Setting the Agenda in the U.S. Senate: A Theory of Problem Selection

Jack L. Walker

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The choice of issues for debate is of central importance in any political system. By deciding what they will decide about, legislators also establish the terms and the most prominent participants in debate and, ultimately, the distribution of power and influence in the society. As Schattschneider has pointed out:

Political conflict is not like an intercollegiate debate in which the opponents agree in advance on a definition of the issues. As a matter of fact, *the definition of the alternatives is the supreme instrument of power*; the antagonists can rarely agree on what the issues are because power is involved in the definition. He who determines what politics is about runs the country, because the definition of alternatives is the choice of conflicts, and the choice of conflicts allocates power.[1]

Many observers of the United States Congress have recognized the crucial importance of agenda setting.[2] Bauer, Pool and Dexter concluded that 'the most important

[1] E. E. Schattschneider, *The Semi-Sovereign People* (New York: Holt, Rinehart and Winston, 1961), p. 68 (italics in the original).

[2] See in particular Roger W. Cobb and Charles D. Elder, *Participation in American Politics: The Dynamics of Agenda Building* (Baltimore, Md.: Johns Hopkins Press, 1975); Matthew A. Crenson, *The Un-Politics of Air Pollution* (Baltimore, Md.: Johns Hopkins Press, 1971); Donald A. Schon, *Beyond the Stable State: Public and Private Learning in a Changing Society* (London: Maurice Temple Smith, 1971); David Braybrooke, *Traffic Congestion Goes Through the Issue-Machine* (London: Routledge and Kegan Paul, 1974); Anthony Downs, 'Up and Down with Ecology – the "Issue-Attention Cycle"', *The Public Interest*, XXXII (1973), 38-50; J. Clarence Davies, III, 'How Does the Agenda Get Set?' (Resources for the Future Conference Paper, Washington, D.C., 22 January 1974); Stuart H. Rakoff and Guenther F. Schaefer, 'Politics, Policy and Political Science', *Politics and Society*, I (1970), 32-43; Raymond A. Bauer and Kenneth J. Gergen, eds., *The Study of Policy Formation* (New York: Free Press, 1968); Nelson W. Polsby, 'Policy Initiation in the American Political System', in Irving Louis Horowitz, ed., *The Use and Abuse of Social Science* (New Brunswick, N.J.: Transaction, 1971); Anthony King, 'Ideas, Institutions and the Policies of Governments: A Comparative Analysis: Parts I and II', *British Journal of Political Science*, III (1973), 291-313; and 'Part III', *British Journal of Political Science*, III (1973), 409-23; and William Solesbury, 'Issues and Innovations in Environmental Policy in Britain, West Germany, and California', *Policy Analysis*, II (1976), 1-38.

part of the legislative decision process was the decision about which decision to consider'. The representative's major problem was 'not how to vote, but what to do with his time, how to allocate his resources, and where to put his energy'.[3] New issues may be generated in many different parts of the American political system, and a comprehensive theory of problem selection would require comparative investigations of the presidency, the executive agencies, the courts, interest groups, foundations and the mass media, as well as of the Congress. Useful insights into the operation of the entire system, however, can be gained from a study confined only to the U.S. Senate. Senators certainly are not alone in Washington, but they unquestionably are a prominent source of new proposals for government action, so that an improved understanding of agenda setting in this central legislative forum would contribute as well toward an understanding of the emergence – or submergence – of new ideas throughout the government.

Any explanation of agenda formation in the U.S. Senate requires answers to a series of fundamental questions. How much control does the legislative leadership exercise over the agenda-setting process? Can junior members make an impact on the choice of issues for debate? How much of the agenda is determined by forces beyond the control of the members? Is it possible for individual legislators to place items on the agenda even if powerful outside interests do not wish them to be raised? Are agenda items chosen because of their relevance to certain social problems, their cost, their appeal to powerful constituents, their potential to bestow prestige or recognition on their sponsors, or on the basis of some other criteria known only to Senate insiders?

A TYPOLOGY OF ITEMS ON THE SENATE'S AGENDA

The Senate's capacity to shape its own agenda is increasing, but members are still able to exercise little discretion over the scheduling of items for debate. Much of the business transacted by the Senate is either mandated by the Constitution or required for the maintenance of the vast federal establishment. Each year a budget must be assembled, innumerable amendments made to existing statutes, and presidential appointees confirmed or rejected. In addition, the daily schedules of individual Senators are jammed with activities – subcommittee hearings, talks with constituents, lobbyists or reporters, roll calls on the Senate floor, consultations with staff members – that originate with other people and are virtually unavoidable.[4] Little time and energy remain for reflection or the promotion of new legislative departures.

With so many duties and responsibilities thrust upon them, it is not surprising that most Senators spend little time in promoting legislative change. There is more than enough to do already without creating new problems. Bearing in mind the heavy demands on the time and energy of individual Senators, the Senate's agenda can be best understood as a continuum that ranges from items with which the Senate is
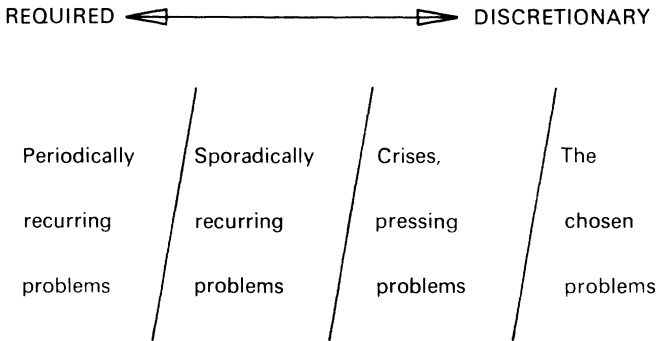
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[3] Raymond A. Bauer, Ithiel de Sola Pool and Lewis Anthony Dexter, *American Business and Public Policy: The Politics of Foreign Trade* (New York: Atherton Press, 1963), p. 405.

[4] For a good description of the demanding pressures of life in the Senate see James Boyd, 'A Senator's Day', in Charles Peters and Timothy Adams, eds., *Inside the System* (New York: Praeger, 1970).

required to deal, either by law or political necessity, to another set of items that arises mainly from the promotional efforts of activist Senators and their allies.

The budgetary cycle produces a huge volume of 'periodically recurring' agenda items that require attention each year, no matter what other business may be at hand. Action on appropriations, for example, is an annual necessity, along with decisions about a flood of requests from executive agencies and interest groups for minor amendments or modifications to existing statutes. As the federal government's responsibilities increase, the care and maintenance of the existing operations of the government take ever larger amounts of time and attention.

A TYPOLOGY OF SENATE AGENDA ITEMS

REQUIRED ◁——————————▷ DISCRETIONARY

Periodically	Sporadically	Crises,	The
recurring	recurring	pressing	chosen
problems	problems	problems	problems

Moving away from the legally binding necessities and the requirements of governmental housekeeping, one begins to encounter portions of the agenda that the Senators are more able to control. To begin with, there is a large class of items – labeled the 'sporadically recurring problems' – that do not appear every year but nevertheless, once they arise, are virtually forced upon the Senate's agenda. In these cases, major legislation already has been passed, agencies have been established, grants have been made available or regulations have been drawn up, and those directly involved in these programs have organized themselves to shape and influence the government's activities in the area. Small political systems have been established revolving around executive agencies, professional groups, suppliers and clients, all of whom operate according to customary rules and understandings that have developed as the programs have evolved. The vocational education field, labor relations, the merchant marine, highway construction, soil conservation and hundreds of other specialized policy areas have become established as sub-governments whose immediate access to the Senate's agenda is assured.[5] Once major disagreements arise within these systems, as a result of social changes or shifts in political influence, they

[5] For descriptions of the interlocking system of sub-governments that guide the formulation of policy in Washington see J. Leiper Freeman, *The Political Process* (New York: Random House, 1965); Grant McConnell, *Private Power and American Democracy* (New York: Knopf, 1966); and Douglass Cater, *Power in Washington* (New York: Random House, 1964).

exercise a compelling claim on the attention of key Senators who control the committees and subcommittees that oversee their activities. The Senate provides the natural forum in which disputes are settled and new legislative compromises created.

Not all issues, however, flow with such predictability from past decisions. The violent civil disorders of the 1960s or the OPEC oil boycott blow up like summer thunderstorms and burst upon the country in magnified form via the mass media. A great national crisis suddenly is proclaimed by commentators and citizens alike and Senators are expected to take immediate action. 'Pressing problems' of this kind force their way onto the Senate's agenda, whether or not feasible solutions are in sight. Action of some kind, even if it is merely symbolic, must be taken as quickly as possible. Problems of this type have arisen frequently in the past few decades, catching most Senators by surprise. They occur almost randomly and when they arise displace all other agenda items that can be delayed or pushed aside.

In some years the Senate's agenda is jammed to overflowing by its extensive budgetary and housekeeping responsibilities, by fundamental revision of established policies and by pressing problems arising from national crises. During such periods Senators are engaged mainly in reacting to the demands of outside political forces; they are able to exercise little choice in the establishment of the legislative agenda. In most years, however, several items appear on the Senate's agenda for debate that have been spawned and incubated principally within the Senate. These issues – the Senate's 'chosen problems' – are selected from the numerous possibilities offered up by the Senate's legislative activists. Once a new problem begins to attract attention and is debated seriously by other Senators, it takes on a heightened significance in the mass media, and its sponsors, beyond the satisfaction of advancing the public interest as they see it, also receive important political rewards that come from greatly increased national exposure.

LEGISLATIVE ACTIVISM AND AGENDA SETTING

The discretionary portion of the Senate's agenda is shaped largely by activist Senators engaged in promoting proposals for change. They compete with each other, as well as with the opponents of their proposals, fashioning arguments and justifications for action that are meant to catch the imagination of fellow Senators. Legislative activists supply the crucial source of enterprise needed to expand the discretionary portion of the Senate's agenda and to overcome the natural tendency of legislatures to become mainly deliberative, passive bodies.

Only a minority of Senators, however, can be described as activists or promoters of legislative innovation. Several different career paths are open to members of Congress.[6] Some may decide to seek influence mainly within the legislative body while

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[6] Several writers have emphasized the importance of the career choices by members of Congress. My thinking has been most directly influenced by Richard F. Fenno, Jr., *Congressmen in Committees* (Boston, Mass.: Little, Brown, 1973); and David E. Price, 'The Sources and Conditions of Legislative Initiative: Notes on the Comparative Study of Policy Formation', (unpublished paper, Duke University, 1975); and David R. Mayhew, *Congress: The Electoral Connection* (New Haven, Conn.: Yale University Press, 1974).

others – especially those ambitious for higher political office – may cultivate relationships with reporters and seek exposure to broad national constituencies. Many Senators concentrate the bulk of their attention on their home districts, providing as much aid and assistance as possible to local constituents, while others concentrate mainly on committee work or on investigative oversight of executive agencies. Almost all of these activities could have an effect on the composition of the legislative agenda, but it would be indirect, at best. Most members do not spend large amounts of time, resources or energy on direct efforts to shape the legislative agenda. Only a relatively small, activist minority make major efforts to promote new legislation or work to convince their colleagues that problems currently being ignored are legitimate topics of debate and action.[7]

TRENDS TOWARD ACTIVISM IN THE POSTWAR SENATE

Legislative activists always have existed in the Congress, but since the Second World War their numbers have steadily increased, especially in the Senate. This increase has been caused by a combination of factors, but among the most important is the striking shift in the balance of political power in the Southern states since the middle 1950s. During the past twenty-five years, the enfranchisement of black voters, rapid urbanization and the rise of authentic two-party competition has steadily reduced the number of conservative Southern Senators in the Democratic party. During the same period there has been a large influx of liberal Democrats from states outside the South, beginning with the many liberal victories in the 1958 election and the re-election of all of them six years later in the huge Democratic landslide of 1964. As the balance of power in the Senate shifted, and as members with strong commitments to legislative activism became more numerous, rules were changed so as to grant junior members greater influence, more access to subcommittee chairmanships and increased staff. Senate folkways also changed. Most notably, the period of apprenticeship formerly expected of first-termers gradually disappeared, allowing newly elected Senators to plunge immediately into the legislative process. These tendencies toward a more decentralized, activist legislative system were further encouraged by the shift in the leadership of the majority party from the centralized, closely held power of Lyndon Johnson to the more consensual leadership style of Mike Mansfield.[8]

The measurement of legislative activism is extremely difficult. An index of activism was constructed for this study simply by counting all public bills introduced by each Senator in each year from 1947 to 1972. The index includes both sponsorships and

[7] For an excellent discussion of legislative styles in both the Senate and House see Norman J. Ornstein, 'Legislative Behavior and Legislative Structures: A Comparative Look at House and Senate Resource Utilization' (paper presented to research seminar on Mathematical Models of Congress, Aspen, Colorado, June 1974). Also see Herbert B. Asher, 'The Learning of Legislative Norms', *American Political Science Review*, LXVII (1973), 499–513.

[8] This interpretation of recent developments in the Senate comes directly from David W. Rohde, Norman J. Ornstein and Robert L. Peabody, 'Political Change and Legislative Norms in the United States Senate' (paper presented at the annual meeting of the American Political Science Association, 1974). Also see Nelson J. Polsby, 'Goodbye to the Inner Club', in Norman J. Ornstein, ed., *Congress in Change: Evolution and Reform* (New York: Praeger, 1975).

co-sponsorships, the sum of which produces an index number for each Senator in each session of the Senate.[9] This is a crude and indirect measure of the activist style, but it reveals clearly that Senators vary a great deal in the number of public bills they sponsor or co-sponsor. Within a year or two of newly elected members' entering the Senate they apparently decide on the level of sponsorship in which they will engage, and they usually maintain this pace throughout the rest of their careers. Legislative styles emerge early and are rarely altered.[10]

TABLE I   *Correlations between Index of Legislative Activism and Liberalism, Seniority, Population Size of State, and Percentage of Total Vote in Last Election, for All Senators (1947–72)*

Years	Liberalism*	Seniority†	Size of state	Popular vote
1947–48	·12	·13	− ·21	·12‡
1949–50	·37	·19	− ·18	·05‡
1951–52	·32	·09	·05	− ·04
1953–54	·20	·12	·01	− ·21
1955–56	·38	·07	·01	− ·16
1957–58	·30	·01	·01	− ·23
1959–60	·51	− ·16	·18	− ·26
1961–62	·51	− ·19	·17	− ·27
1963–64	·54	− ·32	·20	− ·38
1965–66	·54	− ·47	·27	− ·34
1967–68	·45	− ·42	·21	− ·30
1969–70	·54	− ·40	·23	− ·35
1971–72	·57	− ·37	·21	− ·23

 * Liberalism scores 1947–54 taken from annual rankings made by the *New Republic*. From 1955 to 1972 rankings are taken from those made by the *Congressional Quarterly*.
 † Seniority for each Senator is figured by establishing his or her ranking within their party.
 ‡ Data from the 1942 and 1944 general elections are incomplete.

Using the index of legislative activism, it is possible to illustrate the striking shifts that have taken place in the years since the Second World War in the sources of legislative initiative in the U.S. Senate. In Table 1 the index of legislative activism calculated for the years 1947 to 1972 (the 79th to the 91st Congresses) is correlated with four explanatory variables: liberalism of the sponsor, seniority of the sponsor, size of the population of the state that the sponsor represents, and percentage of the popular vote received by the sponsor in the last general election.

 [9] An excellent discussion of the considerations involved in constructing an index of legislative activism can be found in Norman J. Ornstein, 'Information, Resources, and Legislative Decision-Making: Some Comparative Perspectives on the U.S. Congress' (unpublished Ph.D. dissertation, University of Michigan, 1972).
 [10] These generalizations are based on the inspection of the legislative careers of all U.S. Senators serving between 1946 and 1972. For a more extensive discussion of legislative activism see an earlier version of this paper, 'Setting the Agenda in the U.S. Senate' (Institute of Public Policy Studies, University of Michigan, Discussion Paper No. 94, 1976).

Each column of correlation coefficients in the table shows essentially the same pattern: an increasing tendency throughout this period for legislative activism to be centered among young, liberal Senators from the larger, more politically competitive states. The correlation between liberalism and legislative activism increases from ·12 in the 79th Congress to ·57 in the 91st – a gain of forty-five points. The relationship between seniority and activism is positive to begin with but is decidedly negative at the end of the series. In 1965–66, in fact, during the 89th Congress, the correlation between activism and seniority was − ·47, a change of a whopping sixty-six points in the sixteen years from 1949–50. Similar changes appear in the relationships between legislative activism and population size and the percentage of the popular vote gained during the last general election. In both cases the correlations have changed their character completely during this period, reaching peaks in the middle 1960s and tailing off slightly during the early 1970s.
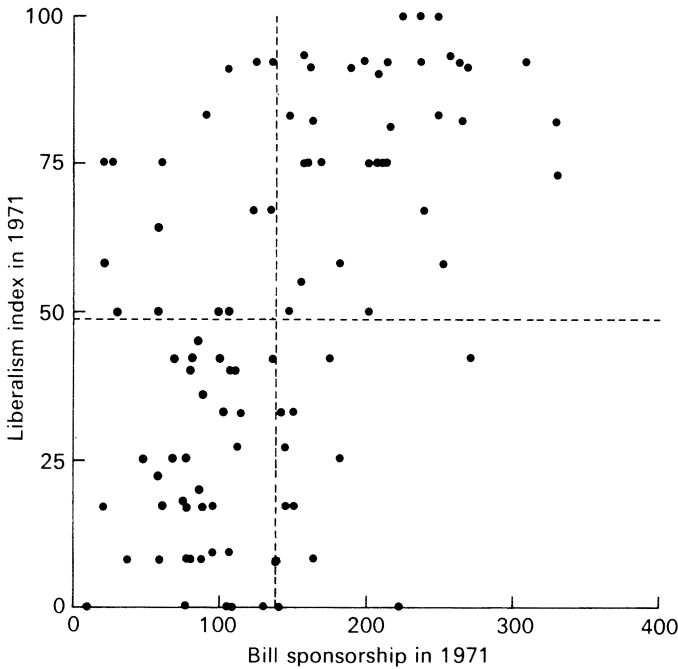
Fig. *i. Liberalism and legislative activity in the Senate.*

The table also provides evidence of the pivotal importance of the Democratic landslide victory of 1958. In all cases except the relationship with the popular vote, there is an abrupt break between 1957–58 and 1959–60. For liberalism the change is from a correlation with activism of ·30 for 1957–58 to ·51 in 1959–60; for seniority the jump is from ·01 to − ·16; and for size of state the shift is from ·01 to ·18. The average correlation between liberalism and legislative activism for the decade 1947–58 was ·28 compared with an average correlation in the thirteen years 1959–72 of ·52; and there are similar changes in all of the average correlations in the other three columns of the table. During the two and one-half decades being examined here, the

legislative initiative clearly was captured by a new set of political forces. Beginning with the election of 1958, the Senate's character was transformed. A group of young, would-be political entrepreneurs arrived in Washington anxious to use the Senate to further a broad range of liberal programs and reforms.

The liberal activists shown emerging over two decades in Table 1 are also clearly identifiable in Fig. 1, a scatter plot that shows the relationship between ideological position and the number of bills sponsored or co-sponsored by every member of the Senate during 1971–72 (the 91st Congress). The strong relationship between liberalism and promotional activity depicted in Table 1 ($R = \cdot57$) is also apparent in this figure, with the twenty most liberal senators clustered tightly in the plot's upper right-hand quadrant.

These data supply empirical support for Polsby's assertion that the Senate has become one of the best places in the American political system 'for the incubation of new policy and the building of national constituencies'.[11] The clubby, slow-moving Senate of the 1940s and 1950s, dominated by Southern conservatives engaged in a stubborn holding action against activist, liberal Presidents – the body described with such clarity by Donald Matthews in his *U.S. Senators and Their World*[12] – has slowly but steadily come under the control of an ambitious set of activist liberals who have made it one of the most persistent forces for change in the American system of government.

THREE FACTORS DETERMINING THE DISCRETIONARY AGENDA

The Senate's discretionary agenda is assembled piecemeal from the unfamiliar and sometimes controversial problems advanced for consideration by activist Senators. There is, however, enough time in any one legislative session for only a few new issues to be examined. How is a problem chosen from among the many aspirants for entry into the charmed circle of serious national attention? Is the process of agenda setting in the Senate entirely fortuitous, each issue's emergence the result of some unique combination of events? Can any generalizations be made about the process of issue selection?

Caution certainly is in order when an explanation is offered of such a subtle process of persuasion and influence. But even in the face of extreme complexity it is possible to offer a general explanation of the conditions that usually allow issues to claim a place on the discretionary portion of the Senate's agenda.

The appeal of legislative proposals concerning issues that have not received serious attention in the recent past is determined mainly by three prominent features or conditions. First, an item's attractiveness increases if it has an impact on large numbers of people. Senators must believe that the proposed legislation will have broad political appeal.[13] Second, convincing evidence must exist that the proposed

[11] Polsby, 'Goodbye to the Inner Club', p. 215.

[12] (New York: Random House, 1960). Matthews' book covers the years 1947–57, the decade prior to the rapid growth of liberal strength in the elections from 1958 through 1968.

[13] For insightful commentary on the importance of this factor in encouraging members of Congress to engage in promotional activity, see David E. Price, 'Policy-Making in Congressional Committees: The Impact of Environmental Factors' (discussion paper, Duke University, 1976).

legislation is addressed to a serious problem. The more graphic and easily understood the evidence of trouble, the more creditable the sources of information upon which the case is based, the more appealing the aspiring agenda item becomes. Third, the case for inclusion on the agenda will be greatly strengthened if an easily understood solution exists for the problem being addressed. Again, the more comprehensible the solution and the more honorable or prestigious its origins, the more likely it is that an item will claim a place on the discretionary agenda. If proposed legislation has all three of these desirable characteristics, its chances of appearing on the Senate's agenda are greatly increased. These conditions are not sufficient in themselves to ensure success but they certainly increase an issue's attractiveness and lower any barriers in its path.

When establishing the discretionary agenda, Senators create alliances that appear, disappear and recombine as problems and solutions rise and fall in prominence. Often solutions may become known before appropriate problems can be found to which they can be applied, or before a convincing case can be made for the seriousness of the problems that they are meant to address. Activist senators or interest groups dedicated to the value of a given solution – such as income grants in lieu of services, or administrative decentralization – are frequently out looking for social problems to which their nostrum can be applied, or are anxious to define problems in such a way that their pet solutions will be applicable. There also are many problems – such as decay of central city housing stocks – that can be documented easily but attract little serious debate for years because no politically or economically feasible solution is thought to exist.

Careful observers of the Senate who study its daily struggles and monitor the informal conversations of its members are usually able to make accurate forecasts of the attractiveness of any proposed legislation. Based on their intimate knowledge of the political affinities of the membership and the patterns of influence prevailing at the time, insiders can estimate whether a proposal for the national chartering of corporations or the provision of subsidies to cities for the construction of mass transit lines is likely to draw any interest or support. By offering a stream of new proposals, however, activist Senators constantly challenge the received wisdom concerning the political composition of the Senate, hoping that their initiative will lead to some unprecedented combination of support and a dramatic political break-through. At any time there are many possible combinations of votes that might be forged into a winning coalition if the right kind of issue can be found as a catalyst. The number of feasible possibilities for coalition building is certainly not infinite, but it definitely exceeds those that have actually appeared. Activist Senators continually search for these potential new voting combinations and, in periods of intellectual and political ferment, often find them in policy areas never expected by Senate insiders.[14]

Once a breakthrough occurs in a policy area formerly ignored by the Senate, often a surge of legislative activity occurs, lasting over several years. Activist Senators are joined by lobbyists, ambitious agency chiefs, crusading journalists and policy professionals of all kinds in a rush to exploit the newly discovered political pay dirt.

[14] For a similar description of the way information is collected in the Senate, see Allen Schick, 'The Supply and Demand for Analysis on Capitol Hill', *Policy Analysis*, II (1976), 215–34.

The sometimes frantic burst of activity that follows an initial political breakthrough may bring proposals onto the Senate's discretionary agenda that do not necessarily have broad appeal, where little evidence of a problem exists and where no feasible solutions are anywhere in sight. Legislation of this kind may not only be debated but may be passed into law because the pressure on the Senate to act in such circumstances is nearly overwhelming. Once a topic like pollution control or mass transit has achieved the status of a 'chosen problem' and it becomes clear that the votes are there for the passage of bills on the subject, powerful forces are unleashed that press for action. As the surge progresses, the relative importance of succeeding legislative proposals tends to decline and the case for their passage becomes weaker. Although efforts are made to sustain the momentum created by initial legislative successes, the vein of interest and support is rapidly played out. Competition mounts for space on the discretionary agenda from other aspiring problems and the legislative surge comes to an end, leading eventually to new cycles of debate and legislation.

AUTO SAFETY LEGISLATION, 1966: A CASE STUDY OF AGENDA SETTING

One of the best examples in recent years of agenda development, which exhibits the characteristics described here, began in 1962 with the election to the Senate from Connecticut of Abraham Ribicoff.[15] Coming to the Senate with experience as a state governor, House member and former Secretary of HEW, Ribicoff immediately adopted the promotional style of a legislative activist. His policy interests were broad and his assignment to the Government Operations Committee allowed him wide scope. Within two years he acquired a subcommittee chairmanship and almost immediately began an investigation of the federal government's efforts in the area of traffic safety – a subject to which he had devoted much time and attention while Governor of Connecticut. In order to prepare for this investigation he hired as a consultant to his subcommittee a young attorney from Hartford named Ralph Nader who had come to Washington to devote himself full-time to the cause of safety and consumer protection. In 1965 Nader published his book *Unsafe At Any Speed*[16] and the Ribicoff subcommittee's hearings were in full swing.

The time was certainly ripe for the promotion of traffic safety as an agenda item in the Senate. Reports issued annually by the National Safety Council, a highly respected private agency, clearly demonstrated that the country was experiencing an unprecedented increase in deaths on its highways. Traffic deaths per 100,000,000 miles driven had declined almost every year since the Second World War, but beginning in 1960 the rate turned sharply upward and rose for four of the next five years – the longest and worst surge since yearly records had been kept. For those not moved by such abstractions as statistical rates there was clear evidence of a serious problem in the total number of deaths recorded. From 1946 to 1961 total yearly deaths, with

[15] The description of the debate and passage of traffic safety legislation in this section draws directly from David E. Price, 'Who Makes the Laws: The Legislative Roles of Three Senate Committees' (Ph.D. dissertation, Yale University, 1969), pp. 82–107; and Elizabeth B. Drew, 'The Politics of Auto Safety', *Atlantic Monthly* (October 1966).

[16] Ralph Nader, *Unsafe At Any Speed* (New York: Grossman, 1965).

a declining rate offset by an increasing number of cars, had remained within the 30,000 range – 33,422 in 1946 to 38,091 in 1961 – but with the increase in accidents the numbers climbed into the 40,000 range in 1962 and quickly moved to 53,041 in 1966. When the increase in the death rate hit its peak in 1966 it was still lower than it had been in the early 1950s, but the upward turn had attracted attention and, coupled with the rapid increase in the total number of deaths, provided stark, unavoidable evidence that a major social problem existed. Since the issue involved almost every American family, the country's largest manufacturing industry and some of its most powerful unions it clearly had the potential for capturing national attention. Ribicoff, Nader and Robert Kennedy, another member of the subcommittee who began to take an active interest in the problem, realized they were dealing with an issue that had great political potential.

As the Senators and their staff members began searching for solutions to the problem, they discovered that a rather elaborate policy community, including numerous voluntary and governmental agencies, already existed in the field of traffic safety.[17] They also found that this community was becoming increasingly divided over how to define the problem they faced. The majority of professionals in the field were committed to the established policies being pursued all over the country, including driver training courses in high schools, improved signs and lighting for highways and advertising campaigns in the mass media promoting safe driving – all programs aimed primarily at improving the performance of the driver. A small group of traffic engineers, however, some of whom were in the Federal Highway Administration, backed by results from a mounting volume of empirical research, had begun to advocate reform of the automobile itself. Their studies showed that the impact on the accident rate of all policies meant to reform drivers was negligible, but that changes in the design of the auto or the addition of seat belts could significantly reduce the death rate by protecting the occupants of a car once the accident took place. The political implications of these results also were clear: they pointed directly to the need for safety standards imposed by government on the manufacture of automobiles.

In Fig. 2 the yearly death rate from traffic accidents and the volume of research on the subject of traffic safety are both depicted for the years 1952–72.[18] The data in Fig. 2 suggest that the technical literature on traffic safety was developing rapidly during this period and that the surge of publications, measured by the number of articles on the subject appearing in technical journals each year, began in the mid-1950s, several years before the increase in the death rate. This increased level of publication

[17] For a description, and a slashing attack, on this community, see Nader's chapter on 'The Traffic Safety Establishment', in *Unsafe At Any Speed*. Also see Ronald G. Havelock, *Highway Safety Research Communication: Is There a System?* (Ann Arbor: Institute for Social Research, University of Michigan, 1973).

[18] Data for the death rate per 100,000,000 miles driven were obtained from the publication, *Accident Facts*, published annually by the National Safety Council. The data for the technical literature – defined as articles, monographs or books intended for experts or professionals in the field rather than the general public – came from *The International Bibliography of Highway Safety Research* (Ann Arbor: Highway Safety Research Institute, University of Michigan, 1973). The data on the *New York Times* are the number of column inches on the subject appearing in *The New York Times Index*.
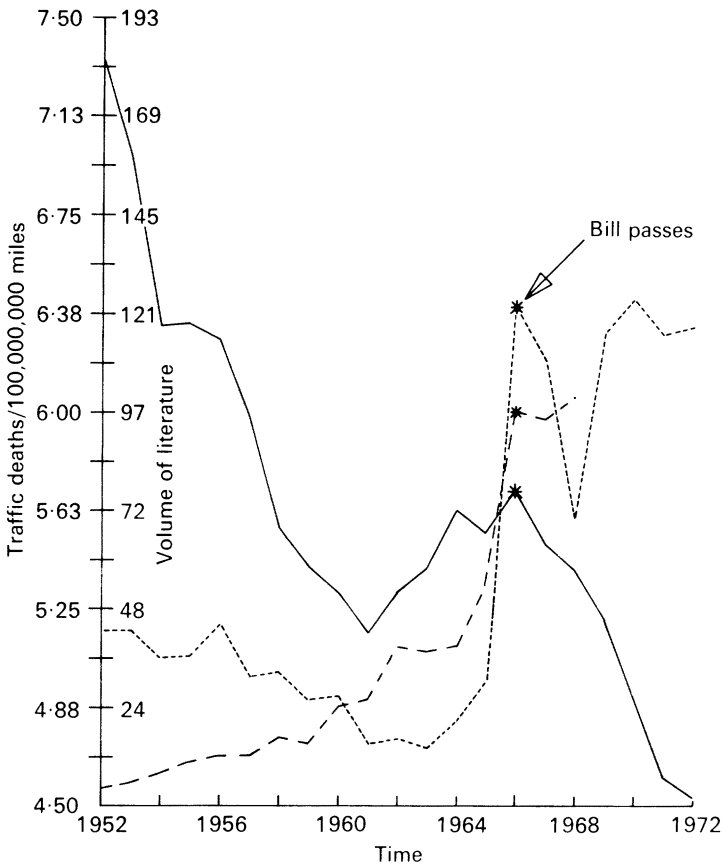
Fig. 2. Highway Safety Act, 1966. Solid Line = deaths per 100,000,000 miles driven. Dotted line = The New York Times Index column inches on traffic safety. Dashed line = technical traffic safety literature (×10).

was primarily the result of an intellectual controversy and came in response to pioneering research results that challenged prevailing assumptions in the field. The experts, in other words, were engaged in a debate over traffic safety several years before the public or political leaders became aroused by the problem. A challenging new approach to reducing the traffic death toll emerged from this debate – one that could be presented to laymen in a dramatic and persuasive way through crash-sled demonstrations and stop-action photography.

The level of concern in the mass media over this issue is measured indirectly in Fig. 2 by the number of column inches on traffic safety appearing each year in *The New York Times Index*. The amount of news generated on this topic declined fairly steadily from the mid-1950s until 1964 when it began to turn upward. There was a small increase in coverage during 1965, the year of the Ribicoff hearings, and then a massive upsurge in 1966, the peak year of traffic deaths and the year in which the Highway Safety Act passed the Congress and was signed into law.

These data indicate that in this case the newspaper was reacting to events, not stimulating the controversy or providing leadership. The expert community had been engaged in debate for more than a decade prior to the emergence of traffic safety as an agenda item in the Senate, but the crucial ingredient of leadership needed to cause the political upheaval of 1966 was provided by an ambitious group of political entrepreneurs able to capture the attention of the Congress and the media. There were, to be sure, several unique characteristics of this issue that contributed greatly to their success – especially the spectacular technical shortcomings of the Chevrolet Corvair and the sinister but unsuccessful effort by General Motors to discredit Ralph Nader.[19] Still, the central elements of the agenda-building process remained, giving the legislative activists all the political resources they needed to promote the solution being offered by the research community against the one favored by the automobile manufacturers.

By the time traffic safety legislation reached the stage of serious formulation and debate in 1966 its original sponsors had been pushed aside by Senators better placed to create a winning coalition. Senators Ribicoff and Gaylord Nelson, both of whom had pressed for the legislation in the early stages, were displaced by Warren Magnuson, the powerful chairman of the Senate Commerce Committee. Under his leadership a legislative victory was achieved against the determined opposition of powerful industrial interests – a result that few Senate insiders would have predicted when debate began on the issue. As a result of this controversy, a majority coalition was discovered in the Senate for an unprecedented expansion of the federal government's efforts to ensure the safety of its citizens. Both proponents and opponents of reform immediately were put on notice that new political opportunities existed in this policy area.

All the elements necessary for successful policy innovation were present in this case. An easily understood, widely respected social indicator pointed to the development of a serious national problem that prevailing public policies were unable to handle. A body of research with clear policy implications had emerged that provided justification for new legislation. Established agencies had either ignored or lost touch with the developing knowledge base in the field and had also thrown their motives into question through their illegitimate efforts to discredit their critics. And skillful political entrepreneurs were available who could tie all of these elements together in a dramatic proposal for change.

THE SAFETY MOVEMENT IS BORN

The passage of traffic safety legislation in 1966 came as a surprise to many and caused a pronounced shift of political ground throughout the national political system. The Senate's action not only secured the reputation of Ralph Nader as a national crusader for consumer protection and corporate responsibility; it also transmitted powerful cues concerning the nature of the legislative agenda to lobbyists, members of the President's staff, activist legislators, journalists and agency chiefs all over the city

[19] For an excellent description of these aspects of the controversy see Thomas Whiteside, *The Investigation of Ralph Nader* (New York: Pocket Books, 1972).

of Washington. Traffic safety legislation became a benchmark – a widely acknow-
ledged legislative triumph – which could be cited as an important precedent by advo-
cates of other forms of safety legislation. In 1969 President Nixon introduced his
proposal for an occupational safety bill by saying: 'Three years ago, following its
study of traffic and highway safety, the Congress noted that modern technology had
brought with it new driving hazards, and accordingly it enacted the National Traffic
and Motor Vehicle Act and the Highway Safety Act. With the advent of a new
workplace technology we must now give similar attention to workplace safety and
health.'[20] In the same year, speaking before a meeting of the American Society of
Safety Engineers, David A. Swankin, the Director of the Bureau of Labor Standards,
explained that: 'An aroused public conscience against needless highway accidents
has had, I believe, a spin-off to work accidents, giving the whole safety movement
a shot in the arm...The whole area of safety is opened up.'[21]

Beyond the halls of Congress, associations of professionals in the safety field –
groups like the American Academy of Occupational Medicine, the American Associ-
ation of Industrial Nurses, the American Public Health Association, the American
College of Preventive Medicine and the American Society of Safety Engineers –
began active discussion of the new possibilities for greatly expanded governmental
action in the field of safety and accident prevention.[22] Newspapers began to pay
greater attention to events having anything to do with aspects of individual or
industrial safety. The Congressional Quarterly, the Reader's Guide to Periodical
Literature, Index Medicus and the Business Periodicals Index all created for the first
time in 1967 or 1968 categories labeled 'Safety and Health', 'Industrial Safety', or
'Traffic Safety'. Lobbyists and activists in the consumer field interviewed in 1969
by Mark Nadel said that their efforts were being devoted to safety and consumer
protection at that particular time because it was a field where movement was taking
place, one where large political payoffs were possible.[23] As George C. Guenther,
another official of the Bureau of Labor Standards wrote in 1969: 'It is said that each
subject has its time. We sense a favorable and fair wind blowing for a new high level
of safety and health in the American workplace.'[24]

Within the Congress, activist Senators were moving quickly to capitalize on the
rising interest in safety by proposing new legislation. The staff of Senator Magnuson's
Commerce Committee organized itself as a small factory for producing legislative
proposals on safety. The committee began an investigation of meat inspection in 1967
(followed in 1968 by a study of poultry inspection and in 1971 by hearings on fish
inspection) and also began preparing for hearings on the safety of diet pills that took
place in 1968. Also in 1967, the committee cleared for passage the Toy Safety and

[20] The Congressional Quarterly Almanac, 1970, 69A.
[21] 'Does America Need the Occupational Safety and Health Act?', Journal of American
Society of Safety Engineers, xv (February 1969), 8.
[22] For a description of the many professional associations with an interest in the safety field
see Bertram D. Dinman, 'IMA is not Alone', Journal of Occupational Medicine, x (1966), 183–7.
[23] Mark V. Nadel, The Politics of Consumer Protection (Indianapolis, Ind.: Bobbs-Merrill,
1971), pp. 36–41.
[24] 'Analysis of the 1969 Occupational Safety and Health Bill', Journal of the American
Society of Safety Engineers, xv (December 1969), 28.

Child Protection Act and a set of strengthening amendments to the Flammable Fabrics Standards Act, originally passed in 1953. A year later, in 1968, the Fire Research and Safety Act was passed, a program that led in 1974 to the passage of the Federal Fire Prevention and Control Act, a comprehensive reorganization and expansion of the federal government's efforts at fire prevention.

Sensing that legislative breakthroughs were possible in this area, President Johnson proposed in 1968 the creation of a National Commission on Product Safety, a study group whose mission was to collect evidence of problems in the area and propose solutions. Commissions of this kind provide the President with an investigatory tool that may produce important political gains but is unlikely to create any serious losses, at least not in the short run. Knowledge of the extent of household accidents was almost non-existent at the time – estimates of the number of accidents caused yearly by faulty products varied by a factor of five – so that there was a clear need, at least, for better information on the extent of the problem if any action was to be taken. Merely by proposing the creation of the commission, the President made an important symbolic gesture which lent visibility to the safety movement; but since concrete proposals for change were several years away no political enemies were created immediately. The commission launched an ambitious program of fact gathering and through its reports began to add to the national debate over safety. There was little knowledge of solutions for the problems being identified by the commission and only a loosely organized network of professional associations dedicated to working in the area. The Congress had evidence that a serious problem existed, however, and during this period that was all they needed. In 1972 the Consumer Product Safety Act was passed which made the commission a permanent regulatory agency with the authority to continue its search for solutions to the problems it had uncovered and to begin setting standards for the production of thousands of items merchandized in all sectors of the American economy.

THE COAL MINE HEALTH AND SAFETY ACT, 1969

By 1968 it was clear that safety remained a chosen problem on the Senate's agenda, but the ultimate strength of the legislative surge that eventually would follow upon passage of the auto safety bill was still undetermined. A solid majority had appeared during 1967 for the enactment of several pieces of safety legislation and the study commission on product safety had been approved, but it was still possible that support would evaporate when additional pieces of legislation on the subject were proposed. In situations like this, legislative momentum is often sustained by a dramatic crisis that provides unchallengeable proof of the need for action. During the 1950s, for example, legislation intended to prepare the society against the threat of nuclear war – the Civil Defense Act, the National Defense Inter-state Highway Act – was slowly making its way through a cautious and skeptical Congress; but this leisurely legislative surge was transformed into a frantic rush – the National Defense Education Act, the creation of NASA – immediately after the launching of Sputnik in 1957.

Crises can seldom be manufactured, of course, but when they appear it is up to

political entrepreneurs to make use of them to get the legislation they want. Advocates
of safety legislation tried throughout this period to capitalize on disastrous accidents
which took many lives to build support for their cause. Large disasters take place
often in all industrial societies but seldom produce any legislative reaction. During
the period from 1966 until 1972, however, when safety already had claimed a secure
place on the Senate's discretionary agenda, any serious accident was potentially
useful as a goad to action.

A mid-air collision of two aircraft over New Jersey in 1967 caused a flurry of debate
over air safety during consideration of the Federal Aviation Agency's appropriations
bill, but the incident could not be capitalized upon mainly because no concrete
proposal had been developed for reform. A year later, however, when seventy-eight
miners were killed in a coal mine in Farmington, West Virginia, legislative activists
were fully prepared to move. Coal-mine safety had been debated several times in
the Congress during the past thirty years and legislation setting some safety standards
had been passed in 1952, once again in the wake of several disastrous accidents.[25]
Technical literature on the subject was not plentiful, but a professional community
did exist in this field which included experts with a continuing interest in mining safety.
Medical researchers, in particular, during the early 1960s had made significant
progress in understanding how to detect and treat pneumoconiosis or 'black lung'
disease, and as a result some had become crusaders for tougher legislation.[26] Safety
equipment was available and recognized mining procedures – some borrowed from
standard practice in Japan, the Soviet Union, England and Germany – were known
that would increase the safety of the mines without steep declines in productivity.[27]
Once again it could be said that a solution existed that was in search of a problem.

The circumstances leading up to the debate and passage of the Coal Mine Health
and Safety Act in 1969 are depicted in Fig. 3.[28] The three variables recorded here
are the same as those that appeared in Fig. 2; but in this case they display slightly
different patterns. Once again, as in the auto safety case, the problem of coal-mine
safety received little attention in the *New York Times* until it became the center of
debate in the Congress. A small increase in coverage accompanied the Farmington

[25] For a good review of recent history in the area, see C. L. Christenson and W. H. Andrews,
'Coal Mine Injury Rates in Two Eras of Federal Control', *Journal of Economic Issues*, VIII
(1973), 61–82.
[26] Two excellent articles giving details on coal mine safety are Rand Guffey, 'Enforcing of
New Law Bogs Down Stirring Uproar in Coalfields', *Wall Street Journal* (25 June 1970), p. 1;
and Bob Harwood, 'Bitter Miners Assert the "Black Lung" Law is Filled with Loopholes',
Wall Street Journal (24 September 1971), p. 1.
[27] The state of the art is described in Thomas Lindley Ehrich, 'Broad Research is Launched
Into Removing Some of the Deadly Hazards of Coal Mining', *Wall Street Journal* (15 June 1971),
p. 30; John V. Conti, 'Coal Mine Study Shows Record Can Be Improved When Firms Really
Try', *Wall Street Journal* (18 January 1973), p. 1; W. H. Andrews and C. L. Christenson, 'Some
Economic Factors Affecting Safety in Underground Bituminous Coal Mines', *Southern
Economic Journal*, XXI (1974), 364–76; and 'Coal: Where Management and Labor Share the
Blame', *Business Week* (2 November 1974), pp. 76–7.
[28] Data on coverage in the *New York Times* are collected in the same manner as in Fig. 2
– see fn. 18 – but data for the technical literature were collected from *Index Medicus* and *The
Engineering Index*, and data for death rates were collected from *The Yearbook of Labor
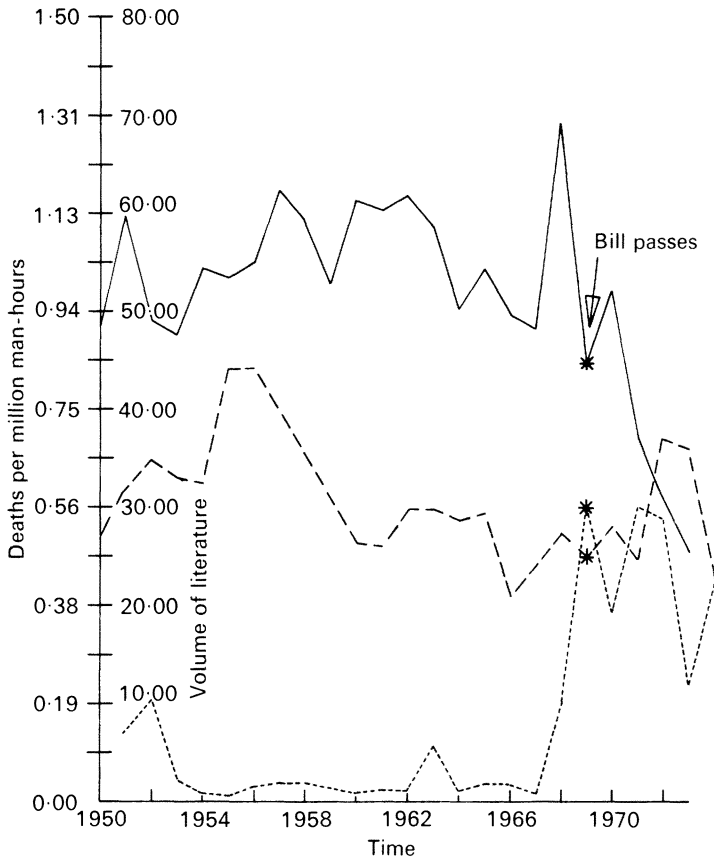Statistics* (U.S. Department of Labor).

Fig. 3. *Coal Mine Health and Safety Act, 1969. Solid line = deaths per million man hours worked. Dotted line =* The New York Times Index *column inches on coal mine accidents and safety. Dashed line = coal mine health and safety technical literature* (×5).

mine disaster, but the newspaper seems to have been mainly reacting to congressional initiatives rather than providing leadership for legislative activists. Technical litera- ture in the area – recorded as the total number of papers and books published each year on the subject – was declining in the decade prior to passage of the bill. The sharp spurts of publication appearing during 1955–57 and in 1972–74 were probably the direct result of increases in governmental research funds, which were included in the new legislation passed in 1952 and 1969 and did not stem from within the professional community in response to research breakthroughs or intellectual controversy.

Legislative action in 1969 seems to have been the direct result of the abrupt increase in the death rate in 1968 caused mainly by the Farmington disaster. In 1952 legislation had established safety standards for coal mines but limited its enforce- ability to mines with more than fifteen employees. Since the investment necessary to meet the standards led to declines in worker productivity and increased costs,

incentives were created to expand production in the industry's smaller mines. De-
clines in the demand for coal throughout this period made these economic incentives
even more powerful. Since the smaller mines, however, were also much more
hazardous, the 1952 safety legislation ironically contributed to the steady increase
in the death rate from 1955 into the early 1960s.[29] The impact of the 1969 safety
legislation was delayed both by a dispute within the Nixon administration on how
the new standards were to be enforced and by another disaster in Hyden, Kentucky,
which took thirty-eight lives in December 1970. Once its provisions began to be
enforced, however, the death rate began to decline rapidly. Solutions were available
to meet the problems of coal-mining safety; what had been missing for decades was
not the technology that would do the job but the right combination of political factors
that would set the stage for action.

THE OCCUPATIONAL SAFETY AND HEALTH ACT, 1970

Passage within only three years of both the auto safety and coal-mine safety bills
was a political earthquake that provided enormous momentum for the safety move-
ment. Legislative activists now had two powerful precedents that could be cited in
support of safety legislation in many new areas. Bills covering all consumer products
manufactured in the country or all workplaces in all enterprises of any kind would
have been regarded as hopeless, visionary schemes in 1965, but only five years later
they were at the top of the Senate's agenda, being given serious consideration. Once
the opposition of the powerful automobile and coal-mining industries had been
brushed aside, it became difficult for Senators to resist appeals to complete the job
by ensuring the safety of all of the rest of the workers and products in the economy.
These bills had broad potential appeal and, however uncertain the evidence, there
were clearly many serious accidents taking place that could probably be traced to
shoddy products and dangerous working conditions. Even though there was little
reliable knowledge of how to create safe products or workplaces, the argument was
advanced that progress was possible only if agencies were created that could begin
to perform the necessary research.

Occupational safety was a prime discretionary agenda item in the Senate in 1970
primarily because of the processes of political evolution set in motion by the passage
of automobile safety legislation in 1966 and coal-mine safety legislation in 1969.
Support for this assertion is contained in Fig. 4, where the conditions leading to the
passage of the Occupational Safety and Health Act are depicted.[30] This figure
contrasts sharply with those that dealt with auto and coal-mine safety. If analyzed
alone, it would provide few clues as to why the Senate chose this policy area for
consideration from among all those being offered up by legislative activists. The yearly
death rate from job-related accidents recorded in the figure declines in all but two
years of the period 1950-72. No distinctive upturn in the rate appears that might have
captured public attention as in the cases of auto and coal-mine safety. Advocates

[29] See Christenson and Andrews, 'Coal Mine Injury Rates in Two Eras of Federal Control'.
[30] Data for this figure were collected from the same sources employed for Fig. 3 – see
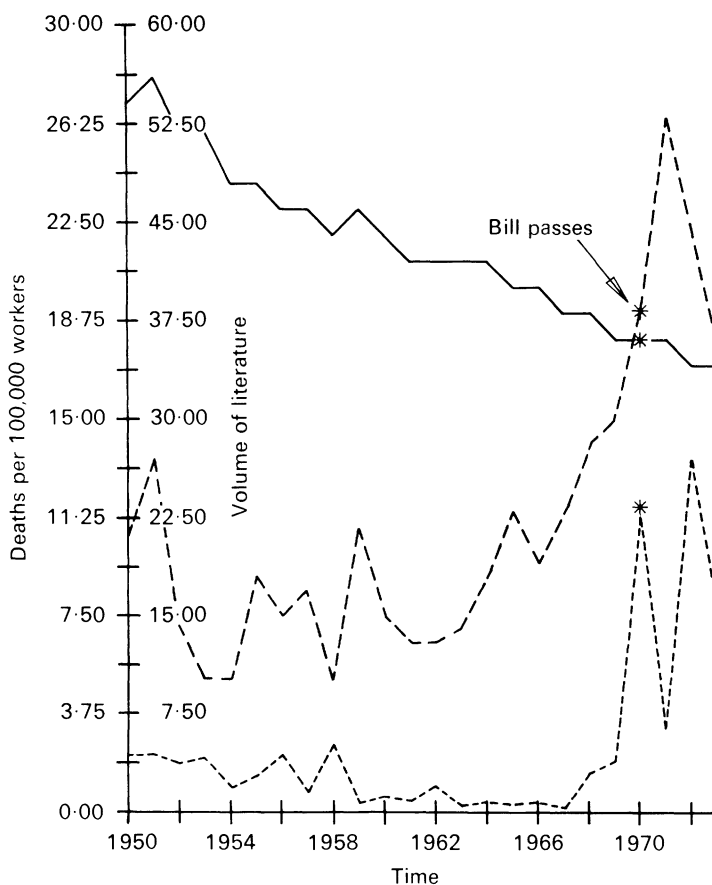fn. 28.

Fig. 4. *Occupational Health and Safety Act, 1970. Solid line = deaths per 100,000 workers. Dotted line =* The New York Times Index *column inches on occupational safety. Dashed line = technical literature on occupational health and safety.*

of occupational safety legislation argued that, despite this decline in the death rate, federal intervention was warranted to deal with new technical processes and industrial chemicals just coming into use that were certain to be more hazardous than anything yet encountered. It seems unlikely that such hypothetical arguments would have been persuasive had it not been for the momentum generated by the political struggles over safety legislation that had occurred during the preceding five years. The urge to create a comprehensive program – and to capitalize on the existence of an assured majority apparently ready to support further safety measures – led the Congress to disregard evidence that the prevailing policies of both government and industry had been steadily reducing the rate of deaths and injuries from job-related accidents for more than two decades.

There was no dramatic scientific breakthrough or sudden spurt of knowledge about occupational health and safety that could have stimulated the enactment of new

legislation. This definitely was *not* a case where the solution appeared before the problem. Numerous professionals, who had long-established interests in occupational diseases or job-related accidents, were already at work in the field, most of whom had close ties to either insurance companies or public health agencies. When representatives of professional societies in the field were called to testify during the 1968 and 1969 congressional hearings on the occupational safety legislation, many expressed great skepticism about the feasibility of the proposed new regulatory schemes. The Executive Director of the American Society of Safety Engineers, for example, argued against passage of any new mandatory regulations by pointing to the lack of effectiveness of similar programs in several of the larger industrial states:

Since [these] states . . . have ongoing programs, substantial safety regulations, fairly adequate staffs, and consultation for employers, it is believed that these elements are not a great factor in changing injury frequency, since they show trends comparable with those of national data . . . We conclude that injury data available does not indicate clearly a particular solution; rather, it does show a problem in reducing occupational injuries further. It is our judgement that more complete, reliable data is needed to determine the nature and scope of the problem as well as the relevancy of regulatory codes to specific types of accidents and injuries.[31]

The rapid upward surge in the volume of technical publications shown in Fig. 4 begins in 1968 – three years after the beginning of the Ribicoff hearings on auto safety – and turns abruptly downward a year after the passage of the Occupational Safety and Health Act in 1970. Many of the papers published during this period were commissioned by agencies within the Department of Labor or HEW and must be regarded as part of the campaign mounted by advocates of new safety legislation. The renewed concern did lead to the founding of new centers of research in the area, but this initial surge of publication appeared more because of the increased availability of federal research funds and the heightened interest shown by the Congress than from any new scientific discovery or broad-based intellectual revolution in the field.

Newspaper coverage of the occupational safety issue, after being virtually non-existent for a decade, rose slightly in 1968, but once again did not surge upward until the year in which the subject became a major focus of debate in the Congress. The *New York Times* seems to have followed the lead of Congress as it cycled from one safety issue to another. In each case the newspaper began extensive coverage of an issue in the year it moved to the floor of the Congress and then maintained an interest in the issue for a few years afterward while the new legislation was being implemented and while the general topic of safety remained a chosen problem on the discretionary agenda of the Congress.

THE SURGE OF SAFETY LEGISLATION IS ENDED

By 1972 the surge of safety legislation was coming to an end. Once bills with such broad scope as the Consumer Product Safety Act and the Occupational Safety and Health Act had been passed, there were few matters of consequence left to consider. After the disastrous collapse of a coal slag dam in West Virginia in 1972, a bill was

[31] 'A Message from the President', *Journal of American Society of Safety Engineers*, XIV (April 1968), 9.

passed entitled the Federal Safety of Dams Act, granting new powers of inspection and regulation of the construction of dams to the Army Corps of Engineers – showing that the safety majority still existed and could be counted upon to act if given a plausible context.[32] The Senate's concern over safety had not completely evaporated, by any means, but other issues arising from the gathering problems facing the nation's economy and the first rumblings of the Watergate affair were beginning to crowd onto the discretionary agenda, pushing safety into the background.

Moods shift rapidly in the Senate. No sooner had a new set of safety agencies with increased regulatory power been created than the economy began to slide into the serious double illness of recession and hyper-inflation. Freshly written safety requirements and rules came under fire from those concerned over the increased costs arising from the expansion of federal regulatory powers. 'Deregulation' became the slogan of these counter-attacking forces. Worries over inflation and declining industrial productivity led to general criticisms of any federal regulation – whether it arose from efforts to ensure safety, prevent racial or sexual discrimination or reduce pollution – that could be characterized as obstacles to economic growth. The safety issue had appealed to liberals in 1968 and 1969 because reform in this area did not create huge new financial burdens for the federal budget; but these new regulations did impose costs on the companies and enterprises that were required to install new equipment or to keep records and make reports about activities that had never been monitored before. The agencies that received the most criticism were those enforcing safety legislation passed toward the end of the legislative surge where the dimensions of the problems were often in dispute and feasible solutions not readily at hand.[33]

Even though safety began to give way in the Senate to a new set of 'hot' issues – public service employment, national health insurance, and the reorganization of the Congress itself, among others – safety issues could not be removed from the agenda entirely. The surge of legislative activity had left in its wake new regulatory agencies like the Consumer Product Safety Commission and the Occupational Health and Safety Administration and had granted new powers and greater responsibilities to established agencies like the National Bureau of Standards and the Federal Highway Administration. This enlarged administrative complex, with all its newly-acquired clients, political allies, interest groups, suppliers, consultants, professional societies, trade associations and research centers, provided a new focus for public attention, being the concrete embodiment of governmental concern for the safety of its citizens. Now that this machinery had been put into place, it required annual appropriations, approval of appointments to its top administrative positions, periodic investigations of its operations and the settlement of disputes over the implementation of the new policies. Safety was not removed from the Senate's attention; its status had simply shifted from that of a chosen problem on the discretionary agenda to a sporadically recurring problem on the required agenda.

[32] For a follow-up story on the inadequate – in fact, virtually non-existent – enforcement of the bill, see Ben A. Franklin, 'The Dam Builders, Congressional Pets', *New York Times* (4 July 1976), D4.

[33] Many examples of this shifting basis for debate can be found in the period from 1974 to the present. A recent one is James W. Singer, 'New OSHA Task Force – New Political Payoff or False Alarm?', *The National Journal*, xxviii (10 July 1976), 973–5.

CONCLUSIONS

There is no single, simple process governing the assembly of the Senate's legislative agenda. The Senate shares with industrial firms, universities, civic clubs, churches and all other organizations the problem of altering its policies in response to changes in its environment. Organizations vary greatly, however, in their ability to react to change by adopting innovations. Before any alterations are made in policies or operating procedures, an organization's leaders must first recognize that shortcomings exist and must take up these problems as legitimate topics of debate.

The process of problem recognition may grow out of two different sets of motives or inclinations. Organizations experiencing problems according to their own accepted performance measures may initiate a search for some solution to their difficulties which eventually leads to an alteration of the organizational agenda and perhaps eventually to the adoption of an innovation. This kind of search would be engaged in mainly by agencies that believed they were in trouble; but studies of the process of innovation often find that the leading innovators are the largest, richest, seemingly most successful agencies, not those experiencing difficulties.[34] These empirical findings led Cyert and March to distinguish between 'problemistic innovation', the response of an organization to a perceived failure or shortcoming, and 'slack innovation', a decision to adopt a new technique or policy because extra funds or resources become available which allow improvements not deemed possible in periods of scarcity. Often slack innovations are adopted in order to open a new market, improve the organization's reputation among its peers or raise the professional status of its managers. In the words of Cyert and March: 'Problem-oriented innovation will tend to be justifiable in the short run and directly linked to the problem. Slack innovation will tend to be difficult to justify in the short run and remotely related to any major organizational problem.'[35]

Agenda setting in the Senate is a subtle mixture of both problemistic and slack innovation. Proposals for new legislation in areas long neglected by the Senate usually have to be justified by reference to well-documented performance indicators and must clearly be related to serious social problems with feasible solutions. If legislation on a new topic is enacted successfully, however, the surge of activity that often follows in the same general policy area usually contains many classic instances of slack innovation.

The political and organizational processes that produce the Senate's discretionary agenda are complicated. Nevertheless, they produce sets of items that usually are logically compatible. Issues under discussion group themselves into clusters that

[34] This literature is concisely summarized and criticized in Lawrence B. Mohr, 'Determinants of Innovation in Organizations', *American Political Science Review*, LXIII (1969), 111–26; and more recently in Gerald Zaltman, Robert Duncan and Jonny Holbek, *Innovations and Organizations* (New York: Wiley, 1973); and George W. Downs, Jr., and Lawrence B. Mohr, 'Conceptual Issues in the Study of Innovation', *Administrative Science Quarterly*, XXI (1976), 700–14.

[35] Richard M. Cyert and James G. March, *A Behavioral Theory of the Firm* (Englewood Cliffs, N.J.: Prentice-Hall, 1963), pp. 278–9.

include complementary topics provoking similar political alignments and calling upon government to perform similar functions. Proposals to toughen safety regulations, for example, appeared during a period in which many other forms of consumer protection and pollution control legislation were being debated, and began to recede from the agenda when essentially competitive proposals to encourage economic growth or increase worker productivity came into prominence. As Crenson has argued in his book on the politics of air pollution in cities: 'By promoting one political agenda item, civic activists may succeed in driving other issues away...A community that commits itself to the consideration of one local concern may, in effect, commit itself to a whole chain of rationally related issues and diminish its ability to consider rationally antagonistic issues.'[36]

Those who manage to shape the legislative agenda, in other words, are able to magnify their influence many times over by determining the focus of attention and energy in the entire political system. By dictating the issues under debate, they indirectly determine the kind of political alliances likely to be formed and at the same time prevent others from gaining a hearing for logically incompatible or competitive issues.[37] As Simon has argued: 'Influence over the direction of attention of the political organs is a principal means for affecting action. The notion of power as a tug of war among fixed alternatives yields to a notion of power as influence on a sequential decision process, in which actions must be generated as well as chosen and in which attention is a scarce resource.'[38]

The shifting process of problem selection is driven by the energy of political entrepreneurs who seek recognition by convincing others of the importance of their chosen problems. In formulating its discretionary agenda, the Senate strongly resembles the 'organized anarchies' described by Cohen, March and Olsen, and it can best be described as a loose collection of ideas rather than as a coherent structure.[39] It is conceivable that some issues could be scheduled for debate having none of the characteristics described here, especially if they were sponsored by influential Senators able to call in hundreds of political debts collected over decades of legislative brokerage. More likely, attractive proposals that seem certain to become agenda items may be successfully vetoed or suppressed by powerful opponents. Examples are hard to come by, but sheer political clout may sometimes claim the field, enforcing policy taboos that have almost no roots in the popular mind. In recent years, however, the process of agenda setting has become steadily more open and competitive. Under these circumstances, with ambitious sponsors and an active press hungry for news, it has become next to impossible to deny a hearing to 'an idea whose time has come'.

[36] Matthew A. Crenson, *The Un-Politics of Air Pollution* (Baltimore, Md.: Johns Hopkins Press, 1971), p. 172.

[37] For a thoughtful analysis of the importance of different kinds of problems in affecting the political agenda, see Albert O. Hirschman, 'Policy-Making and Policy Analysis in Latin America – A Return Journey', VI, *Policy Sciences*, 385–402.

[38] Herbert A. Simon, 'The Changing Theory and Changing Practice of Public Administration', in Ithiel de Sola Pool, ed., *Contemporary Political Science: Toward Empirical Theory* (New York: McGraw-Hill, 1967), p. 108.

[39] Michael D. Cohen, James G. March and Johan P. Olsen, 'A Garbage Can Model of Organizational Choice', XVII, *Administrative Science Quarterly* (1972), 1–18.