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The presidency and environmental policymaking: A critical assessment of George Bush

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**The presidency and environmental policymaking: A critical
assessment of George Bush**

Westfall, Ronald Gene, M.A.

University of Nevada, Las Vegas, 1994

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THE PRESIDENCY AND
ENVIRONMENTAL POLICYMAKING:
A CRITICAL ASSESSMENT OF
GEORGE BUSH

by

Ronald G. Westfall

A thesis submitted in partial fulfillment
of the requirements for the degree of

Master of Arts

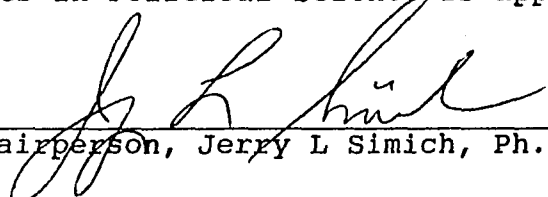
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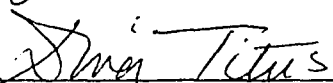
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August 1994

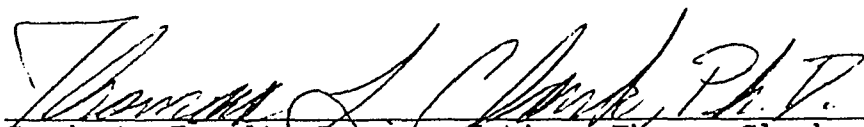
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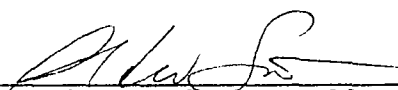
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ABSTRACT

Environmental concerns have, gradually and precariously, become integrated into the American policymaking process. Recognized as an essential aspect of human quality of life, environmental policy receives ever increasing attention from American policymakers. Owing to developments such as the passage of the Clean Air Act and the United Nations Conference on Environment and Development, the significance of addressing environmental challenges has garnered both domestic and international attention. In providing guidance for American environmental policies, American presidents function as vital arbiters in the shaping of domestic and international environmental policies. Herein lies the necessity for addressing environmental policymaking crafted within the parameters of American presidential power.

Although environmental policy outcomes are influenced by nonenvironmental policy calculations, policy transformations over the last three decades warrant investigating environmental policy formation as a distinct field. Public, presidential, and other policymaking factors reveal how crucial presidential power is in the determination of environmental policy outcomes. President George Bush demonstrated how vital presidential power is in the determination of such policy outcomes. His use of

presidential power can be properly viewed as the decisive factor in the policy fulfillment of the 1990 Clean Air Act amendments and the treaty obligations the United States consented to at the 1992 United Nations Conference on the Environment and Development(UNCED). The 1990 Clean Air Act amendments required presidential execution of new emission mandates in order to achieve tougher clean air standards. The 1992 UNCED treaty obligations depended upon presidential leadership to meet domestic and international treaty goals. President Bush's policy calculations decided the policy outcomes in both of these environmental policy areas.

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INTRODUCTION

The environment has become a public policy issue that receives its own distinct recognition within the American political spectrum. This recognition has included direct discussion and action from policymakers over the last four decades.¹ For example, the first "environmental decade" was initiated in 1970 with the aim of protecting America's air, water, and other natural resources, a grand idea that took legislative form with the National Environmental Policy Act of 1969 (NEPA). President Richard Nixon achieved a political landmark when he signed the 1970 Clean Air Act into law. One of the most significant popular movements in American history transformed the environment into a issue-specific legislation and a fundamental political and social issue. Since the launching of the Clean Air Act, the tide of public opinion favoring enhanced environmental protection has gained conviction and support from both societal mores and from scientific evidence. This scientific evidence has indicated man-made alterations to global life support systems has accelerated environmental degradation and in the end basic quality of life questions.

Public attention is focused on the environment, but such attention begs the question of the environment's own significance. Popular passions change and are an awkward indicator of an issue's true import. Environmental policy has played a major, perhaps not pivotal, role in national politics before its dramatic resurgence during the 1960s.² The prominence of environmental concerns has shaped different

symbols and policies throughout American history. This range of symbols and policies has included the New Deal's Civilian Conservation Corps to Theodore Roosevelt's conservation agenda, as part of the Progressive Era.³ This historical reality demonstrates the environment has, in fact, played a role in our political arena within the last century. But the environment has been a constant and encompassing force in all human affairs throughout history. Thus there exists the necessity of studying the environment and how humans have approached and interacted with the environment.

How the American public and its officials formulate environmental policy remains a compelling issue. What relationship does the government establish toward the environment? How ought the government create environmental public policy? Which branch of the federal government should direct the development of environmental policy? Answers to these questions are not automatic nor final. A myriad of prescriptions addressing these challenging questions and other similar questions put forth by the literature are both debated and championed, especially in light of basic pro and con concerns about protection and use of the environment and natural resources. One such policy approach will suffice to demonstrate how elusive and difficult finding answers can be: Vice-President Al Gore, writing on the environmental issue, states:

Every education is a kind of inward journey, and my study of the global environment has required a searching re-examination of the ways in which political motives and government policies have helped to create the crisis and now frustrate the solutions we need. Ecology is the study of bal-

ance, and some of the same principles that govern the healthy balance of elements in the global environment also apply to the healthy balances of forces making up our political system. In my view, however, our system is on the verge of losing its essential equilibrium. The problem is not so much one of policy failures: much more worrisome are the failures of candor, evasions of responsibility, and timidity of vision that characterize too many of us in government. More than anything else my study of the environment has led me to realize the extent to which our current public discourse is focused on the shortest of short-term values and encourages the American people to join us politicians in avoiding the most important issues and postponing the really difficult choices.⁴

The inherent difficulty in assessing and formulating environmental policy is not necessarily cause for austere cynicism. Rather environmental policy must be analyzed and evaluated on both practical and reasonable terms. This can be accomplished with a treatment of public policymaking in the government. At what level of government can this treatment be best executed? And how can it be explained?

A vast array of governmental levels could be utilized for such an endeavor. Local, state, interstate, national and international levels of government affect environmental policy. All these levels could be utilized; but, for the purposes of project manageability, the national level of government, as the historical leader in environmental policy, will be emphasized.

What part or branch of the national government would be best suited for this purpose? The legislative, executive, and judiciary branches all interact and overlap in many public policy areas, and the environmental arena is no exception. The

executive branch will serve as the fulcrum for analyzing environmental policy in this undertaking. There are a few good reasons for selecting the executive branch. To begin with, the public itself and institutions throughout society view the President as the symbolic and actual leader on leading policy issues. Many legislative or policy initiatives must originate from the President. Furthermore, the President possesses the power and authority to secure policy efficacy. Thus it may be argued the success of national environmental policy primarily rests with the President. Finally, national environmental policy feedback and outcomes are necessarily channeled through the presidency through mechanisms like public opinion or legislative checks and balances.

The recent developments of the last few decades illustrate how pivotal the presidency has been in shaping public policy on the environment. During the 1970s the Executive's adoption of major environmental and resource policies, such as the founding of new institutions, the most notable of which is the Environmental Protection Agency (EPA), provide evidence why this is true. Policy decisions, such as the management of environmental programs and the spending levels of these programs, are significantly influenced by presidential policymaking. Despite, for example, the Reagan administration's attempts throughout the 1980s to curtail environmental programs, they continued to survive, not only because of congressional support, but also because of the courts and public opinion.⁵

It is safe to say that despite some executive efforts of the twelve previous years, environmental institutions, programs and advances will not be reversed. However, this trend does not deny that the 1990s will be different from the 1970s or

1980s. If continuity in environmental policies is to be maintained or enhanced over the next decade, environmental policies will require careful attention and in many cases creative investigation for more effective and efficient approaches. Important changes in the 1990s also can be expected in the kinds of ongoing and possible different environmental problems that will make their way onto governmental agendas and in the political responses to them.⁶

The political responses to evolving environmental challenges are vital to understanding how these challenges will be addressed and possibly solved. For example, when presidential action moves an environmental problem onto the governmental agenda, what kind of policy outcome can be anticipated? Would the political calculus between the president, Congress, the courts, local governments, interest groups, public opinion, and other political actors jeopardize the environmental goals sought in approved environmental legislation or approved environmental treaties? In other words, when the president and other political actors agree upon environmental policy goals will such goals survive the political process that created them to begin with? In the 1990s can such environmental policy ends be reconciled with the vicissitudes and vagaries of presidential political reality? If presidential policymaking results in either an abandonment or indecision in how to achieve such goals what kind of policy outcomes would result? Finally, would such abandonment or indecision generate across-the-board setbacks for a president in that both environmental policy goals and promises are not sought and kept, and that the perceived political gains from such policy reversals are not actually secured? Within the parameters of the

case areas investigated, this project aims to address the questions posed and provide some answers to these questions.

CHAPTER I

SELECTING A THEORETICAL FRAMEWORK FOR ANALYZING AND ASSESSING PRESIDENTIAL POLICYMAKING

A diverse and impressive range of theoretical frameworks exist for analyzing and evaluating presidential power and policymaking. Different frameworks employ a macro approach, a micro approach or a combination of both for such a task. The macro approach emphasizes the office of the President. The office itself and its concomitant powers are the focus of explanation for presidential action. The micro approach stresses the individual who holds the White House as the key determinant for explaining presidential actions. The main concern centers on the personality and psychology of the individual in power.

A combination of these approaches provides increased depth and breadth in the assessment of presidential policymaking. The challenge now becomes which macro approach to select for evaluating presidential policymaking within the environmental field.

Five macro perspectives on the presidency were scrutinized. These five frameworks included the obligations perspective, the constraints perspective, the statecraft tradition, the anti-aggrandizement perspective and the roles perspective. Each of these categories will be individually discussed.

The obligations approach posits the presidency as vital for policy formation on

national issues. This school of thought identifies an issue (like the environment), defines it as falling unequivocally within presidential responsibility, highlights instances of presidential dereliction, and exhorts current and future occupants of the office to action. Often the presidency is chosen as the necessary source of action because the other institutions of government at the national, state, and local levels are assertedly unwilling or incapable of adequate response.

One example of this sentiment is expressed by Richard Longaker:

Wise and persistent use of the instruments of the presidency - the appointing power, the selective and vigorous use of law enforcement, and the cumulative advances by means of the imaginative application of administrative discretion, to name only a few, can nourish freedom even in the face of Cold War pressures. Executive neglect, on the other hand, may lead to the undermining of the very substance of American Constitutionalism. What must be recognized today is that sustained leadership in the field must originate in White House direction, coordination, and sensitivity. Because the major problems will find their way to the White House, to be dealt with or neglected, here in particular there should be individuals who speak of liberty rather than security and who feel committed to a positive role for the Federal executive ...⁷

The obligations approach places considerable importance on the actions of the president. The president is elevated to catalyst of both conventional responsibilities and virtuous example.

The obligations approach features a dual pitfall. The first problem rests with the assumption that presidential activity can be anything other than beneficial and

humane. Both history and human nature challenge this assumption. While supporters of the obligations approach are not oblivious to human shortcomings and empirical patterns, their view of presidential power is to capitalize on opportunities to use it. The obligationists do not delineate clear criteria between the use and abuse of presidential power - the President is merely obligated to use it. Not surprisingly, events such as Vietnam and Watergate tempered the enthusiasm for extending presidential obligations into new dimensions of public policy.

Closely related to the first problem is the obligationist writer's tendency to construct prescriptions for presidential action without sufficiently addressing potential repercussions from the adoption of their ideas. Likewise, they generally do not highlight political advantages that could be gained from fulfilling recommended obligations. The obligationist project thus renders itself hortatory and academic in its effects on the president. These two factors indicate why the obligations approach would be limited as a framework for assessing and evaluating environmental policymaking. The proponents of this framework exhort at the expense of realistic policy actions.

The constraints perspective adopts a notably different line. The constraintist writers see the presidency as a vehicle for frustration and policy failure. This approach stems from John F. Kennedy's experience as an activist president who proclaimed extensive responsibilities for his office. The inability to fulfill these self-proclaimed responsibilities cast the presidency in a shadow of doubt as an agent for policy transformation. Certainly there is an inclination among those who served in

Kennedy's administration to blame his disappointments on the constraints surrounding the presidency and the president's lack of power to overcome them.

These notions are expressed in works by Schlesinger, Sorenson and Hilsman. Hilsman invokes President Truman's famous comment he made when he reflected upon turning the presidency over to Eisenhower: "He'll sit here and he'll say, 'Do this! Do that!' And nothing will happen. Poor Ike - it won't be a bit like the Army." Hilsman expounds upon this observation:

In the field of foreign affairs, the President's power is immense. His is the monopoly in dealing with other states. But he, too, must build a consensus for his policy if it is to succeed. He must bring along enough of the different factions in Congress to forestall revolt, and he must contend for the support of wider constituencies, the press, interest groups, and 'attentive publics.' Even within the Executive Branch itself, his policy will not succeed merely at his command, and he must build cooperation and support, obtain approval from some acquiescence from others, and enthusiasm from enough to carry it to completion.⁸

A couple of flaws rest with the constraints approach. The theory relies too heavily on the experiences of one administration. What was true for the Kennedy Administration may not be true for other presidencies or future presidencies. The constraints perspective is too narrow for explaining executive policy.

The other problem centers on the assumptions made by constraintist writers. The label of this approach automatically indicates which direction policy execution will take. In other words, presumption rests with policy failure or circumvention. The presidency continually struggles with other branches and institutions for fulfilling

distinct policy ends. Furthermore, the ability of the White House to accomplish its policy goals is limited.

The third theoretical category can be appropriately labeled the statecraft approach. This school of thought traces its roots back to Machiavelli. Prominent statecraft writers such as Richard Neustadt openly proclaim they write in the tradition of Machiavelli. This tradition relies on a hard-headed devotion to the realities of power.

Richard Neustadt's Presidential Power embodies many of the characteristics of the sobering statecraft account of presidential power. Presidential Power outlines key aspects for explaining presidential power: The president wields overwhelming responsibilities; his powers are notably limited; the individual and psychological views of the occupant are significant; and finally, presidents such as Franklin D. Roosevelt with an activist realization of the office are preferable to passive occupants such as Dwight D. Eisenhower. Neustadt does not prescribe structural or institutional changes in the office. Rather, his work is a manual exhorting the President how to maximize the powers already within his realm.

Neustadt explains how these elements constitute his statecraft theme in the book:

The President remains our system's Great Initiator. When what we once called 'war' impends, he now becomes our system's Final Arbiter. He is no less a clerk in one capacity than in the other. But in the second instance those he serves are utterly dependent on his judgement, and judgement then becomes the mark of 'leadership.' Command may have a narrow reach but it encom-

passes irreparable consequences. Yet persuasion is required to exercise command, to get one's hand upon subordinate decisions. With this so nearly absolute dependence upon presidential judgement backed by presidential skill, we and our system have no previous experience...⁹

Hopefully, both citizens and presidents will approach presidential power without fear or histrionics or withdrawals from reality or lurches toward aggression. Regardless of the dangers, presidential power, even in this new dimension, still has to be sought and used.

The statecraft approach does feature distinct merits in the assessment of presidential power and its relation to policy making. The statecraft framework could provide useful guides to an ambitious individual for achieving policy ends regardless of what means are employed. This emphasis on one individual's political skills does place less emphasis on the formal, constitutional powers of the executive in relation to the informal, extra-legal aspects of presidential power. This approach does not provide significant explanatory powers for assessing power and its relation to policy if the individual office holder does not exude his political skills in a given policy area. Such is the case when it comes to President Bush securing environmental policy aims. For this reason the statecraft framework was not adopted for the project.

The next theoretical framework considered can be conveniently labeled the anti-aggrandizement approach. This genre within presidential literature views executive power itself with suspicion. Anti-aggrandizement writers espouse a faith in the Constitution's rendition of the balance and separation of powers between the branches. Thus any trend or arrangement that results in increased powers for the

executive branch is viewed with trepidation.

Anti-aggrandizement writers acknowledge the evolving and challenging problems the United States faces domestically and internationally. But these new and complex problems do not warrant the increase in the expanse and number of presidential roles - especially at the expense of the legislative branch.

Edwin Corwin in his seminal work, The President: Office and Powers, observes what this phenomena entails: "...a long-term trend at work in the world that consolidates power in the executive department of all governments". Thus there exists the possibility of an overreaching executive that encroaches upon the personal and private rights of the citizens. Each president may differ in terms of institutional excesses and abuse of presidential power, but the momentum to the institutionalization of the office is increasingly inevitable unless constitutional and organizational changes are purposely instituted to check presidential power. For example, Corwin advocates that the presidential cabinet be constructed from a joint Legislative Council including influential members of Congress.

The anti-aggrandizement authors seek to limit executive discretion in achieving policy goals. This political prescription could unnecessarily hinder executive latitude in meeting crises or fulfilling an ambitious policy agenda. The environment is such a policy area where such latitude could be essential. Furthermore, the anti-aggrandizement approach is a prescriptive attempt to formally limit the powers of the president. This kind of theoretical recommendation may be well-intentioned but does not address the reality of the contemporary American executive who possesses an unprecedented

degree of policy discretion despite congressional and public efforts to contain such discretion. President Bush has proved to be no exception to this presidential pattern when it came to undermining the very same environmental policy goals he previously supported.

Of all the theoretical frameworks investigated, the roles approach featured the most net benefits. While the roles approach is not flawless, it features fewer disadvantages for explaining and evaluating presidential power and policymaking. In a nutshell, the roles approach is best suited for the purposes of this work.

First, the roles framework is the most prevalent and academically respected way of viewing the presidency.¹⁰ This recognition does not necessarily fiat theoretical superiority, but it does indicate the roles view possesses resilience and flexibility the other frameworks might lack. Moreover, a community of like minded scholars would not rely upon or recognize this framework so consistently. It could actually be labelled the received view of the office.

Second, depending upon the author, presidential roles are arrayed in a range from those provided in the Constitution, such as Chief Executive, to those which devolved upon the office like Chief Diplomat or World Leader or were granted as part of the political socialization process, such as party leader or public opinion leader.

Clinton Rossiter's widely known text, The American President, developed ten such roles for the president, including those of Chief Executive and World Leader.

Another author, Thomas A. Bailey, created an astounding forty-three roles for the president in his work on presidential significance. Bailey designed each role to measure both presidential greatness and to serve as a compendium on presidential responsibility. Contemporary authors such as Byron Daynes and Ray Tatalovich employ five roles in their investigations of modern presidential power. This diverse array in the number of roles that can be created for analyzing and explaining the vast and intricate dimensions of the office of the President indicates a combined flexibility and appeal in utilizing this theoretical framework.

Each role can be construed as a presidential responsibility. Thus any failure to fulfill presidential responsibilities results in institutional crisis. Furthermore, the public anticipates that the president will perform his roles. The president inherits the dual challenge of fulfilling responsibility and exercising power, while at the same time trying to meet or control the public's demands and at times, particularly in the era of powerful special interest groups, its whims. As a result, the occupant of the Oval Office can make a difference in policy formulation, as well as, legislative and implementational outcomes.

Any analysis of presidential policymaking requires references to a myriad of discussions by scholars, journalists, and political leaders. In this project, the analysis of the presidential role in the arena of environmental policymaking is considered via a framework suggestive of a theory of presidential power and policymaking. This framework is adopted from Byron Daynes and Ray Tatalovich in their work Presidential Power. Their framework employs five roles and five determinants. The five

roles include Commander-in-Chief, Chief Diplomat, Chief Executive, Legislative Leader, and Opinion/Party Leader. Each role is designated to measure and explain presidential power in a distinct manner. It is important to note that each role is not mutually exclusive in their function from the other roles. For example, a president could be performing all five roles simultaneously in a given situation. When President Bush spearheaded the Allied coalition during the 1990-91 Persian Gulf crisis, he could be viewed as performing all five roles in such tasks as persuading Congress to approve his executive actions and the concomitant United Nations resolutions. He fulfilled his Commander-in-Chief duties by directing the Armed Forces sent to the Persian Gulf region. He performed his Chief Diplomat responsibilities through enlisting Allied countries to lobby Congress for the approval of using American Armed Forces in combat operations. He executed his Chief Executive functions by seeking congressional support for his military actions as mandated in the Constitution. He acted the part of Legislative Leader in shepherding the legislation through Congress which sought approval for the UN resolutions dictating the possible use of military force in the Persian Gulf area. Finally, he assumed the opinion/ party leader mantle by rallying both his party and the public behind his policy. So a president could be performing one or a given number of the roles simultaneously depending upon the circumstances.

The presidency will be studied in terms of role evaluation within two presidential domains, namely, Chief Executive and Chief Diplomat. It is crucial to stress that these are not the only two roles that could be devised for evaluating presidential

policymaking. As noted previously, a president can be properly viewed as simultaneously engaging in a myriad number of roles depending upon the situation. For the purposes of this project, these two roles are utilized in order to emphasize the roles that have become prominent in the presidential formation of current environmental policy. Moreover, the application of the five determinants will illustrate how both roles take on wide and eclectic policy dimensions. For example, when a president is performing his chief executive responsibilities, his actions are shaped by such considerations as his constitutional authority, the number of individuals involved in his decision making, the advice of his cabinet, public opinion, and whether a crisis is at hand. These considerations demonstrate how roles are adapted to different studies of presidential policymaking depending upon the purposes of the author. Within the confines of this project, the application of the five determinants will reveal how a president will perform opinion/party leader-type and legislative leader-type responsibilities while engaged in chief diplomatic or chief executive responsibilities.

While the roles are the primary analytical typologies, an initial test of the determinants which act as the calculus for ascertaining presidential potential and power, must be made, especially if we are to transfer the framework to substantive policy areas, such as the environment, to test the strength of the presidency. Included in the framework are five determinants which seem vital to determining the power available to the president in performing his roles. This approach has utility when applied to any incumbent during most historical periods; and, regardless of the scope of government activity, it provides a balanced and comprehensive theory of presi-

dential power.

Our investigation is based on two key presidential roles: Chief Diplomat and Chief Executive. A role can be properly understood as a regularly recurring pattern of social interaction that can be described by (1) who expects (2) whom (3) to do what (4) in which situation.¹¹ The employment of role analysis is prevalent in the literature for the presidency. Roles are central in texts written by Clinton Rossiter, Edward Corwin and Louis Koenig, among others. The scholars within this valuative tradition view roles as jobs or functions; they also concur that certain roles are earmarked in the Constitution (ie., Chief Executive) whereas others have evolved upon the president (ie., Party Leader).

For the purposes of this work, a role is that set of expectations by other political elites and the citizenry which defines the scope of presidential responsibilities within a given sphere of action.¹² Each of the two roles emphasized within this project can be identified with a general sphere of action. Chief Executive refers to the complex and ever-changing relationship of the president to his bureaucracy, the advisory system, and to the administration of public policy. The title Chief Diplomat refers to our nation's relationship within the international arena as largely defined by the president.

THE FIVE DETERMINANTS OF PRESIDENTIAL POWER

The dynamics between five factors: authority, decision making, public input, expertise and crisis, determine the political resources available to a president in each

role. The reality that these factors have differential impact on each role explains why a president is more powerful in some roles than in others. Here is a summary of the determinants:

AUTHORITY

Authority can be recognized as the main determinant of presidential power. We can speak of authority to the extent that power has been "routinized" by Constitutional mandate, statutory delegations, judicial precedent, and customary practice. Furthermore, such authority can be passed on from president to president and expanded, unless Congress passes new legislation or the federal courts reinterpret law. It is possible to gauge how much authority the president enjoys in each role by studying the Constitution, judicial precedent, statutory delegations, and customs as they have evolved historically. Customs are authoritative in the sense that they are accepted by the public, opinion leaders, and other branches of government. For instance, the cabinet flourishes as a function of custom and not constitutional mandate.

DECISION MAKING

The president's power is influenced by the number of decision makers involved in creating and executing policy. His power is increased when he shares decision making with few other political actors or centralizes it in and through the Oval Office. The degree to which the president uses decision making capabilities and

processes to wield more power, either as chief diplomat or chief executive, can be important in determining their overall effectiveness and assertiveness in a policy area. Thus, as chief diplomat, a president must address the constitutional duties given to Congress in foreign affairs. However, as chief executive, the president must contend with more actors. This includes his advisors, Congress, the courts, the bureaucracy, governors, and special interest groups. The implementation of federal law often requires the cooperation of these political actors to some degree. The president simply wields more decision making power within the chief diplomat role relative to the chief executive role.

PUBLIC INPUTS

While the president must rely upon close advisors in the decision making process he must also consider those political actors who act as checks on his influence. The president's policy options are determined by the level of political mobilization and deference to the president's viewpoint by the people and various interest groups, also known as public input. For example, public opinion tends to rally around the president when he acts as Commander-in-Chief or, in many instances, Chief Diplomat. In contrast, the role of Chief Executive is more beholden to the maneuvering of clientele groups who jockey to maintain privileged access to government. The influence of public opinion varies from one role to the other, but remains a litmus test, depending on the incumbent of the public's satisfaction or dissatisfaction with policy initiation.

EXPERTISE

A president's power also depends on situations requiring expertise, either his own or his most immediate set of advisors and their set of resources. Needless to say, expertise varies from one Presidency to another and from one situation to another. Expertise refers to any use of information that prevents a president's critics from challenging his policies and actions, including secrecy and data manipulation, as well as expert testimony. Expertise aids presidential policymaking only insofar as other policymakers and citizens acknowledge its direct relevance to policy formation.

As Chief Diplomat, expertise can be vital since a president has near exclusive access to information sources and is able to classify data. Documents such as the Pentagon Papers demonstrate the crucial role of expertise can be in foreign affairs.

It may be argued that expertise is a less important determinant in the Chief Executive role than it is within the Chief Diplomat role. The President can rely on Congressional feedback in the formulation of proposals such as the budget. Moreover, public and private institutions play a pivotal role in the implementation of executive policy, thus diminishing this factor in other roles.

CRISIS

Crisis enhances a president's power and his ability to shape policy particularly under conditions of armed conflict. Crises can provide novel opportunities for a President, allowing him to exercise power beyond expected norms, and maximize the

rallying effect generated by the general public.

As Chief Diplomat, the President may be in a position to protect our national interest. In this role, a crisis can quickly mobilize consensus and a feeling that decisive action is needed. Likewise, for the Chief Executive, crisis can lead to greater exercise of presidential power in order to meet domestic turmoil. In this regard, the Taft-Hartley Act enables the President to delay strikes for 80 days should they endanger the nation. Crises provide unique opportunities for presidents to enhance their power and fulfill policy demands.

DETERMINANT OVERLAP

The five determinant categories are not mutually exclusive. In fact all five determinants could be operative simultaneously when the executive is engaged in the political calculus of constructing policy. In certain situations, the decision making and expertise determinants overlap the authority determinant. This became apparent when Bush adopted the strategy advocated by his close advisors to circumvent the very Clean Air Act provisions he previously endorsed. The determinants are useful guides for analyzing the parameters of presidential power and its relation to policy making but it is important to keep in mind the determinants do not precisely divide the open-ended and sometimes puzzling aspects of executive policymaking.

POLICY ENDS

In order to analyze and assess environmental policymaking within the execu-

tive branch of the federal government, policy ends must be defined. In the instant of this project policy ends, will be defined as the stated goals of the two case areas which will be discussed. In the case area of the Earth Summit at Rio the policy ends will be defined in terms of the summit's stated goals as delineated by the UN General Assembly's Resolution 44/128, which stipulated the summit's purpose was to elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of increased national and international efforts to promote sustainable and environmentally sound developments in all countries. In the case area of the Clean Air Act the policy ends will be defined as the legislation's clean air goals. These goals will be elaborated upon in the third chapter.

THE REAGAN ADMINISTRATION'S ENVIRONMENTAL LEGACY

An analysis of George Bush's environmental record requires a brief overview of the Reagan administration's environmental performance. The reasons for this are self-evident since environmental protection cannot be conveniently parceled out into the four year increments of a presidential term. The political and administrative legacy of the Reagan years had significantly defined the parameters George Bush developed his environmental agenda. But more importantly, the actual condition of the environment throughout the 1980s had dictated many of Bush's environmental policy decisions. This is true despite Bush's 1988 campaign efforts to distance himself from the Reagan administration's ideological and political indifference toward environmental concerns. Moreover, the annual federal budget deficit had also constrained Bush's ability to act on environmental problems. Thus the two Reagan terms set the tone for Bush's first term on environmental policy.

President Bush inherited an array of environmental problems due primarily to eight years of Reagan's fundamentally negligent presidential leadership toward the environment. Reagan's environmental mismanagement plagued his administration from its inception.

Not since the New Deal had any president attempted to redirect American government in such a drastic manner. Reagan believed the government itself was the source of many of the country's problems. This belief viewed the growth of the federal government and its regulatory functions as crippling political liberty and warping the social fabric and economic health of the nation.

In order to remedy the economic and social maladies throughout the country, Reagan targeted the laws developed during the 1970s that covered consumer protection, energy conservation and the environment. Such laws symbolized and epitomized an unnecessary hindrance on the economy resulting in poor economic competitiveness and lessened international prestige.

During the 1980 campaign, Reagan emphasized the theme of revitalizing the economy-through the relaxation of environmental laws and regulations. Campaign tactics ranged from criticizing the Clean Air Act (which was the target in Reagan's infamous statement that trees were a major generator of air pollution) to an endorsement of the sagebrush rebels, a group of ranchers, mining interests and local politicians from several western states who advocated that federal public lands be turned over to their private control. These campaign efforts were spelled out in the Republican platform of "[declaring] war on government overregulation" and the need for "cost-benefit analysis of major proposed regulations."

President Reagan's approach to environmental policy was subordinated to key overriding economic and political objectives. Environmental programs in themselves received marginal focus and were mostly viewed as targets for deregulation efforts. This new de-emphasis on environmental policy was embodied in the newly composed Council on Environmental Quality's first report. The principles to direct environmental policymaking included:

- (1) use of cost-benefit analysis to determine the value of environmental regulations;
- (2) reliance as much as possible on the free market to

allocate resources;

- (3) decentralizing environmental responsibilities to the states;
- (4) continuation of cooperation with other nations to solve global environmental problems.¹³

The administration vigorously pursued the first three goals and ignored the fourth one until the second term.

One of Reagan's first priorities was the creation of the Task Force of Regulatory Relief headed by Vice President Bush. During its initial two years of existence, the task force reviewed hundreds of new and existing environmental regulations, rescinding some and returning many others to EPA and other agencies for further study and modification.¹⁴ In February 1981 the president issued Executive Order 12291, which required cost-benefit analysis of all proposed regulations. The order mandated:

[t]o the extent permitted by law, all agencies must adhere to the order's substantive criteria in their regulations.

These include: (1) refraining from regulatory action unless potential benefits outweigh potential costs to society; (2) choosing regulatory objectives that maximize net benefits to society; (3) Selecting the alternatives that will impose that least net cost to society while achieving regulatory objectives; and (4) setting regulatory priorities to maximize aggregate net benefits to society, taking into account factors such as the condition of the national economy and of particular industries.¹⁵

All agency decision making was thus filtered through economic criteria. New regulatory proposals were required to be submitted to the newly formed Office of

Information and Regulatory Affairs (OIRA) within OMB. This process became a primary method for arresting the creation of new regulation.

Previous presidents had attempted to establish centralized controls over the bureaucracy but Reagan's efforts to create an administrative presidency went much further.¹⁶ Reagan attempted to secure loyalty to his ideology and program via meticulously screening political appointees to agency positions. He appointed unapologetic conservative ideologues such as Anne Gorsuch (later to become Anne Burford in 1983) to head the EPA and James Watt to head the Interior Department, as well as other conservative ideologues to vital positions throughout the government. Most of these appointees came from private enterprise or legal foundations and firms that had opposed various environmental regulation efforts. Very few had sympathy or experience in environmental matters. The result in the early years was a highly politicized and ideological form of environmental administration that drove many senior executives and professionals out of the environmental agencies.¹⁷

This hostile and ideologically charged approach toward environmental policy formation resulted in pitched political battles during the first three years of the Reagan administration that culminated in the forced resignations of both Burford and Watt in 1983. Burford resigned because a House committee sought to subpoena documents from EPA regarding possible political influence in the distribution of waste cleanup funds in California and elsewhere. Acting on White House instructions, she refused to release them on the grounds of executive privilege. This action prompted the committee to cite her for contempt of Congress. As a result, she became the highest

executive official ever so charged. In the ensuing political showdown, President Reagan was forced to relent on the matter of executive privilege. Burford resigned and some twenty other top EPA officials were fired in the spring of 1983.

Watt's departure came in October 1983, after some impolitic remarks about the composition of a commission set up to investigate his coal-leasing policies. By this time, however, it was apparent his stewardship at Interior had little public support to the point where he became an electoral liability. To many, he had come to symbolize the ideological excesses of the Reagan administration during that point in time.

Congress and various interest groups revolted against the Reagan policies from their inception. A bipartisan majority opposed revision of the major environmental statutes, leading to a stalemate with the Reagan administration over the amendment of the Clean Air Act and other significant laws that were up for renewal between 1981 and 1984.

Reagan's initial efforts to achieve meaningful deregulation within the basic framework of environmental law actually failed. The political strategy of seeking changes through the executive agencies and ignoring environmental constituencies and public opinion backfired. Ideological appointees, such as Burford and Watt, proved to be embarrassing when the scandals they coalesced threatened to overwhelm the White House and Reagan's efforts for re-election. Several prominent conservatives such as William Niskanen and Robert Crandall had since indicated the opportunity for transforming environmental regulation was lost due to such political controversies and

the ensuing pro-environmental backlash. Nevertheless significant environmental setbacks occurred. Although the key environmental laws of the 1960s and 1970s remained intact, their implementation and efficacy were undermined by the political turmoil at EPA and other parts of the federal government. Presidential power accounted for this development.

President Reagan assumed no notable leadership on environmental issues during his second term. However, his administration appointed less controversial figures to head the EPA and Interior after the departure of Burford and Watt. This attempt at reconciliation with Congress and environmental constituencies did result in some improvement on the administration's environmental record. For example, Reagan's second term EPA administrator, Lee Thomas, joined forces with the State Department to launch a new effort in worldwide environmental diplomacy. Thomas and his staff played a pivotal role in negotiations leading to the Montreal Protocol of 1987, in which thirty nations agreed to reduce chloroflourocarbon (CFC) production by 50 percent by 1998. Although this goal will probably be unmet, the Montreal accords achieved an important precedent for multinational agreements on environmental protection and can be properly viewed as the Reagan administration's most beneficial environmental accomplishment.

Otherwise Congress largely ignored the Reagan presidency's efforts to stymie domestic environmental regulatory progress. Several major environmental statutes were reauthorized and strengthened, including the Superfund law which Reagan threatened to veto and the new Clean Water Acts which were passed twice over his

veto. Congress did remain deadlocked in other areas including the Clean Air Act and pesticide reform.

TRANSITION TO THE BUSH ADMINISTRATION

The transition to the Bush administration earmarked a shift in the country's political constellation. Unlike Reagan, Bush did not generate coattails and made no Republican gains in the Congress; rather the Democrats increased their margins in both houses. Thus, what appeared to be a conservative victory turned into a split-level realignment, entrenching each party in control of a different branch of government.¹⁸ President Bush realized some degree of bipartisan support was necessary for securing his administration's policy ends.

Bush possessed the credentials to accomplish such a task. He accrued extensive political capital from his career in the House and his various administrative and diplomatic posts. He was viewed by many as a pragmatic consensus builder who appreciated expertise and competence. This perception was hindered by his loyal and positive support for Reagan and his policies. This was true in the field of environmental policy, primarily because of his role as chairman of the Task Force on Regulatory Relief. For example, the League of Conservation Voters proved prophetic when they rated candidate Bush a "D+" on the environment at the outset of the 1988 campaign. His running mate, Dan Quayle, was rated as having one of the worse environmental records in the Senate; as senator he voted on the pro-environmental side of key issues only twenty percent of the time.¹⁹ As a result, Bush faced a

difficult challenge in convincing the electorate he harbored a sincere desire to become the "environmental president".

The pledge to become the environmental president evolved during the 1988 campaign. Bush had been searching for issues in which to distinguish himself from Reagan. One issue that constantly surfaced among his campaign advisers was the environment. In mid-August, the campaign staff, headed by James Baker and pollster James Teeter, decided to schedule Bush for a week of environmental speeches at the end of August and early September.

On August 31, Bush broke symbolically with Reagan's record on environmental policy in a surprise speech at the Detroit Metropark, declaring himself an environmentalist in the Teddy Roosevelt tradition. Bush detailed promises that included the end of garbage dumping by 1991 and to prosecute illegal disposers of medical waste; supported a major national effort to reduce waste generation and promote recycling; promised "no net loss" of wetlands; promise to convene a conference of world leaders to discuss global environmental problems during his first year in office; and called for strict enforcement of toxic waste laws, saying EPA should use its authority to "sue for triple damages" to force operators to clean waste sites.²⁰

The new emphasis on the environment was also crafted to put his Democrat opponent, Governor Mike Dukakis, and his campaign staff on the defensive. Dukakis and the Democrat campaign staff were unprepared for Bush's environmental attacks and were slow in responding. This could be attributed to the Democrat campaign staff's notion the environment was "their" issue. Moreover, they failed to appreciate

growing public concern about the environment due, in part, to the ongoing drought and record summer highs through most of the country. Bush's environmental stance may have been important in keeping some wavering voters from deflecting to Dukakis on the issue.²¹ All survey evidence indicated that a majority of the American public supported a vigorous environmental program either candidate proposed since bread and butter issues were the biggest concern for most Americans.

Bush viewed his victory as an approval for his environmental policies and after the election acted swiftly to start a dialogue with key environmental and conservation groups. He and White House counsel, C. Boyden Gray, met with representatives of thirty environmental groups who submitted a list of more than 700 proposals for consideration by the new administration.²² The transition process developed smoothly, especially in contradistinction to when Reagan first took office. By the inauguration, Bush's environmental agenda, based on his campaign commitments, was reasonably well set.²³

Bush did set out to make good on his "environmental president" pledge. For instance, by December 1988, he nominated William Reilly, president of the World Wildlife Fund and Conservation Foundation, to head EPA. Reilly's selection was warmly received by most environmental groups and Congress. However, budget constraints compelled Bush to hold federal spending in order to hopefully contain the budget deficit. Thus his first budget proposal, for FY 1990, called for the same level of expenditures for environment and natural resource programs as President Reagan had proposed.

Otherwise Bush sought to quickly establish his leadership over environmental policy by proposing specific policy initiatives. Bush realized a new president usually has to act promptly during the first year in office if he is to achieve major domestic policy reform.²⁴ Ironically, the Bush administration held up negotiations for an international conference on global warming until it was embarrassed by revelations that OMB had ordered one of the government's top scientists, Dr. James Hansen of NASA's Goddard Institute for Space Studies, to weaken his testimony before Congress on the greenhouse effect. When informed of this, the president quickly reversed the administration's position and called for a workshop on global warming to be held in Washington.²⁵ This gesture proved to haunt Bush toward the end of his one term presidency.

This episode and others exposed deep rifts within the Bush administration over national and international environmental policy. The Energy, Agriculture, and Commerce Departments, along with the OMB, had often opposed EPA's ideas in cabinet meetings. OMB director Richard Darman, a Reaganite holdover, advocated Bush should jettison his environmental president pledge since the administration could "never make nature lovers a Republican constituency".²⁶ Nevertheless Bush sought to achieve substantive environmental policy changes to make good on his pledge.

This was demonstrated by the most significant environmental initiative taken during the first year: Bush's plan for revising the Clean Air Act, unveiled at a press conference on June 12, 1989, to which environmental representatives were invited. The proposal reflected a protracted clash of interests within the administration that

was finally resolved in favor of EPA chief Reilly by the president and chief of staff, John Sununu.²⁷

These proposals constituted what Bush identified as a new environmental philosophy consisting of five goals:

- (1) to harness the powers of the marketplace.
- (2) to encourage local initiative.
- (3) to emphasize prevention instead of just cleanup.
- (4) to foster international cooperation.
- (5) to ensure strict enforcement; "polluters will pay".²⁸

The third and fifth points confirmed significant distancing from the Reagan administration's approach to environmental policy formation.

The Bush clean air proposals had three main goals: (1) to control acid rain by reducing sulfur dioxide (SO₂) emissions from coal-burning power plants by 10 million tons (nearly half) and nitrogen oxide (NO₂) emissions by 2 million tons by the year 2000; (2) to reduce urban air pollution (especially ozone and smog) enough to meet clean air standards in all but twenty cities by 1995 and in all cities within twenty years; (3) and to reduce emissions of airborne toxins by 75-90 percent by 2000.

Bush's Clean Air Act proposals were almost immediately subject to attacks from industry. The bill sent to Congress on July 21 was weaker than the original proposal on several points, and the White House subsequently failed to defend its provisions on clean automobile fuels.²⁹

Bush did elevate environmental policy after a decade of neglect. Ultimately

this new focus proved to be a chimera dictated by public opinion and electoral motivations. His first major environmental proposal, drastic revision of the Clean Air Act, was both innovative and visionary.³⁰ But future developments reversed environmental advances on clean air.

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CHAPTER II

PRESIDENT BUSH AND THE CHIEF DIPLOMATIC ROLE: AN ASSESSMENT OF CHIEF EXECUTIVE PERFORMANCE AT THE 1992 EARTH SUMMIT IN RIO

OVERVIEW

An assessment of Bush's actions as Chief Diplomat across the five determinants of power and analyzing the intended and perceived actions and the extent they affected presidential policymaking at the Rio Conference will reveal how Bush exercised presidential power in achieving policy goals.

BACKGROUND

From June 3-14, 1992, the wide-ranging, highly publicized UN Conference on Environment and Development (UNCED) - the "Earth Summit" - was held in Rio de Janeiro, Brazil. The Earth Summit confirmed the reality that protection of the local as well as the global environment must be integral to the development process throughout our increasingly interdependent world.¹ Moreover, UNCED marked the 20th anniversary of the UN Conference on the Human Environment, held in Stockholm in early 1972. The Stockholm meeting was the first global conference on the environment - in fact the first world conference to focus on a single issue. Stockholm marked the arrival of the contemporary environmental era and because it parallels UNCED in important aspects it is essential to address what developed in Stockholm.

Acting on a proposal from Sweden, the UN General Assembly called for an international conference to examine, "[p]roblems of the human environment...and also to identify those aspects of it that can only, or best be solved through international cooperation and agreement".² One hundred and fourteen governments sent delegations to Stockholm. The entire Eastern bloc boycotted the conference since East Germany was excluded because of extant political conflicts over the postwar division of Germany. The conference produced a Declaration on the Human Environment, an Action Plan for the Human Environment, and a Resolution on Institutional and Financial Arrangements. The Stockholm declaration contains 26 principles concerning the environment and development, many of which had not yet been formally recorded in internationally recognized texts. Principle 21, in particular, is considered by international lawyers to have served as a precedent for much of the environmental diplomacy of the past two decades; it acknowledges states sovereignty over national resources but stipulates that states have "[t]he responsibility to ensure that activities within their jurisdictional control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction".³ The Action Plan contained 109 recommendations spanning six broad issues : human settlements, natural resources management, pollution of international significance, educational and social aspects of the environment, development and environment, and international organizations.

The legacy of the Stockholm Conference has not been thoroughly analyzed by scholars. However, Stockholm did establish the UN Environment Program (UNEP),

furthered the need for cooperation to reduce marine pollution, and created a global monitoring network. These developments have been cited as lasting achievements. Several authors have argued that the practice of preparing for such a tremendous conference galvanized public opinion and educated governments about what was then an issue of only recent salience.⁴

UNCED was organized in part, to coordinate the divergent paths of environmental protection that nations have forged during the two decades since the UN Conference on the Human Environment in Stockholm. The industrialized countries, to a greater extent, have integrated environmental protection into their policy making process. All now feature environmental specialists, legal and political institutions for evaluating environmental threats and developing and implementing responses. The depth of environmental policymaking capacity does vary among these countries, but, as a group, they have made dramatic progress over the past 20 years.⁵

The developing world has experienced marginal improvement in their capacity to respond to environmental threats, and none matches the capacities found in the environmentally active nations of the industrialized North. The developing South is compelled to view environmental protection inseparably from economic issues. The persistence of severe poverty sustains the continuation of disease and squalor, environmental policies in themselves are unable to enhance either public health or natural beauty. Environmental protection in the South is tied down by the lethargic pace of economic development. The realization of this fact undergirded the conviction of the World Commission on Environment and Development that it is, "futile to

attempt to deal with environmental problems without a broader perspective that encompasses the factors underlying world poverty and international equality".⁶

In 1987, the commission recommended to the UN General Assembly the establishment of UNCED and the Assembly approved the measure in December 1989. Stockholm veteran Maurice Strong of Canada was named secretary-general of the conference. General Assembly Resolution 44/228 which initiated the conference, states that UNCED's purpose was to "elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of increased national and international efforts to promote sustainable and environmentally sound development in all countries".⁷

Most of the preliminary work for the conference was conducted by the Preparatory Committee (PrepCom), which held an organizational meeting in March 1990 and four substantive sessions from August 1990 to April 1992.⁸ The majority of the negotiating was conducted during the fourth and final PrepCom, the "New York Marathon", where consensus was reached on the Rio Declaration and on about 85 percent of the text of Agenda 21. The balance, including the controversial items, were forwarded to Rio for negotiation under the strict deadline imposed by the arrival of most heads of state and ministers at the end of the conference. Also scheduled for signing at UNCED were two environmental treaties that had been negotiated separately and concluded in Spring 1992 on climate change and biodiversity and a nonbinding statement of forest principles resurrected from the wreckage of a failed earlier attempt to negotiate a treaty on forests.

The formal intergovernmental UNCED process produced five documents signed by heads of state: the "Rio Declaration"; a statement of broad principles to guide national conduct on environmental protection and development; treaties on climate change and biodiversity; a statement of forest principles, and "Agenda 21" a massive document presenting detailed workplans for sustainable development throughout the 21st century, including goals, responsibilities and estimates for funding.

RIO DECLARATION

The Rio Declaration was originally conceived of as an "Earth Charter," a statement of environmental principles for national behavior: although the Rio declaration was the only unbracketed text to emerge from the PrepCom meeting, rumors spread throughout UNCED that the United States government would reopen negotiations on the declaration. The strongest U.S. objection was to principle 23, which called for the protection of the environment and natural resources of "people under oppression, domination, and occupation". In a late compromise involving the United States, Israel, and the Arab states, this phrase was retained in the declaration but all references to people under occupation was removed from Agenda 21. The United States accommodated its other objections by issuing a statement of its reservation to several principles, including the right to development, which it said could be used to justify human-rights violations, and the principle of "differentiated responsibilities".

CONVENTION on CLIMATE CHANGE

Because of UNCED's political prominence, many other international environmental debates were merged into the proceedings. These included those of the conventions on climate change and biodiversity, which were not negotiated at UNCED or in the PrepCom meetings but were signed in Rio following separate negotiations. In the case of the Convention on Climate Change, the UN General Assembly passed a resolution in December 1990 that launched the Intergovernmental Negotiating Committee (INC). After five negotiating sessions however, discussions stalled between the United States and other industrial countries, particularly those of the European Community which argued that the convention should contain specific commitments to limit emissions of carbon dioxide - at present the largest contributor to human-induced changes in radiative forcing - to 1990 levels by 2000. The United States argued that such limits were premature and lacked sufficient scientific evidence and that any controls should be enacted comprehensively on all gases altering the climate.

INC Chairman Jean Ripert of France broke the deadlock last May by drafting a compromise document that required industrial countries to design national emission limits and emission inventories and to report periodically on their progress, without targets or dates. Instead of detailed commitments, the countries would accept a circuitously worded goal of returning their greenhouse-gas emissions to "earlier levels" by the turn of the century. All the key participants accepted the convention, which was finalized in May 1992, so that there would be a treaty to sign in Rio. Although the

treaty lacked specific emission targets it contains a very strong objective: "stabilization of greenhouse-gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system...within a time frame sufficient to allow ecosystems to adapt naturally".⁹

CONVENTION on BIODIVERSITY

Discussions for a convention on biological diversity, or biodiversity, which concluded on May 22, 1992 in Nairobi, were initiated in 1988 by the United Nations Environment Program's (UNEP) Governing Council. The issues of biodiversity and biotechnology were originally treated by separate working groups, but were combined to be addressed by a single intergovernmental negotiating committee in 1991, over the objections of the United States and other nations. The treaty features three goals: the conservation of biological diversity, the sustainable use of biological diversity, and the fair sharing of products made from genestocks.

The negotiations were hampered by conflict over the financial mechanism, the sharing of benefits, and biotechnology regulation. For example, France threatened not to sign because it did not incorporate a list of global biodiversity-rich regions; Japan threatened not to sign because it opposed biotechnology regulation. At the last stage, both relented, and only the United States refused to sign the treaty because officials believed that the financial mechanism represented an open-ended commitment with insufficient oversight and control; that the benefit-sharing provisions were incompatible with existing international regimes for intellectual property rights and

that the requirement to regulate the biotechnology industry would needlessly stifle innovation. Although only 30 ratifications were required for it to enter into force, 153 nations signed the convention in Rio.

FOREST PRINCIPLES

Since an early attempt to negotiate a treaty on the protection of global forests failed, the PrepCom added a legally nonbinding declaration on forests to its own agenda. Although some delegations advocated adding a statement to the forest principles that either explicitly called for or excluded a future treaty, the final document merely commits governments to keeping the principles "under assessment for their adequacy with regard to further international cooperation on foreign issues".¹⁰

AGENDA 21

Agenda 21 is the sole document signed at UNCED that attempts to embrace the entire environment and development agenda. It is also the largest product of UNCED, comprising 40 chapters and 800 pages and states goals and priorities regarding a dozen major resource, environmental, social, legal, financial, and institutional issues.

Agenda 21 is not a legally binding document but a "work plan," or "agenda for action," with a political commitment to pursue a set of goals. It has become "soft law," since the UN General Assembly adopted it in fall 1992. Agenda 21 included

estimates of the annual costs of its programs in developing countries from 1993 to 2000, of which about \$125 billion per year will be requested from industrial countries. Agenda 21 also recommends industrialized countries to contribute 0.7 percent of their GNP toward Agenda 21 goals. The United States has not made any commitments to increase ODA (official development assistance) levels to 0.7 percent, and have not shown any signs of fulfilling them.

APPLICATION OF THE FIVE DETERMINANTS TO THE CHIEF DIPLOMATIC ROLE IN THE CASE AREA OF BUSH'S POLICYMAKING AT THE RIO CONFERENCE

AUTHORITY

In terms of the president's chief diplomatic duties, the Constitution of the United States constructs a partnership between the legislative and executive branches in the conduct of foreign policy. Among the shared powers is the prerogative to join in the establishment of commitments abroad, as expressed in the treaty-making provisions of Article II, section 2 of the Constitution, the only explicit reference to international treaty-making in the founding documents. This passage states that the president "shall have power by and with the advice of the senate to make treaties, provided two-thirds of the senators concur..."

The role of the president and his subordinates in the executive branch has always been substantial in the making of treaties, reaching beyond the brief statement of Article II, Section 2. Hollis Barber describes the president's influence:

It is on his initiative and responsibility that the treaty-making process is undertaken; he determines what provisions the United States wishes to have embodied in the treaty; he decides whether reservations or amendments that the senate attaches to a draft treaty are acceptable to him and should be submitted to other parties to the treaty; and even if the senate by two-thirds vote approves a treaty that he has negotiated, he may, influenced by changes of heart or political conditions, decide not to ratify it, and at the last minute file it in his wastebasket.¹¹

The final ratification of a treaty, then lies within the power of the President

and not, as commonly misconceived, the Senate. He is the official who issues the formal statements indicating that the United States considers a treaty in effect and binding.

The president does exercise significant powers although the language of Article II, Section 2 is unequivocal. The Founders made unmistakably plain their intentions to withhold from the president the power to enter into treaties by himself.¹² The Senate was designed to be a strong partner in the making of commitments overseas; yet in recent decades, presidents - and subordinates within the executive branch - have often involved our nation in foreign obligations without the advice and consent of the Senate or the Counsel of the House. Originally designed to be the method to reach agreements with other nations, the number of treaties ratified has been few. Through the aegis of broad constitutional claims, the executive branch has unilaterally entered into several international pacts, without Congressional input or perceived interference.

One notable example comes from the administration of Franklin D. Roosevelt. The president signed an agreement in 1940 with Great Britain (anticipating a German invasion) to provide fifty destroyers in return for selected British naval bases throughout the Caribbean. Such a broad commitment provided legal grounds for a German declaration of war against the United States. The treaty process was circumvented: the president's signature sealed the pact. The method Roosevelt used had the effect of eroding the agreement-making procedure established by the Constitution. This solitary incursion on the Senate's treaty powers provided a precedent for further inroads, from military and economic commitments abroad to those dealing with

transportation, communications, and several other policy areas.¹³

While the president continues to exercise broad discretion in the area of treaty making, Congress is able to influence and participate in contemporary agreement-making endeavors. Congressional responses to executive excesses during the Vietnam era account for some of the executive-congressional cooperation in key foreign policy initiatives. After countless individual expressions of dissatisfaction over presidential dominance in the conduct of the Vietnam War, statutory efforts toward a foreign-policy partnership between the branches has evolved to a limited degree. For example, the Case-Zablocki reporting requirements enacted in 1972 which require the Department of State to report all statutory and executive agreements to Congress within sixty days, have altered the executive's ability to minimize Congressional influence in the crafting of foreign agreements.

President Bush exercised his authority at UNCED with almost no congressional cooperation. Moreover, Bush utilized his treaty-making authority within the vast confines of constitutional mandate, statutory allocation and customary practice, to the extent necessary he believed his domestic political situation required. He signed only the pacts he deemed harmless to his domestic fortunes and ignored agreements viewed as detrimental.

Bush chose an unfortunate path to direct his presidential authority. The United States is viewed as the single superpower on the planet in the post-Cold war era and is accordingly in a unique position to influence most significant international agreements unlike any other nation. UNCED provided an opportunity for the US to exert

its prestige on global environmental policy.

International conferences and institutions are only as effective as governments choose to make them. International efforts to promote environmental protection have been most effective when they enhance governmental concern, provide a forum for governments to harmonize international policies, and improve international capacities to cope with environmental threats.¹⁴

Bush opted not to use his presidential authority to advance US leadership on the agreements addressed at UNCED. On the contrary, heads of state, environmental activists and United Nations officials called in every chit and twisted every arm to encourage George Bush to attend the Earth Summit. What would be the point of a conference on the future of the planet, after all, if the globe's only superpower stayed home? Bush did choose to attend the conference but Rio partisans swallowed a bitter pill.

Bush adopted an intransigent approach to the summit. His domestic concerns dictated to a notable degree the United States resistance to several key agreements. Bush exercised his authority toward such an end. First, the White House weakened the climate-change pact, angering European countries that wanted an agreement with teeth. Then the administration refused to sign the biodiversity treaty, which is supported by more than 120 nations from Germany to India to Brazil, and publicly snubbed its own delegation chief when he made a last-ditch attempt to get the White House on board. Finally, to cap off the chaos. Washington sprang a June surprise: a forest-preservation proposal that alienated just about everyone.

This brittle and hardened use of authority resulted in a noticeable loss of global stature for the United States. The United States alienation of other countries included major allies. Razali Ismail, Malaysia's U.N. ambassador observed: "We believed this [summit] could be a shining example of North-South cooperation. [The [American actions] go against the whole spirit of what we are trying to do here".¹⁵

DECISION MAKING

President Bush possessed a virtual monopoly on the decision making process at the Earth Summit. He channeled most decision making functions through the Oval Office. Political actors, except for top cabinet officials and congressional participants, played marginal roles in the decision making before, during, and after the summit. The ability to centralize decision making stems from the president's treaty making authority.

The president's power is affected by the number of policymakers involved in formulating and implementing a given policy. His power is strengthened when he shares decision making with few other political actors.¹⁶ This notion originates from E.E. Shattschneider's contention that, as the "scope of conflict affecting an issue increases, the expansion in the number of participants in that dispute precludes its control by any group of decision makers".¹⁷ Congressional efforts to persuade President Bush to attend the conference demonstrate how other political actors were distanced from the decision making efforts.

On April 7, 1992, the Senate approved a non-binding resolution urging President Bush to assume a leadership role at the Earth Summit. The resolution (H Con 292) was passed 87-11, paralleled the March 17th House approved version. The Senate measure urged Bush to support international environmental cooperation and inject a "strong and active role at UNCED".¹⁸

President Bush was the only leader among the Group of Seven leading industrial nations who had not, at that point in time, indicated if he would participate

in the conference. The House shared the Senate's concern about Bush's possible non-attendance at the conference. The Foreign Affairs Subcommittee on Western Hemisphere Affairs approved by voice vote on February 4, 1992 a resolution (H Con Res 263) asking the president to personally participate in the conference. Subcommittee Chairman Robert G. Torricelli, D-N.J., observed, "I believe without [Bush's] active participation, the result of the conference could be undermined significantly".¹⁹

Moreover, Rep. Henry Waxman, D-Calif., in a bid to place Congress at the vanguard of global environmental issues, introduced bill HR 4750 which would have mandated reductions in air pollution levels thought to contribute to the greenhouse effect. Waxman contended, "It is time Congress stepped in to mandate that the U.S. take a more responsible position - just as we did in 1990 when the Bush administration was unwilling to support strengthening the international program to protect the ozone layer".²⁰

The congressional resolution mirrored the sentiment of the 157 nations that attended the conference. The United States and other participants, had been engaged in multitrack negotiations for two years, hoped to produce binding international treaties to stem possible climate damage and protect biodiversity and dwindling world forests. A major stumbling block had been the Bush administration's refusal to agree to specific reductions in the U.S.'s carbon dioxide emissions. The administration's resistance was underscored February 6, 1992, when a Gore amendment on the National Energy Security Act (S 2166) regarding carbon dioxide drew a veto threat

forcing Gore to withdraw.

Gore argued, "The United States has been the principal obstacle to progress in the negotiations. On some climate change questions, the lineup has been 139 nations on one side and the Bush administration on the other. The administration's role has been a disaster".²¹

Despite congressional and international pressure, Bush did not immediately commit to attending. By March 23, 1992, he noted that he would like to participate but was constrained by domestic concerns and the presidential campaign. Bush had been buffeted with attacks by conservative presidential challenger Pat Buchanan and by Democrats who criticized him for preoccupation with foreign affairs at the expense of domestic problems.

The conference also began one day after the key June 2 California primary, which the Bush campaign approached with concern. Although California voters are known for supporting environmental issues, some Republican voters were receptive to conservative themes such as Buchanan's "America First" campaign theme. Bush did soundly defeat Buchanan in the primary despite early concerns of a possibly embarrassing defeat or a razor thin victory.

Congress recognized the administration's apprehension about attending the conference in the context of the presidential campaign's political calculus. As Gore suggested, "The president and his advisers should not expect criticism from the Democrats for taking the trip. One reason we put this measure [S Res 87] forward and get bipartisan support was to send that message".²²

But a few Republicans found irony in urging Bush to take on more foreign travel, especially since some Democrats made it a point of criticism. For instance, Robert J. Lagomarsino, R-Calif., argued that Congress had been silent on U. S. participation until the February 4th House resolution and added: "Unfortunately, the Congress has not been silent on the issue of attacking President Bush on his travels outside the country".²³

On the Senate side, Sen. Mitch McConnell, R-Ky., raised concerns about the potential impact of the conference on America jobs and successfully offered an amendment to the March 4, 1992, Senate resolution (S Con Res 89) to discourage Bush from committing to any action that would reduce U.S. jobs.²⁴

Despite the overall bipartisan support, all the opponents to the final Senate resolution (H Con Res 292) were Republican. Sen. Malcolm Wallop, R-Wyo., said, "If global warming is occurring and it is harmful, the [Earth Summit] solution, will do nothing to solve this partial problem".²⁵

Wallop successfully offered amendments that would call for any additional financial contributions from the United States to be voluntary and state that global warming is only a partial threat. The Senate added its resolution (S Con Res 89) to the shell of the similar House-passed version.

The House was more vigorous than the Senate in sending Bush a message of its own. On February 4, 1992, the Foreign Affairs Subcommittee of Western Hemisphere Affairs approved, by voice vote, a resolution (H Con Res 263) asking the president to personally participate in the conference. Within three weeks another

House panel approved a similar resolution. The Foreign Affairs Subcommittee on Human Rights and International Organizations approved a non-binding resolution (H Con Res 2660 by voice vote, calling on Bush to participate in the conference with other heads of state.

The final House version (H Con Res 292) - again approved by voice vote - was stronger in tone than the Senate version. Sponsored by House Foreign Affairs Committee Chairman Dante B. Fascell, D-Fla., it stated that the United States should place a "high priority" on the summit's success through "the personal participation of the president of the United States". The final House resolution encompassed the previous non-binding resolutions approved by the Foreign Affairs subcommittees.

The limited number of outside political actors involved in the decision making process toward the summit enabled Bush to achieve his policy goals on the domestic and international fronts. Ironically, the accomplishment of the goals did not result in the political objectives desired. This unintended outcome of Bush's decision making is reflected in three policy areas. First, Bush and his closest advisors sought to project U.S. leadership at the conference despite early resistance to participating and adopting policy positions known to oppose the policy goals of the vast majority of other countries. Rather than asserting leadership, Bush achieved near universal reproach from international governments, outside political actors, and domestic constituents. Bush sealed the "green vote's" opposition and loss key moderate support in the 1992 presidential election. The administration's hard line on the environment did not win many votes - and may have even hurt the Republicans.

EXPERTISE

Out of the five valiative criteria, the expertise determinant perhaps best reveals why President Bush's approach to the Earth Summit was inconsistent and puzzling. His vacillating approach confirmed in many people's minds that Bush was "wishy-washy" on major policy issues and conducted U.S. foreign policy at Rio in an appalling manner.

In the role of chief diplomat, the president's effectiveness is enhanced to the extent that decision making requires expertise on two levels. First, expertise is dependent upon a monopoly of information sources and knowledge of technical matters. This level of expertise stems either from his own or on his most immediate set of advisors and theory set of resources. Second, the expertise determinant refers to the use of information that denies a president's critics from being able to assess his policies, including data manipulation.

On both levels, President Bush's lack of expertise damaged his chief diplomatic powers at the conference. Of course, he did not possess technical knowledge of the scientific issues underlying the treaties negotiated at the summit nor was he expected to by other political actors and the public. However, his advisors provided conflicting views that resulted in a policy nightmare. This conflict originated within his own cabinet between his conservative advisors who philosophically opposed the summit, and the relatively moderate advisors who recognized the summit as a world historical event requiring his active participation and possible forceful leadership.

His conservative advisors believed his absence from the summit was the best policy option. Otherwise a "stand tall" stance at the summit would hopefully salvage his reelection bid. They viewed the conference almost exclusively through an election lens and opposed most of the conference's agenda on ideological grounds.

This conservative opposition within Bush's cabinet took on different forms from different advisors. Opposition to the biodiversity treaty originated from Vice President Dan Quayle since the treaty featured the developing world's desire for royalties and property rights in return for supplying pharmaceutical companies with the genetic wealth of their forests. For example, the treaty would require a company that developed a drug from snake venom - as Bristol-Myers Squibb did - to share profits with the nation that saved the snake by preserving its habitat.

In an internal memo, the chairman of the Council on Competitiveness, Dan Quayle, blasted the biodiversity treaty, partly because it would "facilitate access to genetic material for environmentally sound uses, [and] promote fair and equitable sharing of...benefits arising from the use of genetic materials".²⁶

The director of the Office of Management and Budget, Richard Darman, treated the invitation to Rio the way people react to a postcard urging them to call a 900 number and find out which of the three prizes they've already won.²⁷ His opposition stemmed from concern about losing conservative and business support. Other opponents included staffers Bill Kristol and Davis Rivkin, domestic policy advisor Teresa Gorman, and economic advisor Michael Boskin.

A sample of the right wing opposition to the conference's agenda and general

spirit captures the motives for these advisor's apprehension about their boss attending the conference.

John Creagan, president of the US Business and Industrial Council, referred to the conference as the "Global Meeting of the New World Order" , since he believed it put politics ahead of science, and wealth redistribution ahead of wealth creation.²⁸

Murray Weidenbaum, director of the Center for The Study of American Business, noted " the Bush Administration will have to brace itself for an unprecedented, outpouring of high decibel, self-righteous, unscientific exaggerations. It is vital that the United States continues to be the odd man out. There is no benefit from joining these other industrialized nations that are trying to carry favor with the poorer countries by advocating extreme positions unsupported by science or economics".²⁹

The moderate advisor's believed his absence at the conference would be more politically damaging than attendance. They recognized the necessity of U.S. participation at a world conference on the environment and development in order to insure U.S. input on such issues and maintain U.S. leadership within the new world order. Moreover, American public opinion, Congress, and most other participating nations supported Bush representing the U.S. at the conference. Without his presence, both the presidency and the country risked embarrassment on the domestic and international scene.

After three months of hesitation, Bush sided with EPA chief William Reilly, national-security adviser Brent Scowcroft, and campaign chief Bob Teeter. Reilly was the number-one booster since he supported an environmental agenda that could make

a reality of Bush's environmental president pledge. He even went as far as suggesting he would resign if Bush did not attend. Scowcroft reasoned it would be a major embarrassment for the leader of a new world order to skip the meeting at which the very concept would be shaped. Finally, Teeter thought it made solid electoral sense to cloak candidate Bush in green.

Bush himself decided to participate since he probably believed it necessary to partake in a forum featuring most of the world leaders. Also the summit provided an opportunity to demonstrate he cares about an issue that most people are concerned about. And as his campaign chief suggested, it would be a stratagem to deflect criticism on him from Bill Clinton and the press.

Both Reilly and Scowcroft invoked the support many business executives extended to the conference. The Business Council for Sustainable Development, which played a prominent role at Rio, includes the heads of international corporations such as Dow Chemical, DuPont, Chevron, and 3M. This council advocates a "responsible" approach to the environment since, "There can be no economic development without environmental responsibility". This lent credence to Reilly and Scowcroft's contention that key interests in the business community championed the summit's agenda or, at the least, business was not unified in its opposition to the conference.

However, Bush predicated U.S. participation on treaty concessions intended to win the support of certain domestic constituents and appease conservative critics. Ironically, these concessions accomplished marginal gains amongst conservative

voters and did not convert any other bloc of voters. Furthermore, Bush confirmed the environmentalist's worse fears about his sincerity on environmental policymaking. From their perspective, his 1988 campaign pledge to be the "Environmental President", became an epitaph of hypocrisy and vacuity.

Bush mistakenly believed he could appease his conservative critics and gain credibility on environmental issues simultaneously. He adopted this line of action by relying on his advisors and seeking to strike a balance between their conflicting views. Instead of gaining the best of both worlds, he inherited the worse of both worlds. The expertise gap damaged his presidency.

PUBLIC INPUTS

President Bush's policy options at the Earth Summit were, in part, dictated by the vicissitudes of public opinion and the pressure of interest groups. Both played a role in Bush's conduct at the summit.

Three developments revolving around the conference illustrate how public inputs shaped Bush's policy making at the summit. First, he proposed a small fund to abet forest protection in order to set forth his own environmental program during the election year and possibly placate critics of his environmental policy making . Second, Bush sought to maintain a reasonable semblance of his pledge to be the "environmental president" in order to campaign credibly on environmental issues. Finally, public opinion polls reflected public cynicism about Bush's handling of environmental policy.

Bush's small fund proposal for rain forests was motivated by the desire to shore up his standing with environmentalists who had attacked his recent decision's regarding wetlands, endangered species, and Clean Air Act implementation. Moreover, his White House advisors believed such a proposal would be Bush's image-sprucing plan for the election. Two days before the earthfest began, Bush proposed increasing funds for international forest programs from \$1.35 billion to \$2.7 billion, and upping the U.S. commitment from \$150 million a year to \$270 million. The rationale was sound: because forests store carbon, saving them holds down the carbon dioxide that contributes to global warming. And if forests are preserved, so are the species that inhabit them.

This proposal was formulated to perform the dual task of dealing with the biodiversity pact and creating a distinct environmental program in time for the presidential campaign. However, this policy created befuddlement and failed to perform the assigned dual task. To begin with no one in the administration could delineate how the funds would be allocated. Would it address so-called root causes of deforestation, such as the poverty that forces people to chop trees for fuel? or would it buy more Jeeps for foresters to drive around Malaysian clear cuts? Previous international forestry plans have left environmentalists skeptical; for example, the World Bank has funded "forestry" projects that contributed to deforestation.

Also the policy was not self-imposed on the U.S. revealing Bush as employing a double standard. The administration proposal offered new money for tropical-forest protection while it continued to permit logging of old-growth forests in the Pacific

Northwest.

Bush's efforts to shore up his 1988 campaign pledge to be the "environmental president" fell short. During the 1988 race, then Vice President Bush vowed to combat the greenhouse effect with the "White House effect", and castigated Governor Dukakis for his inability to clean up Boston Harbor. By 1992, Bush emphasized his election bid before any specific pledges regarding environmental policy. Between the elections Bush did gain good marks for his 1990 Clean Air Act revision efforts but had weakened some of the provisions he supported and thus gained the dismay of the public. The Clean Air Act revisions and other policy decisions left Bush vulnerable to attacks about his concern for the environment. He decided attending the Rio conference could improve public perception toward his pledge to be the environment president.

Unfortunately for Bush, his participation at the Rio proceedings did not alter public opinion to his advantage. A Time/CNN poll conducted in September 1992 confirmed the public's skepticism about Bush's approach to the environment. In this poll, half the respondents said the loss of jobs due to environmental regulations was a "big problem". Yet when asked to choose between protecting the environment and protecting jobs, 48% chose the environment while 36% chose jobs. Forty percent of those questioned said they would be less likely to vote for a candidate if they disagreed with his environmental position even if they agreed on other major issues.

Such poll indicators resulted in electoral defeat for Bush, whose credibility on the issue was not high. When asked whether they felt Bush lied when he said he

would be the environmental president, 60% said yes. The figures were larger among baby boomers (62%) and independents (63%). Among Republicans, 40% agreed he lied about his intentions.

CRISIS

The president's ability to mold policy during crisis typically involves conditions of armed conflict or economic emergency. President Bush's adept engineering of U.S. policy during the Persian Gulf War conflict serves as a recent example of how a president can exercise significant power in the policymaking process and mobilize general public support for a policy. Likewise Franklin D. Roosevelt generated the same success for his New Deal legislation during the economic crisis of the Great Depression.

The Earth Summit did not present a crisis in the military sense of the Persian Gulf War or in the economic sense of the Great Depression. However, several heads of state, various interest groups and segments of the American view the current status of the global environment as an ongoing crisis or as an imminent crisis. From their perspective the summit provided a novel opportunity to address the crisis situation involving the climate, biodiversity, endangered species, development in the South, and so on. The Bush administration was in a position to adopt a similar perspective toward the global environment and thus utilize the prestige of the White House to confront a crisis situation in order to protect the national interest and possibly save the world ecosystem. Such an approach may have lent Bush a rallying point for public support and provide him with increased power in the area of environmental policymaking.

Bush and his advisors failed to capitalize on such a rare opportunity. Bush chose to downplay the crisis nature of the current global environment and opted to

rely on Vice President Quayle's contention regarding the environment. Quayle, as previously noted, argued that the existing programs to improve the environment were more than adequate; that the state of America's air, water, and forests is getting better and that further improvements will come at the expense of jobs.

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CHAPTER III

PRESIDENT BUSH AND THE CHIEF EXECUTIVE ROLE - AN ASSESSMENT OF CHIEF EXECUTIVE PERFORMANCE IN THE EXECUTION OF THE 1990 CLEAN AIR ACT AMENDMENTS

OVERVIEW

An assessment of Bush's actions as Chief Executive across the five determinants of power and analyzing the intended and perceived actions and the extent they affected presidential policymaking in the execution of the 1990 Clean Air Act amendments will reveal how Bush exercised presidential power in achieving policy goals.

BACKGROUND

The federal response to air pollution originated in 1955 when Congress passed the Air Pollution Control Act. This Act authorized the Public Health Service to conduct research and offer technical expertise and financial assistance to the states on air pollution matters. The Clean Air Act of 1963 marked the first major federal initiative toward air pollution containment. Congress crafted the Act to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population.¹ The Clean Air Act enabled federal officials to intervene in interstate air pollution matters only at the request of state governments. However, the mechanisms for enforcing pollution abatement were cumbersome and unwieldy which rendered them ineffective. Between

1965 and 1970, only eleven abatement actions had been initiated under the 1963 Clean Air Act.² Congress amended the Clean Air Act by authorizing the Air Quality Act of 1967. This legislation directed the secretary of the Department of Health, Education, and Welfare to establish the Air Quality Control Regions (AQCRs). Within each region, states constructed air quality standards and emission standards for regulated pollutants. By 1970, of the ninety-one designated AQCRs in the country, only twenty-five had been recognized by the federal government.

These early acts granted state governments wide avenue of discretion with respect to air pollution control enforcement. If state governments are granted deference, the common pool nature of environmental pollution problem presents a regulatory dilemma. Without federal guidelines backed by federal enforcement for uniformity, states have the ability to attract industry by using pollution control, or the absence of pollution control, as a selling point to bring industry within their borders. Under such circumstances, all states in the region could suffer environmental setbacks. A state that hopes to limit polluting activities incurs pollution damage from their neighbors. Air pollution does not respect state borders.

The 1970 Clean Air Act amendments and subsequent amendments in 1977 and 1990 represented substantial expansion of federal involvement in air pollution regulations, especially the common pool problems associated with local control of air pollution. The 1970 amendments directed the EPA administrator to establish "national ambient air quality standards " (NAAQS).³ NAAQS were separated into primary and secondary categories. Primary standards represent "ambient air quality standards

and attainment and maintenance of which in the judgement of the administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health".⁴ Secondary standards are those necessary to protect the public welfare from the adverse effects associated with air pollution.

The 1970 act changes required that uniform national standards of performance be enacted for new stationary sources of air pollution and for preexisting sources that were modified in a manner that increases the emissions of any pollutant. It also required uniform national standards for "hazardous" air pollutants, defined as "Air pollution may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating irreversible, illness."⁵

In 1977, amendments to the Clean Air Act divided each type of AQCR that was attaining the standard into class I, class II, and class III. Class I regions include national parks, wilderness and similar areas. Minute, if any, deterioration in air quality is allowed. In class II areas, moderate increases of air pollution are allowed as long as the resulting pollution does not exceed the NAAQS.⁶

The 1977 Clean Air Act amendments also provided states develop plans by 1982 that would bring air quality for ozone, carbon monoxide and other pollutants up to EPA standards by December 31, 1987. Anticipating difficulty in meeting the standard mandated in 1977, Congress debated over amendments to the Clean Air Act to reduce the standards or grant extensions every year from 1981 to 1990.

In 1990, Congress passed and the president signed the 1990 Clean Air Act amendments. This ended more than ten years of congressional stalemate over the

reauthorization of the Clean Air Act. During the 1980s, a coalition of utilities, labor unions, midwestern politicians, and auto and oil interests successfully prevented any strengthening of the Clean Air Act.⁷ President Ronald Reagan and Senate Majority Leader Robert Byrd opposed new legislation to control air pollution. The election of George Mitchell of Maine as majority leader, a proponent of a stronger Clean Air Act, and President George Bush led the way to tougher legislation.

APPLICATION OF THE FIVE DETERMINANTS TO THE CHIEF EXECUTIVE ROLE IN THE CASE AREA OF BUSH'S POLICYMAKING TOWARD THE 1990 CLEAN AIR ACT

AUTHORITY

A deep-rooted source of friction between Congress and the President is control of the bureaucracy. For almost two centuries, Congress and the president have competed with one another for the power to regulate the activities of departments and agencies. Both branches while operating within limits, have legitimate claims.⁸ The competition between President Bush and Congress over the execution of the 1990 Clean Air Act amendments was no exception to the pattern of executive-legislative friction.

One constitutional approach posits the president is the chief administrative officer of a unified and hierarchical executive branch, capable of directing the activities and operations of agency personnel. They serve as the president's agents in maintaining that "the Laws be faithfully executed". But another approach starts with

the premise that the Congress creates the departments and may specify how laws are to be implemented. Hierarchical rules are displaced by a system of spreading power and instituting checks.⁹ The Constitution empowers Congress to make all laws "which shall be necessary and proper for carrying into Execution" the powers vested "in the Government of the United States or in any Department or Officer thereof".

Since the Constitution directs the president to "take care that the Laws be Faithfully executed," he does have the power to utilize the bureaucracy to achieve his constitutional duties. However, several attorney generals have advised presidents of substantial political and legal constraints that limit their ability to intervene in bureaucratic departmental matters. Even when the president has the power to control the decision of a departmental head, such intervention may be inexpedient and of doubtful propriety.¹⁰ While it is theoretically correct that department heads shall discharge their administrative duties in such manner as the president may direct, it was conceded by Attorney General Edward Bates that it is "quite impossible for the president to assume the actual direction of the multifarious business of the departments".¹¹

On different occasions an attorney general has advised the president that the White House had no legal right to interfere with administrative decisions. For example, President Monroe asked whether he could alter the decisions made by the auditors and comptrollers in the Treasury Department. The advice from Attorney General William Wirt was forthright: "It appears to me that you have no power to interfere...If the laws, then, require a particular officer by name to perform a duty,

not only is that officer bound to perform it, but no other officer can perform it without a violation of the law, and were the President to perform it, he would not only be taking care that the laws were faithfully executed, but he would be violating them himself".¹²

Congress may distribute ministerial functions of government among various bureau chiefs and executive officials without regard to hierarchical principles of public administration.¹³ Neither the president nor any department head could by any degree of laborious industry, revise and correct all the acts of his subordinates. And if he could, as the law now stands, it would be illegal as unwise".¹⁴

In some instances, these legal and formal rules do not prevent the president (or Congress) from interfering with the bureaucracy's autonomous duties. Intervention by presidential aides in rulemaking and adjudication is a subject of serious concern.¹⁵ OMB and White House efforts may appear like reasonable initiatives to coordinate the activities of the executive branch and carry out the president's programs. But ex parte contacts by presidential staffers permit them to gather information privately from industries or from state officials to communicate such information in closed-door sessions with agency decision makers, without the knowledge of other interested parties in the rulemaking process.¹⁶ Responding to this concern, the Justice Department argued in 1979 that there is no prohibition against communication, within the executive branch after the close of the comment period or proposed rules, provided that presidential advisers do not serve as a conduit for persons outside the executive branch to have ex parte communications with agency staff.¹⁷

The Justice Department's guideline relies heavily on self-policing and self-constraint by presidential aides who have a reputation for ignoring procedural subtleties that stand in the way of White House objectives. There exists a strong tradition - expressed in opinions by attorney generals, statutory language, and decisions by the federal judiciary - for agency autonomy in adjudication proceedings. The rulemaking process, while less formulated and structured than the adjudicatory model, also must be conducted in a manner that observes standards of openness and fairness.¹⁸

President Bush exercised his authority in such a manner. Bush successfully maneuvered Vice President Dan Quayle, into a position to interfere with and overrule agency Clean Air Act rulemaking and enforcement. Under the guise as chairman of the President's Council on Competitiveness, Quayle and fellow Council members were able to manipulate ex parte contacts toward suspending and circumventing Clean Air Act laws. This use of presidential authority was perverted to achieve White House political objectives.

Quayle served as the patron saint of American corporations disturbed with Clean Air Act regulation. He aided polluters in undermining regulations by changing the rules after the Clean Air Act amendments were made law. According to Representative Henry Waxman (D-Calif.), chair of the House Subcommittee on Health and Environment, "While Mr. Bush cultivates the image of the environment president, his vice president is part of a shadow-government that works behind the scenes to help polluting industries undermine the law".

Republican vice-presidents have acted in such a capacity ever since Ronald Reagan signed Executive Order 12291 in 1981, claiming for the White House the power to vet federal regulations for their effect on industrial competitiveness. Then Vice President George Bush chaired the Task Force on Regulatory Relief, which boasted among its achievements slowing the phase-out of lead gasoline.

The same was continued by the Council of Competitiveness, which among its permanent members included the secretaries of Treasury and Commerce, the Attorney General, the OMB Director and the Chief of Staff. The council's closed meetings provided a convivial working atmosphere, free from annoying oversight. While the OMB is prohibited from direct contacts with industry, the Council on Competitiveness suffered no such stricture, making it a pipeline into the federal regulatory apparatus for corporate interests.

Thus Quayle, in his capacity as chairman of the council, conferred financial favors on industry, on a national scale and with decision making authority the Founding Fathers never anticipated.¹⁹ Quayle publicly defined his job as keeping the United States "number one in the global markets," but privately he used the post to communicate with secret contacts in industry and to order government agencies to weaken or toss out regulations that displeased corporate executives.

Quayle's pre-emptive power was so considerable he overrule heads of agencies like EPA Administrator William Reilly. The sweeping nature of Quayle's demands began through a memorandum he sent to the heads of agencies and departments on March 22, 1991. He wrote, "At a cabinet meeting last summer, President Bush asked

the Council on Competitiveness to oversee the regulatory review process...I appreciate your help to make sure that [this] process operates to minimize the burden on the economy of all federal regulations. Henceforth, heads of agencies were to send his reviewers any "documents announcing or implementing regulatory policy that affects the public". That meant not only drafts of new regulations but also "strategy statements, policy manuals, grant and loan procedures...press releases".²⁰

An April 12, 1991 report prepared by the staff of OMB Watch (an activist organization in Washington D.C. headed by Gary Bass) said that Quayle's memo "caused widespread confusion among federal agencies". OMB Watch observed, "The Quayle Council reserves the right to review [agency policy] - a factor that will inevitably further politicize agency activities...[The memo] raise the issue of whether the Council intends to take up the role the [Bush] Task Force once played - again acting as conduit to industry. Council staff have indicated that they hope to solicit and receive comments from those affected by regulatory actions, leaving the door open for them to court industry and business interests".

From this starting point, the council's reworking of the federal regulatory apparatus included the following items:

(1) The council killed a regulation that would have required cities with garbage incinerators to recycle a quarter of their trash - even though the White House had once touted the rule as the solution to the nation's solid-waste woes. While the EPA had previously declared that the regulation "would pass any imaginable cost/benefit test", the incinerator industry found it burdensome, and so did the council.

(2) The council suggested more than a hundred changes to the 1990 Clean Air Act, none of which would strengthen it. More potentially damaging, was a proposed loophole (phrased as a minor permit amendment) that would allow companies to set their own maximum pollution levels. Should state governments fail to object to a company's dream limits within seven days, the permits would automatically be revised to suit the polluter's fancy.

Rep. Waxman criticized the council's actions. He observed: "Not only is this horrible policy, it is also flagrantly illegal". He believed Bush should have vetoed the Clean Air Act if he wanted to. "But once enacted into the law, he does not have the authority to revise or alter the legislation. Nor, needless to say does his vice-president".²¹

In its efforts to eliminate government imposed burdens on scientific and technological progress and to protect private property rights from unwarranted government interference, the council had made itself a final court of appeals for polluters.

DECISION MAKING

The decision making determinant assesses Bush's ability to deal with other political actors in the carrying out of Clean Air Act provisions. The 1990 Clean Air Act amendments required cooperation from Congress, the bureaucracy and subnational elites like state governors and legislators. Moreover the role interest groups played in the execution of the Act's provisions will be addressed. In this way we can

assess whether Bush achieved the policy goals of the act through the decision making process.

Bush's approach to Congress was to simply bypass it. This ability stemmed from his use and abuse of presidential authority in authorizing the Council on Competitiveness to oversee the regulatory execution of the act's provisions. Congress viewed this shift in policy implementation as illegal. Henry Waxman (D-Ca.), Chairman of the House Subcommittee on Health and the Environment, expressed this sentiment during the committee's hearings. No law gave the council the right to veto or undercut a pollution control program mandated by Congress; there was no Congressional oversight of his council and no way of knowing what transpired in the council's communications with the regulated companies. Chairman Quayle even refused to send a representative to testify at the Waxman hearings on the council. The only legal rationale for the operation was contained in two executive orders signed by President Reagan in 1981 and 1985. The purpose of these orders, as stated in the preamble was to "insure well-reasoned regulations".²² A Library of Congress study concluded after Reagan signed the first order that he had exceeded his authority in signing it.

Government back-room collaboration with regulated companies now seemed to be fully institutionalized in spite of efforts of Congress to control it. The influence of regulated companies was self-evident in the decision making process. For instance, Congress, seeing the failure of earlier clean air efforts, adopted a different approach in 1990, telling EPA to set standards that already have the best pollution-control

technology. The law orders EPA to regulate 189 specific air toxics by source, and requires the states to step in with their own rules if EPA is late, a scenario industry would oppose.

The new rule would have cut hazardous air emissions by chemical and other factories almost in half. According to the EPA this was supposed to have been final by November 1992. But by August 1992, the OMB had slated the draft for eight months. Since it had not been issued for public comment, EPA could not make the deadline. The OMB draft would have covered most big polluters in the chemical industry, including divisions of many major oil companies.

A number of these companies and their top executives were among the top 100 contributors to Republican presidential campaigns: Atlantic Richfield (topping out at \$862,000), Occidental Petroleum, Coastal Corp. and American Petrofina. Others had become big Republican donors since 1988; Chevron and one of its top lobbyists have given \$272,000 since Bush took office. Overall, those companies with a direct stake in the conflict over air toxins had given more than \$3.2 million to the Republican Party between the 1988 and 1992 elections.

The affected industries were concerned about the precedent the rule would set as the first major air toxics regulation. The Chemical Manufacturers Association (CMA), the American Petroleum Institute (API), and individual companies immediately began lobbying the EPA and OMB. Some, including representatives of Chevron and Air Products and Chemicals, had met with EPA staff.

The council was believed to have influenced OMB in shuttling the rule. API

and others had mentioned the rule in comments on regulatory burdens they confront. In June 1992, after a protracted squabble between the council and EPA, Bush agreed with the council that another Clean Air Act rule should allow factories to increase their emissions above permit levels without notifying the public. Many of the same corporations that lobbied the White House during that debate are also seeking to shape the air toxics rule.

"We think [cost considerations] is a complete perversion of the statute and our general counsel has told [OMB] that a couple of times," observed one EPA source involved in the process.²³

State governments also played an instrumental role in the derailing of EPA execution of the act's mandates. As noted previously, Congress gave the EPA two years to issue technical and legal regulations covering a host of emissions in order to initiate the cleanup process. EPA's regulations would then guide states as they create plans to reach emission targets. Congress initially appropriated \$400 million for the act, earmarking \$137 million for EPA to give to states as grants.

The state implementation plans are "the heart of the new Clean Air Act...the linchpin on which the whole act rests, " says Deborah Sheiman, resource specialist at the National Resources Defense Council (NRDC).²⁴ However states have a great deal of freedom to interpret the federal regulations in preparing the plans, and that may have opened the way for tight state budgets and special-interest lobbyists to sidetrack the act's designs.

For example, coal-producing Ohio, a state with heavy manufacturing, a

Republican governor in 1991 who was the bane of environmentalists, and a coal-based electric utility industry, successfully sidetracked the act's designs. Former Ohio Environmental Council director Steve Sedam thought the motto of the state EPA was to "work with polluters" to reduce fines and ease compliance rather than impose fines or develop strict compliance procedures.²⁵

Like several states, Ohio faced a severe budget shortfall. As a result the general assembly had proposed to cut the Ohio EPA budget 25 percent just as its Clean Air plans were coming due. At the same time, Ohio utilities were lobbying for a 135-day limit on the time the state could take to review the permits for solid waste generated by scrubbers. This limit would overburden an understaffed EPA. As a result Ohio cut corners in implementing the Clean Air Act, something Congress did not plan.

Finally, the EPA itself was hampered by the resources allocated to itself by Congress and Bush. Acting on the will of Congress was challenging because of the time proven maxim, "You get what you pay for".

An estimated 2,200 EPA employees work at least part-time on various aspects of the act, the quantity of new regulations and technical analyses threaten to overwhelm staff, many of whom arrived at the agency as a result of the 1990 amendments. For instance, the acid-rain division did not exist before November 1990. Yet states were supposed to cut sulfur-dioxide emissions 40 percent from their 1980 level by the year 2000, and Congress gave the division's 30-plus staff members only until September 1991 to propose ways to achieve the goals.

EXPERTISE

How Bush relied on his advisors (and the information he received from them) can provide insight as to why the policy ends of the Clean Air Act went unfulfilled. The authority determinant revealed how Bush utilized nonlegal executive devices to sabotage bureaucratic and Congressional efforts to secure the acts' aims. Both the authority and decision making determinants illustrated how Bush pushed his political goals over environmental and health objectives. The expertise determinant will demonstrate how his advisors treated data and interacted with each other in producing the anti-environmental policy.

Bush designed the Council of Competitiveness to achieve the policy ends he believed necessary for his political survival - reelection in the 1992 presidential campaign. The original council alone showed the importance Bush attached to it: Chairman Dan Quayle, Vice President; John Sununu, White House Chief of Staff; Dick Thornburgh, Attorney General; Nicholas Brady, Secretary of Treasury; Michael Boskin, Council of Economic Advisers Chair Richard Darman, OMB Director; Robert Mosbacher, Secretary of Commerce.

Moreover, a key member in the council's deregulation scheme was C. Boyden Gray, presidential counsel to Bush. Gray headed a Quayle working group on regulatory policy. Gray's White House/industry connections go back to the early 1980s, when he was counsel to the Reagan deregulation task force. At that time Gray developed a hit list of regulations destined for oblivion in what became known in Washington as the "black hole". He was instrumental in siding with industry in

Clean Air disputes and refused to provide information on the council's actions to the Congress or the press.

The council overruled EPA Clean Air implementation efforts. One of the major disputes between William Reilly, the EPA chief, and the council was decided in the councils' favor by Bush since he decided to endorse the council's actions, blocking Clean Air Act rules that would have required businesses with pollution permits to submit to public hearings before increasing their emissions.

Reilly argued citizens must have the chance to challenge any changes contemplated by industry, indeed the act makes it a legal requirement. The Council disagreed, and its word was final. The defeat for citizen participation in enforcing environmental policy was serious. Reilly and the vice president made the issue a test of wills, and Reilly lost - because of the president.²⁶

Quayle and the council were not qualified to evaluate or revise these sorts of regulations, a task that requires expert knowledge of pollution-control technology and the effects of pollution on the human body. Neither were the staff at the OMB's Office of Information and Regulatory Affairs, who reviewed the regulations for Quayle and whose specialties were in such areas as economics, public administration and law. Quayle and his council relied on the environmental perspectives of industry's experts.²⁷

PUBLIC INPUTS

Public opinion did play an important role in Bush's approach to the Clean Air

Act. Both Bush's support for the act's amendments in 1990 and his subsequent efforts in 1991 and 1992 at derailing the amendments were politically motivated at gaining public support and reflecting public opinion. What distinguished his 1990 performance from his 1991 and 1992 efforts was that Bush and his advisors gauged public opinion better in 1990 than in the latter years. Bush believed assuming a pro-business stance and an aloofness toward environmental issues would improve his chances for reelection in 1992. However, the results of the 1992 election proved Bush's calculation wrong.

In 1990 Bush recognized public opinion supported tougher environmental laws in order to meet environmental problems. Bush and many lawmakers had invested substantial political capital in their environmental records.²⁸ And in an election year, no one wanted to face the voters empty-handed. Thus the 1990 Clean air Act's passage could be attributed to broad public support for addressing environmental problems.

Beginning in 1991, Bush did an about face and started the process of eroding the act's provisions. In part he did this in the belief that this form of deregulation would spur the economy out of the ongoing recession. Also he needed to shore up his support among conservatives and business groups angry at his "No new taxes reversal at the 1990 budget summit. This culminated in the 1992 campaign strategy to portray the Clinton-Gore team as an eco-driven ticket hostile to business and potentially harmful to the overall economy. Bush and Quayle wanted to paint themselves as business-friendly and better able to handle the economy. Environmen-

tal issues would have to take a backseat to other pressing issues.

Bush relied on his advisors in adopting this policy and campaign approach. Unfortunately for him, the public was not receptive to his message. Public opinion still indicated support for an improved environment even during periods of anemic economic growth. Moreover, the public did not perceive Bush as reliable on the environment.

CRISIS

Enforcement of the 1990 Clean Air Act did not constitute a crisis situation, at least in the conventional sense of the term - a national emergency was not at hand. This does not deny some supporters of the Clean Air Act view current air pollution levels as a crisis situation. However, it is difficult to conclude whether an air pollution crisis exists and if it does, is it a short-term or long-term one, and is it possible to decouple the short-term implications from the long-term implications, etc. Regardless of the scientific community's consensus and public opinion toward air pollution, Bush did not see enforcement of the act's provisions as a crisis type situation.

ENDNOTES

1. Congressional Digest, March 1990, 66.
2. Walter Rosenbaum, The Politics of Environmental Concern, New York: Praeger, 1973.
3. In 1970, the US Environmental Protection Agency was created to consolidate all Federal pollution control programs.
4. 42 U.S.C. Section 7409 (b) (1).
5. 42 U.S.C. Section 7412 (a) (1).
6. States were permitted to reclassify a class II area as a class I area or as a class III area to allow for industrial development provided air quality standards would not be violated. Class III designation allows air quality degradation up to the NAAQS.
7. Zachary Smith, The Environmental Policy Paradox, Englewood Cliffs, N.J.: Prentice Hall, 1992, 78.
8. Louis Fisher, The Politics of Shared Power: Congress and the Executive, Washington, D.C.: Congressional Quarterly Press, 1993.
9. Fisher, 121.
10. Attorney General Edward Bates, 10 Op. Attorney General 526 (1863).
11. Ibid. at 527-28.
12. Attorney General William Wirt, 1 Op. Att'y Gen. 624, 624 (1823).
13. Fisher, 143.
14. Ibid., 143.
15. Paul Verkuil, "Jawboning Administrative Agencies: Ex Parte Contacts by the White House," Columbia Law Review 80 (1980).
16. Fisher, 145.
17. Legal Times of Washington, January 29, 1979, 32.
18. Fisher, 146.
19. Nation, July 29/August 5, 1991, 141.

20. Ibid., 160.
21. Sierra, September/October 1991, 43.
22. Nation, Jul/Aug. 1991, 142.
23. Common Cause Magazine, Fall 1992, 7.
24. Technology Review, Oct. 91, 20.
25. Ibid., 20.
26. Las Vegas Sun from the St.Louis Post Dispatch, 5/12/92, 6B.
27. Nation, Jul/Aug 91, 162.
28. Business Week, March 5,1990, 27.

CHAPTER FOUR

CONCLUSION

Through comparing and contrasting the chief diplomatic role and the chief executive role it becomes self-evident that President Bush did not achieve his policy aims in the environmental area. This analysis will be conducted on the level of each of the determinants.

AUTHORITY

Within both roles Bush utilized his authority for political ends and not environmental policy ends. When Bush performed the chief diplomatic role at the Rio conference he took full advantage of the authority invested in him to make treaty obligations. He refused to sign any of the original versions of the pacts negotiated despite international and domestic pressure to do so. Unless the pact contained provisions that he believed did not interfere with his political survival, he did not exercise his authority toward committing to such an agreement.

Likewise Bush did not exercise the authority invested in him to execute the Clean Air Act revisions. He was able to succeed in this endeavor for a few basic reasons. First, the constitutional provisions to "execute" laws permits any president some latitude in how to carry through the project of executing. Until a court decision or a revision in the affected legislation "checks" the president in this regard, he is

able to pick and choose how to enforce the law. This aspect of authority leads to another reason why Bush was able to exercise presidential authority to his perceived political advantage - neither Congress nor the courts had the authority to call Bush on his possible Clean Air Act circumventions before he lost his re-election bid in November 1992. This turn of events rendered moot whether the Council of Competitiveness engaged in unconstitutional acts or if the existence of Council itself was extra-constitutional. Bush did take advantage of the "quasi-custom" of creating presidential councils to achieve the political goals of the executive branch that could not be obtained through other political and constitutional means. This recent development has expanded presidential authority and has yet to be successfully challenged by the other branches or other political actors.

Thus Bush utilized presidential authority for political ends when it came to environmental policy. Environmental policy ends were only sought when it was deemed politically expedient - in other words when they coincided with political objectives.

DECISION MAKING

Bush's decision making in terms of environmental policy ranged from devious to mercurial. Both roles revealed a stark contrast in how Bush decided his administration's approach toward the environment would be. Within the chief executive role Bush strived to be subtle and surreptitious in his approval of Clean Air Act circumvention. On the other hand, within the chief diplomatic role, he made decisions in a

defensive and reactive manner. He sought to appease his conservative critics and supporters of the Rio environmental agenda but ended up appeasing neither.

Bush, in effect, employed a good cop-bad cop stratagem to undermine the Clean Air Act provisions he had supported earlier. He hoped to stage Quayle as the bad cop and himself the good cop. In order to execute this plan he assigned Quayle the same role he assumed when he was Vice President - chairman of a presidential-created council designed to achieve executive political goals which were not obtainable through established constitutional, bureaucratic and political means. Quayle would directly oversee the usurpation of the Act's intent under the guise of championing the business and economic interests of the nation. While Quayle performed this task, Bush could stand on the sideline and project some reasonable semblance for concern about the environment. His actions and the evidence at hand indicate he wanted to claim credit for the 1990 Clean Air Act provisions in order to prove his environmental credentials to his skeptics, but also dismantle key Act provisions in order to sustain the support of conservatives and major contributors. The actual political outcome was mixed.

Bush's gambit to secure conservative support did achieve some success. He was able to capture the conservative vote in the 1992 election and renew even better contribution levels compared to his 1988 campaign. Nevertheless he lost the election. A whole host of factors contributed to his election defeat and one policy area Bush received a significant negative rating was the environment. His policy maneuvers did not ring true in the eyes of the public and Congress. As President, he had to assume

responsibility for the Councils's actions. His attempt at schizophrenic policymaking did not succeed.

While Bush was at least determined to retract his Clean Air commitments, he proved indecisive and vacuous in his decision making within the chief diplomatic role toward the Rio conference. The performance was a notable departure from the chief executive who crafted a subtle effort to walk the Clean Air tightrope and a polar opposite from the chief diplomat who displayed exceptional decision making capabilities in assembling international, congressional, and public support behind the Persian Gulf War effort. During the Persian Gulf conflict Bush initiated the effort, executed it, and fulfilled his policy objectives. In contradistinction, Bush was led by the public, Congress, and other international leaders into participating at the summit. His resistance to attending stemmed from conflicting staff advice and his campaign team's misunderstanding of public sentiment toward the conference. Needless to say, Bush conditioned his participation on securing varying treaty concessions in order to achieve what he deemed were vital political assets for winning re-election. So, through crude political means, Bush actually employed his decision making capacity to achieve dubious policy ends - a pyrrhic victory. Thus Bush's decision making reflected almost exclusive concern for political self-preservation and not environmental policy ends.

EXPERTISE

This determinant is intrinsically closely connected to the decision making determinant, and in the case of Bush's environmental policy making a virtual mirror. In both roles, the expertise determinant proved a vital factor in the outcomes of his environmental policy decisions.

Within the chief executive role, Bush relied heavily on Quayle's Council to handle the detail work of using dubious legal means to spark the economy and rescue his fading re-election hopes. The Council's strategy included gutting the Clean Air Act to both renew key business support and calculating environmental relief burden would help drive economic recovery. Bush was deft at elevating Quayle's policy recommendations over Reilly's.

In juxtaposition, Bush's inability to command leadership at the Rio conference reflected the deep divisions within his staff. He was genuinely at a loss whether to heed Scowcroft's advice vis-a-vis Quayle's. In this situation expertise broke down on him.

PUBLIC INPUTS

Public inputs influenced the two roles differently. Bush and his team did not know how to respond to public opinion to their advantage. They knew the reversal on the Clean Air Act promulgation would antagonize the general public and attempted to shield Bush from the about face and also redefine the actions as necessary for aiding economic recovery. This strategy was an attempt to redirect public opinion.

This approach was also adopted for the Rio conference. Public opinion favored United States participation in the conference and support for the conference's agenda. Again Bush and his advisors believed his re-election hinged on emphasizing economic recovery over a meaningful environmental program. Thus he attended the conference after gaining concessions that rendered major portions of the varying pacts weak. His attendance, in part, was a sop to public opinion but his performance did not convince the electorate his efforts were sincere. The Bush team miscalculated assuming a recalcitrant stance would shift public opinion to Bush's advantage in the re-election effort. Thus Bush was never able to get a handle on how to respond to public inputs or redirect public opinion to his advantage.

CRISIS

Bush's performance within both roles and cases reveal he did not view environmental policy as addressing a crisis situation. Nor did he define the immediate and future condition of the environment as a crisis and rally support behind an executive initiative to meet such a challenge. That kind of effort may have shored up public opinion to his favor. Relying on staff advice, he instead attempted to defuse concern about the current status of the environment and its future. This approach backfired and hurt his credibility on environmental issues.

This investigation indicates Bush was ineffective in both defining the goals of his administration's environmental policy and utilizing the tools necessary for

fulfilling such policy goals. He did not reconcile himself to the public positions he forwarded with his political ambitions. As a result, substantive environmental progress was stalled but, ironically, his political ambitions were frustrated.

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