts in Phoenix, Rochester, and Albuquerque.<sup>35</sup> Reynolds confessed on the national program "This Week With David Brinkley" on May 29, 1983 that they had not yet filed any new desegregation cases.<sup>36</sup> In addition, the CRD helped cities that wanted to end their busing programs by

asking courts to declare them fully desegregated, or “unified,” and therefore eligible for an alternate plan. The division filed papers in federal court in July 1984 to have Denver declared unified.<sup>37</sup> Thus, the division drastically cut back on any new school district challenges.

Meanwhile, the CRD became a graveyard for enforcement referrals from the Education Department. Legally the CRD shares enforcement power with the Education Department’s Office of Civil Rights, which conducts investigations into discrimination and desegregation compliance. In fact, the failed proposal to eliminate the Department of Education included moving the Office of Civil Rights to the Justice Department.<sup>38</sup> A congressional report found the number of investigations dropped in Reagan’s first year, from 10.4 per employee in 1980 to 4.4 per employee in 1981 (Amaker 1988, p.45).<sup>39</sup> This per-employee figure combined with the evidence that the number of employees dropped significantly in 1981 means far fewer OCR investigations.

But further, referrals from the OCR were overruled by the Civil Rights Division, which took no action on them during Reagan’s first three years in office.<sup>40</sup> Education Secretary Ted Bell professed to be more moderate than Meese, Smith and Reynolds on civil rights, feeling that some policies had worked and some had not.<sup>41</sup> Bell complained that “when ED was involved in litigation over civil rights enforcement, we were required to use Department of Justice lawyers despite the fact that we had over sixty lawyers working for us”.<sup>42</sup> But one account cites a congressional report charging the Department of Education with falsifying segregation compliance reports and purposely avoiding enforcement by sending cases to Justice.<sup>43</sup> Clarence Thomas was the Department of Education’s Assistant Secretary for Civil Rights for two years until being moved to the

EEOC, and he did not applaud Reynolds. Thomas apparently let it be known that he felt “negative” towards William Bradford Reynolds on desegregation.<sup>44</sup> This organizational rearrangement favoring Justice over Education contributed to the policy shift.

Fourth, the Reagan administration advocated school choice solutions for desegregation. As mentioned above, the Civil Rights Division negotiated for magnet school plans and other voluntary alternatives to “forced busing” and “coercive remedies.” Magnet schools are specialized programs created at mostly nonwhite schools in order to attract white students from across the district. Reynolds favored the policy because it was purely voluntary, relied upon forces of competition, and “produced more actual desegregation.”<sup>45</sup> Lima, Ohio’s desegregation was challenged by the lame-duck Carter administration, and the CRD under Reynolds accepted a plan for Lima in January 1984 that created a magnet elementary school.<sup>46</sup> Reynolds also negotiated a consent decree with the Bakersfield, California school district in which four magnet programs would be created and open district-wide enrollment begun for the other schools, while any compulsory policies were rejected.<sup>47</sup> The official Bakersfield policy was that minorities should be “encouraged” to transfer to white schools.<sup>48</sup> According to a biographer, Reynolds considered this program quite successful and trumpeted emerging evidence of more integration in Bakersfield while pushing magnet plans nationwide.<sup>49</sup>

Others followed this example. The Department of Education worked out a magnet school desegregation plan in Phoenix, and St. Paul devised its own desegregation plan using four magnet schools in 1984.<sup>50</sup> That same year Cincinnati agreed to a plan trying voluntary magnet schools for seven years as a desegregation tool.<sup>51</sup> In fact, Reynolds declared in 1988 that the appeal of magnet schools helped the CRD to negotiate

53 settlements and court orders in education cases during fiscal year 1987.<sup>52</sup> In addition, the Justice Department pursued other school choice policies that encouraged private schools. As discussed above, the Justice Department supported the Goldsboro Christian School's pursuit of tax exemptions, even though it discriminated on the basis of race. These CRD efforts were combined with Reagan's failed legislative attempts, like private tuition tax credits and later private school vouchers, to institute school choice. Choice would later enjoy more success with charter schools. The administration, facing a Democratic House of Representatives, tried to find every way possible to privatize education, including a legal strategy.

Fifth, the White House implied Justice Department participation in a presidential campaign against school "discipline" problems. In late 1983 the president began to decry the lack of discipline in public schools in another attack on the public education establishment. He told the National Forum on Excellence in Education in Indianapolis (a campaign-like event) that "we need to restore good old-fashioned discipline," and that "in some schools teachers suffer verbal and physical abuse."<sup>53</sup> In January 1984 the president repeated the demand for school discipline in his state-of-the-union address.<sup>54</sup> That month Education Secretary Bell announced a three-part plan in which: 1) the Department of Education would research discipline problems; 2) the Departments of Education and Justice would together establish a school-safety project; 3) the Department of Justice would file court briefs in support of teacher, principal, and administration authority in school discipline cases.<sup>55</sup> A "school violence working group" was created with one member from OMB, five from Education, and one from the Justice Department's Office of Juvenile Justice and Delinquency Program.<sup>56</sup> In March, Bell published an op-ed in the

Christian Science Monitor explaining the need for discipline, citing thousands of violent incidents and threats against teachers and his new project with the Justice Department.<sup>57</sup> Later that year a chapter written by President Reagan appeared in the volume “A Blueprint for Education Reform” published by the Free Congress Foundation. He affirms, “to get learning back into our schools, we must get crime and violence out.”<sup>58</sup> After the 1984 election, school discipline became a major priority for the new Secretary of Education in 1985, William Bennett.<sup>59</sup>

The special relevance of school discipline to this chapter is that rhetorical campaigns of this sort, like any “law and order” campaign, are understood by the public to refer to race. The White House policy makers realized this, including Education Department Undersecretary Gary Bauer, who served in the policy office. Internal White House memos justify the policy proposal by describing it as helpful to minority students. A mostly unlabeled internal White House document, perhaps a sheet of talking points, retrieved from the files of an Education Department aide to Gary Bauer reads:

President Reagan is focusing the nation’s attention on the need for school discipline. Restoring order and civil behavior to America’s classrooms is a basic prerequisite to improving the quality of American education. For the last 10 years, the Gallop Education Poll has indicated that the public’s biggest concern over public schools has been the lack of discipline. Black and Hispanic students are physically attacked more than twice as frequently as whites.<sup>60</sup>

In addition, a White House working group on this issue produced a draft report in 1983 in which racial differences on discipline are discussed at length. For example, the report, which draws heavily on a 1978 government document, states:

Minority students are more likely to attend schools in which discipline has broken-down and learning is disrupted. Students in predominantly minority secondary schools are twice as likely to be the victims of serious crimes as students in predominantly white schools. Teachers in these schools are five times more likely to be victims of attacks which require medical treatment and three times more likely to be robbed. White teachers who teach in predominantly minority-enrolled secondary schools are seven times more likely to be attacked and need medical attention.<sup>61</sup>

The working-group paper goes on to argue that minority families are very concerned with the problem and suggests this policy would help them. In fact, nonwhite students were also more likely to be punished, more than twice as frequently for "subjective misbehavior" offenses, according to a report released in 1984 that received national coverage.<sup>62</sup> This discipline campaign occurred at the same time as the Justice Department policy of fighting desegregation. But while race was a major subject of internal documents about school discipline, race was never mentioned in any public statements on the topic by the administration. Either the administration was intentionally using coded language here, or else they chose not to appeal to minority constituents with this idea. But there is little evidence available that the school discipline policy went anywhere beyond these initial discussions and public pronouncements. Its only apparent purpose is to advertise the reasons for "white flight" from urban public schools, the

problem Reynolds said magnet schools would solve. The discipline issue seems to be nothing more than a public relations rhetorical attack on dangers and failings of the public schools, but one that provokes racial politics.

### **The Department of Justice, Schools, and Politics**

#### **Business Interests**

The voluntary school desegregation policy appeals to business interests because it relies upon competition and choice; it is thus consistent with the whole pro-business school policy presented in Chapter Three. In addition, the Bob Jones University case mentioned above also has an interesting relationship to deregulatory policy. In the court case, the Justice Department was seeking to overturn an Internal Revenue Service regulation, which could set a precedent for challenging other types of regulations including those on pollution. Law professor Brian Landsberg states that the deregulation objective was a primary motivation for the Justice Department's involvement.<sup>63</sup> The regulatory importance of the case combined with favorable politics likely contributed to the decision to file a brief in support of Bob Jones University. The University and the administration lost the case and the incident has been called an embarrassment. But evidently the Justice department was looking to augment the administration's deregulation agenda with a legal strategy. Or, the Reagan administration used the regulatory question as cover for its position that might be perceived as racist. The interaction of racial politics and regulatory questions will be discussed further in Chapter Five.

Moreover, some of the education-related activities at Justice were repeated for pollution de-regulation, which was clearly a benefit for business interests. The new administration similarly reallocated pollution enforcement functions from the EPA to the Department of Justice. The Environment and Natural Resources Division at Justice is charged with enforcing environmental laws and defending the government from pollution claims. (The government itself can be a major polluter, which the National Environmental Protection Act sought to remedy). As explained in Chapter 2, the enforcement function of the EPA was reorganized several times in the early Reagan administration. One part of these reorganizations was to refer cases to the Department of Justice.<sup>64</sup> Throughout the 1970s, both business and environmental groups began using the courts to challenge pollution regulations as either too onerous or too weak. This required the government to represent itself in court, and during the Reagan administration this function had some new twists. For example, because federal pollution regulations were eased by the Reagan administration, its Justice Department attorneys had to respond to pollution claims from the state level against federal agencies. Second, the Reagan's Justice attorneys began to take environmental victories to the appellate level.<sup>65</sup> And the cases referred from the EPA were seldom prosecuted (see chapter 2).

### The Christian Right

The presidential politics behind the new school policies warrant more attention from political scientists; I am pursuing the divergent ideas suggested by the literature on presidents both shattering regime order and protecting the order. In support of the latter, Reagan's actions may be explained in terms of reactions to exogenous interests like

social movements. As discussed above, presidents may be forced to react to social movements or social disruptions from groups seeking change. The civil rights movement produced relatively few demonstrations and disruptions during the late 1970s and early 1980s. This more peaceful time allowed Reagan to retrench on civil rights while building his coalition among those opposed to civil rights policy.<sup>66</sup> But further, right-wing movements were influential at this time. The Christian Right was certainly an important part of Reagan's Republican coalition.<sup>67</sup> According to Miroff, social movements become a problem for the White House when they draw from the president's electoral base, and the president responds with various leverage strategies.<sup>68</sup> Once in office, Reagan had to manage the Christian Right movement in the manner Miroff describes. As explained above, Reagan responded to demands from the Christian Right in education with appointments to the relevant agencies, introduced a school prayer amendment three times, and advocated policies like tuition tax credits that encouraged private schools. He also pursued school resegregation in response to right-wing demands.

But at the same time, the White House occasionally cultivated an image of moderation, such as when promising in 1984 to support some form of what became the Civil Rights Restoration Act (which was later passed, vetoed and then overridden in 1988). Immediately after the 1984 Grove City decision that made discrimination regulations for public funding program-specific, meaning that the office of student aid itself was subject to rules but not the whole school, Congress began drafting a legislative response. The White House had tempered its applause of the decision by saying it was correct in the absence of legislation, but was then alarmed by the nascent Kennedy/Packwood/Schneider bill. A memo to the White House from the Department of

Education dated April 20, 1984 explains, “the religious community would never understand our support of this legislation yet by supporting the bill we have a better chance of influencing its outcome in a direction more to our liking. This is a real mess!” (emphasis in original).<sup>69</sup> The memo also notes that the “use of surrogates is essential” when trying to negotiate this bill. The bill languished in committee for several years. Clearly the administration had to tiptoe around the religious right while needing to appear moderate in some instances. This is the type of presidential management of social movements suggested by Miroff’s article.

Reagan further exhibited presidential management of movements within his own coalition and also a “nation-keeping” response to social disruption from a movement. The White House had to constantly finesse the demands for more freedom in education from some Christian Right individuals and groups. The Bob Jones case of federal tax policy and Christian-Right racial discrimination was mentioned above. In another example, the organizers of a private Christian school in Nebraska defied the law when the state closed their school in 1982 because the teachers were uncertified. The leading pastor, Everett Sileven went to jail after keeping the school open, at one point with help of blockades from friends and sympathizers. Legal scholar Neil Devins writes, “newspaper stories, visits to the padlocked church by Jerry Falwell and Jesse Jackson, and threats of federal investigation accompanied these state actions.”<sup>70</sup> Later, an Education Department official described the situation as serious, “to the point that we were afraid of violence.”<sup>71</sup> A White House aide, the “liaison to the New Right,” claimed to have urged the president to publicly side with the Faith Christian School during the turmoil.<sup>72</sup> Meanwhile, Education Secretary Bell urged the White House not publicly

choose sides, but recommended the president place a telephone call to “encourage the Governor to persuade the Nebraska Department of Education to be a bit more compromising.”<sup>73</sup>

Nebraska’s private schools were more regulated than schools in other states. This “compromise” suggested by the White House would be a change of Nebraska’s own laws that allowed greater freedom for private schools from state oversight. This case illustrates how the White House sought to leverage the Christian Right movement for its own political purposes; extremism and the threat of violence received attention from the president, who sought to keep the peace. This was an effective tactic for the Christian Right. In fact, Devins points out that “what happened in Nebraska can happen elsewhere, for Christian educators would rather go to jail than comply with expansive state regulations. Nebraska is not an isolated incident.”<sup>74</sup> In addition, the movement exploited a limitation on the president’s options, because the crisis was a public test of rhetorical promises that government should not trump religion. This instance of civil disobedience by social movement members provides evidence that Riley’s view of presidents as nation-keepers has merit in this particular case of school policy, which was often a response to the Religious Right.

### Other Republican Allies

The opposition to school busing could also be used to attract or satisfy white voters outside the South and the Christian Right. Many northern cities, such as Boston, had experienced strong, even violent opposition from whites to busing, which the administration often repeated in public remarks. In 1982 Education Week reported on

William Bradford Reynolds' "most detailed public defense yet" of his civil rights policy: "busing, he said, has resulted in 'white flight' from urban schools, erosion of tax support for city schools, and loss of parental support for schools."<sup>75</sup> The attacks on school busing seem to echo the attacks on public schooling in general that Reagan launched with the Nation at Risk report (explained in Chapter Three). Although there is evidence that both blacks and whites opposed school busing, mandatory desegregation often had Black support. Reynolds defended his policy before a Congressional hearing in 1982, and mentioned the voluntary plan he brokered in Chicago. Harold Washington, then a representative, argued that "voluntary desegregation plans in other school systems have not worked."<sup>76</sup> African-Americans in the city of Charlotte, North Carolina were pleased with their busing plan; this issue of ending busing only appealed to Reagan's white voters.

In fact, when Reynolds blames school problems on white flight, as in the quote above, he acknowledges the mechanism of white racism that he sought to placate with his policies. He told an audience at Amherst College in 1983 that "the flight from urban public schools contributes to the erosion of the municipal tax base," which in turn made schools unsuccessful.<sup>77</sup> Additionally, the voluntary plans that used magnet school programs had another racial component – they were often a benefit to white families who otherwise spent money on private schools. Scholars Crain and Rossell explain that "racially balanced magnet schools have been created as alternatives to the neighborhood school for white families in neighborhoods with overwhelmingly black schools."<sup>78</sup> Meanwhile, the number of voters directly affected by court-ordered desegregation was rather small. One report at the time estimated that "at most, 3.6 percent of the children

attending public schools are involuntarily bused for desegregation.”<sup>79</sup> Overall, Reagan’s new desegregation policies would have attracted white votes beyond the (mostly southern) religious right. Moreover, some have suggested that the whole attack on public education served to distract blue-collar white voters from the ailing economy, an economy designed by the Reagan administration to plunge into recession in the short-term in order to combat inflation.<sup>80</sup> Or if not a diversion from the economy, then the policy and its attendant rhetoric was a deliberate effort to link economic misery to recent (Democratic) social justice policy.<sup>81</sup>

This “race card” was successful for Reagan, electorally. School re-segregation policy follows the “southern strategy” of developing a white racist coalition.<sup>82</sup> The Edsalls found that the White Democrat Reagan voters in 1980 were “more conservative on racial issues.”<sup>83</sup> The anti-desegregation school policies pursued in the first term may have contributed to continued electoral success with White voters. With the policies outlined above, Reagan fulfilled his campaign promises that appealed to “white racist populism.”<sup>84</sup> In 1984 Reagan won heavily in the South and “received the lowest percentage of black votes of any Republican presidential candidate for which we have voting statistics and, quite likely, the lowest of any Republican candidate in American history.”<sup>85</sup> The new policies of purely voluntary desegregation contributed to the formation of a governing coalition that won elections in unprecedented fashion.

### Democrats

The education policy pursued at the Department of Justice can also be explained in terms of a strategy of splintering the Democratic Party by attacking key segments of

regular Democratic voters, including Black Americans and teachers. As mentioned at other points in this dissertation, Ronald Reagan had never appealed to the Black vote. In fact, candidate Bush received far more Black Republican votes in the 1980 primaries than Reagan.<sup>86</sup> Civil rights organizations were openly hostile to Reagan's first-term school policies. Benjamin L. Hooks, the executive director of the NAACP, declared the year 1982 as "the worst for the traditional victims of racial oppression in recent memory."<sup>87</sup> The Leadership Conference on Civil Rights (led by the NAACP) called Reagan's record "a travesty."<sup>88</sup> At the same time, the U.S. Commission on Civil Rights, an independent federal agency, "criticized funding reductions for the Education Department's Office of Civil Rights and the consolidation of desegregation aid into a block grant."<sup>89</sup> The Commission's chairman, Arthur Flemming, was soon replaced by Linda Chavez. By the time of the 1984 election, Black Mondale voters were mobilized specifically against Reagan, according to one study, even when controlling for the Jackson campaign that year, and yet we know Reagan won that election overwhelmingly.<sup>90</sup> As mentioned above, Reagan received very few Black votes in 1984. The administration was alienating Black voters in order to elicit sympathy from White voters.

Another group important to a strategy of dividing the Democratic electoral coalition involved the teachers unions. As mentioned also in Chapter Three, Reagan's attacks on public schools and the education bureaucracy meant to discredit the teachers unions and assign them blame for perceived school failures. For this reason, the school violence and discipline campaign was not well-received at the NEA, even though it ostensibly sought to protect teachers from physical harm.<sup>91</sup> Similarly, the school choice programs like magnet schools introduced competition and implied there would be some

winners and some losers among students and schools. The NEA was a group whose influence Republicans wished to weaken, and Reagan did so, in one instance not inviting the organization to an important national meeting on school policy.<sup>92</sup> The new administration chose to use a bureaucracy more favorable to its political agenda for its education policy. As stated in Chapter Three, the teachers unions were closely associated with Carter's Education Department. With school policy implemented through the Justice Department, and not the Education Department, the policy network was rearranged and the unions were left out.

The Republican sanctions against two constituencies that vote Democratic, Blacks and teachers, were enacted in part by means of institutional rearrangement. I argue that Reagan is a successful "regime reconstructor" who built a voluntary state as described by Skowronek . This administration destroyed the tradition of Brown v. Board and returned to a school segregation policy that many compare to a Plessy-like "separate is equal" doctrine by winning legal cases and negotiating agreements. This is an example of the new administration destroying the inherited order. Evidence of the lasting influence of Reagan's institutional change bolsters the argument that a reconstruction was at work. In the case of school policy, a major study has demonstrated that racial segregation of the schools increased since the Reagan administration.<sup>93</sup> Residential segregation and housing discrimination continue unabated.<sup>94</sup> Although housing, transportation and other policies contribute to school segregation, school policy itself must have contributed somewhat. In fact, residential segregation makes it easier for everyone to identify which schools have mostly nonwhite students. The magnet schools, a popular program, have apparently not alleviated segregation.

Presidential rhetoric about violence in many public schools might have also helped re-segregation by further tarnishing the image of urban schools. Re-segregation was likely the intent of the new government reliance on voluntarism. The worthiness of the goal of desegregation is not the subject of this paper; it has been opposed by blacks and whites as being unrelated to education quality. However, it is clear that separate schools do not get equal resources, especially if private schools are encouraged.<sup>95</sup> Mandatory desegregation was the existing law when Reagan entered office, and it was resisted with rhetorical arguments and institutional rearrangements. With the magnet school agreements, new policy allowing for voluntary desegregation was written and affirmed by courts. This change followed a policy shift by Reagan's Civil Rights Division at the Justice Department. This is an order-shattering episode.

### **Conclusion: Reconstructing a Voluntary State**

This policy shift can be explained in terms of the politics of order-shattering-and-rebuilding suggested by Skowronek, as new policies and their institutionalization support long-term governing orders. I argue that the Reagan presidency built a "voluntary state" that replaced portions of the New Deal state. The case of Reagan's voluntary school desegregation policy provides evidence of both order-conserving and order-smashing. I argue that both presidential roles are important. While Riley directly challenges Skowronek, the two are actually using the word "order" differently. Riley argues presidents keep civil order, while Skowronek says presidents smash governing orders under certain conditions. Still, both are talking about institutional disruption, albeit from different perspectives. The president tries to rearrange institutions to foster a long-term

governing regime. The president is more successful at forming a new regime when the old regime has weakened. Social movements contribute to this weakening by disrupting civil order. Presidents must try to manage the movement. If the movement is closer to the president's electoral coalition, he will try to appease it in moderation. An interesting subject for further study is the president's response to movements not affiliated with his electoral coalition. In this case, Reagan tried to reverse many of the gains of the civil rights movement, and he tried to commandeer its deceased leader's legacy by speculating on Martin Luther King's policy preferences.

President Reagan wanted to shatter the New Deal regime; this example of school desegregation follows Skowronek's model of presidential politics. The new policy to curtail school desegregation helped Reagan build a new "voluntary" state. He reversed federal intervention and began protecting segregated schools. He advocated voluntary government solutions like magnet schools, education block grants and deregulation. He received the fewest black votes ever and also won electoral landslides. He weakened teachers unions and moved functions of the Department of Education to the Department of Justice. But beyond simple presidential license, this story also includes an interaction with social movements. In the decades leading to Reagan's 1980 election, the civil rights social movement had disrupted society and won concessions, but then grew relatively quiet. Meanwhile, the Christian Right had become politically active, and had begun movement-like activity that targeted problems with the public schools. The school desegregation issue let Reagan attack the public schools and inflame racist reactions to the civil rights movement, both of which won him votes. The racial and school politics established by Reagan are still resilient today.<sup>96</sup> I conclude that presidential regime

theory can be improved by recognizing institutional disruption from movements, voting blocs, and other outside political interests, and also with greater understanding of the true extent of the Reagan reconstruction.

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<sup>1</sup> Office of Personnel Management, Agency Compliance and Evaluation. Federal Civilian Workforce Statistics: Monthly Release. Washington, DC: Office of Personnel Management, Nov 1980, Nov 1981, Nov 1982, Nov 1983, Nov 1984, and Nov 1985; Office of Personnel Management, Workforce Analysis and Statistics Division. Federal Civilian Workforce Statistics: Employment and Trends. Washington, DC: Office of Personnel Management, Nov 1986, Nov 1987, Nov 1988, Nov 1989, Nov 1990, Nov 1991, July 1992, and July 1996.

<sup>2</sup> Retrieved electronically from Department of Justice Website. "DOJ: JMD: BS: Budget Trend Data, Environment and Natural Resources Division without Superfund" and "DOJ: JMD: BS: Budget Trend Data, Civil Rights Division."

<sup>3</sup> Stone, D. (1997). Policy Paradox: The Art of Political Decision Making. New York, W.W. Norton & Co, p.374.

<sup>4</sup> Skowronek (1993), The Politics Presidents Make, Chapter 8.

<sup>5</sup> Detlefsen, R. R. (1991). Civil Rights Under Reagan. San Francisco, Institute for Contemporary Studies Press.

<sup>6</sup> Shull, S. A. (1999). American Civil Rights Policy from Truman to Clinton: The Role of Presidential Leadership. Armonk, NY, M.E. Sharpe, p.266, 261.

<sup>7</sup> Goldfield, M. (1997). The Color of Politics: Race and the Mainsprings of American Politics. New York, The New Press.

<sup>8</sup> Edsall, T. B. and w. M. D. Edsall (1992). Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics. New York, W.W. Norton & Company; Graham, H. D. (1994). Race, History, and Policy: African Americans and Civil Rights Since 1964. Civil Rights in the United States. H. D. Graham. University Park, Pennsylvania State University Press: 12-39.

<sup>9</sup> Orfield, G., S. E. Eaton, et al. (1996). Dismantling Desegregation: The Quiet Reversal of *Brown v. Board of Education*. New York, The New Press; Shull (1999). American Civil Rights Policy from Truman to Clinton.

<sup>10</sup> Polsky, A. J. (1997). "The 1996 Elections and the Logic of Regime Politics." Polity XXX(1): 153-166.

- 
- <sup>11</sup> O'Reilly (1995), Nixon's Piano, p.350.
- <sup>12</sup> Edel, W. (1992). The Reagan Presidency: An Actor's Finest Performance. New York, Hippocrene Books, p.130.
- <sup>13</sup> Detlefsen (1991), Civil Rights Under Reagan.
- <sup>14</sup> O'Reilly (1995), Nixon's Piano, p.361.
- <sup>15</sup> Busch, A. E. (2001). Ronald Reagan and the Politics of Freedom. Lanham, MD, Rowman & Littlefield, p.28.
- <sup>16</sup> Riley (1999). The Presidency and the Politics of Racial Inequality.
- <sup>17</sup> Wolters, R. (1996). Right Turn: William Bradford Reynolds, the Reagan Administration, and Black Civil Rights. New Brunswick, NJ, Transaction Publishers; Golden (2000), What Motivates Bureaucrats?
- <sup>18</sup> Dugger, R. (1983). On Reagan: The Man & His Presidency. New York, McGraw-Hill Book Company; Detlefsen (1991), Civil Rights Under Reagan.
- <sup>19</sup> Golden (2000). What Motivates Bureaucrats? p.103.
- <sup>20</sup> Wolters (1996), Right Turn.
- <sup>21</sup> Ball, H. and K. Greene (1985). The Reagan Justice Department. The Reagan Administration and Human Rights. T. E. Yarbrough. New York, Praeger: 1-28, p.13.
- <sup>22</sup> Golden (2000). What Motivates Bureaucrats? p.103.
- <sup>23</sup> Fried, C. (1991). Order & Law: Arguing the Reagan Revolution – A Firsthand Account. New York: Simon & Schuster, pp.40-41.
- <sup>24</sup> Ball and Greene (1985), The Reagan Justice Department. p.11.
- <sup>25</sup> Golden (2000). What Motivates Bureaucrats? p.90.
- <sup>26</sup> Golden (2000). What Motivates Bureaucrats? p.97, 105.
- <sup>27</sup> "Federal File: Accusations at Justice; Extraneous Activity; New Hill Task Force." Education Week. 3: 11, October 26, 1983.
- <sup>28</sup> Golden (2000). What Motivates Bureaucrats? p.92, 93.

- 
- <sup>29</sup> Amaker, N. C. (1988). Civil Rights and the Reagan Administration. Washington, DC, Urban Institute Press, p.42.
- <sup>30</sup> Detlefsen (1991). Civil Rights Under Reagan; Wolters (1996), Right Turn.
- <sup>31</sup> Amaker (1988), Civil Rights and the Reagan Administration, p.40.
- <sup>32</sup> White, E. (1982). Racial Policies, Religious Rights Square Off As High Court Hears Tax-Exemption Case. Education Week, October 20.
- <sup>33</sup> Bell, T. H. (1988). The Thirteenth Man: A Reagan Cabinet Memoir. New York, The Free Press, p.113.
- <sup>34</sup> Lugg (2000), For God and Country, p.75.
- <sup>35</sup> Amaker (1988), Civil Rights and the Reagan Administration, p.42.
- <sup>36</sup> For the Record (1983). Education Week, June 8.
- <sup>37</sup> Mirga, T. (1984). Reynolds Asserts the End of Mandatory Busing Is Near. Education Week, 4: 11, September 19, 1984.
- <sup>38</sup> Bell (1988), The Thirteenth Man, chapter 8.
- <sup>39</sup> Amaker (1988), Civil Rights and the Reagan Administration, p.45.
- <sup>40</sup> Amaker (1988), Civil Rights and the Reagan Administration, p.47.
- <sup>41</sup> Bell (1988), The Thirteenth Man, p.103.
- <sup>42</sup> Bell (1988), The Thirteenth Man, p.108.
- <sup>43</sup> Edel (1992), The Reagan Presidency, p.86.
- <sup>44</sup> Edel (1992), The Reagan Presidency, p.88.
- <sup>45</sup> Wolters (1996), Right Turn, p.386.
- <sup>46</sup> Mirga, T. and P. Caldwell (1984). U.S. Approves Voluntary Plans to Desegregate. Education Week, February 1, 1984.
- <sup>47</sup> Wolters (1996), Right Turn, p.390.
- <sup>48</sup> Mirga and Caldwell (1984), "U.S. Approves Voluntary Plans to Desegregate".

- 
- <sup>49</sup> Wolters (1996), Right Turn, p.394.
- <sup>50</sup> Mirga (1984), Reynolds Asserts the End of Mandatory Busing Is Near.
- <sup>51</sup> Caldwell, P. (1984). Magnet Schools: The New Hope for Voluntary Desegregation. Education Week. 3: 1, 15-16, February 29, 1984.
- <sup>52</sup> Justice Dept. Touts Record for '87 (1988). Education Week, January 20, 1988.
- <sup>53</sup> Reagan, R. (1983). Remarks at the National Forum on Excellence in Education in Indianapolis, Indiana. Public Papers of the Presidents, December 8, 1983.
- <sup>54</sup> Reagan, R. (1984). Address Before a Joint Session of the Congress on the State of the Union. Public Papers of the Presidents, January 25, 1984.
- <sup>55</sup> Currence, C. (1984). President's Approach to School Discipline Draws Criticism. Education Week. 3: 1, 16, January 25, 1984.
- <sup>56</sup> U.S. Department of Education (n.d.). "School Violence Working Group," White House Staff and Office Files, J. Douglas Holladay, Box 12152, Ronald Reagan Library.
- <sup>57</sup> Bell, T. H. (1984). School violence puts everyone at risk. The Christian Science Monitor, March 14.
- <sup>58</sup> President's school article urges increased discipline (1984). The Washington Times. Washington, DC, September 21.
- <sup>59</sup> Berliner and Biddle (1995). The Manufactured Crisis, p.137.
- <sup>60</sup> U.S. Department of Education (1984). "Education," White House Staff and Office Files of J. Douglas Holladay, Box 12150 , Ronald Reagan Library.
- <sup>61</sup> Office of Planning, Budget and Evaluation Planning and Evaluation Service (1983). "Disruptive Schools: The Barrier to Excellence," White House Staff and Office Files of J. Douglas Holladay, Box 12152, Ronald Reagan Library, p.12.
- <sup>62</sup> Ranbom, S. (1984). Black Students More Likely to be Disciplined, Seattle Study Shows. Education Week, March 21, 1984.
- <sup>63</sup> Landsberg, B.K. (1997). Enforcing Civil Rights: Race Discrimination and the Department of Justice. Lawrence, University Press of Kansas, p. 123.
- <sup>64</sup> McSpadden, L. (2000). Environmental Policy in the Courts. Norman J. Vig and Michael E. Kraft, Environmental Policy: New Directions for the Twenty-First Century, Fourth Edition. Washington DC, CQ Press, p.148.

- 
- <sup>65</sup> McSpadden (2000), p.149.
- <sup>66</sup> Riley (1999). The Presidency and the Politics of Racial Inequality.
- <sup>67</sup> Sloan (1999). The Reagan Effect.
- <sup>68</sup> Miroff (1981), "Presidential Leverage over Social Movements."
- <sup>69</sup> Holladay, J. D. (1984). Memorandum for Faith Ryan Whittlesey, White House Staff and Office Files of J. Douglas Holladay, Box 12152, "Title IX", Ronald Reagan Library.
- <sup>70</sup> Devins, N.E. (1989). Introduction: Private Schools and Public Values. Public Values, Private Schools, Devins, N.E. New York: The Falmer Press, p.6.
- <sup>71</sup> Mirga, T. (1983). O'Malley is 'Private' Advocate in Public-Dominated Agency. Education Week, June 15, 1983.
- <sup>72</sup> Federal File (1984). Education Week. February 1, 1984.
- <sup>73</sup> Secretary, Department of Education (1982). Fact Sheet on Fundamentalist Christian School Dispute in Nebraska, White House Staff and Office Files, J. Douglas Holladay, Box 12151, Ronald Reagan Library.
- <sup>74</sup> Devins (1989). Introduction: Private Schools and Public Values, p.6.
- <sup>75</sup> Caldwell, P. (1982). Federal Civil-Rights Chief Responds to Critics of His. Education Week, March 3.
- <sup>76</sup> White, E. (1982). Justice Official, Congressmen Debate U.S. Policies on Busing. Education Week. April 14.
- <sup>77</sup> Mirga, T. (1983). Justice Official Raps Busing, Affirmative-Action Programs. Education Week, May 11.
- <sup>78</sup> Crain, R.L. and Christine H. Rossell. Catholic Schools and Racial Segregation, Public Values, Private Schools, Devins, N.E. New York: The Falmer Press, p. 205.
- <sup>79</sup> Walton, S. and E. White (1982). Justice Dept. to Back Local Opponents of Busing. Education Week, October 6. The authors refer to a report from the U.S. Commission on Civil Rights.
- <sup>80</sup> Lugg (2000), For God and Country, p.83-84.
- <sup>81</sup> Lugg (2000), For God and Country, p.76.

- 
- <sup>82</sup> Lugg (2000), For God and Country.
- <sup>83</sup> Edsall and Edsall (1992). Chain Reaction, p.164.
- <sup>84</sup> Goldfield (1997), The Color of Politics, p.314.
- <sup>85</sup> Carmines, E. G. and J. A. Stimson (1989). Issue Evolution: Race and the Transformation of American Politics. Princeton, Princeton University Press, p.54.
- <sup>86</sup> Walters, R. W. (1988). Black Presidential Politics in America: A Strategic Approach. Albany, State University of New York Press, p.50.
- <sup>87</sup> Federal File (1983). Education Week, January 26.
- <sup>88</sup> White, E. and P. Caldwell (1982). Reagan Record on Civil Rights Called a 'Travesty' in Report. Education Week, March 3.
- <sup>89</sup> White and Caldwell (1982). Reagan Record on Civil Rights Called a 'Travesty' in Report.
- <sup>90</sup> Tate, K. (1994). From Protest to Politics: The New Black Voters in American Elections. Cambridge, MA. Harvard University Press, p.121.
- <sup>91</sup> Currence (1984), President's Approach to School Discipline Draws Criticism.
- <sup>92</sup> Lugg (2000), For God and Country, p.142.
- <sup>93</sup> Orfield, Eaton, et al. (1996). Dismantling Desegregation.
- <sup>94</sup> Bullard, R. (1995). Residential Segregation and Urban Quality of Life. Environmental Justice: Issues, Policies, Solutions, B. Bryant. Washington DC, Island Press: 76-85.
- <sup>95</sup> Orfield, G. and C. Ashkinaze (1991). The Closing Door: Conservative Policy and Black Opportunity. Chicago, University of Chicago Press.
- <sup>96</sup> Berliner and Biddle (1995), The Manufactured Crisis; O'Reilly (1995), Nixon's Piano.

## **Chapter Five**

### **Evidence of a New Regime: Policy and Politics Constrained by Reagan**

#### **Introduction**

The chapters above introduced evidence that the Reagan administration changed the institutions, policies and politics related to environmental regulation and education. I now examine the three presidential administrations following Reagan for evidence of the tenacity of these changes. As the definition of regime from Chapter One states, a new regime has pre-emptive power over policy for several decades. In fact, I have found that the two Reaganite policies associated with the “voluntary state” persist to this day in unimpaired fashion. For pollution control, voluntarism applies to industry – our policy now frequently relies upon cooperative agreements with polluting industries that they enter and exit at will, and they have considerable institutional access to the regulatory process. In education, voluntarism applies to parents – they choose among public and private schools, and they choose whether or not to racially desegregate. This final chapter is organized into five sections. I will discuss the environmental policies, environmental politics, education policies, and education politics that followed the Reagan administration. The fifth section summarizes the conclusion of this chapter, and of the entire dissertation, that Reagan indeed built a new regime.

#### **Environmental Policy After Reagan**

Regulatory policy is now based upon cooperative agreements with industry rather than upon command-and-control regulation, it now requires various forms of risk

assessment, and now relies upon stronger state and local authority. These three principles are consistent with the changes Reagan enacted. First, President George H.W. Bush continued the assault on existing (and threatened) command-and-control regulations by creating his own version of the Task Force on Regulatory Relief. The Bush White House created the Quayle Council on Competitiveness, which followed the model of Reagan's similar Task Force in order to provide White House management of all regulatory decisions, and also to serve as an access point for regulated industries. The Quayle Council regularly consulted with the regulated industries, often in secret.<sup>1</sup> Bush's EPA Administrator William Reilly explains in an oral history that "it was not uncommon in my time to get back comments from the Office of Management and Budget or the Competitiveness Council that incorporated verbatim lobbyist documents that we had seen from trade associations three or four months before on particular matters of concern in legislative or regulatory policy."<sup>2</sup> Reilly was an environmental conservationist, but this did not mean he led EPA to return to its pre-Reagan principles, mostly because he became alienated from both his own administration and environmentalists. Landy, Roberts, and Thomas found that "because Reilly came to be viewed as a pariah within the White House, his ability to champion reform inside the Executive Branch was significantly hampered. Meanwhile, outside that circle, he was viewed with suspicion because of his association with that administration."<sup>3</sup> Bush also sustained Reagan's regulatory review executive order, and Administrator Reilly was an advocate of risk assessment and risk management.

While the Clinton White House did not set up a similar regulatory council, and the current Bush administration has no such formal process, risk analysis requirements

and its access points for business remain firmly in place. Harris and Milkis found that the Clinton administration kept central regulatory review in place, even while opening the process up to public interest groups.<sup>4</sup> Cost-benefit analysis was used in the Clinton administration with modifications, and was still required of “significant” regulations.<sup>5</sup> In fact, other studies of the EPA and regulatory politics observed the Clinton administration to be sometimes consistent with the Bush ideology and market-based goals, like pollution credits and private partnerships.<sup>6</sup> A study published in 2000 stated “EPA’s administrative leaders since William Ruckelshaus have fostered the development of systematic procedures for risk-based decisionmaking, initiated comparative risk processes for setting priorities, and advocated market-oriented policy incentives to reduce these risks.”<sup>7</sup> In fact, the Clinton administration actively worked to complete the transformation to cooperative agreements. While the second Bush administration has no regulatory relief task force, it did convene a similar “energy task force” under the leadership of Vice President Cheney that targeted environmental regulations. I discuss this further in the section below on interest group politics.

Under the theme of “reinventing government,” the Clinton administration undertook a project to reinvent regulation. But essentially this was a completion of the Reagan model of industry’s active participation. As a policy scholar explains of the reinventing regulation effort, “essentially these programs invite states, industries, individual companies, and communities to collaborate with EPA to develop new performance-based management systems in return for greater regulatory flexibility.”<sup>8</sup> A policy scholar calls this a policy move away from command-and-control towards marketplace incentives.<sup>9</sup> Clinton’s EPA Administrator Carol Browner explained in a

recent op-ed in the New York Times that her “administration also introduced a more flexible process for reaching agreements with the polluters.”<sup>10</sup> As discussed below in the section on environmental politics, this new policy, further established by Clinton but inherited from Reagan, was very friendly towards business.

The second (and current) Bush administration has followed the risk assessment model, and its OIRA Director is the founding director of the Harvard Center for Risk Analysis, which is funded by energy and chemical companies.<sup>11</sup> Risk assessment, which solicits information about risks from the regulated industries, has now been firmly established as a guiding principle of regulatory policy. In a recent book on risk-based policy, law professor Cass Sunstein writes, “the consensus in favor of cost-benefit balancing has been enshrined in the formal law of the executive branch. In a series of executive orders, Presidents Ronald Reagan, George Bush, Bill Clinton, and George W. Bush have strongly and specifically endorsed the three principles outlined here.”<sup>12</sup> The three principles to which he refers involve assessing the magnitude of a problem, quantitatively judging the tradeoffs of regulation, and using effective and inexpensive tools like economic incentives to regulate. I argue that Reagan began a new policy regime that has thrived.

The Reagan reconstruction of the EPA was administrative and not legislative. In fact, Congress tried to resist Reagan and continued to reauthorize older-style command-and-control regulation. One problem now, according to Sunstein, is that environmental legislation no longer matches the new institutional procedures. The current Bush administration continues to favor market-based policies begun by Reagan, and also has undermined any remaining authority held by the EPA to reduce pollution. Bush’s EPA

Administrator, Christine Todd Whitman, “supports several policies she describes as ‘market-based,’” according to the Washington Post.<sup>13</sup> For example, Whitman announced “voluntary controls on emissions of gases linked to global warming” in early 2003.<sup>14</sup> In fact, the agency continues to undermine pollution control regulation, which caused a top EPA career bureaucrat, who was hired under President Bush in 1990, to publicly leave the agency in 2002 while charging that the current administration is “determined to weaken the rules we are trying to enforce.”<sup>15</sup> The legislation that created the EPA ordered the agency to reduce pollution by other sectors of the government itself, like military bases. The current administration’s Pentagon has resisted this oversight with litigation and legislative proposals.<sup>16</sup> The Bush administration also moved to undermine the enforcement division of EPA, in a move that recalls the Reagan years. In his proposed budget for fiscal 2003, the president would “freeze hiring to fill vacancies in the enforcement division while shifting \$15 million to the states for increased enforcement activities.”<sup>17</sup> This raises the federalism issue, the third important institutional change enacted by Reagan.

Reagan reorganized the pollution control regulation bureaucracy by weakening the federal level and somewhat unevenly strengthening the state and local level. A political science study claims, “during the 1980s, the doctrine of new federalism stressed devolution of authority from the federal level to the state and local levels in many areas of public policy. As part of the Reagan, Bush, and Clinton presidencies, states and local communities are taking on many responsibilities for protecting the environment that were previously the province of the federal government.”<sup>18</sup> This federalist structure remains in place and has created some problems for bureaucratic control in subsequent

administrations. Bush's Administrator Reilly found the agency surprisingly decentralized upon his arrival.<sup>19</sup> Reilly expressed chagrin when relating an instance in which his office was testing a new program at an Amoco refinery, and the Philadelphia EPA disruptively fined Amoco a half-million dollars for noncompliance.<sup>20</sup> The Clinton administration continued to strengthen the state level, with grant programs like the National Environmental Performance Partnership System and the Regulatory Reinvention Pilot Projects.<sup>21</sup> The current Bush administration had problems with decentralization when an assistant regional administrator publicly recommended a ban on snowmobiles in Yellowstone Park, which surprised cabinet officials who oppose the ban as a favor to the snowmobile industry.<sup>22</sup> Perhaps this is evidence that industry can shop around for a level of government where it might win concessions.

But this reorganization was not really a coherent doctrine about government, but was rather another way to reduce pollution control. Even as states complained about increased responsibilities with decreased funding, the government acted to reduce state pollution mandates. Administrator Reilly explains that state environment secretaries, like Florida's Carol Browner (later Clinton's EPA Administrator), were given relief from unmanageable requirements.<sup>23</sup> This reduction in requirements for budget-minded states is an important legacy of the Reagan reforms. But in addition, the Reagan principle of federalism was not applied uniformly. When noise polluters like airplanes, trucks and railroads faced local opposition, they sought and won federal laws that pre-empted local control. Later, the Republican 104<sup>th</sup> Congress enacted more industry-friendly uniform federal laws that pre-empt stronger state-level laws.<sup>24</sup> One study has found that state level programs since the Reagan administration have been irregular, and the programs do

not correspond to the locations with the most pollution.<sup>25</sup> The states are also using market-based policies modeled after recent EPA programs, in part because of the requirements of federal grants.<sup>26</sup> A recent political science study of state environmental policy labels the states as progressives, strugglers, delayers, or regressives. They found that twenty-five states are in the latter two categories.<sup>27</sup> So the new federalism has diminished pollution control programs.

## **Post-Reagan Environmental Politics**

### Business Interests

Business continues to benefit from the Reaganite regulatory policies and to enjoy its new access points to the regulatory policy process. These access points are appointments, cooperative regulations, and risk assessment. For example, Clinton had a "Common Sense Initiative" in which he formed advisory "committees created from key stakeholders – business, labor, environmental groups, and state officials."<sup>28</sup> Clinton's Project XL, which meant excellence and leadership, gave grants to regulatory projects that were cooperative with industry, such as an Intel facility in Arizona. Walter Rosenbaum claims that "environmental and other public interest groups frequently suspect that the EPA is negotiating 'sweetheart' agreements with facilities in the program."<sup>29</sup> Clearly Clinton found creative ways to expand the new regulatory policy of voluntary cooperative agreements with industry.

The risk assessment requirements rely heavily on information from the regulated industries. The analysis itself, which has an aura of scientific rationalism, is extremely political. Policy expert Richard N. L. Andrews explains, "as the twenty-first century

dawns, risk-based decisionmaking has become a powerful idea in U.S. environmental policy, yet it remains fraught with political agendas and assumptions rather than fulfilling the purely 'scientific' role its early proponents claimed for it."<sup>30</sup> The Clinton administration left in place, and nurtured, the new institutional procedures created by Reagan that invited business into the regulatory process and completed the transformation to voluntary regulatory agreements. The Clinton administration's only departure from the Reagan plan was to also include labor and environmentalists. But those groups, which bear the onus under the new system of proving when industry practice is overwhelmingly "risky," rarely have the resources and information required by cost-benefit calculations to win arguments.

In recent months, business has enjoyed even greater access to environmental regulation policy under the current Bush administration. For example, in December 2002 the administration released a list of more than 300 regulations, many environmental, targeted for reconsideration, alteration, or elimination "at the request of industries and consumer groups."<sup>31</sup> The groups asking for regulatory review were openly identified, and they include the Competitive Enterprise Institute, which objected to an EPA rule about arsenic in treated wood, the Heritage Foundation, Boeing, and the American Farm Bureau. Public Citizen also requested a regulation, and the U.S. Chamber of Commerce had twenty-six proposals. The Office of Management and Budget passed them on to the agencies, which were given two months to conduct cost-benefit analyses.<sup>32</sup> This is another example of the link between political coalition-building and institutional change.

In fact, earlier in 2002, the energy industry gave the Bush White House a list of recommendations that emphasized objections to the EPA's New Source Review program,

which it considers very costly.<sup>33</sup> According to the same newspaper account, the Southern energy company was the leader of this lobbying effort against the EPA rule, and that company was a major contributor to the Republican Party in 2000. The Bush administration agreed to reconsider the rule. Many friends of the energy industry have received appointments in the Bush government, often in the Interior Department, and Bush has enacted many policies favorable to that industry.<sup>34</sup> Clearly, business interests are important members of the Republican coalition and use access to regulatory policy to their advantage. At the same time, the Bush Administration has an economic incentive to pay attention to the concerns of his financial backers, the regulated industries.

### The Christian Right and Other Republicans

As mentioned in Chapter Two, the Christian Right is not a direct constituency of weakened pollution control. However, the Christian Right will trade favors with other groups on policies like anti-environmentalism in order to make progress on other objectives. In addition, post-Reagan environmental policy has been influenced by other groups that acted as policy seekers. For example, the “wise use” groups have been funded by industries like ranching and mining since the 1970s, but they apparently gained steam as a movement with members and voters in the 1990s. According to a policy scholar watching relevant social movements,

conservative antipathy to environmentalism may be refracted in Congress, particularly among western Republicans, but its depth and range are manifest among the often well-organized and well-funded groups allied loosely under ‘property rights’ and ‘Wise Use’ banners. In 1994 these groups mobilized the

voters who decided a number of tight congressional races that contributed to the Republican takeover, while generous campaign contributions from industries such as timber and mining aided sympathetic, mostly Republican candidates.<sup>35</sup> Presidents also respond to organized sections of voters in key districts. Perhaps this political calculus contributed to Clinton's programs, described above, that further developed state-level grants for industry participation in cooperative regulatory decisions.

### Democrats

The Reagan regulatory policy was also designed to demobilize Democrats. These activities continue today. Lester, Allen and Hill explain that policies attacking basic gains by Democratic constituency groups disrupt the politics of that group. They predict the current Bush administration will disrupt civil rights and environmental agendas. They write, "as seen during the Reagan era, this [conservative tone] led to a polarization by the civil rights and environmental movements in order to protect their policy bargaining positions and retain past policy gains. During the 1980s, this led to a disappearance of environmental justice from the policy stream; it may do the same thing, at the federal level, after 2000."<sup>36</sup> Moreover, the continued institutionalization of cost-benefit analysis through the 1990s further put racial minority groups and the poor at a disadvantage in regulatory politics, a concept explained in Chapter Two. Cost-benefit analysis in its various forms considers the cost of pollution in terms of lost wages, which means that the poor are considered less valuable in the equation. Chapter Two also discussed the way rhetoric on regulatory relief can be used to justify opposing all sorts of government programs, including those that address racial inequality; this continued into

subsequent administrations. Historian Nicholas Laham found evidence of a tremendous Reagan legacy, observing that “substantial elements of Reagan’s agenda have been implemented with the support of Clinton.”<sup>37</sup> In addition, the Reagan regime shift weakens Democrats who continue to lose access to government jobs and related decisionmaking power as the White House is again Republican.

### **Education Policy After Reagan**

Since Reagan left office, education policy has continued to utilize various forms of privatization, public-private partnerships, standards and assessments, and other market-based school choice plans. Education policy observer Betsy Levin explains the current landscape of school choice:

school choice plans may include a wide variety of programs: tuition vouchers that can be used in either private or public schools (Cleveland); charter school programs that permit private schools to convert to public school status (Arizona); charter schools limited to new or existing public schools (California); magnet schools within the public school system, either as separate schools or as schools within schools, generally in urban areas and often part of a court-ordered desegregation plan; interdistrict transfers (St. Louis and its suburbs); and controlled-choice districts (Cambridge, Mass.).<sup>38</sup>

School choice is also related to standards and assessments, because test results are often used to determine a school’s success or failure, which may trigger a choice-based plan.

In this section I will make clear that each president following Reagan expanded school choice policy in its various forms.

President Bush's education secretary was another neoconservative, Lamar Alexander. One major accomplishment during that administration was to directly enroll business in a national drive for "excellence" in schools, including standards and choice. Business involvement inspired by Reagan had been mostly at the state and local level with adopt-a-school programs, although Chapter Three explains how national business interest groups were newly energized by Reagan regarding education. President Bush further institutionalized business involvement with education policy. In 1989 Bush convened an education summit in which he met with governors to encourage partnerships with business and other state initiatives.<sup>39</sup> According to one source, this was "only the third time in the history of the United States that a president has summoned the governors to a meeting, and the first time the topic was education."<sup>40</sup> Arkansas Governor Bill Clinton was a major participant at that meeting. President Bush announced the results of the summit in his 1990 state-of-the-union address as the Goals 2000 program, which required, among other items, several new assessments and a "disciplined environment."<sup>41</sup> Remember from Chapter Three that both these policies were advocated by the Reagan administration. Assessments, meaning standardized tests, are the mechanism for establishing whether a school is "below standard" and therefore deserving of competition and parental choice.

President Clinton convened a similar education summit in 1996 that further entwined business interest groups and education by formally including CEOs at the meeting, which was sponsored by IBM and the National Governors' Association, and

held at the IBM Conference Center. Since then, more National Education Summits have been held, as CEOs, governors and other officials met in 1999 and October 2001. These are organized by a group called Achieve, Inc., created in 1995 to champion “standards, assessment and accountability,” three goals that grew from the “excellence” agenda. The board of Achieve has included executives from IBM, Procter & Gamble, Boeing, Eastman Kodak, State Farm, and Prudential.<sup>42</sup> The 1999 education summit, attended by President Clinton, was sponsored by Achieve, the Business Roundtable, the Council of the Great City Schools, the Learning First Alliance, the National Alliance of Business, the National Education Goals Panel, and the National Governors’ Association.<sup>43</sup> Participants included 28 governors, 33 business leaders, other education representatives, and “resource people” that include businesspeople and academics. Present were representatives from DuPont, UPS, Legg Mason, IBM, Glaxo Wellcome, Procter & Gamble, JM Smucker, Boeing, and several telecommunications companies.<sup>44</sup> So Bush’s first summit has spawned a new business interest group, Achieve, with a permanent infrastructure and regular national meetings that were continued with the blessing of the Clinton administration. Privatization in its various forms continued to be a major goal of the Bush, Clinton, and Bush administrations.

Also the Clinton administration supported legislation for curriculum standards and expanded national testing, and in October 1993 the Clinton Education Department produced a report entitled National Excellence: A Case for Developing America’s Talent.<sup>45</sup> In 1994, the Democratic Congress passed major education legislation in three bills: the Improving America’s School Act, which reauthorized the Elementary and Secondary Education Act, the Goals 2000 Educate America Act, and the School to Work

Opportunities Act.<sup>46</sup> This legislation emphasizes “excellence” and contains many of the policies begun under Reagan, like school choice in the form of funding for charter schools, and academic standards and assessment requirements. A 1999 government study reported that “ESEA and Goals 2000 have been essential in spurring standards based reform in local schools and communities,” and that almost every state had developed assessments “aligned with content and performance standards for core subjects.”<sup>47</sup> These assessments provide an opportunity to measure teacher performance. The same report estimates that 17 states have linked, or plan to link, assessment results to teacher professional development. For teachers in schools that fail the tests, this has often meant a loss of bonuses or forced retraining.

Clinton’s 1994 education legislation also expanded school choice, because it included the first federal funding for charter schools, the Public Charter School Program, and it reauthorized the Magnet Schools Assistance Program. Charter schools began in Minnesota in 1991 and spread to other states. Charter schools are independent public schools and are not subject to the same regulations and unionization as public schools. Moreover, as alternatives to the public schools they provide essentially a public school choice program. They may be operated by nonprofit groups, for-profits companies, parents, churches, former private schools, and other organizations, and they usually receive the per-child government payment ordinarily given to the student’s regular school. By 1998 there were 1100 charter schools operating in 31 states, DC and Puerto Rico.<sup>48</sup> According to one newspaper account, in 1999 ten percent of charter schools were managed by for-profit companies.<sup>49</sup> Clinton also signed the Charter School Expansion

Act in 1998. This program continues the deregulatory, anti-union, market-competition-based policies advocated during the Reagan administration.

The 1994 education laws also continued the magnet schools programs, which are specialized public school programs that attract students from across the district. They were created in the Reagan administration as a voluntary desegregation program, as discussed in Chapter Four. A government study found that 54% of magnet schools receiving federal funds in 1998 were part of a voluntary desegregation program, and 46% were part of a mandatory desegregation order.<sup>50</sup> But an earlier 1996 study found that only about half of Magnet School Assistance Program grantees met their desegregation targets.<sup>51</sup> The Clinton Goals 2000 legislation also included the Education Flexibility Partnership program, which allows schools to obtain waivers from federal funding requirements in certain situations. In 1999 Clinton signed the Educational Flexibility Partnership Act, which encouraged the program to expand.<sup>52</sup> The Heritage Foundation had advocated for a stronger form of “Super Ed-Flex” because it “would release states and districts from a wide array of federal rules in exchange for accountability for student performance.”<sup>53</sup> The Clinton legislation is another example of a policy change away from the categorical federal grants for compensatory programs that addressed equity issues.

During the 2000 presidential election, education was a major topic of rhetoric and debate, and both sides used the new idiom of excellence and choice.<sup>54</sup> After winning that race, the current Bush administration passed a major education bill in 2001 with bipartisan support that continues the Reagan policies of privatization and competition. Entitled the No Child Left Behind Act, the bill includes more rigorous testing

requirements and a provision for redirecting students, and federal money, to private schools if the public school is declared a failure on the basis of test scores.<sup>55</sup> The legislation includes a Voluntary Public School Choice Program that “supports five-year projects that offer the widest variety of choices to students in participating schools.”<sup>56</sup> These are grants that can also be used for tuition transfer payments to alternative public or charter schools, and public-private partnerships. For-profit organizations are eligible for the grants as well. In October 2002 the administration announced that it was awarding “an unprecedented \$198 million” for the creation and expansion of charter schools.<sup>57</sup> Yet President Bush’s 2004 education budget proposals were \$6 billion less than the Act had promised and would cut some areas by eliminating 45 programs.<sup>58</sup>

Bush has also signaled an inclination to follow the Reagan tradition of opposing mandatory desegregation programs. His appointee to the Department of Education Office of Civil Rights is Gerald A. Reynolds, a regulatory lawyer for a utility company. He was appointed during a recess because critics like Senator Edward Kennedy claimed Reynolds had no education policy experience and was hostile to basic civil rights laws.<sup>59</sup> At the same time, Bush’s Justice Department recruiting program has become more politicized under Attorney General John Ashcroft, who now manages a hiring program formerly left to the career bureaucrats.<sup>60</sup> The job candidates now fly to Washington for interviews in lieu of meeting with regional career officials.

School desegregation policy continues to rely on voluntary plans that include magnet schools. Recently the Hartford, Connecticut public school system devised a voluntary desegregation plan that tries to attract suburban students to magnet schools.<sup>61</sup> The plan, which resolves a lawsuit filed by civil rights groups in 1989, also allows

Hartford parents to choose to send their children to the suburbs.<sup>62</sup> Meanwhile, the Boston voluntary desegregation policy was challenged in August 2002 as being too race-conscious, because while offering some parental choice, it doesn't freely allow transfers that upset the racial balance.<sup>63</sup> The original family bringing the suit has moved to another state, but the lawsuit was continuing with financial support from a conservative group, the Citizens for the Preservation of Constitutional Rights. But choice plans with a goal of diversity have had mixed results, according to recent studies, and some districts are even more segregated.<sup>64</sup> According to an ongoing Harvard study, school segregation has risen in recent decades. A press release concerning their latest results reads, "the desegregation of black students, which increased continuously from the 1950s to the late 1980s, has now receded to levels not seen in three decades."<sup>65</sup> Meanwhile, recent studies have found inequities in school funding are linked to race, so we know separate is not equal.<sup>66</sup> Clearly, the Reagan-led change in desegregation policy has been successful, having led to greater segregation and also having created a new political coalition of white southerners. These are just a few examples of the durability of the Reagan education policy shift.

## **Education Politics in the Voluntary State**

### **Business Interests**

First, business benefits directly from the new markets for commerce opened up by Reagan, Bush, Clinton, and Bush's privatization policies. Charter schools, private management companies, and private schools are replacing public schools (or just their bureaucracies) with the support of federal funding. These programs have opened up a

new profit-taking market in education, and this market boomed in the 1990s along with the healthy economy. Between 1996 and 1999, education companies received more than \$4.8 billion in private investment.<sup>67</sup> According to EduVentures, which monitors the education industry, the K-12 market consists of charter school operators, contract managers who supply some or all school management services, and private schools.<sup>68</sup> Some of these management companies, like the Edison Project and Tesseract, are now publicly traded firms. Nobel Education Dynamics has been profitable as the largest private elementary school provider. Nobel is also a publicly traded company, and it began opening charter schools in Fall 1999.<sup>69</sup> In March 2000, Time magazine quoted an industry consultant who estimated that for-profit schooling would soon be a \$60 billion industry.<sup>70</sup> The industry continues, but the profits have not always been as high as expected, as the case of the troubled Edison Project illustrates.

The case of Christopher Whittle's Edison Project is an interesting example of the new education market created by Reagan's policy change. Recall from Chapter Three that Whittle, a media entrepreneur from Tennessee, is close to Lamar Alexander and other advocates of school competition policy. From its inception in 1991 until June 1998, Edison received \$161 million in investment capital, and backers included J.P. Morgan and the Swedish Investor AB.<sup>71</sup> The company was not yet profitable, but in the summer of 1998 Edison planned to double its revenues and profits during the school year.<sup>72</sup> Still without profits, Edison went public in November 1999.<sup>73</sup> Its stock price fell at first, but in March 2000 it was slightly above the initial price. Business Week ran a cover story on "For-Profit Schools" in February 2000, which contained a prediction from Merrill Lynch & Co. that Edison would have revenues of \$1.8 billion by 2005.<sup>74</sup> The stock rose

dramatically and in 2001 Whittle and early investors sold stock at around 8 times what they paid.<sup>75</sup>

Soon afterwards the stock market boom ended, and by 2002 Edison had still not earned a profit. In March 2002, Philadelphia contracted with Edison to manage its schools after the company waged a sophisticated marketing and public relations campaign.<sup>76</sup> In April 2002 the company's stock price was very low and the Securities and Exchange Commission was reviewing Edison's accounting practices. That case was resolved in May, and Whittle was searching for the capital needed to manage the Philadelphia schools.<sup>77</sup> Finally Whittle arranged to borrow \$40 million from venture capitalists at Chelsey Capital and Merrill Lynch at high interest rates and averted a crisis.<sup>78</sup> With the addition of Philadelphia, Edison was managing schools educating about 90,000 students in 22 states. The company's profits are still problematic, but nonetheless it continues to expand.

There are other recent examples of business seeking to profit directly from the new policy. In fact, at least two people close to the Reagan and first Bush administrations have recently entered the for-profit education industry. For example, William J. Bennett, Reagan's second Education Secretary, has started K12 Inc., an online-learning company that seeks to open virtual charter schools.<sup>79</sup> Also, the current president Bush's brother Neil has started Ignite!, which sells an online American history curriculum for eighth graders. According to a March 2002 newspaper account, Neil Bush had raised \$20 million for this company, and his investors include Michael Milken's Knowledge Universe.<sup>80</sup> Lamar Alexander founded CorporateFamily Solutions, which later merged with Bright Horizons, a very successful public company that provides child

care and operates kindergartens, public schools, private schools and a charter school.<sup>81</sup> In addition, the cutbacks on school funding discussed in Chapter Three have triggered an increase in private sponsorship of school functions. The students (and parents) are now subject to advertising messages in exchange for funding. For example, in New Jersey Coca-Cola sponsored athletics by paying for scoreboards and scholarships, Campbell's Soup paid for playground equipment, and internet companies publicize kickbacks to local schools for each subscription and purchase.<sup>82</sup> Pepsi built a new stadium in Colorado in exchange for exclusive rights to advertise and sell drinks in 140 schools.<sup>83</sup> These are all new commercial markets opened up by funding cuts and privatization policies started in the Reagan administration.

#### Corporate Philanthropists and School Partnerships

In the 1990s, many corporate philanthropic efforts have been formed to directly aid the new privatized and assessment-based education policy, and to replace cut funds. In 1991, the Children's Educational Opportunity Foundation America, known as CEO America, was formed to fund, coordinate and expand private voucher programs.<sup>84</sup> In 1998, for example, CEO America promised to match every dollar raised by the group Floridians for School Choice.<sup>85</sup> There are now many similar endowments nationally and locally, and CEO America seems to have become more of an advocacy group only. The Children's Scholarship Fund is perhaps the largest grantee of tuition vouchers. The Children's Scholarship Fund was founded in 1998 with \$100 million from John Walton of the Wal-Mart family and Theodore J. Forstmann, a New York investor.<sup>86</sup> The Fund acts as a private voucher program by giving private school tuition scholarships directly to low-income students. Other business leaders have donated to the Fund, including

Michael Ovitz, formerly of Disney. The Walt Disney Company itself created the Disney Learning Partnership in 1999, pledging to spend \$20 million in aid to schools, mostly for curriculum, community, and professional development.<sup>87</sup> Internet companies Microsoft, Intel, and Netscape pledged hundreds of millions of dollars to support teacher computer training in early 2000.<sup>88</sup> David T. Kearns, a retired Xerox chairman who was Lamar Alexander's Deputy Secretary in the Bush administration, became the chairman of New American Schools, an inside-the-beltway school choice advocacy and research group.<sup>89</sup> On a more local level, a California internet CEO formed the New Schools Ventures Fund in 2000, which is "a multimillion-dollar venture philanthropy that invests in charters and other innovations in public education" in California only.<sup>90</sup> Most of these funds were organized during a more robust economy; the nation's schools are increasingly reliant on private philanthropy and corporate support.

#### Other Business Advocacy in the 1990s

Several new business advocacy groups were created in the 1990s to support the new education policy and seek its expansion, including initiatives from the Business Roundtable, the Conference Board, and the National Association of Manufacturers. Like the philanthropies above, these are funded by charitable donations from business leaders and corporations. In 1992 the Business Roundtable formed the Excellence Education Partnership to publicize the need for standards-based reform in core academic subjects.<sup>91</sup> Members of the EEP listed on the Business Roundtable website include the Department of Education, Achieve, the American Federation of Teachers, the National Alliance of Business, the National Education Association, the National Governors' Association, and the U.S. Chamber of Commerce. The Business Roundtable was very pleased with the No

Child Left Behind Act, and claimed credit in 2001 for assisting its passage.<sup>92</sup> In another example of Roundtable-related school choice advocacy, a former California Business Roundtable activist, Whittaker Corporation CEO Joseph Alibrandi, led a California school choice ballot initiative in 1993.<sup>93</sup> In the late 1990s, Roundtable and Bush administration veteran Christopher T. Cross was president of the Council for Basic Education, a group dating to 1956 which advocates for higher academic standards.<sup>94</sup>

The Conference Board, a business research organization, sponsored a business and education forum in 1999 that focused on “business partnerships with schools and other corporate initiatives aimed at improving public education.”<sup>95</sup> The forum presented examples of partnerships, including a McDonald’s mock construction project, a United Airlines unit on foreign trade, and an IBM flagship school grant program. The National Association of Manufacturers continued its education advocacy with a report published in 1998 endorsing national tests, charter schools, school vouchers, industry-designed skills standards, business training tax incentives, and “consolidation of existing federal training programs.”<sup>96</sup> In 1998, Harvard’s JFK School of Government hosted a symposium on business and education at which many business leaders implored their own community to redouble their education lobbying efforts.<sup>97</sup> Participants representing corporate America included the Business Roundtable, the Council for Basic Education, Achieve, Lamar Alexander, and New American Schools.

### **The Christian Right and Post-Reagan Education Politics**

Christian Right parents have benefited from the continued proliferation of school choice plans, because they usually prefer schools that provide religious instruction.

President George W. Bush proudly calls himself an evangelical Christian and has courted Christian Right votes. Those interests directly benefit from Bush's No Child Left Behind Act of 2001, which has provisions for faith-based service providers. Specifically, faith-based organizations may receive government funds for providing "supplemental services" to low-income students. According to the final regulatory guidelines released in December 2002, these services include academic help outside school hours on reading, language, and math.<sup>98</sup> The Act also contains funding for private schools in the case of a "school failure." These provisions directly subsidize religious groups and accomplish their policy goal of escaping government-controlled schools. The Christian Right continues to exert influence over education policy.

### **Teachers Unions and Education Politics**

Teachers unions are hurt by the continued expansion of school choice because usually the plans allow non-unionized teaching staffs at the alternative schools. The teachers unions have essentially been forced to accept the new school policy regime with a reduced role. Although teachers unions are still large organizations with powerful resources, both in terms of dollars and members, they cannot list many national policy victories since the Carter administration.<sup>99</sup> A 1999 Christian Science Monitor article summarized the situation clearly, asserting "both US teachers unions are adopting reforms that would have been unthinkable by some members a decade ago, including high-stakes testing, charter schools, and peer review to remove unfit teachers from the classroom."<sup>100</sup> This was the union predicament in the final years of a two-term presidency supposedly friendly to the teachers unions. The No Child Left Behind Act is

further eroding union power. In a recent union newspaper, the AFT President claims to have “negotiated at the highest levels in the U.S. Department of Education,” to keep provisions “limiting collective bargaining rights” out of the act.<sup>101</sup> But beyond staving off retrenchment, the union had little influence in defeating a school choice policy that will be detrimental to the unions. In fact, a journalist reports that they had little influence over the NCLB Act passed by Congress with large bipartisan support.<sup>102</sup> They do, however, plan to concentrate on state and local implementation of the law, which is a sensible strategy given the decentralization of school policy fostered by the Reagan administration.

### **Education and Racial Politics**

As in environmental politics, civil rights groups concerned with education policy have had to forego fighting for progress while struggling to maintain previous gains. This describes a successful disruption by the Reagan administration that continues today. Betsy Levin explains, “by the early 1990s, civil rights leaders not only found little political support for the civil rights agenda they had long espoused but also saw large numbers of judges appointed by the Reagan-Bush administrations, who reflected much of that ideology, beginning to dismantle the school desegregation and affirmative action programs that the national civil rights groups had fought so hard to put in place.”<sup>103</sup> For example, one issue being ignored is the problem of (disproportionately nonwhite) children changing schools often. In February 2002, the Citizens’ Commission on Civil Rights published a report including 19 working papers detailing racial inequity in education and other public policies.<sup>104</sup> According to the newspaper account, a paper from

the Poverty and Race Research Action Council explains the problem of “high classroom mobility” and offers possible policy solutions, including systems for the quick transfer of records, or a method of transportation that would allow children to stay in the same school. These policies are not being considered by Washington. Moreover, as explained at several points in this dissertation, the new school choice policies were created in part to get around earlier desegregation initiatives. As a consequence, they have not ameliorated segregation and (often related) inequity in the public schools. In fact, increased privatization may lead to increased segregation. Two recent studies confirmed that private schools are more segregated than public schools.<sup>105</sup>

The trend begun by the Reagan administration of southern whites voting Republican continues. As discussed in Chapters Three and Four, education policy contributed to this coalition building by offering school choice and other alternatives to mandatory school desegregation. Recent examinations of southern politics confirm that Reagan laid the groundwork for a lasting electoral shift in that region. The Black brothers contend that the south has been transformed, and they name Reagan as the creator. They argue that, “in the South the Reagan realignment of the 1980s was a momentous achievement. By transforming the region’s white electorate, Ronald Reagan’s presidency made possible the Republican’s congressional breakthrough in the 1990s.”<sup>106</sup> Reagan’s racial politics contributed to a future Republican Congress that constrained Clinton and empowered George W. Bush.

### **Conclusion: Regime Change and Constructing a Voluntary State**

This dissertation argues that Reagan was the architect of two new policy regimes that contribute to the replacement for the New Deal/Great Society regime by a “voluntary state.” The two policies in fact rely upon voluntary mechanisms, economic incentives, and competition to govern. In environmental policy, the EPA now uses voluntary agreements and economic incentives like pollution credits. In education, school choice options expand while desegregation agreements use programs that hope to attract students of different races to the same building. In this section I closely look at the evidence of regime change, which is evidenced by shifts in the policy monopoly. Policy monopoly change requires new institutions, both structural and ideational, that dislodge the policy monopoly participants and create a new group with pre-emptive hegemony. Structural and ideational changes are inseparable; the ideas or philosophies that communicate the goals of the policy monopoly are enmeshed with the new structures that will institutionalize them. I will summarize the structural/ideational changes and the new sets of participants. Together these policy-shifting presidential actions make a case for a strong, successful presidency that shaped the political landscape in which we still operate.

In these two cases, President Reagan created new structural institutions using mostly his administrative authority, but sometimes with budget and other legislation. The three most important new institutions are risk assessment, school choice, and “flexible federalism.” Risk assessment was established to make regulating industry difficult, and sold rhetorically as “regulatory relief.” Any proposed regulation now bears the burden of quantifying the risks of not regulating, and must survive a comparison of the quantified risks of regulating. These assessments are done by bureaucrats, the desk officers at the Office of Information and Regulatory Affairs, who have training in policy analysis based

on economic methodology. They receive most of their information from the regulated industry itself. This procedure gives industry a new advantage in the regulatory process. The new institution of risk assessment was not reversed by Clinton, although he informally let public interest groups attend more meetings about regulations. The public interest sector does not have access to the kinds of data and analysis required by risk assessment judgments. The new institution stands, and it has changed the policy monopoly. In fact, the old-style command-and-control regulations are no longer used. The EPA negotiates voluntary agreements with industries, or uses incentives and programs to entice compliance with pollution standards.

Second, the Reagan administration started the transformation to school choice in public education. This was sold rhetorically as "excellence." The policy of school choice encompasses the various aspects of education politics. The private sector appreciates solutions that rely upon competition and the related possibility of smaller government and reduced taxes. In fact, by advocating for different forms of school choice, the private sector imposed the "total quality management" model on the school system. Further, the choices opened new markets for profitable enterprises. The Christian Right also supports choice, because their school preferences are now subsidized. In addition, Reagan's winning political strategy of appeals to white racial resentment was nourished by the re-segregating effects of school choice. Although school choice in the form of magnet schools was widely sold as a voluntary desegregation plan, schools today are increasingly segregated. Any integrative effects of magnet school programs are campus-wide, but not within the classroom.

Third, Reagan instituted a new brand of federalism that removed programs from the federal level and gave states more flexibility. This devolution or decentralization was a way to deregulate both pollution control and public education. Funding for schools was transferred to a block grant that gave states more flexibility in meeting congressional requirements. The states were also given more enforcement responsibility for pollution violations. Often, the states are more responsive to business interests crucial to local economies than is the national government. This policy could also benefit the Christian Right, which is more organized and influential in some states. Meanwhile, interest groups accustomed to national-level influence under the New Deal/Great Society programs, like teachers unions, environmentalists, and civil rights organizations, were confused by the change in level. I call this policy “flexible federalism” because the doctrine itself is not consistent, and its proponents seem to bend the principles of devolution or decentralization when it suits the current policy regimes. For example, under the No Child Left Behind Act, which is a logical extension of the Reagan-era policy shift, schools must comply with more federally-mandated curriculum and standardized testing requirements more strictly than ever before.<sup>107</sup> In pollution control, the federal government retains authority on matters important to policy monopoly members from the corporate sector, as explained in Chapter Two.

The policy shifts described here can inform political science theory. The successful shift orchestrated by Reagan fits the pattern of presidential regime politics described by Skowronek. In education and pollution regulation, Reagan was a reconstructor; he built new institutions that may be called a ‘voluntary state.’ George H.W. Bush was his articulator, who followed and expanded the same policies of

privatization. Bush further entrenched the public/private partnerships in education and pollution regulation. Bill Clinton was the pre-emptor, who mostly followed the policies but tried if possible to moderate them and to identify weak spots in the regime program. Clinton kept risk assessment and school choice, with a few temporary moderations. George W. Bush picked up where his father and Reagan left off, and continues as an articulator, with the possibility that his regime is unraveling and he will preside over disjunction. He passed legislation on school choice where others did not, and continues to expand voluntary pollution controls and the use of risk assessments. This fits Skowronek's pattern, but also disputes with empirical examples his conclusion that Reagan did not complete a reconstruction because of institutional thickening. In fact, I present evidence above of new institutions and greatly transformed old ones.

Further, this dissertation adds a missing piece to presidential regime theory, which does not pay enough attention to the influence of exogenous interests or policy seekers. These interests take the form of organized Washington lobbies, social movements, and electoral blocs. Reagan mobilized interests like the corporate sector and the Christian Right for policy support, but at the same time he accommodated them and smartly managed their potential disturbance of political stability. For example, in education, the Christian Right was becoming disruptive in Nebraska over state school regulations, and the administration appeased it with rhetoric and legal support. The Christian Right "going Washington" movement was also shifted away from major legislative goals and towards "bureaucratic infiltration." At the same time, the corporate sector provided the resources needed to replace a withdrawal of government programs in education. In exchange, it got to influence the management of schools, which it viewed as mired in

antiquated Taylorism. The private sector also got to open new markets for profit in the public schools. In addition, latent resistance to mandatory desegregation offered fruitful political opportunities to the president who would end this program. Clearly, the cooperative relationship between presidents and organized interests should not be left out of descriptions of institutional change. The interest groups provide either the environment for institutional disruption or the resources required to sustain a reconstruction. The voluntary state was created by Reagan with precisely this kind of interest group assistance.

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<sup>1</sup> Harris and Milkis (1996).

<sup>2</sup> EPA (1995), p.28.

<sup>3</sup> Landy, M.K., M.J. Roberts, and S.R. Thomas (1994). The Environmental Protection Agency: Asking the Wrong Questions From Nixon to Clinton. Expanded Edition. New York: Oxford University Press, p.301.

<sup>4</sup> Harris and Milkis (1996), p.373.

<sup>5</sup> Barberio, R. and R. Seyb (2001). Death in the Afternoon or SmackDown? The Role of Leadership Skills in the Presidency. Northeast Political Science Association Annual Meeting, Philadelphia, p.16. Also Vig, N.J. (2000). Presidential Leadership and the Environment: From Reagan to Clinton, Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press: 111.

<sup>6</sup> Landy, Roberts, et al. (1994); Barberio and Seyb (2001).

<sup>7</sup> Andrews, R.N.L. (2000). Risk-Based Decisionmaking, Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press: 226.

<sup>8</sup> Vig, N.J. (2000). Presidential Leadership and the Environment: From Reagan to Clinton, Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press: 114.

<sup>9</sup> Rosenbaum, W.A. (2000). Escaping the "Battered Agency Syndrome": EPA's Gamble with Regulatory Reinvention, Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press: 172.

- 
- <sup>10</sup> Browner, C.M. (2002). Polluters Should Have to Pay. The New York Times, March 1, p.A23.
- <sup>11</sup> Van Natta, D. and N. Banerjee (2002). Many Made the Move From the Industry to the Administration. The New York Times. New York: 22.
- <sup>12</sup> Sunstein, C.R. (2002). Risk and Reason: Safety, Law, and the Environment. New York: Cambridge University Press, p.6.
- <sup>13</sup> Applebaum, A. (2003). The EPA's Lonely Moderate. The Washington Post National Weekly Edition, January 27-February 2, p.27.
- <sup>14</sup> Lee, J. (2003). Voluntary Pacts to Curb Greenhouse Gases. The New York Times, February 13, p.A26.
- <sup>15</sup> Seelye, K. Q. (2002a). Top E.P.A. Official Quits, Criticizing Bush's Policies. The New York Times. New York: A19.
- <sup>16</sup> Loeb, V. (2003). A War Over Environmental Rules. The Washington Post National Weekly Edition. January 20-26, p.30.
- <sup>17</sup> Pianin, E. (2002). EPA: Up 2 Percent. The Washington Post National Weekly Edition, February 11-17, p.32.
- <sup>18</sup> Lester, J.P., D.W. Allen, K.M. Hill (2001). Environmental Injustice in the United States: Myths and Realities. Boulder, Westview Press, p.159.
- <sup>19</sup> EPA (1995), p.58.
- <sup>20</sup> EPA (1995). p.56.
- <sup>21</sup> Rabe, B.G. (2000). Power to the States: The Promise and Pitfalls of Decentralization. Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press, p. 48.
- <sup>22</sup> Seelye, K. Q. (2002b). Snowmobile Letter Surprises E.P.A. Leader and Interior Chief. The New York Times. New York: A14.
- <sup>23</sup> EPA (1995), pp.59-60.
- <sup>24</sup> Rabe (2000) Power to the States, p.47.
- <sup>25</sup> Rabe (2000) Power to the States, p.40.

- 
- <sup>26</sup> Rabe (2000) Power to the States, p.38.
- <sup>27</sup> Lester, Allen, and Hill (2001). Environmental Injustice in the United States, pp.165-167.
- <sup>28</sup> Rosenbaum (2000). Escaping the “Battered Agency Syndrome”: EPA’s Gamble with Regulatory Reinvention, p.177.
- <sup>29</sup> Rosenbaum (2000). Escaping the “Battered Agency Syndrome”: EPA’s Gamble with Regulatory Reinvention, p.178-179.
- <sup>30</sup> Andrews, R.N.L. (2000). Risk-Based Decisionmaking. Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press, p.226.
- <sup>31</sup> Seelye, K. (2002). White House Identifies Regulations That May Change. The New York Times, December 20, p.A34.
- <sup>32</sup> Seelye (2002). White House Identifies Regulations That May Change, p.A34.
- <sup>33</sup> Banerjee, N. (2002). Energy Giants Push to Weaken a Pollution Rule. The New York Times, April 13, p.C1.
- <sup>34</sup> Van Natta, D. with N. Banerjee (2002). Bush Policies Have Been Good to Energy Industry. The New York Times, April 21, p.22.
- <sup>35</sup> Bosso, C.J. (2000). Environmental Groups and the New Political Landscape, Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press, 59-60.
- <sup>36</sup> Lester, Allen, and Hill (2001). Environmental Injustice in the United States, p.51.
- <sup>37</sup> Laham, N. (1998). The Reagan Presidency and the Politics of Race: in pursuit of colorblind justice and limited government. Westport, CT: Praeger Publishers, p.215.
- <sup>38</sup> Levin, B. (1999). Race and School Choice. School Choice and Social Controversy: Politics, Policy, and Law. S.D. Sugarman and F.R. Kemerer. Washington DC: Brookings Institution Press, p.273-274.
- <sup>39</sup> Martin, S. R. (1994). The 1989 Education Summit as a Defining Moment in the Politics of Education. Changing American Education: Recapturing the Past or Inventing the Future. K. M. Borman and N. P. Greenman. Albany, NY, State University of New York Press: 133-159.
- <sup>40</sup> Marshall, R. and M. Tucker (1992). Thinking for a Living: Education and the Wealth of Nations. New York: Basic Books, p.83.

- 
- <sup>41</sup> Marshall and Tucker (1992), Thinking for a Living, p.85.
- <sup>42</sup> "Board and By-Laws: Achieve's About," retrieved electronically at <http://www.achieve.org/achieve/achievestart.nsf/pages/board> on December 1, 1999.
- <sup>43</sup> Olson, L. and D.J. Hoff (1999). Teaching Tops Agenda at Summit. Education Week, October 6. Vol. XIX, No.6, p.1,20.
- <sup>44</sup> "Co-Sponsors: The 1999 National Education Summit," retrieved electronically at <http://www.summit99.org/pchome/cosponsors.html> on December 2, 1999.
- <sup>45</sup> Berliner and Biddle (1995), pp.195, 213.
- <sup>46</sup> U.S. Department of Education (1999). Federal Education Legislation Enacted in 1994: An Evaluation of Implementation and Impact Executive Summary. Planning and Evaluation Service, Office of the Under Secretary, April 8.
- <sup>47</sup> U.S. Department of Education (1999). Federal Education Legislation Enacted in 1994.
- <sup>48</sup> U.S. Department of Education (1999). Federal Education Legislation Enacted in 1994.
- <sup>49</sup> Hot Topics: Privatization of Public Education. Education Week on the Web, February 7, 2002. Retrieved electronically at <http://www.edweek.org>.
- <sup>50</sup> U.S. Department of Education (2001). Evaluation of the Magnet Schools Assistance Program. 1998 Grantees: Year 1 Interim Report. Retrieved electronically at [http://www.ed.gov/offices/OUS/PES/esed/mag\\_eval/index.html](http://www.ed.gov/offices/OUS/PES/esed/mag_eval/index.html). Updated August 14.
- <sup>51</sup> U.S. Department of Education (1999). Federal Education Legislation Enacted in 1994.
- <sup>52</sup> U.S. Department of Education (2000). Digest of Education Statistics, 2000. Chapter Four: Federal Programs for Education and Related Activities. Retrieved electronically at <http://nces.ed.gov/pubs2001/digest/ch4.html#1>.
- <sup>53</sup> Sack, J.L. (1999). Heritage Makes Its Mark in Education Debate. Education Week, November 10, pp.30, 36.
- <sup>54</sup> Brownstein, R. (2000). Bush, Gore Harp on Differences, but on Education, It's a Different Story. Los Angeles Times, April 3. Retrieved electronically at <http://www.latimes.com>; Robelen, E. W. (2000). Gore Takes Pains to Contrast Agenda With That of Bush. Education Week, May 10. Vol.19, No.35, p.31.
- <sup>55</sup> Robelen, E. W. (2002). ESEA to Boost Federal Role in Education. Education Week, 21: 1, 28, 29, 31.

---

<sup>56</sup> U.S. Department of Education (2002). Thirteen Grantees Get \$23.8 Million in Support for Public School Choice Programs under No Child Left Behind. Press Release October 4. Retrieved electronically at <http://www.ed.gov/PressReleases/10-2002/10042002.html>.

<sup>57</sup> U.S. Department of Education (2002). Paige Announces \$198 Million in Support for Charter Schools: Grants will support expanded options for families in 35 states and Washington, D.C. Press Release October 7. Retrieved electronically at <http://www.ed.gov/PressReleases/10-2002/10072002.html>.

<sup>58</sup> Schemo, D.J. (2003). Critics Say Money for Schools Falls Short of Promises. The New York Times, February 5, p.A16.

<sup>59</sup> Lewis, N.A. (2002). Bush Names Affirmative Action Critic to Civil Rights Post. The New York Times, March 30, p.A12.

<sup>60</sup> Eggen, D. (2003). Liberals Need Not Apply? The Washington Post National Weekly Edition, January 20-26, p.14.

<sup>61</sup> Von Zielbauer, P. (2003). Both Hope and Doubt Greet School Desegregation Plan. The New York Times, January 26, 2003, p.30.

<sup>62</sup> Proposed Deal Reported in Hartford Segregation Suit (2003). The New York Times, January 22, p.B5.

<sup>63</sup> Lewin, T. (2002). School Desegregation Policy is Challenged. The New York Times, August 12, p.A8.

<sup>64</sup> Levin, B. (1999). Race and School Choice, p.274-275.

<sup>65</sup> Harris, A. (2003). A Multiracial Society with Segregated Schools: Are We Losing the Dream? Press Release, The Civil Rights Project at Harvard University, January 16. Retrieved electronically at [http://www.civilrightsproject.harvard.edu/news/pressreleases.php/record\\_id=27/](http://www.civilrightsproject.harvard.edu/news/pressreleases.php/record_id=27/).

<sup>66</sup> Schemo, D.J. (2002). Neediest Schools Receive Less Money, Report Finds. The New York Times, August 9, p.A10.

<sup>67</sup> Newman, A. (2000). Research Brief: What is the Education Industry? EduVentures.com, Inc. Retrieved electronically at <http://www.eduventures.com>, p.2.

<sup>68</sup> Newman, A. (2000). Research Brief: What is the Education Industry, p.8.

<sup>69</sup> Walsh, M. (1998). One School at a Time, Pa. Company Is Dominating the For-Profit Market. Education Week, May 20, pp.1, 14-15. Also Greenwald, J. (2000). School for Profit. Time Magazine, March 20, Vol. 155:11.

- 
- <sup>70</sup> Greenwald, J. (2000). School for Profit. Time Magazine, March 20, Vol. 155:11.
- <sup>71</sup> Walsh, M. (1998). Edison Project Prepares to Expand, Thanks to New Private Investment. Education Week on the Web, January 14. Retrieved electronically at <http://www.edweek.org>.
- <sup>72</sup> Walsh, M. (1998). Edison Schools Predict 'Watershed Year' Ahead. Education Week on the Web, May 27. Retrieved electronically at <http://www.edweek.org>.
- <sup>73</sup> Selected Education IPOs: 1991 to Present, (1999). Education Week. Vol.19:13, November 24, p.16.
- <sup>74</sup> Symonds, W.C. (2000). For-Profit Schools. Business Week, February 7. Retrieved electronically at <http://www.businessweek.com>.
- <sup>75</sup> Steinberg, J. (2002). For-Profit School Venture Has Yet to Turn a Profit. The New York Times, April 8, p. A17; Henriques, D.B. (2002). A Learning Curve for Whittle Venture. The New York Times, May 25, p.C1.
- <sup>76</sup> Steinberg, J. (2002). For-Profit School Venture Has Yet to Turn a Profit.
- <sup>77</sup> Henriques, D.B. (2002). A Learning Curve for Whittle Venture.
- <sup>78</sup> Steinberg, J. and D.B. Henriques (2002). Edison Schools Gets Reprieve: \$40 Million in Financing. The New York Times, June 5, pp. C1, C7.
- <sup>79</sup> Walsh, M. (2002). Businesses Flock to Charter Frontier. Education Week. May 22, Vol. 21:37, p.1, 12, 15.
- <sup>80</sup> Steinberg, J. (2002). Bush Brother Pushes Education on Sales Campaign Trail. The New York Times, March 7, p.A16.
- <sup>81</sup> Walsh, M. (1998). Business Leaders Urged to Step Up Support for Schools. Education Week, April 1. For information on Bright Horizons see company website at <http://www.brighthorizons.com>. Apparently Lamar Alexander is no longer affiliated with that firm.
- <sup>82</sup> Coscarelli, K. (2000). School.com: Districts clicking with Net corporations. The Star-Ledger, March 31. Retrieved electronically at <http://www.nj.com/news/ledger/index>.
- <sup>83</sup> Light, J. (1999). The Education Industry: The Corporate Takeover of Public Schools. Corporate Watch. Retrieved electronically from <http://www.corpwatch.org/trac/feature/education> on December 14.

---

<sup>84</sup> CEO America and Its Tangled Web. People For the American Way Education Activist. Vol.1, No.5, June.

<sup>85</sup> School Choice Debate Widens With New Group (1998). St. Petersburg Times, June 16.

<sup>86</sup> Private Voucher Program For 50,000 Pupils Launched (1998). Education Week, June 17, p.4.

<sup>87</sup> Blair, J. (1999). Disney Plans Initiative to Aid Poor Schools, Staff Development. Education Week, November 17. Vol.19, No.12, p.8.

<sup>88</sup> Cooper, K.J. (2000). High-Tech Gifts to Education Set Records. The Washington Post. January 21, p.A12.

<sup>89</sup> Walsh, M. (1998). Business Leaders Urged to Step Up Support for Schools. Education Week, April 1.

<sup>90</sup> Olson, L. (2000). Redefining 'Public' Schools. Education Week, April 26. Vol. 19, No. 33, pp. 1, 24-25, 27.

<sup>91</sup> Education & The Workforce: Fact Sheet/Backgrounder (1999). The Business Roundtable. Webpage. retrieved electronically at <http://www.brtable.org>.

<sup>92</sup> Thompson, T. (2001). Press Release: The Business Roundtable Leads Panel Examining the No Child Left Behind Act. The Business Roundtable, December 12. Retrieved electronically at <http://www.brtable.org>.

<sup>93</sup> Business/Education Insider (1993). The Heritage Foundation. No. 33, October. Retrieved electronically at <http://www.heritage.org/library/categories/education/bei33.html>.

<sup>94</sup> Walsh, M. (1998). Business Leaders Urged to Step Up Support for Schools. Education Week, April 1.

<sup>95</sup> Walsh, M. (1999). Reporter's Notebook: School-Business Partnerships Highlighted at Conference. Education Week, May 19, XVIII: 36, p.5.

<sup>96</sup> Zehr, M.A. (1998). Manufacturers Endorse National Tests, Vouchers. Education Week, January 14.

<sup>97</sup> Walsh, M. (1998). Business Leaders Urged to Step Up Support for Schools. Education Week, April 1.

<sup>98</sup> Malico, M. (2002). President Bush Unveils New Guidance Empowering Faith-Based and Community Groups to Provide Extra Academic Help to Low Income Students.

---

Department of Education Press Release, December 12. Retrieved electronically at <http://www.ed.gov/pressreleases/index.html>.

<sup>99</sup> DiegmueLLer, K. (2002). Unions Labor to Shape Education Policy. Education Week, October 30. Vol.22, No.9, pp.1, 18-19.

<sup>100</sup> Chaddock, G.R. (1999). Public Schools Enter a New World of Competition. The Christian Science Monitor, March 30.

<sup>101</sup> Sandberg, B. (2003). Regs Leave Contract Protections in Place. New York Teacher, January 15, p.3.

<sup>102</sup> Blair, J. (2002). Unions' Positions Unheeded on ESEA. Education Week, November 6, Vol.22, No.10, pp.1, 12-14.

<sup>103</sup> Levin, B. (1999). Race and School Choice. School Choice and Social Controversy: Politics, Policy, and Law. S. D. Sugarman and F. R. Kemerer. Washington DC: Brookings Institution Press. p.271.

<sup>104</sup> Zehr, M.A. (2002). Group Chides Bush on Civil Rights: Highlights Inequities. Education Week, February 20, Vol.21, No.23, p.20.

<sup>105</sup> Zehr, M.A. (2002). Studies Cite Segregation in Private Schools. Education Week, July 10. Vol.21, No.42, p.14.

<sup>106</sup> Black, E. and M. Black (2002). The Rise of the Southern Republicans. Cambridge, MA: Belknap Press, p.205.

<sup>107</sup> Olson, L. (2002). States Strive Toward ESEA Compliance. Education Week, December 11. Vol. 22, No. 15, pp.1, 18-19; Dillon, S. (2003). Thousands of Schools May Run Afoul of New Law. The New York Times, February 16, p.33.

### **Bibliography**

Aistrup, J.A. (1996). The Southern Strategy Revisited. Lexington: The University Press of Kentucky.

Amaker, N. C. (1988). Civil Rights and the Reagan Administration. Washington, DC, Urban Institute Press.

Andrews, R.N.L. (1984), Economics and Environmental Decisions, Past and Present. V. Kerry Smith, Environmental Policy under Reagan's Executive Order. Chapel Hill: University of North Carolina Press.

Andrews, R.N.L. (2000). Risk-Based Decisionmaking. Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press.

Applebaum, A. (2003). The EPA's Lonely Moderate. The Washington Post National Weekly Edition, January 27-February 2, p.27.

Arnold, P. E. (1986). Making the Managerial Presidency: Comprehensive Reorganization Planning 1905-1980. Princeton, Princeton University Press.

Arnold, R. (1982). At the Eye of the Storm: James Watt and the Environmentalists. Chicago, Regnery Gateway.

Ball, H. and K. Greene (1985). The Reagan Justice Department. The Reagan Administration and Human Rights. T. E. Yarbrough. New York, Praeger: 1-28.

Ban, C. and P. W. Ingraham (1990). "Short-Timers: Political Appointee Mobility and Its Impact on Political-Career Relations in the Reagan Administration." Administration & Society 22(1): 106-124.

Banerjee, N. (2002). Energy Giants Push to Weaken a Pollution Rule. The New York Times, April 13, p.C1.

Barberio, R. and R. Seyb (2001). Death in the Afternoon or SmackDown? The Role of Leadership Skills in the Presidency. Northeast Political Science Association Annual Meeting, Philadelphia.

Bastain, A., N. Fruchter, et al. (1985). Choosing Equality: The Case for Democratic Schooling. New York, New World Foundation.

Baumgartner, F. R. and B. D. Jones (1993). Agendas and Instability in American Politics. Chicago, University of Chicago Press.

Bell, T. H. (1984). School violence puts everyone at risk. The Christian Science Monitor, March 14.

Bell, T. H. (1988). The Thirteenth Man: A Reagan Cabinet Memoir. New York, The Free Press.

Benda, P. M. and C. H. Levine (1988). Reagan and the Bureaucracy: The Bequest, the Promise, and the Legacy. The Reagan Legacy: Promise and Performance. C. O. Jones. Chatham NJ, Chatham House Publishers: 102-142.

Berliner, D. C. and B. J. Biddle (1995). The Manufactured Crisis: Myths, Fraud, and the Attack on America's Public Schools. Reading MA, Addison-Wesley.

Berube, M. (1991). American Presidents and Education. New York, Greenwood Press.

Biniak, J. P. (1986). Benefit-Cost Analysis: An Evaluation. Controversies in Environmental Policy. S. Kamieniecki, R. O'Brien and M. Clarke. Albany, State University of New York Press: 136-152.

Black, E. and M. Black (2002). The Rise of the Southern Republicans. Cambridge, MA: Belknap Press.

Blair, J. (1999). Disney Plans Initiative to Aid Poor Schools, Staff Development. Education Week, November 17. Vol.19, No.12, p.8.

Blair, J. (2002). Unions' Positions Unheeded on ESEA. Education Week, November 6, Vol.22, No.10, pp.1, 12-14.

Bosso, C.J. (2000). Environmental Groups and the New Political Landscape. Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press.

Browner, C.M. (2002). Polluters Should Have to Pay. The New York Times, March 1, p.A23.

Brownstein, R. (2000). Bush, Gore Harp on Differences, but on Education, It's a Different Story. Los Angeles Times, April 3. Retrieved electronically at <http://www.latimes.com>.

Brownstein, R. and N. Easton (1982). Reagan's Ruling Class: Portraits of the President's Top 100 Officials. Washington, DC, The Presidential Accountability Group.

Bullard, R. (1995a). Residential Segregation and Urban Quality of Life. Environmental Justice: Issues, Policies, Solutions, B. Bryant. Washington DC, Island Press: 76-85.

Bullard, R. (1995b). Government Should Work to Ensure Environmental Justice. At Issue: Environmental Justice, J. Petrikin. San Diego, Greenhaven Press.

Burford, A. M. and J. Greenya (1986). Are You Tough Enough? New York, McGraw-Hill.

Busch, A. E. (2001). Ronald Reagan and the Politics of Freedom. Lanham, MD, Rowman & Littlefield.

Business/Education Insider (1993). The Heritage Foundation. No. 33, October. Retrieved electronically at <http://www.heritage.org/library/categories/education/bei33.html>.

The Business Roundtable, (1999). Education & The Workforce: Fact Sheet/Backgrounder. Webpage, retrieved electronically at <http://www.brtable.org>.

Business Week (1980). How Reagan would shape the economy, July 28, p.39.

Business Week (1981). Bush: We must get this country back to work. March 9, p.64.

Business Week (1982). Deregulation still has a long way to go. August 23, p.24.

Caldwell, P. (1982). Federal Civil-Rights Chief Responds to Critics of His. Education Week, March 3.

Caldwell, P. (1984). Magnet Schools: The New Hope for Voluntary Desegregation. Education Week. 3: 1, 15-16.

Carmines, E. G. and J. A. Stimson (1989). Issue Evolution: Race and the Transformation of American Politics. Princeton, Princeton University Press.

Chaddock, G.R. (1999). Public Schools Enter a New World of Competition. The Christian Science Monitor, March 30.

Cheshire, H. W. (1981). Capital Wrapup, Business Week, July 27, p.99.

Cloward, R. A. and F. F. Piven (2002). Eras of Protest, Compact and Exit. Paradigm Lost: State Theory Reconsidered. S. Aronowitz and P. Bratsis. Minneapolis, University of Minnesota Press.

Cooper, K.J. (2000). High-Tech Gifts to Education Set Records. The Washington Post, January 21, p.A12.

Coscarelli, K. (2000). School.com: Districts clicking with Net corporations. The Star-Ledger, March 31. Retrieved electronically at <http://www.nj.com/news/ledger/index>.

Crain, R.L. and Christine H. Rossell, Catholic Schools and Racial Segregation, Public Values, Private Schools, Devins, N.E. New York: The Falmer Press.

Currence, C. (1984). President's Approach to School Discipline Draws Criticism. Education Week. 3: 1, 16.

Dallek, R. (1999). Ronald Reagan: The Politics of Symbolism with a New Preface. Cambridge MA, Harvard University Press.

Detlefsen, R. R. (1991). Civil Rights Under Reagan. San Francisco, Institute for Contemporary Studies Press.

Devins, N.E. (1989). Introduction: Private Schools and Public Values. Public Values, Private Schools, Devins, N.E. New York: The Falmer Press.

Diegmüller, K. (2002). Unions Labor to Shape Education Policy. Education Week, October 30. Vol.22, No.9, pp.1, 18-19.

Dillon, S. (2003). Thousands of Schools May Run Afoul of New Law. The New York Times, February 16, p.33.

Domhoff, G. W. (1990). The Power Elite and the State: How Policy is Made in America. New York, Aldine de Gruyter.

Duffy, R. J. (1996). "Divided Government and Institutional Combat: The Case of the Quayle Council on Competitiveness." Polity XVIII, No.3(Spring 1996): 379-399.

Dugger, R. (1983). On Reagan: The Man & His Presidency. New York, McGraw-Hill Book Company.

Durant, R. F. (1992). The Administrative Presidency Revisited: Public Lands, the BLM, and the Reagan Revolution. Albany, State University of New York Press.

Edel, W. (1992). The Reagan Presidency: An Actor's Finest Performance. New York, Hippocrene Books.

Edsall, T. B. and w. M. D. Edsall (1992). Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics. New York, W.W. Norton & Company.

Education Commission of the States, (1999). Governing America's Schools: Changing the Rules. Denver, Education Commission of the States.

Education Week, (1981). Education Deregulation. September 7, 1981.

Education Week, (1983a), Federal File, January 26.

Education Week, (1983b). Federal File: Accusations at Justice: Extraneous Activity; New Hill Task Force. 3: 11.

Education Week, (1983c). For the Record. June 8.

Education Week, (1984). Federal File. February 1.

Education Week, (1988). Justice Dept. Touts Record for '87. January 20.

Education Week, (1998). Private Voucher Program For 50,000 Pupils Launched, June 17, p.4.

Education Week, (1999). Selected Education IPOs: 1991 to Present. Vol.19:13. November 24, p.16.

Eggen, D. (2003). Liberals Need Not Apply? The Washington Post National Weekly Edition, January 20-26, p.14.

Eisner, M. A. (1993). Regulatory Politics in Transition. Baltimore, Johns Hopkins University Press.

EPA (1981). Telephone Directory. Washington, U.S. EPA.

EPA (1993). Oral History Interview-1: William D. Ruckelshaus. Washington, U.S. Environmental Protection Agency History Program.

EPA (1995). Oral History Interview 4: William K. Reilly. Washington, DC, U.S. Environmental Protection Agency History Program.

EPA (1989). Transition '89: Office Profiles. Washington, DC, United States Environmental Protection Agency.

EPA (2000). "EPA Workyear History." April 21, 2000. EPA History Office.

Ferguson, T. (1995). Golden Rule: The Investment Theory of Party Competition and the Logic of Money-Driven Political Systems. Chicago, University of Chicago Press.

Fiske, E. B. (1990). George Bush as the Education President. The Presidency and Education. K. W. Thompson. Lanham, MD, University Press of America. 1.

Foster, J.B. (1995). The Global Policies of the United States are Environmentally Unjust. At Issue: Environmental Justice, J. Petrikin. San Diego, Greenhaven Press.

Fried, C. (1991). Order & Law: Arguing the Reagan Revolution – A Firsthand Account. New York: Simon & Schuster.

Friedman, B. D. (1995). Regulation in the Reagan-Bush Era: The Eruption of Presidential Influence. Pittsburgh, University of Pittsburgh Press.

Fuchs, E. P. (1988). Presidents, Management, and Regulation. Englewood Cliffs, NJ, Prentice Hall.

Golden, M. M. (2000). What Motivates Bureaucrats? Politics and Administration During the Reagan Years. New York, Columbia University Press.

Goldfield, M. (1997). The Color of Politics: Race and the Mainsprings of American Politics. New York, The New Press.

Graham, H. D. (1994). Race, History, and Policy: African Americans and Civil Rights Since 1964. Civil Rights in the United States. H. D. Graham. University Park, Pennsylvania State University Press: 12-39.

Greenwald, J. (2000). School for Profit. Time Magazine, March 20, Vol. 155:11.

Harris, A. (2003). A Multiracial Society with Segregated Schools: Are We Losing the Dream? Press Release, The Civil Rights Project at Harvard University, January 16. Retrieved electronically at [http://www.civilrightsproject.harvard.edu/news/pressreleases.php/record\\_id=27/](http://www.civilrightsproject.harvard.edu/news/pressreleases.php/record_id=27/).

Harris, R. A. and S. M. Milkis (1996). The Politics of Regulatory Change: A Tale of Two Agencies. New York, Oxford University Press.

Hays, S.P. (2000). A History of Environmental Policy Since 1945. Pittsburgh, University of Pittsburgh Press.

Heclo, H. (1994). Ideas, Interests, and Institutions. The Dynamics of American Politics. L. C. Dodd and C. Jillson. Boulder CO, Westview Press: 366-392.

Henriques, D.B. (2002). A Learning Curve for Whittle Venture. The New York Times, May 25, p.C1.

Hess, S. (2001). First Impressions: Presidents, Appointments, and the Transition. Innocent Until Nominated: The Breakdown of the Presidential Appointments Process. G. C. Mackenzie. Washington, Brookings Institution Press: 107-159.

Holladay, J. D. (1984). Memorandum for Faith Ryan Whittlesey, White House Staff and Office Files of J. Douglas Holladay, Box 12152, "Title IX", Ronald Reagan Library.

Kerr-Tener, J. (1990). Presidential Politics and Educational Commissions. The Presidency and Education. K. W. Thompson. Lanham, MD, University Press of America. 1: 79-95.

Kraft, D. E. (1982). Organizational, Support Services & Regional Components Section of EPA Headquarters Telephone Directory, General Services Branch, EPA.

Kraft, M.E. and N.J. Vig (2000). Environmental Policy from the 1970s to 2000: An Overview. N.J. Vig and M.E. Kraft, Environmental Policy: New Directions for the Twenty-First Century. Washington DC, CQ Press.

Laham, N. (1998). The Reagan Presidency and the Politics of Race: In pursuit of colorblind justice and limited government. Westport, CT: Praeger Publishers.

Landsberg, B.K. (1997). Enforcing Civil Rights: Race Discrimination and the Department of Justice. Lawrence, University Press of Kansas.

Landy, M., M. J. Roberts, et al. (1994). The Environmental Protection Agency: Asking the Wrong Questions From Nixon to Clinton. New York, Oxford University Press.

Lee, J. (2003). Voluntary Pacts to Curb Greenhouse Gases. The New York Times, February 13, p.A26.

Lester, J.P., D.W. Allen, K.M. Hill (2001). Environmental Injustice in the United States: Myths and Realities. Boulder: Westview Press.

Levin, B. (1999). Race and School Choice. School Choice and Social Controversy: Politics, Policy, and Law. S. D. Sugarman and F. R. Kemerer, eds. Washington DC: Brookings Institution Press.

Lewin, T. (2002). School Desegregation Policy is Challenged. The New York Times, August 12, p.A8.

Lewis, N.A. (2002). Bush Names Affirmative Action Critic to Civil Rights Post. The New York Times, March 30, p.A12.

Lieberman, R. C. (2002). "Ideas, Institutions, and Political Order: Explaining Political Change." American Political Science Review 96(4): 697-712.

Light, J. (1999). The Education Industry: The Corporate Takeover of Public Schools. Corporate Watch. Retrieved electronically from <http://www.corpwatch.org/trac/feature/education> on December 14.

- Lindblom, C. E. (1977). Politics and Markets. New York, Basic Books.
- Loeb, V. (2003). A War Over Environmental Rules. The Washington Post National Weekly Edition. January 20-26, p.30.
- Loevy, R. D. (1985). The Presidency and Domestic Policy: The Civil Rights Act of 1964. The American Presidency. D. C. Kozak and K. N. Ciboski. Chicago, Nelson Hall: 411-419.
- Lowi, T. J. (1985). The Personal President: Power Invested, Promise Unfulfilled. Ithaca, Cornell University Press.
- Lugg, C. A. (2000). For God and Country. New York, Peter Lang.
- Majone, G. (1989). Evidence, Argument, and Persuasion in the Policy Process. New Haven, Yale University Press.
- Malico, M. (2002). President Bush Unveils New Guidance Empowering Faith-Based and Community Groups to Provide Extra Academic Help to Low Income Students. Department of Education Press Release, December 12. Retrieved electronically at <http://www.ed.gov/pressreleases/index.html>.
- Marshall, R. and M. Tucker (1992). Thinking for a Living: Education and the Wealth of Nations. New York: Basic Books.
- Martin, C. J. (1994). "Business and the New Economic Activism: The Growth of Corporate Lobbies in the Sixties." Polity XXVII, No. 1(Fall 1994): 49-76.
- Martin, S. R. (1994). The 1989 Education Summit as a Defining Moment in the Politics of Education. Changing American Education: Recapturing the Past or Inventing the Future. K. M. Borman and N. P. Greenman. Albany, NY, State University of New York Press: 133-159.
- Mayer, K. R. (2001). With the Stroke of a Pen: Executive Orders and Presidential Power. Princeton: Princeton University Press.
- McSpadden, L. (2000). Environmental Policy in the Courts. Norman J. Vig and Michael E. Kraft, Environmental Policy: New Directions for the Twenty-First Century, Fourth Edition. Washington DC, CQ Press.
- Michaels, J. E. (1997). The President's Call: Executive Leadership from FDR to George Bush. Pittsburgh, University of Pittsburgh Press.

- Mickelson, R.A. (1999). International Business Machinations: A Case Study of Corporate Involvement in Local Educational Reform. Teachers College Record 100:3 Spring. p.478.
- Mirga, T. (1983a). O'Malley is 'Private' Advocate in Public-Dominated Agency. Education Week.
- Mirga, T. (1983b). Justice Official Raps Busing, Affirmative-Action Programs. Education Week, May 11.
- Mirga, T. (1984). Reynolds Asserts the End of Mandatory Busing Is Near. Education Week. 4: 11.
- Mirga, T. and P. Caldwell (1984). U.S. Approves Voluntary Plans to Desegregate. Education Week.
- Miroff, B. (1976). Pragmatic Illusions. New York: David McKay Company.
- Miroff, B. (1981). "Presidential Leverage over Social Movements: The Johnson White House and Civil Rights." Journal of Politics 43(1): 2-23.
- Moen, M.C. (1990). Ronald Reagan and the Social Issues: Rhetorical Support for the Christian Right. The Social Science Journal, Vol. 27, No. 2.
- Moen, M.C. (1992). The Transformation of the Christian Right. Tuscaloosa: University of Alabama Press.
- Nathan, R. P. (1983). The Administrative Presidency. New York, John Wiley & Sons.
- National Commission on Excellence in Education (1983). A Nation at Risk: The Imperative for Educational Reform. Washington, DC, U.S. GPO.
- Neustadt, R. E. (1990). Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan. New York: The Free Press.
- Newman, A. (2000). Research Brief: What is the Education Industry? EduVentures.com, Inc. Retrieved electronically at <http://www.eduventures.com>.
- O'Brien, M. (2000). Making Better Environmental Decisions: An Alternative to Risk Assessment. Cambridge, MA: The MIT Press.
- Office of Personnel Management, Agency Compliance and Evaluation. Federal Civilian Workforce Statistics: Monthly Release. Washington, DC: Office of Personnel Management, Nov 1977, Nov 1978, Nov 1979, Nov 1980, Nov 1981, Nov 1982, Nov 1983, Nov 1984, and Nov 1985.

Office of Personnel Management, Workforce Analysis and Statistics Division. Federal Civilian Workforce Statistics: Employment and Trends. Washington, DC: Office of Personnel Management, Nov 1986, Nov 1987, Nov 1988, Nov 1989, Nov 1990, Nov 1991, July 1992, and July 1996.

Office of Planning, Budget, and Evaluation Planning and Evaluation Service (1983). Disruptive Schools: The Barrier to Excellence, White House Staff and Office Files of J. Douglas Holladay, Box 12152, Ronald Reagan Library.

Olson, L. (2000). Redefining 'Public' Schools. Education Week, April 26, Vol. 19, No. 33, pp. 1, 24-25, 27.

Olson, L. (2002). States Strive Toward ESEA Compliance. Education Week, December 11. Vol. 22, No. 15, pp.1, 18-19

Olson, L. and D.J. Hoff (1999). Teaching Tops Agenda at Summit. Education Week, October 6. Vol. XIX, No.6. p.1,20.

O'Neill, J. A. and M. C. Simms (1982). Education. The Reagan Experiment. J. L. Palmer and I. V. Sawhill. Washington, DC, The Urban Institute Press: 329-359.

O'Reilly, K. (1995). Nixon's Piano: Presidents and Racial Politics from Washington to Clinton. New York, The Free Press.

Orfield, G. and C. Ashkinaze (1991). The Closing Door: Conservative Policy and Black Opportunity. Chicago, University of Chicago Press.

Orfield, G., S. E. Eaton, et al. (1996). Dismantling Desegregation: The Quiet Reversal of *Brown v. Board of Education*. New York, The New Press.

Orren, K. and S. Skowronek (1998-99). "Regimes and Regime Building in American Government: A Review of Literature on the 1940s." Political Science Quarterly 113(4): 689-702.

People For the American Way Education Activist. CEO America and Its Tangled Web. Vol.1, No.5, June.

Peterson, P.E. (1985). The Politics of School Reform, 1870-1940. Chicago: The University of Chicago Press.

Pfiffner, J. P. (1996). The Strategic Presidency: Hitting the Ground Running. Lawrence, University Press of Kansas.

Pfiffner, J. P. (2001). Presidential Appointments: Recruiting Executive Branch Leaders. Innocent Until Nominated: The Breakdown of the Presidential Appointments Process. G. C. Mackenzie. Washington, Brookings Institution Press: 50-80.

Pianin, E. (2002). EPA: Up 2 Percent. The Washington Post National Weekly Edition, February 11-17, p.32.

Pious, R. M. (1979). The American Presidency. New York, Basic Books.

Piven, F. F. and R. A. Cloward (1979). Poor People's Movements: Why They Succeed, How They Fail. New York: Vintage Books.

Piven, F. F. and R. A. Cloward (1982). The New Class War: Reagan's Attack on the Welfare State and Its Consequences. New York, Pantheon Books.

Piven, F. F. and R. A. Cloward (1988). Why Americans Don't Vote. New York, Pantheon Books.

Piven, F. F. and R. A. Cloward (1993). Regulating the Poor: The Functions of Public Welfare. New York, Vintage Books.

Plotke, D. (1996). Building a Democratic Political Order. New York, Cambridge University Press.

Polsky, A. J. (1997a). "The 1996 Elections and the Logic of Regime Politics." Polity XXX(1): 153-166.

Polsky, A. J. (1997b). "Why Regimes? Ideas, Incentives, and Policies in American Political Orders." Polity XXIX(4): 625-640.

Polsky, A. J. (2000). "When Business Speaks: Political Entrepreneurship, Discourse, and Mobilization in American Partisan Regimes." Journal of Theoretical Politics 12(4): 451-472.

Public Papers of the Presidents. Ronald W. Reagan. Retrieved electronically at <http://www.reagan.utexas.edu>.

Rabe, B.G. (2000). Power to the States: The Promise and Pitfalls of Decentralization. Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press.

Ranbom, S. (1984). Black Students More Likely to be Disciplined, Seattle Study Shows. Education Week.

Riley, R. L. (1999). The Presidency and the Politics of Racial Inequality. New York, Columbia University Press.

Ringquist, E. J. (1993). Environmental Protection at the State Level. Armonk, NY, M.E. Sharpe.

Robelen, E. W. (2000). Gore Takes Pains to Contrast Agenda With That of Bush. Education Week, May 10. Vol.19, No.35, p.31.

Robelen, E. W. (2002). ESEA to Boost Federal Role in Education. Education Week. **21**: 1, 28, 29, 31.

Ronald Reagan Library, White House Staff/Office Files of J. Douglas Holladay.

Rosenbaum, W.A. (2000). Escaping the "Battered Agency Syndrome": EPA's Gamble with Regulatory Reinvention. Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington, CQ Press.

Sack, J.L. (1999). Heritage Makes Its Mark in Education Debate. Education Week, November 10.

Sack, J. L. (2002). Federal Spending Burst Nudges Up Uncle Sam's Share. Education Week. **21**: 30, 36.

Sahr, R. C. (2000). Consumer Price Index Conversion Factors to Convert to 1996 Dollars. Retrieved electronically at [http://www.orst.edu/Dept/pol\\_sci/fac/sahr/cv96.htm](http://www.orst.edu/Dept/pol_sci/fac/sahr/cv96.htm).

Sandberg, B. (2003). Regs Leave Contract Protections in Place. New York Teacher, January 15, p.3.

Sanders, E. (1988). The Presidency and the Bureaucratic State. The Presidency and the Political System. M. Nelson. Washington, CQ Press.

Sanders, E. (1999). Roots of Reform: Farmers, Workers, and the American State, 1877-1917. Chicago, University of Chicago Press.

Schattschneider, E. E. (1960). The Semisovereign People. Hinsdale IL, The Dryden Press.

Schemo, D.J. (2002). Neediest Schools Receive Less Money, Report Finds. The New York Times, August 9, p.A10.

Schemo, D.J. (2003). Critics Say Money for Schools Falls Short of Promises. The New York Times, February 5, p.A16.

- Secretary, Department of Education, (1982). Fact Sheet on Fundamentalist Christian School Dispute in Nebraska, White House Staff and Office Files, J. Douglas Holladay, Box 12151, Ronald Reagan Library.
- Seelye, K. Q. (2002). Snowmobile Letter Surprises E.P.A. Leader and Interior Chief. The New York Times. New York: A14.
- Seelye, K. Q. (2002). Top E.P.A. Official Quits, Criticizing Bush's Policies. The New York Times. New York: A19.
- Seelye, K. (2002). White House Identifies Regulations That May Change. The New York Times, December 20, p.A34.
- Sewell, W.H. Jr. (1992). "A Theory of Structure: Duality, Agency, and Transformation." American Journal of Sociology 98(1): 1-29.
- Shefter, M. (1994). Political Parties and the State: The American Historical Experience. Princeton, Princeton University Press.
- Shull, S. A. (1999). American Civil Rights Policy from Truman to Clinton: The Role of Presidential Leadership. Armonk, NY, M.E. Sharpe.
- Skowronek, S. (1993). The Politics Presidents Make: Leadership from John Adams to George Bush. Cambridge, MA, Belknap Press.
- Sloan, J. W. (1999). The Reagan Effect: Economics and Presidential Leadership. Lawrence, University Press of Kansas.
- Snyder, T. D. and C. M. Hoffman (1998). State Comparisons of Education Statistics: 1969-70 to 1996-97. Washington, U.S. Department of Education National Center for Education Statistics.
- St. Petersburg Times, (1998). School Choice Debate Widens With New Group, June 16.
- Steinberg, J. (2002a). Bush Brother Pushes Education on Sales Campaign Trail. The New York Times, March 7, p.A16.
- Steinberg, J. (2002b). For-Profit School Venture Has Yet to Turn a Profit. The New York Times, April 8, p. A17.
- Steinberg, J. and D.B. Henriques (2002). Edison Schools Gets Reprieve: \$40 Million in Financing. The New York Times, June 5, pp. C1, C7.
- Stockman, D.A. (1986). The Triumph of Politics: How the Reagan Revolution Failed. New York, Harper & Row.

Stone, D. (1997). Policy Paradox: The Art of Political Decision Making. New York, W.W. Norton & Co.

Sundquist, J. L. (1983). Dynamics of the Party System. Washington, DC, The Brookings Institution.

Symonds, W.C. (2000). For-Profit Schools. Business Week, February 7. Retrieved electronically at <http://www.businessweek.com>.

Tate, K. (1994). From Protest to Politics: The New Black Voters in American Elections. Cambridge, MA, Harvard University Press.

Thompson, T. (2001). Press Release: The Business Roundtable Leads Panel Examining the No Child Left Behind Act. The Business Roundtable, December 12. Retrieved electronically at <http://www.brtable.org>.

Tichenor, D. J. and R. A. Harris (2002-2003). Organized Interests and American Political Development. *Political Science Quarterly*, 117: 4, 587-612.

Trask, R. R. (1985). The Secretaries of Defense: A Brief History 1947-1985. Washington, Historical Office, Office of the Secretary of Defense.

Trattner, J. H. (1988). The Prune Book: The 100 Toughest Management and Policy-making Jobs in Washington. Lanham MD, Madison Books.

Tulis, J. K. (1987). The Rhetorical Presidency. Princeton, Princeton University Press.

U.S. Department of Education, (n.d.). School Violence Working Group, White House Staff and Office Files, J. Douglas Holladay, Box 12152, Ronald Reagan Library.

U.S. Department of Education, (1984). Education, White House Staff and Office Files of J. Douglas Holladay, Box 12150, Ronald Reagan Library.

U.S. Department of Education (1999). Federal Education Legislation Enacted in 1994: An Evaluation of Implementation and Impact Executive Summary. Planning and Evaluation Service, Office of the Under Secretary, April 8.

U.S. Department of Education (2000). Digest of Education Statistics, 2000. Chapter Four: Federal Programs for Education and Related Activities. Retrieved electronically at <http://nces.ed.gov/pubs2001/digest/ch4.html#1>.

U.S. Department of Education (2001). Evaluation of the Magnet Schools Assistance Program, 1998 Grantees: Year 1 Interim Report. Retrieved electronically at [http://www.ed.gov/offices/OUS/PES/esed/mag\\_eval/index.html](http://www.ed.gov/offices/OUS/PES/esed/mag_eval/index.html). Updated August 14.

U.S. Department of Education (2002a). Thirteen Grantees Get \$23.8 Million in Support for Public School Choice Programs under No Child Left Behind. Press Release October 4. Retrieved electronically at <http://www.ed.gov/PressReleases/10-2002/10042002.html>.

U.S. Department of Education (2002b). Paige Announces \$198 Million in Support for Charter Schools: Grants will support expanded options for families in 35 states and Washington, D.C. Press Release October 7. Retrieved electronically at <http://www.ed.gov/PressReleases/10-2002/10072002.html>.

Van Natta, D. and N. Banerjee (2002). Many Made the Move From the Industry to the Administration. The New York Times. New York: 22.

Van Natta, D. with N. Banerjee (2002). Bush Policies Have Been Good to Energy Industry. The New York Times, April 21, p.22.

Vig, N.J. (2000). Presidential Leadership and the Environment: From Reagan to Clinton, Environmental Policy, Fourth Edition. N. J. Vig and M. E. Kraft. Washington. CQ Press.

Vogel, D. (1989). Fluctuating Fortunes: The Political Power of Business in America. New York: Basic Books.

Von Zielbauer, P. (2003). Both Hope and Doubt Greet School Desegregation Plan. The New York Times, January 26, p.30.

Walker, J.L. Jr. (1991). Mobilizing Interest Groups in America: Patrons, Professions, and Social Movements. Ann Arbor: The University of Michigan Press.

Walsh, M. (1998a). Edison Project Prepares to Expand, Thanks to New Private Investment. Education Week on the Web, January 14. Retrieved electronically at <http://www.edweek.org>.

Walsh, M. (1998b). Business Leaders Urged to Step Up Support for Schools. Education Week, April 1.

Walsh, M. (1998c). One School at a Time. Pa. Company Is Dominating the For-Profit Market. Education Week, May 20, pp.1, 14-15.

Walsh, M. (1998d). Edison Schools Predict 'Watershed Year' Ahead. Education Week on the Web, May 27. Retrieved electronically at <http://www.edweek.org>.

Walsh, M. (1999). Reporter's Notebook: School-Business Partnerships Highlighted at Conference. Education Week, May 19, XVIII: 36, p.5.

Walsh, M. (2002). Businesses Flock to Charter Frontier. Education Week, May 22, Vol. 21:37, p.1, 12, 15.

Walters, R. W. (1988). Black Presidential Politics in America: A Strategic Approach. Albany, State University of New York Press.

Walton, S. and E. White (1982). Justice Dept. to Back Local Opponents of Busing. Education Week, October 6.

Washington Times, (1984). President's school article urges increased discipline. Washington, DC, September 21.

West, J. P. and G. Sussman (1999). Implementation of Environmental Policy: The Chief Executive. The Environmental Presidency. D. L. Soden. Albany, State University of New York Press.

White, E. (1981). Heritage Provides Conservative Blueprint for Education Policy. Education Week.

White, E. (1982a). Justice Official. Congressmen Debate U.S. Policies on Busing. Education Week, April 14.

White, E. (1982b). Racial Policies, Religious Rights Square Off As High Court Hears Tax-Exemption Case. Education Week, October 20.

Wills, G. (1994). "What Makes a Good Leader." The Atlantic Monthly(April): 63-80.

Wolters, R. (1996). Right Turn: William Bradford Reynolds, the Reagan Administration, and Black Civil Rights. New Brunswick, NJ, Transaction Publishers.

Zehr, M.A. (1998). Manufacturers Endorse National Tests, Vouchers. Education Week, January 14.

Zehr, M.A. (2002a). Group Chides Bush on Civil Rights; Highlights Inequities. Education Week, February 20, Vol.21, No.23, p.20.

Zehr, M.A. (2002b). Studies Cite Segregation in Private Schools. Education Week, July 10. Vol.21, No.42, p.14.