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## Terrorism and political policy: Crisis and \*policy making indicators in the media during legislative action

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**TERRORISM AND POLITICAL POLICY: CRISIS AND  
POLICY MAKING INDICATORS IN THE MEDIA  
DURING LEGISLATIVE ACTION**

by

**James David Ballard**

**Bachelor of Arts  
Jacksonville State University 1991**

**Master of Arts  
Jacksonville State University 1992**

**A dissertation submitted in partial fulfillment  
of the requirements for the degree of**

**Doctor of Philosophy  
Department of Sociology  
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**Graduate College  
University of Nevada, Las Vegas  
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**Dissertation Approval**  
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Terrorism and Political Policy: Crisis and Policy Making  
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Doctor of Philosophy

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## **ABSTRACT**

### **Terrorism and Political Policy: Crisis and Policy Making Indicators in the Media During Legislative Action**

by

James David Ballard

Dr. Barbara Brents, Examination Committee Chair  
Professor of Sociology  
University of Nevada, Las Vegas

This study tested three political sociology policy making theories with relation to the media coverage of an act of political violence and the affiliated policy formation processes related to this event. To test the three theories, a case study was conducted on the bombing of the Alfred Murrah Federal Building in Oklahoma City on April 19, 1995 and the subsequent policy enacted under the auspices of the Antiterrorism and Effective Death Penalty Act (AEDP). The case analysis focused on several preexisting policy debates, the media coverage immediately following the bombing, and subsequent policy discussions leading to the passage of the AEDP. While limited support for corporate liberal and state autonomy theories was found, the overall findings of this study indicated that state-centered theory offered the most explanatory value for the events prior to and after the bombing in Oklahoma City.



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## ACRONYMS

ABA	American Bar Association
ABC	American Broadcast Company
ACLU	American Civil Liberties Union
AEDP	Antiterrorism and Effective Death Penalty Act of 1996
ASIS	American Society of Industrial Security
ATF	Bureau of Alcohol, Tobacco, and Firearms
BAC	Business Advisory Council
CBS	Columbia Broadcast Service
CDT	Center for Democracy and Technology
CED	Council for Economic Development
CFR	Council for Foreign Relations
CNN	Cable News Network
DEA	Drug Enforcement Agency
DoD	Department of Defense
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
GTE	General Telephone and Electric
INS	Immigration and Naturalization Service (a.k.a. Immigration)
IME	International Manufactures of Explosives
IRS	Internal Revenue Service
ISA	Interactive Services Association
NACDL	national Association of Criminal Defense Lawyers
NAM	National Association of Manufactures
NBC	National Broadcast Corporation
NRA	National Rifle Association
PLO	Palestine Liberation Organization
SAAMI	Sporting Arms and Ammunition Manufacturers Institute
STATE DEPT.	Department of State.
TREASURY	Department of Treasury
UNLV	University of Nevada, Las Vegas
WTC	World Trade Center, New York City

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## PREFACE

The spectacle of political violence has always held a fascination for me. I think my interest in such politics stems from watching television coverage of airplane hijacking's, the Munich Olympic massacre, and other acts of extreme violence in the name of some amorphous political cause. My journey to the study of terrorism as a dissertation topic was long and difficult (as it is for many who try to write one of these damn things).

After leaving high school in 1976, I was undecided about my future. I tried to find some direction at El Camino Community College in Torrance, California. In particular, I tried to find guidance in such classes as cost accounting and political science. After a torturous summer internship in sweat shop accounting, I settled on political science as my future path, albeit a path interrupted by the desire for gainful employment

After returning from a stint as a furniture manufacturing entrepreneur overseas, I returned to my birth state, Alabama. This was an attempt to regain some of the sense of rural community life my parents talked about during my childhood. In 1987 I enrolled at Jacksonville State University and began taking a wide variety of classes. My desire for a deeper understanding of the political world remained since my first taste of college, but until then my education was strictly related to employment needs.

The literature, sociology, statistics, geology, and other classes I became immersed in seemed to be just the right medicine at the time.

During this exploration, I was fortunate enough to take classes from a trio of great sociologists. They offered me some answers to questions about my society and the political trouble that held my fascination. They advised me to study violence, crime, political decision making, theory, and statistics in preparation for a graduate education in sociology. I soon started calling myself a future political sociologist and criminologist. Thank you Dr. Friery, Dr. Hill, and Dr. Adams.

After completing my undergraduate education in sociology, I took a different path in my MA program. During this time, such classes as Marxist Economics and American Politics added to my political education. These speciality classes led me back to sociology and my choice of the University of Nevada, Las Vegas for my dissertation research.

Once in Nevada, I found wonderful teachers who fed my hunger for more knowledge of political sociology and who encouraged my integration of ideas from criminology into the study of political violence. Thanks to Dr. Carns and Dr. Dickens. With their support I started doing my own research on nuclear related terrorism and eventually found my dissertation topic.

During this same time, I was kindly offered the chance to travel to Scotland and work with the Rand Corporation and the Saint Andrews Centre for the Study of Political Violence and Terrorism. On this same trip, I was able to visit one of the most volatile political sites of struggle in the last 25 years, Northern Ireland.

Right before I left on this trip to the United Kingdom, the Oklahoma City bombing occurred. I watched the coverage of the tragedy, cried for the victims, and cursed the perpetrators. Like so many, my initial reactions were shock, anger, and fear. I also started to critically engage the television presentations offered. I did so with the theoretical and methodological training I received in graduate school. I collected as much information on the bombing as possible, in the hopes that someday I could make sense of the anger, hurt, and fear I felt.

Once I left for the United Kingdom, I continued the collection of data and searched for relevant ideas on terrorism while visiting Scotland and Northern Ireland. In some small way I tried to recognize the intersection between my feelings of loss and pain to the way many people in Ireland felt after years of living with terrorism and political violence. As C. Wright Mills (1959) asked us to do, I juxtaposed my personal problems to those of others and sought some larger sense of the issues involved in the tragedy I had witnessed on the evening news. What follows is my attempt to bring some order to the maelstrom of emotions and fear I experienced after the Oklahoma City bombing. Hopefully this text offers an analysis that is more encompassing than my individual response. It is my hope that we can learn from this tragedy and maybe in that knowledge, we can find ways to prevent the next tragedy.

My education, and this dissertation, would not have been possible without the blessing and support of many people. First, I would like to thank my parents, George and Ellen Ballard. Their love, and unyielding motivation, gave me the strength to do what no one in my family has ever done - finish a university education. I am also



grateful to my siblings, Patsy, George and Rodney, who from the beginning have been my biggest fans. I thank them all for their love and support.

I would like to express sincere appreciation to those wonderful educators on my dissertation committee (Barbara Brents, Maralee Mayberry, Andrea Fontana and Tom Wright) who gave so generously of their time and energy. I am deeply in debt to Barb Brents, my Chair. Her editorial and emotional guidance were priceless; I genuinely appreciate her strong commitment to my educational goals and this project. Maralee Mayberry is also deserving of special thanks. She helped me understand the importance of political sociology and by example, gave me valuable lessons in the art of honor, commitment, and friendship. Lastly, to James Frey, my Department Chair at the time, is most deserving of my generous thanks for his time and effort on behalf of my future career.

Within the UNLV Sociology Department, the world's two best secretaries, Veona Hunsinger and Susie Lafrentz (now moved to greener pastures), deserve my thanks. I can only hope my passing through this university has offered them half as much joy as their friendship has offered me.

Three special women in my life are worth singular mention. First Kathy, wherever you are, thanks for the motivation to succeed in academia. You were the first true love of my life and you made me believe in the power of love. I was thunder struck by you from the first moment we met. To Dorothy, thanks for being my special friend. Years later my quick decision to ask you out seems so right. Thanks for the gift of your friendship - it is like poetry in my heart.

Lastly, to my dear wife Donna: You have brought love into my heart at a time when it was most needed. How did you know? Years from now we will look back and still not be able to understand that question. Thanks for being the love and light filling my world.

I would also like to thank my many friends, who have been ultimate providers of support and encouragement. First to Bill Miller and his lovely wife Colleen: Thanks for all of your friendship and love during times of happiness and sorrow. In addition, I have many exceptional friends to recognize for their endearing service to the production of my wacky self. These special people include Cliff "Bro" Brady, Mike "Boss-man" Holman, Cyndi "The Poet" Nelson, Chris "Sushi-man" Taylor, Kristin "The Cook" Kampschroeder, John "Get Thee to Ireland" Kerrigan, Agnes "Thank you" Baro, Kathy "The Healer" Bailey, Kris "The Shark" Mullendore, Bob "Hatman" Mayberry, and Bonnie "The Editor" Marshall. Unlike some who call themselves friends and forsake the bonds of fellowship at the first sign of trouble, these few were there when I needed them. Thanks.

## CHAPTER 1

### INTRODUCTION

In the aftermath of recent terrorist attacks like the downing of Pan Am Flight 103 over Scotland, explosions in the parking garage of the World Trade Center in New York City, and the truck bombing of the Alfred P. Murrah Federal Building in Oklahoma City, terrorism and political violence have emerged as the most perplexing social problem currently facing policy experts, lawmakers, and politicians. Intelligence and law enforcement agencies like the Federal Bureau of Investigation (FBI) and its parent organization, the United States Department of Justice (DOJ), decry the lack of resources and authority necessary to protect American citizens from the threat of such violence. Politicians, agency managers, media pundits, and the general public denounce terrorism related violence and bemoan how violent political acts undermine the legitimate authority of political structures. This is a familiar cry to Alfred McClung Lee, a terrorism scholar, who once wrote:

Sensational acts that appear to threaten 'law and order' seize the attention of government policy makers and administrators. Theft, arson, murder, and terrorism - even non-violent but substantial representation of dissent - demand immediate attention (1983: 5).

To some policy makers, violent political actions are seen as a direct challenge to the legitimacy of existing power distributions and the authority vested in both the positions

of power and those commissioned to manage power. This research project will explore what happens before and after a specific violent political action as persons in positions of power attempt to manage the crisis by introducing policies designed to restore or maintain public confidence. Specifically, this study analyzes the creation of the Antiterrorism and Effective Death Penalty Act (AEDP) signed into law in 1996. The AEDP passed a series of provisions designed to combat terrorism activity and included restrictions on fund raising, immigration reforms, policies regarding computer technology, proposals regarding nuclear, biological, and chemical attacks, explosives regulations and procedures regarding death penalty reforms. This analysis focuses on these AEDP provisions and how they developed before and after the Oklahoma City bombing. During the analysis herein, this study will test three theories of policy making in the United States.

### Terrorism and Policy Formation

Based upon the last thirty years of terrorist research, it is reasonable to assume that periodic attacks will continue to invade the public consciousness. These acts will seemingly place enormous pressure on policy makers to quickly disembowel the perceived crisis of legitimacy these acts inspire. Collective reactions to terrorism offer political sociologists a chance to analyze the effects of such violence, its relationship to state actions, and the policy making process. Because of the symbolic and immediate political nature of many acts of terrorism, studying them also permits the examination of the symbiotic relationship between the media and state policy formation processes.

In the last few decades, a number of Marxist and Neo-Marxist inspired political sociology theories have developed to explain the policy formation process. This study

will use three such theories to analyze the development process of policy that arose after one recent terrorist act - - the Oklahoma City bombing. The three theories include: corporate liberal theory, relative autonomy theory and state-centered theory. However, as this research will demonstrate, proponents of these theories fall short in accounting for any relationship between policy formation activities and the media coverage surrounding crisis events like political violence. This study will bridge this void by analyzing the relationship between television coverage of crisis events like terrorist bombings and the legislative process that surrounds such events.

### Theories of the State and Policy Formation

Corporate liberal theory (Domhoff 1990) argues that some autonomy exists in the decisions that state managers make, but that the focus of research should be on who benefits from decisions made by these state managers. The crucial focus for this perspective is the influence certain capital class segments (i.e., monopoly capital) have on the policy process (Domhoff 1990, Luchansky and Gerber 1993). While not all policy comes directly from the capitalist classes, successful policy initiatives warrant at least tacit approval of capitalists to get enacted. To garner this approval, policy initiatives should rationalize capitalism and maintain the legitimacy of capitalist control (Weinstein 1968). According to this theoretical perspective, such rationalizations are embedded in the policy suggestions made by experts, policy planning groups, and the think-tanks that are part of the policy planning network, and thus influential in the policy process.

The second perspective is best presented by Poulantzas (1978) who argued that the state is not an instrument of any particular class segment, but rather it is *relatively* free

from domination by any one class. This relatively autonomous state is necessary for the continuation of capitalism as an economic system because it allows the state to fulfill the multifaceted demands of a fractured and competing capitalist class. Thus, the state adjudicates class conflict (Levine 1988) and mediates opposing class interests (Quadagno 1984).

The third perspective, state-centered theory, argues that it is not any class that controls policy making; it is state managers who control the process. This theory examines the processes by which state managers attempt to extend coercive control and political authority within a given geographic territory. State-centered theorists believe that in exerting this control, state agencies have a much larger degree of potential self-sufficiency, or autonomy, than even the relative autonomy theorists posit. This theoretical perspective suggests that state agencies in modern capitalist societies should be considered as an important component, if not more important than economic dynamics, in explaining the policy formation process (Skocpol 1979, Skocpol 1980). Thus, their potential for autonomous actions must be considered a possibility when researching policy decisions (Finegold 1991).

None of these theoretical perspectives directly address the influence of the media, and in particular television, with respect to the formation of policy. Focusing exclusively on groups of policy elites, or state agencies, leaves many questions unanswered as to how the media can be used, or whether it is used, by these groups/agencies. Additionally, questions about television's ability to act as a conduit for the dissemination of policy choices, or what role the media plays in the framing of policy initiatives, are not even suggested by policy formation theories. This study will examine the relationship between

television and the policy process by focusing on the news coverage and policy formation processes surrounding the April 19, 1995 bombing attack on the Murrah Federal Building in Oklahoma City.

### Existing Methodology

Recent studies have analyzed the policy process in a variety of contexts (Luchansky and Gerber 1993, Davis 1993, Cotton 1992, Allen 1991). To examine the relationship between media events and policy, this study will use a multi-phase analysis to test how well these three general theories of the state explain the formation of the AEDP.

This project uses a three phase methodological design. Phase one analyzes terrorism policy formation by analyzing testimony in Congressional hearings from 1988-1995 regarding the AEDP six issues. Phase two examines the role of the media in the policy making process by conducting a media analysis of nightly network television newscasts for the week immediately following the bombing incident in Oklahoma City (April 19, 1995 - April 25, 1995). In the third phase, traditional policy analysis of the legislative process is used to examine the Congressional hearings relevant to the AEDP and the six issues. This analysis looks at hearings from April 25, 1995 to the final signing of the AEDP in 1996. This study compares who testified and the content of the policy debates before, during, and after the bombing to determine the effects of severe crisis events on policy making.

Previous studies based on the three perspectives have concentrated on case study methodology (Poulantzas 1978, Skocpol 1979, Skocpol 1980, Quadagno 1984, Domhoff 1990). In particular, proponents of these theories have focused on particular policy

initiatives or state agencies to provide analytical support for their theories. Specifically, analysis of the development of welfare state policy surrounding the Social Security Act of 1935 (SSA) and other New Deal era policies, provides examples of policy initiative methodology for each of the three theories used in this study (Skocpol 1980, Quadagno 1984, Domhoff 1987, Levine 1988, Jenkins and Brents 1989, Hooks 1990a).

As previously noted, these studies have rarely focused on the influence of the media on public policy. Many theories of the state and policy formation neglect the interaction between the media and policy, specific policy initiatives, particular state agencies, and/or policy formation organizations. Sociologists who use corporate liberal, relative autonomy, and state-centered theory, bypass the chance to analyze the effects of the mass media on the policy formation process because of a number of reasons. First, it is not always clear what the relationship is between the media and the complex social policy formation process. Fixing the locus of cause and effect within such an environment is arduous and may rarely offer clear answers. This may be the primary reason these theories generally do not address the role of the media.

A second reason for this research vacuum involves the typical methodological choices made by state theorists. As mentioned earlier, much of the research on state actions and policy formation has been based upon case studies which narrow the research focus to either a particular agency or a piece of legislation. In so doing, the broader effects of the interaction between policy and the media are neglected. This study will also use case study methodology, but with the inclusion of a media analysis to help in the understanding of its role in the policy process.



## The Role of the Media

It is surprising that many policy formation scholars have seemingly neglected the connection between media and policy formation because of the profound effect the media has on society today. The connections between the state, ideology, and the media are part and parcel to those working within a Marxist theoretical tradition and should be known to those using Marxist inspired policy theories like the three used in this study.

Additionally, mass media studies of television have become more common as this component of popular culture has increased its influence on society. Several studies have even focused on the media and its influence on social and political lives (Savan 1994, Altheide 1995, Couch 1996).

Fueling the growth in media studies and politics are several Marxist theoretical perspectives offered by members of the Frankfurt School. These are similar theoretical foundations for many political sociology theories. Marxist theorists like Max Horkheimer, Theodore Adorno, Jurgen Habermas, and Herbert Marcuse insisted on a critical recognition of the interaction of culture, politics, and society. These theorists challenged the academy to link cultural productions like television newscasts and political activities. This challenge was accepted by media studies advocates like Herman and Chomsky (1988); Raboy and Dagenais (1992) and Savan (1994). To date their studies have resulted in no direct linkages to specific policy analysis.

While there are serious voids in the research on the effects of the media on the formation of social policy, some researchers have tried to connect the production of media knowledge and the enactment of social policy. In Luchansky and Gerber (1993), the authors analyzed the interaction between the number of newspaper articles printed about

anti-trust issues and the passage of related legislation. Their research found that in times of intense interest by the media, regulatory interest increased. Thus, the political environment was influenced by the media coverage and this coverage eventually impacted the policy generation process.

This “coverage” effect of the media on the policy process is not the only dynamic identified by previous research. In fact, studies show that bureaucracies have used the media to promote social policy. An illustrative example can be seen in the passage of the Harrison Act of 1914. This Act attempted to restrict the importation of opium into the United States (Mauss 1975). The debates surrounding this Act can be seen as the first of many “wars on drugs” conducted by state agencies that meant to influence policy and public opinion. In this case, the Narcotics Division of the Treasury Department attempted to influence public opinion by sponsoring newspaper accounts and articles detailing the effects of drug addiction. Mauss’ study discussed the process by which the Treasury Department used the media to effect and justify the passage of the Act and to generate public support for this policy.

The propositions that media coverage influences policy, or that state agencies create policy justifications by using the media, can be combined to allow researchers to study the interaction between the media and policy. Earlier attempts at this synthesis include an indirect research tradition underscoring the importance of the dynamic of policy being influenced by the informational capacity of state agencies and, in turn, public opinion supporting the mission of the state. Studies of the Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI) describe these agencies’ attempts to influence public opinion and indicate how their propaganda may have effected state policy (Wise and Ross

1974, Marx 1974, Theoharis 1988). These studies also help illustrate how the CIA and FBI attempted to influence public opinion and policy during the Cold War era. Examples include agency inspired anti-communist (Wise and Ross 1974, Marx 1974) and pro-democracy campaigns (Theoharis 1988) designed to influence public opinion both domestically and internationally.

Clearly, some interaction between state agencies, the media, and policy decisions can be found in the literature. Sometimes this interaction can be seen in the use of popular culture, in particular the media, by major policy formation participants attempting to influence public opinion. At other times the interactions may have transpired only in the less public forum of policy debates. The question remains as to how and if policy agendas are defined or altered by an interaction with the media prior to their introduction into the formal and/or informal policy process. The question for researchers is how to unveil these seemingly unrelated processes and under what conditions answers to these questions can be found.

### Goals of this Study

This study seeks to contribute to the debates on policy formation in a number of ways. First, the research design used in this study attempts to integrate the use of media analysis with a theoretically driven investigation of the policy formation processes. In addition, this design offers a chance to address the criticism that many policy studies are based only on transitory political groupings and are thus unreliable. By addressing the historical origins of policy initiatives, the influence of the media on changes in these policies, and the dynamics of policy generation in non-economic crisis periods, several

insights may emerge. In addition, this study has the potential to offer insight into an important topic in policy studies: the initial framing, or alterations in the framing, of policy debates by crisis events.

To reiterate, a tri-phase methodological design is used in this study to isolate three potentially interconnected policy formation processes: The pre-bombing period to capture existing policy debates, the media coverage of the Oklahoma City bombing to capture media influence, and the policy debates leading to the passage of the AEDP. In particular, phase one of this project is contained in Chapter 4 and focuses on the policy debates surrounding issues related to terrorism before the bombing and how these may influence the formation of policy based answers to crisis events like the Oklahoma City bombing. Phase two of this project is found in Chapter 5 and focuses on the media coverage in the immediate aftermath of the bombing incident. Phase three centers on the Congressional hearings and policy debates related to the AEDP as indicators of the policy formation process. The analysis for phase three is contained in Chapter 6 and features the post-bombing debates.

Policy agendas that become visible as a result of phase one, two, and three are compared in an attempt to better understand the role of policy formation activities in times of crisis. During this analysis, the policy formation process is examined to see if capitalist class interests were influential in the formation of policy, if state managers acted relatively autonomously in their lobbying for state actions against terrorism, and/or if some degree of tangible relative autonomy was present in the formation of the new terrorism policy embodied in the AEDP package that was passed after the bombing.

## CHAPTER 2

### LITERATURE REVIEW

This chapter reviews and critically examines a variety of sociological theories to understand the public policy generation process during times of crisis and public uncertainty created by acts of political violence. First, this chapter examines three policy making theories. Included in this discussion are the corporate liberal, relative autonomy, and state-centered theories of policy formation. Specifically, this review examines the principles of each theory, discusses their primary methodological and philosophical focus, and considers how each theory conceptualizes the policy formation process.

In addition to the particulars of these three theories, this study examines why they generally do not address the influence of popular culture, in particular media culture, on the policy formation process. This survey then considers studies that have addressed the influence of popular culture and noted their connections to the theoretical formats provided by corporate liberal theory, relative autonomy theory, and state-centered theory. This review finishes with a discussion of what policy questions are left unanswered by the contemporary literature and how this analysis attempted to fill some of those voids.

## Political Sociology

Political sociology can be defined as the study of social conflicts that alter the allocation of power. The major unit of analysis for much of political sociological study is the state. This social institution is usually seen as holding a monopoly on the legitimate use of power and authority (Weber 1958). The state also comprises the largest concentration of power within any given society (Marshall 1994). Political sociologists attempt to analyze, describe and explain the state, its policies, and the relationship of these policies to the allocation of power within a society.

Given the complex processes that typify state actions, Skocpol (1987) suggests that political sociologists maintain a multiple theoretical methodology in their research. Typically, such a multiple perspective is created when researchers approach policy analysis from alternative theoretical paradigms. Furthermore, Skocpol believes that such a theoretical triangulation will enrich our understanding of the political process and allow for a greater understanding of the workings of power and its relationship to policy.

Several recent studies have adopted this triangulated theoretical strategy when focusing on seemingly autonomous, but interrelated, theories to better understand the policy generation process. Allen (1991) compared corporate liberal, hegemonic competition, and relative autonomy theories of the state to analyze patterns of political contributions for the 1936 United States Presidential election. Likewise, Luchansky and Gerber (1993) researched anti-trust policy and used similar multiple policy formation theories to better understand the relative strength of bureaucratic structures in the aftermath of World War II.

This study builds upon this emerging tradition of theoretical triangulation by focusing on three specific theories of the state and how they conceptualize the formation of policy prior to, and during times of, a perceived legitimization crisis that is inspired by non-economic factors like a large scale terrorist incident.

### Corporate Liberal Theory

Corporate liberal theory argues that the capitalist state is effectively dominated by an elite business class with specific economic interests at stake in the policy making process. In particular, this perspective sees the long term continuation of capital as the major goal of capitalists and that certain factions within the capitalist class are not only aware of this, but actively seek to support the continuance of existing power relations. These "enlightened" few formulate and enact policy that is in the best interests of capitalism. This theoretical perspective developed from the work of theorists like Hunter (1953), Mills (1956), and Domhoff (1978). Additional support for this perspective can be found in the work of historians like Kolko (1963) and Weinstein (1968).

Corporate liberal inspired studies of elites are a direct challenge to pluralist conceptions of political policy making. This difference is theoretically important because elite policy makers have been found to be influential in many aspects of social life (Hunter 1953, Mills 1956, Domhoff 1978). Corporate elites are seen by corporate liberal theorists as actively promoting, supporting, and even initiating policy that has an indirect, if not a direct, class bias (McQuaid 1978). These members of the "capitalist class are usually involved in the enactment of specific pieces of legislation" (Allen 1991: 680).

According to corporate liberal theorists, the policies put forth by these capitalist class members are usually directed towards the long term continuation and expansion of capital.

Appreciable corporate liberal research has focused on policy making during the New Deal era and argues that these policy reforms were enacted not for the benefit of the working class, but rather at the bequest of capitalists. Specific New Deal era corporate liberal policy analysis examples would include research on the Social Security Act (Domhoff 1990) and the National Labor Relations Act (Domhoff 1970). Research on these two Acts analyzed the influence of particular groups of capitalists on these policies and the long term benefits derived from supporting such policy initiatives.

Research has noted that the behavioral patterns of capitalists were influenced by the political gains made by Socialists in the early part of this century (Domhoff 1990). Domhoff recognized that certain capitalist class members sought to co-opt the public outcry for radical reforms by supporting more humane social welfare policies. These reformers "were defined as business leaders who opted for progressive social change as a way to defuse (inter) class struggle and halt Socialist gains" (33). According to Domhoff, policy options were put forth by capitalists to quell potential political/social unrest, shore up support for existing hegemony, and ultimately allow for the continuation of capitalism as a viable economic system. This class support for the continuation of capitalism was in direct relation to a recognition of real, or perceived, threats to the overall hegemonic order.

Under corporate liberal theory, certain businessmen are seen as different from other members of the capital class. Domhoff (1990) notes that in the New Deal era, liberal capitalists differed from "typical" businessmen in several ways. For example, they



tried to create working relationships between various groups within the existing economic system (e.g., farmers, unions) and place corporate capitalism as the central force in socioeconomic relations. It was during the early part of the New Deal era that the liberal capitalist rhetoric was replete with reference to corporate responsibility and a distancing of modern corporate capital from the social Darwinist philosophy that symbolized earlier capitalism. Eakins (1972) noted that during this era, liberal capitalists were more than willing to allow for regulatory policies by government bureaucracies if those policies would increase, or perpetuate, the expansion of capitalism (Eakins 1972).

The capitalist class is not necessarily unified and corporate liberal theorists argue that the capacity for policy foresight may be the result of the business environment that particular capitalists reside within. According to Domhoff (1967), corporate liberals tended to represent large international and multinational corporations. The smaller, less diverse, regional businessmen tended to be more conservative and thus were not as farsighted as the corporate liberals. Major reasons for this conservatism was that these smaller firms were more directly effected by changes in labor rates, trade union expansion, and regulations on working conditions than the more economically diverse multinationals.

Corporate liberal theorists also believe that capitalists are actively involved in and use business organizations to offer, enact, or support policy initiatives that reflect the goal of capitalist economic system preservation. For example, Domhoff detailed the connections between policy planning organizations, party affiliation, and the two sub-class groups mentioned above and noted:

The business liberals, who usually come from the biggest, most internationally minded companies, speak through such organizations as the Council on Foreign Relations, the Business Advisory Council, the Committee for Economic Development, the Democratic Party, and the moderate wing of the Republican Party, while the 'old guard' of practical conservatives, who tend to be nationally oriented businessmen, speak through the National Association of Manufacturers and the conservative wing of the Republican Party (1967: 28).

With such an understanding of how corporate liberal theorists define liberal capitalists and what their agenda is, it is possible to operationalize methods for determining who benefits from policy initiatives. Power structure research is the name given to typical methods used in the corporate liberal tradition. This research format focuses on specific members of the capitalist class and the associations between these members and the policy generation process.

Corporate liberal theory is not without its critics. The discussion that follows on these criticisms of corporate liberal theory can be divided into three broad and interrelated categories: methodological, theoretical, and counter-factual.

First, Poulantzas (1978) suggested that corporate liberal theory is nothing more than instrumental Marxism. He said that instrumentalist theory methodologically reduces power relations to the individual level of analysis. It does so because of its focus on individual members of the capitalist class. Corporate liberal theorists counter this critique by reminding structuralists like Poulantzas that while individuals are an initial focus of the corporate liberal research, these individuals are then studied in groups. Additionally, the organizational level of analysis is prominent once we study the associations these individuals use to enact policy directives.

Skocpol (1975) argued that the perception of a common class interest, and by implication, some illusionary strategic foresight by certain class members, is problematic in a fractured and multi-factional political environment like that found in the United States. She noted American capitalists "lack the political capacity to pursue class-wide interests in nationwide politics" (1975: 27). This systemic critique challenged the methodological and theoretical basis of corporate liberal theory. Similarly, Clause Offe (1974) noted that a single vision of the future, embodied in the emergence of a singular capitalist agenda, would have a difficult time emerging from the complex social organization that is advanced capitalism.

The last critique of corporate liberal theory is that it uses select case histories to make the case for class specific, and policy organizational support for policy. Theda Skocpol (1986/1987: 331) noted that as counter factual evidence mounted against the selection of specific cases by liberal theory proponents, the selection bias become more visible. The basic question behind this critique is what constitutes proof in social science and, in this case, can alternative policy making thesis apply concurrently.

No clear answer is suggested by corporate liberal theory for the complexity of these criticisms. One suggestion would be a systematic examination of the origins of policy to determine if strategic themes emerge. These themes could illustrate the processes by which groups support individual policies and maybe provide an insight into how such a long-term policy vision could be constructed and modified by class members.

### Corporate Liberalism and the AEDP

In an analysis of the policy generation process prior to the media coverage during and after the Oklahoma City bombing incident, corporate liberal theory would predict that the liberal capitalist class and/or their policy organizations (i.e., Council on Foreign Relations (CFR), Business Advisory Council (BAC), Committee for Economic Development (CED), or other organizations linked by interest or personnel to the capitalist class) would advocate for specific policies. These advocacy efforts should be visible during the terrorism policy debates that preceded the bombing, manifest themselves as policy suggestions from capitalist-supported experts during the media coverage of the bombing, and frame the post-bombing policy debates within boundaries acceptable to capitalist interests.

According to corporate liberal theory, capitalists, and/or their representatives, would be expected to win the debates on specific policy decisions, and benefit from the policy outcomes. Specifically, this theory would predict that during the terrorism policy debates, capitalists and/or their representatives, would be highly visible in the debates, since such policy could be significant to their interests. Capitalist controlled organizations would likely be the most visible expression of capitalist policy dominance and experts from these organizations would testify for or against policies, depending on potential effects relative to the interests of capitalism.

The policy initiatives put forth or supported by either corporate liberals, or their policy organizations/representatives, would more likely become part of public law than those initiatives not supported by business. This would transpire because these capitalist interests are directly served by the policy generation process. If either corporate liberals

or their organizations were not highly visible in the process, it would be expected that the policies passed would at least benefit capitalist hegemony and long-term interests of this class. Under no circumstance would said policies place any undue hardship on the capitalist class.

### Relative Autonomy Theory

Structural Marxists challenged the corporate liberal assertion that the state is an instrument of the capitalist class. Poulantzas (1978) argued that the state is relatively autonomous from a specific faction or an entire class segment. Recognizing that the capitalist class is not a singular entity, Poulantzas noted that the state must possess a high degree of freedom in its actions so it can serve the interests of the total class. In applying this theory to New Deal era policy, Levine (1988) recognized the state as an arena of class conflict and connected this to the idea of relative autonomy as follows: If the state is to settle inter and intra-class conflict, it must maintain a degree of relative autonomy to arbitrate such conflict effectively.

The state as conflict mediator is also a prominent theme in Quadagno's (1984) study of the Social Security Act. This study argued that the passage of this particular social policy was indicative of much more inter and intra-class conflict than corporate liberal theory would predict. Furthermore, Quadagno asserted that for the state to maintain capitalist hegemony or legitimacy, it had to remain relatively detached from any one particular policy position. In remaining detached in this manner, the state was defined as relatively autonomous with regard to the formation of policy initiatives.

Likewise, Poulantzas (1978) saw the state as a confluence of class factionalism and noted that policy initiatives that emerged from this conflicted environment represented a series of strategic compromises between classes and class factions. Recognizing the critical need for researchers to identify such conflict, Poulantzas noted:

Class contradictions are the very stuff of the State. They are present in its material framework and pattern its organization; while the State's policy is the result of their functioning within the State (1978: 132).

Jenkins and Brents (1989) observed that the relatively autonomous nature of the state was clarified by research focusing on how political actors, operating within a capitalist context, were defined by that context and thus limited in their responses and options. This contextualization helps in understanding how there are limits on acceptable policy initiatives and policy inspired solutions for any given social problem.

Levine (1988) realized that the ability of the state to remain relatively autonomous in the face of class forces, inter-class conflict, and intra-class competition, helped demonstrate that policy is a by-product of these forces and conflicts. Accordingly, the state is relatively free from direct influence by a specific economic elite faction, or class, because the state must remain relatively free from such influence to serve the overall interests of capitalism. Poulantzas (1978) argued that this position of relative autonomy allows the state to mediate class struggle inherent in capitalist political organization. Thus, if the state is the battlefield where class factions vie for power, then policy is not necessarily a by-product of a specific enlightened faction, but rather a struggle between power blocs engaging in hegemonic competition (Quadagno 1984, Levine 1988).

With these distinctions in mind, it becomes easier to note the differences between corporate liberal and relative autonomy theories with regard to the origin of state policy.

Relative autonomy theory does not focus on a unified grouping of enlightened capitalists who strategically dominate the policy process. Rather, relative autonomy theory defines how different class factions are in competition for hegemony. Ascertaining who will prevail is best determined by studying what issue is being considered, who makes an effort at controlling policy decisions, and the resources employed in relationship to inter-class conflict. Echoing these recommendations, Jenkins and Brents (1989) effectively argued that who will dominate the policy process depends on the planning efforts put forth by the winning faction.

The critical recognition of power blocs in competition for policy agendas is not meant to imply that a pluralist explanation of political policy is applicable. The key to understanding policy formation under the relative autonomy perspective is that class factions have differential access to the state, and the state has differential responses to this access. The state is seen as relatively autonomous because of these power differentials. However, according to relative autonomy theory, there are clear, structurally based power differences between class factions and this is not the same as the pluralist concept of interest group politics and influence.

Relative autonomy theorists, like corporate liberal theorists, have typically focused on policy research. The relationship between capital blocs and policy is frequently examined to answer some key questions. Perhaps the most fundamental question that relative autonomy researchers focus on is the role of class factions, or class interests, in the specific origins of policy. Expanding on this idea, Therborn (1976) suggested that researchers focus on the class character of policy, the effects of policy on relations of

production, and the interaction between policy, the ideological superstructure, and the state apparatus.

Critics of relative autonomy theory note the similarities or connections between this theory and structural Marxist theory. Alford and Friedland (1985) listed the criticisms of structuralism as follows: an inability to identify specific functional needs of a system, the abstract nature of structural theory, and the failure of this theory to account for complex organizational formations and operational problems with concepts like system function. Additionally, criticism of autonomy theory would include the critique that it is ahistorical and overly deterministic (Fay 1975).

In response, relative autonomy theorists note how the influential work of Poulantzas reflects a transformation of structural theory and thus transcends many of these critiques. Poulantzas does not focus on system functionality and the other trappings of structural theory, but rather uses a class based focus for analysis. As to the charge of being ahistorical and overly deterministic, the later work of Poulantzas attempted to construct a more historically specific perspective of the state. Here the state is not necessarily determined by the mode of production in crude Marxists terms, but rather by the class specific nature of hegemony (Carnoy 1984). This formulation reflects less of an economic determinist position and recognizes the vital connection of policy to the ideological apparatus within a culture.

Poulantzas did not answer all of the criticisms of relative autonomy theory. It is after all a class based theory (as is corporate liberal theory) and as such creates difficulties for researchers. Carnoy noted that relative autonomy theory has problems when defining



or "understanding how autonomous the capitalist state is and what the relationship is between nonclass movements, class struggle, and the 'class' State" (1984:126).

### Relative Autonomy and the AEDP

In an analysis of the policy generation process prior to the bombing, during the media coverage, and during policy generation process after the Oklahoma City bombing incident, relative autonomy theory would predict that business interests may be active and visible, but they are likely to be divided in their recommendations regarding which policies should be adopted. Representatives may not uniformly support specific initiatives and there may be evidence of division into specific class segments in the debates prior to the incident, in the media coverage immediately following the bombing, and in the debates leading up to the final passage of the AEDP.

Since these class segments would be divided over the issues at hand, the state would have the opportunity to exercise relative autonomy while adjudicating these battles between capitalist fractions and specifically in the enactment of terrorism policy. Such autonomy, if present in any of the three time frames, should evidence itself in the passage of policies that may be in the interests of capital, but not necessarily a direct reflection of specific business class interests. In fact, it is possible that the actual policies discussed prior to the incident, and/or developed after the bombing, may be in opposition to short term business interests articulated during these time frames. But, these policies should reflect the long-term interests of capitalists.

Pre-bombing policy debates would include evidence of class segments competing for policy positions within the overall policy generation process. These efforts should be

evident in the various strands of policy discussions that eventually comprise the omnibus package of legislation known as the AEDP.

Additionally, if relative autonomy theory is effective in predicting policy generation behavior, media presentations directly after the incident should reflect class disagreements over how to react to the bombing incident. These media debates, while structurally supporting the primacy of capital interests, should offer some indication of the agendas of competing class interests. Thus, the expectation would be that these presentations would offer evidence of debates between such segments and could offer the opportunity for state agencies to mediate between these interests.

Lastly, in the post-bombing policy debates that directly led to the passage of the AEDP, these class segment debates should have been present and the conflict they represent would have offered the state an opportunity to suggest policies that may support, or could be in opposition to, these class interests. An ex post facto analysis of which class segments benefitted from, or won, in the policy generation process would offer evidence of this policy disjunction.

### State-centered Theory

Corporate liberal and relative autonomy theories primarily focus on class forces as the explanatory factor in the understanding of state power and policy formation. In contrast, state-centered theory defines state power as irreducible to class forces and unique unto itself (Block 1980). Accordingly, the state is a site for the generation and formation of policy that *has the potential* to be disengaged from the influence of capital. State-centered theory acknowledges how state managers "have interests of their own,

which cannot be reduced to those of capital, or fractions of capital" (Luchansky and Gerber 1993: 221).

Skocpol (1979, 1980) agreed that the state and state managers are potentially autonomous. Skocpol recommends that researchers focus on the state, and its managers, as an explanatory factor in the policy formation process. One technique for accomplishing this task is to operationalize the state as a decision site where rules and boundaries are defined for a society. Thus, bureaucratic autonomy is defined as the opportunity for state managers to pursue policy preferences and formulate policies relatively independently of class pressure (Schneider 1993).

State-centered theorists (Amenta and Parikh 1991, Skocpol and Amenta 1985), also used the Social Security Act to make their case. Unlike class theorists, they argue that this Act is a prime example of how a state enacts policy independently of, and often in direct opposition to, capitalist resistance. These theorists noted that such autonomy from capital was possible because of the economic crisis of the Great Depression. It is during these exceptional periods (war being another example) that state managers seek, and/or gain, considerable autonomy from the dominate economic class or class fractions (Block 1980).

State-centered theory does not posit that state managers are always successful in their autonomous activities, even in times of crisis. Skocpol and Finegold (1982) offered the concept of state capacity to account for differential outcomes in policy initiatives. State capacity is the idea that different states, and by extension, individual state organizations therein, have various levels of expertise that can assist in the generation and administration of policies. Modifying the work of Nordlinger (1981), state-centered

theorists like Skocpol (1985) and Krasner (1978, 1984) recognized that states, and by extension state agencies, fall on a continuum from weak to strong depending upon their capacity to bring to the table policy expertise within an environment replete with the interactional give and take between institutions and class pressures.

Thus, a DOJ controlled organization like the FBI, which has been officially designated as the primary agency responsible for counterterrorism activities, would have considerable organizational capacity due to the resources and expertise at its disposal (Smith 1994, Herman and Sullivan 1989). The DOJ and FBI have developed into the primary agencies responsible for providing policy makers information for the control of internal law and order. This should be contrasted with other agencies that do not have such an organizational mission, or that have had that mission reduced as a result of such a designation. One illustration of this is the State Department and how its role has changed since the FBI was designated as the primary law enforcement agency in the fight against terrorism.

States, and sub-components of those states, have differential capacities to create and enact policy. This "administrative capacity, including organizations with expertise on a particular issue and (having) experience in policy implementation" (Luchansky and Gerber 1993: 221) is important to any understanding of the relative success or failure of policies. It is exactly the organizational capacity of individual bureaucracies that offers them the potential to create and enact policy initiatives. March and Olsen (1984) supported this idea when they noted that the policy process, and any degree of autonomy found therein, are not just the result of class fractions, but also reflect the importance of bureaucratic structures in policy outcomes.

There are constraints placed on state managers with regard to the application of organizational expertise and autonomous actions. One critical constraint is that state managers must maintain legitimacy in the eyes of economic elites and the general public. This is important to the maintenance of capitalist hegemony and the fundamental economic confidence underlying economic progress. Failure to maintain economic confidence would result in lowered economic activity and reduced tax revenues to give financial support for the state agencies. Thus, the state has a self serving need for economic stability and that stability helps insure funding for state agencies. This relationship between stability and policy limits the state and its agencies. It limits their ability to always act autonomously. Curiously, this is also one of the major justifications for state agency autonomy, since policy recommendations that run counter to the interests of capital could thus be justified under a stability argument.

Criticisms of state-centered theory include issues of exclusion, fragmentation, and how the implied structural basis of the theory is underplayed by proponents to create profitable academic separation, even if that separation is self delusional. Additionally, it is possible that by focusing only on exceptional periods of economic strife, or the disruptions created by war, state-centered theory fails to offer any explanatory value to the question of everyday policy generation processes. Critics note that most policy issues never reach this exceptional threshold and thus the explanatory value of this theory is limited.

The exclusion criticism is based on the theoretical assumption that state managers are somehow separate from members of the capitalist class. Domhoff (1983) argued that such a separation is an illusion because of the intimate links between high ranking bureaucratic managers and economic elites. In many cases, these two groups are identical

and members freely move between the public and private sectors. As a result of such class ties, and coupled with the boundaries placed on state actions discussed previously, it may be theoretically suspect to posit a true autonomous separation of class interests and policy decisions, even during times of an economic or legitimation crisis.

State-centered theorists like Skowronek (1982) countered that the relative strength of the state, as measured by the concentration of authority, degree of specialization, and penetration of institutional controls (i.e., the strong-weak state argument) create a unique social environment that has the ability to sever any ties managers have with class interests. Skocpol (1985) noted that the possibility of autonomous actions by state managers does not mean that every action will be counter-intuitive to the logic of capital. Thus, state-centered theory recognizes that state managers have an institutional advocacy mechanism that will support autonomous actions and said actions are a possibility, though not always a viable reality.

The second criticism of state-centered theory is the idea that this theoretical perspective sees the state as a monolith and singular in autonomous purpose. The essence of the argument is based upon the idea that multiple agencies and individuals within those agencies have a common "state" agenda. According to state-centered theory, the state is seen as a self-maximizing and opportunistic entity, when in fact it has many reasons to perpetuate the *status quo*. For example, this criticism would note that it would be unreasonable to see agencies as diverse as the Forest Service and FBI in the same way. Their missions and motivations are so vastly different that any organizational connective tissue is enigmatic at best.

In response to such a critique, the state-centered concept of organizational capacity, along with the idea of the relative strength of a state, more than account for differential missions within the overall state infrastructure. Each agency has a different variety of experiences relative to specific policy initiatives. This expertise differential creates various levels of strength or weakness in the ability of the agency to produce autonomous actions and potential policy disjunctions with capital. Again, state-centered theorists do not necessarily see the state as a monolith, but rather as a series of agencies and organizations with different capacities to enact policy depending upon the circumstances. Given the potential for policy conflict, state agencies may engage in organizational confrontation and the strength or weakness of the agency with regard to organizational capacity (i.e., its relative organizational capacity) should help determine which agency agenda is given credence to or adopted.

The third criticism of this theoretical perspective is that it is nothing more than organizational structuralism. The basis of state-centered theory is similar to that put forth by relative autonomy theory and this is an analogous charge made against that theoretical perspective. Critics point out that the underlying basis of the theory is that the state is structurally predisposed to act in the favor of capital and class interests, even if it sometimes acts in a way that seems not to be so. In fact, the idea of potential autonomy is a way of glossing over this fact and has been used by state-centered theory proponents to create an intellectual space far more profitable for academic careers than for useful insight into policy formation process.

It may be true that academic careers have been made over slight changes in the level of analysis and not great leaps forward in political sociological knowledge. The

Neo-Weberian challenge created by state-centered theorists changing the level of analysis from one based on class to one based on organizations has been a spark for additional theoretical development in political sociological theory. Development of theory is not necessarily a process beset with great revelations, but rather should be viewed as a process of dialogue and compromise. As such, the development of relative autonomy theory into state-centered theory is better seen as a refinement of knowledge and rightly deserves the attention of political sociologists because of the change in level of analysis and the important addition of the concept of state/organizational capacity.

The last criticism discussed herein is that state-centered theory focuses only on policy generation processes during large scale economic, labor or social disruptions. While New Deal era policies, and likewise the disruptions created by war, offer a unique opportunity to study the processes by which state agencies use their organizational expertise, the everyday creation of policy is seldom a focus of state-centered studies. If the policy generation mechanisms posited by state-centered theorists are used by state agencies during exceptional times, they should also be evident during more normalized policy generation processes.

The relationship between state agencies and the more everyday policy generation processes are clearly one area in need of development by state-centered theorists. A change in the study of policy motivations from exceptional events to policy that more closely resembles that of everyday life, is evident in studies focused on how state agencies use the drug war to expand their organizational capacity and mission (Mauss 1975, Jensen et al. 1991). To accomplish the goal of understanding the role of state agencies in the policy development process, this study treated the Oklahoma City bombing as an example



of an exceptional moment similar to an economic depression, or war. This extension is based on Skocpol's (1985) argument that the state must maintain control and order in times of crisis. The motivation for such an extension of the state-centered theory is to examine a middle range of policy generation activities. While terrorism generally does not represent a direct challenge to economic stability like war, large scale labor strife, or economic depression, it does offer a potential legitimization crisis for the structures of economic or political power and could help reveal the foundation of the policy generation process.

#### State-centered Theory and the AEDP

In an analysis of the policy generation process prior to, the media coverage during, and the policy generation process after the Oklahoma City bombing incident, state-centered theory would predict that state managers would be highly visible during all three phases. In particular, state managers would be expected to control the policy process by reason of their organizational capacity and would use this asset to ensure that their policy recommendations win and that their respective agencies benefit.

According to state-centered theories, policy would be promoted to counter the legitimization crisis such terrorist events pose and restore stability or balance to the social order, even if these policies are not necessarily in the best interests of capital. Thus, state agencies like the DOJ/FBI would be visible in investigating the crisis and testifying regarding the impact of the crisis. Since these agencies are linked by purpose, and to recognize the benefits accruing to them, this study looked at groups of agencies that are similarity linked when analyzing the policy process. During these efforts, policy

suggestions beneficial to the agency (i.e., additional resources, increased organizational capacity, etc.) should become legislative agendas and culminate in the passage of agency friendly policies.

The third major expectation, if state-centered theory is a viable explanatory schemata, is that the organizational capacity of state agencies must be present. In particular, these agencies would use their unique informational resources and expertise to guide and set the policy debates. These agencies will be called upon by political leaders to express their informational and organizational expertise and their policy suggestions will more likely be implemented in public law than those of liberal capitalists, their policy organizations, or class fractions.

### Theories of Policy Formation and the Media

To date, policy formation theories have seldom dealt with the influence of the media on public policy formation. In America's increasingly communication based social order, neglecting to analyze this aspect of political culture is not without costs for the intellectual enterprise. This is not a breakthrough, since proponents of the Frankfurt School insisted that there are patterns of ideological and class domination in the maelstrom of media images crossing the cultural consciousness. Likewise, given the influence of television, it is reasonable to suspect that business representatives, class fractions, and agency managers with specific policy agendas would offer their perspectives in this forum. The media can play a role in policy in several ways. For example, the media could act as a conduit for policy trial balloons where proposals are offered to test the waters and gain

support. The media could also be used by policy advocates to offer support for the current forms of dominant hegemony and help reify existing power relations.

To analyze and uncover policy discussions that transpire during times of crisis, this project studied the televised broadcasts after the Oklahoma City bombing incident to uncover either the promotion of specific policies or the construction of patterns of ideological hegemony. Secondly, each of the three political sociology theories were aligned with the media study literature on political violence to offer insight into the question of who, if anyone, would be expected to be active in promoting policy agendas in the media after this incident. Lastly, the literature on media framing was examined to better understand the actual policies being offered by any of the groups these three theories would predict as being active in the policy generation process.

### Hegemony and the Media

The connection between television and the state has been the subject of some debate (Agger 1992, Bennett et al. 1986, Curren et al. 1979). Researchers and theorists from many disciplines have asked if there is a connection between the state and the media; is the content of broadcast media laden with ideological message; does the process of media framing help set policy agenda; and what is the relationship between television and political violence (Grossberg et al. 1992, Horkheimer 1974, Adorno 1973, Marcuse 1964)?

Sociologists focus on popular culture (i.e., media productions) for various reasons. Proponents of two different strains of cultural studies focus on two primary reasons: the ability of media representations to signify counter hegemony and the use of the media as a

transmitter of hegemony (Agger 1992). For example, early Birmingham School sociologists saw popular cultural studies as the study of rebellion by non-elites against dominant cultural traditions. According to this perspective, cultural productions like television are not seen as the top down transmission of cultural hegemony, but rather as the oppositional site for the struggle over cultural images, diversity and ultimately the shape of social interaction (Grossberg et al. 1992). Thus, if this popular cultural thesis is viable, the media would cover expressions of rebellion against hegemony and allow a forum for alternative political agendas.

A second form of media analysis is represented in the work of Frankfurt School theorists like Horkheimer (1974), Adorno (1973), Habermas (1971), and Marcuse (1964). The idea behind this perspective is that the media is used by elites to control the masses. Accordingly, media culture is controlled by large multinational corporations and is seen as an instrument of ideological domination (Bennett et al. 1986, Curren et al. 1979). Thus, television broadcasts tend to reflect the interests of economic elites and the formulation of policy within such a context reflects economic elite interests. Likewise, an analysis of the media representations after the Oklahoma City bombing incident revealed support for hegemonic representations and the existing economic order.

The question turns to what exactly is being communicated, ideological laden hegemony or its alter ego. Within a Marxist interpretation, ideology reflects the interests of the dominant class in a way that perpetuates class privilege and relations of economic power. It is a set of cultural values, beliefs, and attitudes that are the foundation of the *status quo*. This set of expectations, convictions, and practices legitimize the existing structures of power (Mannheim 1952, Marx and Engels 1976).

The process of ideological transmission is complex. It is simultaneously the transmission of cultural beliefs and the negation of opposition to that popularized version of social reality. It was Antonio Gramsci (1971) who identified the complex process of ideological transmission as hegemony. Hegemony refers to the process by which ideology is used by the ruling class to perpetuate class domination. One method of accomplishing this is to create and shape popular consent for existing relations of power.

Since the question of hegemonic control is critical to all three theories of policy formation, this is one focus of the media portion of this study. Under corporate liberal theory, this control thesis would predict that corporate elites and/or their representatives would be highly visible in the media and promote the existing economic order. These elites, many of whom may actually own the broadcast outlets, or have an influence in their operations, would have differential access to the media and use it to legitimize existing power relations and promote policy agendas designed to support the long term viability of capital.

Using relative autonomy theory as an analysis basis, business interests may not be unified in specific policy ideas floated in the media, but it may be one avenue for promoting or achieving their interests. This theory would predict that media presentations would promote on the legitimacy of existing economic power relations and not give hearing to alternative political expressions. The debates that would transpire during broadcasts may represent intra-class fighting over alternative policy initiatives. In this contentious environment, the state could offer policy suggestions that do not necessarily satisfy individual class segments, but rather promote the survival of existing power relations. In no case would such policy suggestions promote the critical examination of

existing economic power relations, or the viability of political violence as a cultural critique.

State-centered theory would predict that state agencies and their representatives would be highly visible in the media during times of crisis. They would use this opportunity to offer their organizational expertise and promote policy recommendations. According to this theoretical thesis, it is exactly times of crisis that offer state agencies the opportunity to promote their own agendas and that these agendas may be aligned, or in conflict, with those of capital. These agendas would promote both economic and political relations of power and act to maintain the dominance of the state, not just the economy.

Considering the importance of hegemony to all three theories, one major motivation of the media analysis portion of this study was to determine if any of the representations found within the media broadcasts were supportive of hegemony. In so doing, the analysis focused on the broadcast of cultural debates during times of crisis and how these debates could be triggered by events such as political violence or terrorism. This focus on two indicators of hegemony, economic and political, could help establish the viability of several political sociological theories and lay the foundation for their arguments during the policy debates that followed the Oklahoma bombing incident.

The next section of this review examines studies that have debated the role of the media in crisis periods and help define forms of public dialectic on policy options. The justification for such a review is that it helps demonstrate the importance of the media for contemporary political sociological theory and allows for the examination of the connection between television newscasts, political violence, and the three policy generation theories described above.

## The Media and Corporate Liberal Theory

Several researchers have offered analysis helpful in understanding the relationship between the media and corporate liberal theoretical expectations regarding policy formation. This is different from relative autonomy theory, since the media representations should be controlled by specific and identifiable economic actors. The research can loosely be classified as discussions on ownership of the airwaves, ties between the media and policy, and the direct/indirect access such connections have to the public transmission of policy expectations.

The concentrated ownership of the media has been noted by many researchers (Brown and Merrill 1993, Paletz and Schmid 1992, Althusser 1972). Dennis Mazzocco's (1994) study of the media demonstrated that the power of the networks was growing as ownership diversity was being reduced and large capital organizations continued to consolidate their media holdings. Herbert Schiller describes the consequences of this consolidation process as follows:

What now exists, contrary to general and dominant assertions, is an almost unaccountable, privately directed, giant message and image machine. This apparatus possesses strong, though usually unacknowledged, links to certain nuclei of coercive governmental power (1994: xi).

According to the logic of corporate liberal theory, the result of this consolidation is that a limited number of policy options would be discussed and since the ownership of these media conglomerates is concentrated in the capitalist classes, their messages and latent editorialism would support policies friendly to capitalism.

The major implication of these assertions is that ownership equals control. Mazzocco and Schiller's assertion that media ownership equates to real links to political

power and policy development was expanded in the research tradition regarding the ideological power of the media. This literature ranges from studies of the media in a society dominated by a military-industrial complex (Mills 1956), to discussions of the potential for a concentrated media to become a totalitarian cartel in support of elites (Bagdikian 1992).

In a similar fashion, Herman and Chomsky used the term "propaganda model" to identify the process by which the media works to the advantage of capital. They state that the media:

Serve to mobilize support for the special interests that dominate the state and private activity, and that their choices, emphases, and omissions can often be understood best and sometimes with striking clarity and insight, by analyzing them in such terms (1988: xi).

In borrowing Walter Lippmann's (1965) idea of manufactured consent, Herman and Chomsky discussed the propaganda function of the media. They argued that the media is not independent as the democratic political model would suggest. In fact, the media supports class specific policy. Specifically, the media reflect the world of economic elites and/or how these elites wish the world to be perceived. Accordingly, media commentators are not unbiased and objective, but rather work in the interests of the powerful to assemble the cultural postulates of discourse and in so doing, the media can be seen as working hand in hand with the state to create and distribute ideology.

Mazzocco (1994) likewise focused on how concentrated ownership of the mass media sets the discourse for reporters, reports, and what is acceptable for coverage. That is, the media create a discourse that is ideologically supportive of capitalist policy, the agendas of capitalists, and policy encouraging capital accumulation. The media is so



motivated because of the ownership structure and its ties to this form of economic distribution.

The question then becomes, what about broadcast news and the news media? Do broadcast news managers construct broadcast content in ways that serve the interests of the powerful? As Althusser (1972) reminded scholars, the media are communicators of ideology. Gitlin added "broadcast content has become part of the popular ideological furniture as well" (1980: 8). Thus, corporate liberal theory would note that because news professionals are beholden to capital, and news organizations are tied to the interests of capital, the images we see are ideological laden and supportive of policies that help maintain existing relations of economic power.

Mazzocco (1994) and Herman and Chomsky (1988) could be considered closer to relative autonomy theory because of their emphasis on structure and function. However, they do not note anything about potential conflicts among capitalists and the state. Their thesis also supported the idea that the state is directly controlled by capital, and by implication, certain capitalists.

In an analysis of the relationship between the liberal class of capitalists, policy, and the media, several specific expectations should be noted. The identifiable economic actors should exert specific control over the policy process. This control would constitute instrumental dominance over the production of economic hegemony. Liberal capitalist class members, or experts from their representative organizations, were expected to be active in promoting policy during the media broadcasts. Additionally, these policy suggestions were expected to support the long term viability of capital and capitalist class

interests. Lastly, these policy suggestions would frame the debate and possibly exclude or delegitimize alternative expressions that were against capitalist interests.

### The Media and Relative Autonomy Theory

The media analysis literature supporting the corporate liberal policy development thesis is more advanced than that which could be seen as supporting relative autonomy theory. To determine if there is a connection between the media, economic power, and relative autonomy, it is important to review the ideas of Althusser (1972). This theoretician described how the media is an element of the overall communications apparatus, an apparatus that is profit seeking and class driven. This institution, by the very fact that it is a capitalist institution and class driven, supports existing ideology and justifications for capitalist society. For Althusser, the state, class fractions, and the media are intimately linked by purpose, goals, and doctrine.

Analysts of television media have argued this connection thesis for decades.

Warshow, a prominent critic of American popular culture, described this connection in terms of social attitudes:

America, as a social and political organization, is committed to a cheerful view of life. It could not be otherwise ... Modern egalitarian societies ... always base themselves on the claim that they are making life happier; the avowed function of the modern state ... is to regulate social relations ... Happiness thus becomes the chief political issue ... in a sense, the only political issue (1964: 83).

Warshow implied that the media provides comfort to the masses and attempts to regulate feelings of discomfort in general. Likewise, he implied that the media encourages the public to believe in the right of existing power relations and not to question those power distributions.

Not every researcher sees the relationship between the media and the state as unidirectional. In his study of media coverage of a leftist political organization, Gitlin stated the "media certainly help ... *agendas for political discourse*; although they are far from autonomous, they do not passively reflect the agendas of the state" (1980: 8, emphasis added). While Gitlin noted that the media have some degree of relatively autonomy themselves, the basic assertion is that they serve several agendas, or class fractions, in maintaining capitalist hegemony.

Clearly, the Althusserian claim that the state and the media interact to create a symbiotic relationship based on economic hegemony and reflecting a perceived need to perpetuate the legitimacy of economic relations of power, seems to support the rationality behind relative autonomy theory. In an analysis of the relationship between the various class fractions, policy, and the media, several specific relative autonomy based expectations should be noted. First, capitalist class members, or experts behold to these class fractions, may be expected to be active in promoting policy during the media broadcasts. Unlike the expectations of corporate liberal theory, this theory would predict that various class-based speakers may not be unified. More importantly, regardless of which groups were in opposition, they would be supportive of long term capitalist goals. The hegemonic messages contained in these debates would reflect and seek to maintain existing economic relations. Additionally, state managers would also reflect long term capitalist interests. Lastly, the media broadcasts would frame the debate, but would also exclude or delegitimize alternative political expressions, and if the class infighting was severe, could offer the state an opportunity to enact policy that runs counter to the interests of individual class fractions.

### The Media and State-centered Theory

Several prominent theories have connected state-centered theory to the study of the media. These studies have operationalized concepts better than those discussed previously. In particular, they discuss the media's role in reinforcing state power, the effects of the symbiotic relationship between state managers, the media, and the creation of a sense of stability by using state managers during broadcasts. They argue that media interviews with state managers reinforce policy suggestions to relegitimize existing structures of political and organizational power and promote agency expertise and policy recommendations.

Gerbner (1992) describes how the media reproduces state agency's claims to expertise and organizational capacity. Specifically, Gerbner discusses how the media coverage of political violence reinforces relations of state agency power in three ways. First, media portrayals of violence help foster feelings of uncertainty in the general population. Secondly, this sense of insecurity, or powerlessness, is effective in justifying the mobilization of state violence against marginal groups by state agencies. Lastly, the use of the label "crisis" is an effective method of social control whereby political dissent is discouraged and unambiguous punishment is made clear to the masses. Because of unique organizational expertise, certain state agencies are the arbiters of this discourse on the legislative front and in the media. The conflict created by crisis events is primarily over political hegemony. The policy debates, both in real testimony and in hegemonic essence, concern themselves with the maintenance of geographic state boundaries, state institutions like the military, and state agency missions and funding.

Media coverage of crisis events goes beyond the semi-naked application of ideology suggested above. Paletz and Boiney (1992) suggested that the media coverage of terrorism has five distinctive effects. The first is the effect on the perpetrators and/or organizations that commit political violence. Secondly, media coverage *affects state managers and may influence how they deal with a particular event*. Thirdly, there is the effect of political violence coverage on general public opinion. Fourth, since terrorists might be watching, the fate of the victims may be determined as a result of media coverage. Lastly, future reactions to terrorism and political violence can be influenced by the coverage of current acts of political violence.

Summarizing their arguments, Paletz and Boiney noted that the media are seen as active communicators of political debates and shape "the terms of debate and the impressions, if not the reactions, (of) audience members in and out of power" (1992: 24). This shaping is at various times state agency specific. This is due to the fact that the media rely on those same agencies and their organizational expertise to help the public understand the political violence being covered. Thus, agency representatives set the debate standards and help shape coverage strategies for broadcasters.

Paletz and Boiney suggested one important reason policy research with respect to media coverage of political violence. They advocated that research should proceed on the "attitudes and actions of authority holders, the measures they take, their strategies and tactics" (1992: 23). One example is that during times of crisis posed by terrorism, it is not unusual for the state and the media to blame outsiders for the political trouble. This creation of the evil other was aptly articulated in a recent study of the political crisis in Eastern Europe (Halliday, et al. 1992). The authors of this study argued that mythology

(stereotypes being one example) is important in situating people in history. They noted that between the convergence of a state articulated discourse on political violence and the assimilation discourse common in discussions of immigration issues, crisis events are used to denote a dramatic disturbance of the social order. Raboy and Dagenais discussed this study and concluded:

The frightening implication of their (Halliday, et al.) thesis is that Western media have come to rely on crisis denotation as a way of identifying and, especially, targeting the foreign 'other' necessary for maintaining the structures of power (1992: 11).

In another study of the media, and coverage of the Gulf War, Masmoudi (1992) described the role of the media in justifying the use of state violence in that conflict. These studies indicate that the state and its agencies use the media to promote agendas; some violent, some even racist.

In this analysis of the relationship between state agencies, policy and the media, several specific state-centered expectations should be noted. First, state agency representatives, or experts representing agency interests, were expected to be active in promoting policy during the media broadcasts. These policy suggestions were expected to support the viability of state agency mission by asking for additional resources for the expansion of that mission, and support the role of the agency as the arbiter of knowledge relative to terrorism.

Unlike the expectations of corporate liberal theory or relative autonomy theory, this theory would predict that some of the policy suggestions would be autonomous of direct capital interests and clear differences between class interests and state interests would be visible in the debates held during the media broadcasts. The hegemony

reproduced by the media would reflect state power, not capitalist power. Lines of conflict would center around political hegemony and not economic hegemony. Lastly, like the other theories, state-centered theory would predict that these various policy suggestions would frame the debate, would also exclude or delegitimize alternative political expressions, and offer the state an opportunity to enact policy that runs counter to the interests of the capitalist class or its individual fractions.

### Media Framing

In the world of mass media, image is king. The old adage that a picture says a thousand words should be replaced by the adage that constant images say volumes. The pictures, words and sequencing of events by newscasters, producers, and executives produce specific definitions of reality. Describing this process, Gitlin notes, "the mass media produce fields of definition and association, symbol and rhetoric, through which ideology becomes manifest and concrete" (1980: 2). Described in Althusserian terms, the media create images, commentary, textures, and emotional responses in a way that supports existing structures of power, economic, and political.

It is not so unusual for society to think of the media as framing the coverage of events. In fact this is a very human process and happens everyday. Goffman (1974) described how we frame reality in our everyday lives. We do this to manage, negotiate, and comprehend life. As a result of these framing processes, we are better able to cognate our world and react to our experiences in appropriate ways.

Television is likewise a social construction, albeit one with the underlying purpose of transmitting ideology while providing entertainment. Gitlin noted that "the media

specialize in orchestrating everyday consciousness -- by virtue of the pervasiveness, their accessibility, their centralized symbolic capacity" (1980: 2). Similarly, Fiske and Hartley noted that "television is a human construct, and the job that it does is the result of human choice, cultural decisions, and social pressures" (1978: 17).

Media frames relative to policy are not always readily apparent. Gitlin noted, "media frames, largely unspoken and unacknowledged, organize the world for both the journalists, who report it and, in some important degree, for us who rely on their reports" (1980: 7). One such framing technique is that of crisis. During times of perceived political and economic turmoil, the media create, form, and are informed by a sense of crisis. This general sense of crisis serves many functions. It can legitimize the use of state violence, protect economic interests, or further state agency mission expansion. It can frame the images so that viewers see the spectacle unfolding before their eyes as unique and thus not a serious challenge to the dominance of capitalism or existing political structures. Thus, the framing of crisis events can create the feeling in the audience that this violence is not directly linked to the prevailing economic or political hegemony. This allows viewers to see how the perpetrators of this violence are somehow alien from everyday economic and political reality.

Bruck (1992) described this ideological motivated separation of audience and event as *spectacultuarization*. This is a media technique found within periods of crisis, whereby the spectacle of violence is used to validate viewers' perceptions of turmoil and encourage them to be more receptive to either rationalizations of capital (economic) or state agency (political) justifications for more resources.



As a result of the mediated moments of crisis, researchers have an opportunity to peek into the economic and political workings of power. Raboy and Dagenais discussed this process and how "a moment of crisis -- by definition a decision moment -- provides a unique opportunity for making a diagnosis" (1992: 1). This is a similar argument to that made by Block (1980) when he saw the potential for state managers to act autonomously during crisis events like war and focus their attention on maintaining political hegemony.

In times when the politics of crisis are called into play, the communication apparatus of the state swing into high gear and can play a pivotal role. The public turns on the news more during such times and relies on the media frames of reference for reality. Gramsci (1971) deliberated on how a hegemonic crisis is a crisis of authority, a general crisis for economy and/or the state. To stem the popular perception of crisis in the immediate aftermath of a terrorist attack, state managers and elites alike may use these moments to enact policy. In fact, Clause Offe (1984) characterized policy management as a form of crisis management. With this understanding, it is easier to see why state apparatuses and representatives of capital use crisis moments to construct, enact, and enable policy. Policy ensures the public that something is being done and that life will return to normal. These policies are framed by the media as solutions.

According to corporate liberal theory, the state should mobilize to support the policies elites put forth. Relative autonomy theory would note that class fractions could offer competing agendas and the state may mediate such class conflict and enact policy accordingly. These frames would reflect economically motivated policies and reflect the debates among economic elites. State-centered theory would see state agencies as motivated to expand state organizational capacities and agency missions. Frames would

reflect policies motivated by political, not economic, issues. The significant debates would be between state agencies and address political institutions, not economic institutions.

One illustrative example of state agencies as actors is the continuing influence of specific Federal agencies on the media during the periodic "war on drugs" campaigns waged during this century. These periodic episodes of state influence on public attitudes towards drug abuse started with the passage of the Harrison Act of 1914. This policy initiative was enacted to restrict the importation of opium into the United States.

Mauss (1975) analyzed this Act and described how a specific state agency used the media to create support for and justify a policy initiative. In particular, he discussed how the Narcotics Division of the Treasury Department sought to influence public opinion "through an extensive barrage of Division-sponsored newspaper articles and public reports which depicted opiate use as linked to crime, insanity and the like" (1975: 262). More recent anti-drug campaigns often followed the same pattern, whereas government officials defined and politicized drug policies in an attempt to garner public support (Gerber et al. 1990, Jensen et al. 1991).

A number of studies and reports have detailed a similar connection between intelligence agencies, political policy and popular ideological constructs like the Cold War (Wise and Ross 1974, Marx 1974, Rule et al. 1980). This research describes how American intelligence agencies have used harassment, persecution, media pressure, and even assassination against anti-capitalist forces. Accordingly, state agencies have attempted to define a reality of opposition between capitalism and communism, used this definition to justify agency management decisions, and in general attempted to spread their

particular definition of reality to the American public (Theoharis 1988, Luchansky and Gerber 1993).

In an analysis of the relationship of media frames and policy, several expectations should be noted. First, no matter the theoretical perspective used in the analysis, media framing as a technique of policy discourse should be evident during the broadcasts. Additionally, these frames should support either the unified economic interests of one class, or be based on several class fractions competing for economic hegemony, or focus on state agencies fighting for political hegemony. The actual details of the framing may be multifaceted, but one of these hegemonic agendas should take precedence over the others. This should be considered evidence of the primacy of one or the other political sociological theories discussed herein.

#### Remarks and Research Questions

The review of the literature showed the importance of a number of interrelated concepts and theoretical ideas with respect to the study of public policy formation prior to a terrorist attack, during the media coverage of that attack, and in the post-attack policy debates. One important idea gleaned from this review is that certain crisis events may prompt capitalist class members into action to help trigger opportunities for action by state managers. During these crisis events, class members and state managers have opportunities to put forth legislative initiatives, policies, and otherwise enact self serving policy agendas. These actions may align with class interests, or can be seen as oppositional to either the short or long term interests of certain capitalist classes. These trigger events may also provide a glimpse of the underlying instrumental and structural

connections between policy and class members. Likewise, one or the other of the two forms of hegemony used herein should be prominent in the policy discourse.

To bound the analysis of data, this study defined a series of research questions that guided the methods and analysis. These questions can be arranged into three categories directly tied to each theory and specific to the time frames of pre-bombing incident policy debates, media coverage, and post-bombing policy debates.

### Pre-bombing Analysis

In the pre-bombing analysis, several general issues were explored. First, this analysis explored how terrorism policy changed over the years from policies based on diplomacy to those efforts to criminalize terrorism. Additionally, each of the three theories would predict certain evidence and outcomes within the policy development process.

First, corporate liberal theory would predict that four specific indicators would emerge from a pre-bombing analysis of terrorism policy. First, business would be interested in terrorism policy. Secondly, based on the argument that business classes have a vested interest in terrorism policy, class members should be highly visible in promoting terrorism policy agendas in Congressional hearings.. Likewise, policy organizations, and experts from same, should be visible in advocating for, or against, terrorism policies. Lastly, during any discussion relative to capitalist hegemony, or economic system legitimacy, the policies that are discussed, or that are eventually successful, should support liberal capitalist agendas and hegemony. Policies that are supported and promoted by

business would be more likely to pass than those that are not. Under no circumstances would such policies place a hardship on this class.

Relative autonomy theory would predict several factors. First, identifiable class segments would be visible in promoting competing policy agendas. Debates and conflicts should reflect class-based dynamics. The policies put forth by state managers may take precedence over specific capitalists, but these would reflect class interests and dynamics. Specific indicators of this would be when the state enacts policies aligned with, but not necessarily exactly like, those proposed by these class fractions. Lastly, during any discussion relative to capitalist hegemony, or economic system legitimacy, the policies that are discussed, or that are eventually successful, should support general capitalist agendas and economic hegemony. Testimony should reflect a framing that reinforces existing economic power, not the expansion of state power alone.

State-centered theory would likewise predict several factors. The first major indicator of potential state-centered actions would be the use and perpetration of a crisis atmosphere, or one that is seen as a challenge to the legitimacy of the state. The rhetoric would be replete with references to establishing political stability. State agencies would offer their organizational expertise in testimony and this testimony would be valued by policy generators, since it is based on their unique informational and organizational capacity. Policies promoted and supported by state agencies would be more likely to win than those that are not. Policies that are codified into law should support state expansion. It is reasonable to expect that the benefits of these policy efforts would accrue to the state and these same agencies.

### Media Analysis

Corporate liberal theory would predict several findings in a media analysis of the bombing coverage. Business leaders would be highly visible in promoting terrorism policy agendas during these media broadcasts. Likewise, capitalist policy organizations, and experts from these, would be visible in advocating for, or against, terrorism policies. Under no circumstances would the media broadcasts support policies or changes in society that place a hardship on this class, or challenge the legitimacy of existing relations of economic power. These broadcasts would represent early indicators of corporate liberal involvement in the post-bombing policy debates, even if these groups had not been involved in the pre-bombing debates.

Relative autonomy theory would also predict several factors. First, identifiable class segments would be visible in promoting competing policy agendas during these broadcasts. These competing agendas should create an atmosphere of class conflict and differing opinions on the policy solutions to this crisis would be expected to emerge. This conflict should be visible within the media broadcasts and invite the state to intervene with policies aligned with, but not necessarily exactly like, those proposed by these class fractions. These state interventions may, or may not, be in service to these specific interests. Lastly, dominant frames and discussions would revolve economic system legitimacy, while the images and rhetoric should support general capitalist agendas and economic hegemony. The post-bombing policy debates would evidence these same class fractions and state interventions found in the media, even if these groups had not entered the policy debates prior to the bombing incident.

State-centered theory would likewise predict that specific indicators would emerge from an analysis of the post-bombing media coverage. First, state agencies would formulate a crisis atmosphere or one that is seen as a challenge to the legitimacy of the state. The framing rhetoric would be replete with references to establishing stability and political order. Specifically, the broadcasts should call for order to be established by adoption of state policy suggestions. State agencies would offer their organizational expertise in media broadcasts, since they hold a monopoly on terrorism expertise that is based on their unique informational and organizational capacity. These actions would set the stage for state agencies to control the post-bombing policy debates, even if they had not entered the debates prior to the bombing incident.

#### Post-bombing Analysis

Corporate liberal theory would predict several factors. Liberal class members would be highly visible in promoting terrorism policy agendas. Likewise, liberal capitalist policy organizations, and experts from same, should be visible in advocating for, or against, terrorism policies. Lastly, during any discussion relative to capitalist hegemony, or economic system legitimacy, the policies that are eventually successful should support liberal capitalist agendas and hegemony. Corporate liberal involvement in the post-bombing policy process would be expected since the issues may be relevant to their interests. This expectation would be true even if they had not participated in the debates prior to the bombing, or in the media immediately after the bombing.

Relative autonomy theory would predict that specific indicators would emerge from a post-bombing policy analysis. Based on the argument that business classes have a

vested interest in terrorism policy, identifiable class segments would be visible in promoting competing policy agendas after this incident. These competing agendas should create an atmosphere of class conflict as specific business and class interests compete with alternative policy agendas. This conflict should be visible and invite the state to intervene as a policy mediator. Specific indicators of this would be when the state enacts policies aligned with, but not necessarily exactly like, those proposed by these class fractions. These state interventions may, or may not, be in service to these specific interests and thus may indicate relative autonomy in action. Lastly, during any discussion relative to economic system legitimacy, the policies that are discussed, or that are eventually successful, would support general capitalist agendas and economic hegemony. This may mean that certain class segment agendas will be displaced as the state seeks to maximize capitalist system efficiency. These unfulfilled agendas represent the losers in the policy process and those state policies that are enacted represent evidence of relative autonomy from specific class agendas. Class fractions and state involvement in the post-bombing policy process would be expected, since the issues may create class conflict and be relevant to capitalist interests. This expectation would be true even if no fractions had participated in the debates prior to the bombing, or in the media immediately after the bombing.

State-centered theory would also predict several factors. First, one major indicator of potential state-centered actions would be the use, and perpetration of, a crisis atmosphere. This state sponsored crisis rhetoric would be replete with references to re-establishing stability, and political order, by adoption of state policy suggestions. State agencies would offer their organizational expertise in testimony on the crisis posed by



terrorism and this testimony would be valued by policy generators, since it is based on their unique informational and organizational capacity relative to the “problem” terrorism creates. If these agency sponsored policies were enacted, the state and its agencies could be considered the winners in this process, since the benefits of these policy efforts would accrue to the state and these same agencies. State agency involvement in the post-bombing policy process would be expected, since the issues represent an area of expertise they have the unique capacity to control. This expectation would be true even if the state and/or its agencies had not participated in the debates prior to the bombing, or were visible in the media immediately after the bombing.

## CHAPTER 3

### RESEARCH DESIGN AND METHODS

As demonstrated in the last chapter, several important questions remain unanswered and could be addressed by a study using traditional policy analysis techniques augmented by the use of media analysis. This chapter is a discussion of the research design and the studies methods. The Office of Sponsored Subjects, in accordance with the University of Nevada, Las Vegas (UNLV) requirements, was petitioned for authorization to conduct this project in accordance with Federal regulations. See Appendix A for specific details and the research authorization.

#### Choosing a Case to Study

Policy studies typically use a specific case to understand the historical placement and development of a particular policy. Case studies normally contemplate the impact of a singular event by employing a variety of methodological techniques to help understand the processes surrounding that event (Hamel 1993). Case studies characteristically "include descriptive reports on typical, illustrative and deviant examples" (Marshall 1994: 41). Case studies are used extensively by political sociologists to uncover the policy

mechanisms found in the formation of social policy (Skocpol 1980, Quadagno 1984, Domhoff 1987, Levine 1988, Hooks 1990a).

The choice of a specific case for study is a critical decision for any policy research project. In this study, the Oklahoma City bombing incident was chosen because it represents an extreme or strategic incident that gave rise to an exceptional policy debate. The bomb that went off on April 19, 1995 at 9:02 a.m., destroyed the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. The blast claimed one hundred sixty-eight lives, including nineteen children, and wounded an additional six hundred seventy-four people. Twenty-five buildings were severely damaged or destroyed and another three hundred suffered some form of damage (City of Oklahoma City 1996).

Adding credence to the characterization of this event as a crisis period, we should note that domestic terrorism is a fairly uncommon phenomenon in American society. As previously mentioned, the FBI is currently the primary investigative agency in the event of a domestic terrorism attack. The FBI reports an average of about six terrorism incidents a year (DOJ 1993). The bombing incident that transpired on April 19, 1995 was the most violent and extreme example of American domestic terrorism to date. In fact, the vast majority of domestic terrorist incidents recorded by the FBI are non-lethal attacks against property and demonstrate nowhere near the level of destruction exhibited in this attack. Any research focused on the Oklahoma City bombing incident would also constitute an analysis of an extreme or unusual incident because of the large number of casualties, injuries, and damage to property. Thus, because of the unique circumstances of this case, including relevant policy debates before and after the bombing, as well as the

extensive media coverage, this case qualifies as an exemplar of an exceptional policy debate.

### Policy Methodology

The corporate liberal, relative autonomy, and state-centered theories generally focus on qualitative historical analysis of a specific reform or policy. Methodologically, each theory uses power structure research to identify temporary and transitory political alliances among capitalists and state managers involved in the passage of certain policies. These alliances emerge from specific groups and in direct relationship to very distinctive legislation or policy discussions.

Each of the three theories used in this study focus on how policy elites influence policy formation. There are methodological differences in what these three theories posit. Corporate liberal theory spotlights the role of economic elites in the formation of policy. This theoretical perspective envisions how enlightened elites in the business community often consciously create, and many times support, policy that may appear to be in direct conflict with the short-term interest of capitalism. The methodological implication of this strategic vision by certain capitalists demands that researchers look beyond the immediate implications of policy decision and focus on the longer term impacts of these decisions.

Capitalists have been defined as individuals who are major stockholders in corporations (Zeitlin 1974, Wright 1985). Research in the tradition of corporate liberal theory has commonly highlighted the role of a few major stockholding families, corporate managers, senior partners in investment banks, and directors of multiple corporations as examples of capitalists. These are corporate elites, wealthy industrialists, and

representatives from business organizations who work in the favor of their own interests and the long-term interests of capital. In the case of this study a similar operationalization of these individuals is used.

In contrast to the corporate liberal theory formation of a strategic vanguard segment of the capitalist class, relative autonomy theory sees conflict between segments of the capitalist class as vital to the formation of policy. These segments are defined as power blocs, and examples include capital intensive corporations with a primary focus on international markets and labor intensive corporations with fundamentally domestic markets (Allen 1991). These power blocks can be based on industry segment, size, and business orientation. These groups of industrialists potentially have disparate interests in policy due to their fundamentally different business orientations. These blocs will be identified based on business orientation and policy position.

State-centered theory suggests that state managers are an interest grouping onto themselves. State managers are defined as those representatives that are employed by, personify the positions of, or run state agencies. State managers may have a connection to business in their background, may be career bureaucrats, and/or could be retired from state agencies. The identification of testifiers as state managers was first positional and then based on the actual testimony. The quality of their testimony was assessed to determine if they were articulating policy positions consistent with those of the state agency or with another group.

The alteration in methodological focus that state-centered theory embodies allows for changes in the location of research interest from a specific class, or class segment, to a grouping of state managers or organizations within the overall state infrastructure. A

critical area for study under this theoretical perspective is the maintenance of legitimacy for the state. State managers can enact policy that could be seen as a direct challenge to capital accumulation activities if the policy helps maintain social order (i.e., legitimacy). Thus, state managers are more concerned with political hegemony and not as concerned with economic hegemony. This quality is best analyzed when examining the policy agendas their testimony represents and who benefits from those policies.

### Crisis

The crisis this study focuses on is smaller in scale than previous studies and may be considered a middle range of crisis event, smaller in scale than large economic displacements or war, but still not representative of everyday events. Crisis events represent socially constructed moments that define a perceived disruption of the social order. A crisis is a socially important moment, a decision point, where insecurity and suspense are the rule of the day in politics and everyday life (Raboy and Dagenais 1992). Previous research has identified examples of crisis events in times of economic depression and warfare (Block 1980). This study contends that the Oklahoma City bombing incident was just such a crisis event, albeit of a smaller impact.

One justification for this definitional extension can be found in the social reaction to the incident itself. In the immediate aftermath of the explosion, the media helped communicate a sense of crisis and America's collective emotions were in an uproar. Many felt that this terrorist act challenged the very nature of our society and this challenge demanded swift and sure action to restore public confidence. A national sense of urgency

ensued and this sense of urgency included a demand for social stability. This is a similar reaction felt during economic and warfare crisis situations.

To accomplish the task of comparing these three theories, which may offer a more accurate picture of the policy process during crisis moments, several issues are examined. First, evidence of activity by three groups is critical. These groups include three separate and distinct categories of testifiers: Capitalists and their respective policy planning organizations; public interest groups that may have influence in the process; and state managers.

Capitalists and their policy organizations are defined by position and issue. To accomplish this task, the background of each testifier was examined and their policy position respective to the interests of business noted. Each capitalist was researched, using information provided in the actual introductions of the hearings and supplemented by the use of additional bibliographic resources (i.e. press reports, publications, personal statements). The policy planning organizations that have traditionally been associated with capitalists were likewise identified, as well as emerging business representative groups that may not represent the older economic constituencies (i.e., domestic vs. international). These advocacy groups represent emerging economic blocs like the interactive services industry.

Groups not associated with business were also asked to testify during hearings. These include public interest lobbies like the American Civil Liberties Union and the Irish American Caucus. Since these public interest groups have a fundamentally different orientation from business groups, they were identified and analyzed as to their impact on the policy formation process. These groups were generally focused on non-economic

issues like the protection of human and civil rights and thus concentrated on the political hegemonic debates.

State managers are the third group of interest. As noted, they represent agencies and their testimony was based on organizational expertise. The designation state managers refers to state employees, agency managers, and representatives from the various branches of government who engage in policy debates, reflect on the issues being addressed, or help create policy. These representatives were identified based on their position within the state infrastructure, or their past association with the state and the respective agencies they represented. In addition to these positional designations, the essence of their depositions were examined to determine if this testimony was consistent with, or in conflict with, the state's position respective to the policy under consideration.

Once these groupings were created, the process of identifying who testified, who won on specific policies, and who benefitted from the passage of those policies was determined. To accomplish these tasks, several issues needed analysis. First, it was necessary to identify who appeared at the terrorism hearings and who testified. Second, the analysis contrasted the statements made during the hearings and compared their policy proposals to identify who won. Last, an examination of the final bill to see who benefitted was conducted.

### Combining Media and Policy Analysis

Luchansky and Gerber (1993) studied the policy development process surrounding the passage of the Celler-Kefauver Act of 1950 . Their work provides an example of methodological choices that must be made when studying the influence of the media and



the policy formation process. This study focused on one state agency (i.e., The Federal Trade Commission) and its relative organizational strength in directing efforts to create the image of a social problem with regards to anti-trust issues during the immediate post WW II era. Their study illustrates the processes by which a state agency created a definition of a social problem, extended that definition to the print media, and mobilized resources (e.g., organization capacity) in a successful effort to set the anti-trust policy agendas for years to come.

Luchansky and Gerbner's discussion of resource mobilization includes an important methodological consideration for policy formation research. Their research notes that organizational capacity will rest on the ability of an organization to gather and keep a resource base -- *consistent and substantial funding*. Agency appropriations are a direct reflection of the organization's importance as a credible source of information on a topic. For example, it is possible to conclude that state managers and agencies without funding for a specific informational mission do not have the same organizational capacity (i.e., influence) as agencies that are fully funded to perform informational tasks like intelligence gathering.

Additionally, their work implies that state agencies use the media to justify additional funding and propagandize their self motivated definition of a social problem. Methodologically, this idea provides a potentially interesting insight into the interaction between the media and policy formation processes. According to Luchansky and Gerber, the media are not operationalized as active agents in the policy formation process, but are seen as an outlet for the dissemination of agency defined information or reality. In a similar fashion, this study operationalized the media as passive conduits of information for

both capitalists and state managers. The result of this methodological choice is to isolate issues related to policy formation at the expense of a direct examination of the important dynamics of the media as a policy authority onto themselves.

This study will examine the impact of the media in two ways. First, who appeared in the media during the week after the bombing was examined. Speakers were coded as members of one of the three groups identified previously or as members of non-policy related groups (i.e., firefighters, city workers, etc.). The three relevant categories were separated from the mass of victims, commentators, and others who discussed the attack on television broadcasts in the week following the bombing.

Second, these presentations were analyzed to identify specific policy proposals discussed in the media. Important differences between groups with respect to policies were noted. For example, business groups were expected to discuss the economic impact of such an attack and state managers the political implications of this event. In this case, the hegemonic essence was divided into economic and political varieties. Economic hegemony will be operationalized as discussions on the financial impact of terrorism and include statements in support of current economic structures. Political hegemony revolves around how terrorism is a crisis for the state and involves testimony in the media about how the state will maintain or reestablish political stability, order, or legitimacy.

### Analysis of Hearings

The hearing analysis focused on a discussion of six major themes noted in the analysis of the post-bombing debates. These themes were chosen after a content analysis of the AEDP disclosed that they constitute the major tenets of the final provisions of this

bill and that they represent the most widely discussed aspects of the final terrorism package. These themes are: fund raising by terrorism groups; immigration issues related to terrorism; computer issues related to terrorism; nuclear, biological, and chemical terrorism issues; explosives and ties to terrorism; and death penalty reform.

This analytical framework was designed to help determine the historical advocacy precedence for the post-bombing policy debates. In particular, this analysis focused on the extent of capitalist, public interest, and/or state agency policy advocacy efforts related to the six themes posited above and embodied in the final AEDP omnibus terrorism package.

To study the six issues, and the historical policy debates surrounding each, this study focused on seventeen pre-bombing hearings in both the Senate and House. Public hearings are used since they represent the most publically available documentation of policy discussions and conflicts. In particular, seven Senate hearings related to various aspects of the six themes were included. These comprise 100 percent of the publically available Senate testimony and transpired between May 19, 1988 and March 28, 1995. Likewise, a total of ten House terrorism related hearings related to various aspects of the six themes were included in the study frame. They comprise 100 percent of the publically available House testimony on terrorism related issues and transpired between January 19, 1995 and April 6, 1995.

Official transcripts of these hearings were obtained and this group of seventeen transcripts represent the pre-bombing study frame. The transcripts were analyzed to see who testified, their institutional affiliation, and how their policy proposals impacted, contrasted, and compared with the final provisions codified in the AEDP.

The first classification task was to determine if those who testified were related to business, were representative of state managers, or could be considered public interest groups. Business representative classification was based on current, or past, for profit institutional, or business policy planning organizational, affiliation. The second major group to be identified was state managers. These managers were identified by positions in their respective state agencies. The last group of potential testifiers include public interest experts and representatives from policy advocacy agencies who are determined to be independent of a business or state agenda. These include individuals, advocacy groups, and oppositional policy advocates primarily from not for profit organizations..

The classification scheme used to identify the speakers who testified in the hearings and their organizational affiliation is displayed in Table 3-1. This is a sample of the coding sheet used in the analysis of hearings.

Table 3-1 Policy Testimony Analysis Scheme

<b>TESTIFIERS AND TESTIMONY CLASSIFICATION</b>			
Speaker	Name	Agency or organization	Issue connection

Each of the speakers in the hearings were analyzed as to her/his comments and policy suggestions relative to the six post-bombing policy themes identified within this study.

## Media Analysis

The goal of the media analysis is to identify those who appeared and defines the content of their presentations during the week of nightly newscasts following the Oklahoma City bombing incident. The task of identifying who appeared and which group they belonged to is discussed first. After this section, there is a discussion of the framework for determining the content of what was presented.

## Testimony in the Media

The first phase of the media analysis consisted of an examination of existing records from the Vanderbilt Television News Archives collection of network nightly newscasts. This analysis was conducted to determine the critical period of media coverage on the Oklahoma City bombing incident, at what point the intensity of the coverage started to decline, and to identify the speakers who offered testimony during these broadcasts.

The Vanderbilt Television News Archives have systematically recorded, abstracted and indexed television newscasts from the major American media conglomerates since 1968. The Archive collection is abstracted, including time sequence, based on story level descriptions. The collection includes over 30,000 abstracts on individual broadcasts from the three major news organizations: American Broadcast Company (ABC), Columbia Broadcast System (CBS) and National Broadcast Company (NBC). Each month the collection's comprehensive index of names, places, subjects, and broadcast time lengths is updated.

For the purposes of this project, and after careful examination of these documents, the period of April 19, 1995 to April 25, 1995 was selected as the media analysis study period. This period was analyzed to determine coverage levels and while doing so, a drop-off point in said coverage was identified. The broadcast time for each story was extracted from Vanderbilt records. In this analysis, reported percentages are based on the amount of story time in ten second intervals divided by the actual length of the complete broadcast. This analysis focused only on the three major broadcast news outlets (ABC, NBC and CBS), while excluding additional sources (i.e., CNN). Coverage analysis was truncated after one week due to the drastic decline in coverage intensity.

After determining the time frame in phase one, a survey of broadcast content for the selected newscast period was conducted. Videotapes of the twenty-one half-hour nightly newscasts from the three major networks were procured from the Archives with funds partially provided by the UNLV Graduate Student Association and the UNLV Department of Sociology. These video tapes were augmented by the purchase of transcripts for CBS and NBC newscasts. These transcripts are readily available from public transcription sources which did not transcribe the ABC broadcasts. The ABC transcripts were individually transcribed by a professional court reporting service using the same presentation format as the CBS and NBC materials. Transcripts were cross verified against the video tapes to help ensure reliability and validity of the data frame. The overall set of twenty-one transcripts provided written documentation of quotations and speaker credentials.

The videos and transcripts were surveyed for specific content by using a code sheet developed for this project. This code sheet included various categories designed to

differentiate selected variables and assess those variables relative to the various theoretical perspectives mentioned in the review of literature. These variables were divided into three major categories: record keeping, speaker identification, and content. The record keeping variables include broadcast date, record number, network name, broadcast anchor name, reporter name, and story classification. The speaker identification variables include the affiliation of speaker, evaluation of the speaker's expert status, and if applicable, the policy group for whom the speaker acted. Operationalization of each variable can be found in the text.

### Hegemony and Media Testimony

Media analysis is the process of analyzing the content of a particular text (e.g., news programs, advertisements, situation comedies) in an effort to provide a systematic and empirical description of the material under consideration. While the history of media analysis dates back at least to the study of newspapers by church officials in the 1600's (Krippendorff 1980), the technique was more systematically developed in the mid twentieth-century to better understand the connection between propaganda and communication (Smith et al. 1946).

Media analysis can take a relatively objective and/or subjective orientation to the investigation of texts. The more objective orientation would focus on the systematic and

quantitative description of the content of a text. This orientation is aptly summarized by Fiske and Hartley.

The starting point of any study of television must be with what is actually there on screen. This is what content analysis is concerned to establish ... It is not concerned with questions of quality, of response or of interpretation, but confines itself to the large scale, objective survey of manifest content (1978: 21).

On the other end of the manifest-latent continuum, stands a variety of media analysis used to analyze social life by interpreting images contained within texts (e.g., documents, films, art, music). This type of analysis is more concerned with the underlying meaning, or hegemonic function, of the communication medium under consideration. A synopsis of this position can be found in Krippendorff's description of how studies in this tradition seek "to understand data not as a collection of physical events but as symbolic phenomena" (1980: 7). This is not to imply that latent media analysis is not scientific. Krippendorff also insists that it is "fundamentally empirical in orientation ...(specializing) in symbolic events to which other methods are insensitive" (1980: 10).

The two endpoints on the analysis continuum described above do not necessarily have to be adversaries. It is possible, and desirable, to incorporate quantitative and symbolic interpretations within one study. Babbie (1992) contended that researchers face a problem when they describe their research as based on either a quantitative or qualitative orientation and counseled that "the best solution to this dilemma is to use both methods" (318).

The media analysis used in this project consisted of several phases. In phase one, analysis of existing records was conducted to determine the critical period of media intensity and to define the breadth of coverage given to this story (see discussion above).



Next, a systematic analysis of manifest media content was done. In this analysis, policy related discussions were identified and their content analyzed according to the theoretical structure set forth herein.

The content specific variables were used to evaluate the testimony of everyone who spoke during the broadcasts. These variables include political hegemony factors such as crisis expressions, articulations of powerlessness, and justifications for state violence. Crisis expressions were categorized as an indication of political hegemony, since the bombing was labeled a political act and terrorism is normally addressed in terms of its motivation not its economic impact. The powerlessness articulated during the media broadcasts were expressions of the need for a response by politicians and as challenges to the legitimacy of our system of government. Justifications for state violence against the perpetrators were specific calls for political responses to this act and not economic responses. Additionally, potentially economic hegemony related factors included calls for punishment, accusations against an evil other, spectacularization, effects of the bombing, and indicators of public opinion. Calls for punishment included economic sanctions as well as other forms of state response to this act. Likewise, articulations against an evil other included calls for tighter controls on economic impacting factors like immigration. Spectacularization is described below and included the idea that this event, in terms of cost and impact, was enormous and unusual. Indicators of public opinion focused on many factors, including the costs of the bombing, in terms of replacement and damage. Some of the above variables included aspects of both indicators of hegemony. Specific dual indicator variables were also noted and included expressions on what the future would be

like, and calls for legislative action. These variables included aspects of both politics and economics.

Analysis of these variables was recorded simultaneously as manifest attributes (if present or if not) and as qualitative responses. The qualitative responses consist of quotations relative to each variable and were drawn from the transcripts and recorded as attachments to appropriate variables. Some duplication of quotations was unavoidable due to the ambiguity of many speakers' statements and the multiplicity of ideas expressed.

All speakers who verbalized some form of comment within the twenty-one broadcasts were evaluated across all variables. The results of these surveys were cross-verified by a duplicate analysis process on the video taped presentations. Thus, each coding was done twice and analysis compared between them to help eliminate errors. The results of the cross verified surveys were entered into the SPSS<sup>™</sup> statistical analysis program where descriptive statistics, frequencies, and cross-tabulations were generated. Qualitative responses were used within the text of the media chapter to clarify points and to augment the arguments therein. Operationalization of each content variable can be found in the text.

### Post-bombing Policy Analysis

To study the six separate issues noted previously, and to determine who won in their policy advocacy efforts, this study focused on nine post-bombing hearings in both the Senate and House. Six Senate post-bombing hearings related to various aspects of the six themes transpired between April 27, 1995 and April 15, 1996. Likewise, a total of three House terrorism hearings related to various aspects of the six themes transpired between

May 5, 1996 and March 7, 1996. This group of nine hearings represented the post-bombing study frame and was analyzed to determine the extent of policy advocacy efforts by various groups within the policy generation process. This analysis included a similar determination of each expert's organizational affiliation and contribution to hegemonic debates as that found in the policy analysis for pre-bombing hearings noted above.

### Advantages and Disadvantages

This section will examine the advantages and disadvantages of media analysis, policy research and the combination that is proposed here. As mentioned before, this project examined the content of nightly news broadcast programs from the three major networks: ABC, NBC, and CBS. Additionally, the publicly available Congressional records for both pre and post-bombing terrorism related hearings were examined for data on the policy debates.

There are a variety of advantages found in the design of this study. One advantage of choosing the evening news as a frame for study is that copies of these programs are readily available. Additionally, the network evening newscasts are an enduring and established form of communication. They are routinely consulted by the public for information, news, and commentary related to public events.

A second potential advantage can be identified in the choice of limiting the coverage to the week after the actual bombing. The assumption behind this choice is that initial reactions by policy elites are contained within this time frame. Potentially, such a study design can offer much greater insight into the policy formation process because

crisis inspired policy options will have few chances to be modified, and any subsequent metamorphosis will become more readily apparent.

Third, the media are defined as passive agents in the policy formation process. This allowed the study to isolate relevant policy formation groups and their specific activities as presented in the media coverage of the Oklahoma City bombing incident. The primary focus is on policy, not the coverage of actual events, the tragedy the media televised, or the factional implications of the attack and violent counter-hegemonic movements in general. The design was constructed to separate out policy suggestions within an historical context from the massive amount of media coverage of the bombing.

Last, the advantage of studying specific policy hearings and processes is that it may help illustrate these uncommon events. The statistics regarding domestic terrorism suggest that an attack like the Oklahoma City bombing is very rare. The policy process surrounding such an event may be equally rare, but within the politics of crisis thesis suggested herein, maybe not. Given the argument that crisis moments reveal the underlying structure of the policy process, then the choice of this event as a study parameter is not only acceptable, but extremely desirable, since such an event is unlikely to repeat itself in any predictable way.

The advantages of this study are multifaceted. The ability to readily and legally obtain copies of broadcasts, the limited time frame allowing for greater depth of observation, and the relatively unrestricted availability of information about the policy generation process, offer meaningful support for the methodological choices made in this study. The next section examines specific criticisms of the advantages listed above and suggests additional issues of methodological bias that result from the design choices made.

The disadvantages of this study are many. First, the focus on evening newscasts may miss the hourly (if not sooner) developments surrounding the coverage of the bombing. Evening newscasts are usually a recapitulation of the ongoing coverage of the day and special reports. They represent a framed and sanitized information flow that may not necessarily be indicative of the actual events that transpired. Additionally, the use of the three traditional networks to the exclusion of news outlets like the CNN may skew the results.

This criticism was carefully considered in the development of this study design. Because CNN produces a continuous stream of coverage and its evening summary program is one hour long, in opposition to the half-hour network broadcasts, the presentation of news has the potential of being significantly different from that of ABC, NBC and CBS. Designing for such differences would have greatly increased the complexity of this project and as a result was abandoned as an option. While a broadcast bias may exist, by making this design choice and by analytically comparing the three different networks in tandem, sufficient diversity should be present.

An additional criticism is that potentially, the choice of a one week frame (April 19 to April 25, 1995) for the study of the media may miss significant developments as they relate to terrorism policy. The policy formation process can be complicated and protracted. Additionally, because of the editorial choices made by news directors and program producers, significant events and policy happenings may not make it into the broadcast program. The choice of the one week period was made after careful, but methodologically rigorous consideration of the coverage, events, and significant developments surrounding the actual bombing incident. This study settled on the one

week time frame because many of the significant events related to this case transpired within the first week, the resources to conduct a limited study were available, and the work of analyzing this finite set of data was manageable.

Another potential criticism of this project revolves around how the choice of the Oklahoma City bombing is clearly sensational and may be considered by many an inappropriate topic for academic study. Additionally, one can easily assume that many varieties of policies were enacted as a result of this attack. For example, new policies and procedures may have developed for local, state, and Federal agencies. The choice of the AEDP as a signifier of the policy process may not be the best as an example of the policy process.

This attack was an aberration and the policy process surrounding it equally atypical. But what happened, why people did what they did, and the implications of the policies suggested during this crisis, are valid research questions. The research design used by this project actively seeks answers to just such questions and, hopefully, in a way that is considerate of the tragedy surrounding the bombing. The focus on a middle range of policy crisis, albeit abnormal, may help reveal the typical and common processes hidden in everyday policy formation activities. The choice of the AEDP as an exploratory situation indicative of middle range crisis politics is a logical choice, given the irregular circumstances of this dramatic, tragic, and lethal domestic terrorism act that seemingly prompted these policies.

In addition to the above criticisms, the actual application of media analysis is problematic when a study is authored by one person. In the case of this project, considerable effort was expended to insure that the results were verifiable. Coding sheets

for both the media analysis and policy research phases of this project were developed. Coding mechanisms were used that would allow future research to verify the results and replicate the process used herein. These safeguards do not necessarily overcome the bias that results from a single author conducting the media and policy analysis. These precautions do help insure that the processes used in this study are scientifically based and that the empirical findings conform to the standards of good research design.

The use of media analysis, coupled with policy study methodology is problematic. As discussed, only one specific case study using a similar process was found in the literature search. Criticisms of the choice to use a similar research format should be noted. First, the study of media content and policy formation has an implied or suggested causation. During this study, and in the minds of the readers of this study, the content of a text is sometimes seen as a singular consumable product. The implication is that this broadcast content will somehow produce equal reactions from the many audiences that can potentially see the text.

Clearly the text of the nightly news is open to many interpretations by a wide variety of audiences. In fact, this study does not exclude these many audiences prior to the analysis of data. The reduction of the images and text in the selected research frame for this study will necessarily limit which audiences are capable of being studied. That is the point of a research project, to limit the argument to a selected frame and thus allow for replication and testing of the results. Unquestionably, this choice also reduces the actual diversity of response to a tragedy like the Oklahoma City bombing.

This study is not intended to make reliable statements about the complete population capable of watching any particular newscast. This study is intended as an

exploration of the dynamics of the policy generation process. The empirical analysis of media content and policy formation processes in this particular case study may suggest important insights for a larger, more representative study in the future. It is the sincere hope of the author of this study that the research herein will add to existing political sociology knowledge in the "meta-ethnographic" tradition suggested by Noblit and Hare (1988). They recommended that research become a synthesis of existing studies, in this instance case studies, and that the accumulated cognizance this body of knowledge will forge can become a substitute for single studies based on so called representative samples.

Another potential criticism is that by using public hearings as a study frame for policy analysis, this study may miss critical backroom political maneuvering surrounding the AEDP debates. Critics could argue that policy is not created in the vacuum of a public spotlight and significant opposition to any particular policy may transpire in non-public forums. Using the transcripts from public hearings could completely miss these debates. Critics could argue that if the backroom policy advocates prevail, and no official record of their efforts exists, how viable is a policy analysis based on public records?

No clear answer to this methodological quandary exists. The author does not have access to the backrooms of power. Nor does the author have access to non-public transcripts regarding closed door hearings. Past practice and research has shown that policy advocacy is a public endeavor and evidence of it can be found in public hearings and the media. Committee testimony was chosen as a study frame because during these hearings a policy receives "its closest scrutiny and greatest modification" (Congressional Quarterly 1991: 417). Thus, committee hearings are one critical battleground for policy



development and analysis of the testimony given during these hearings should shed light on the policy generation process.

Will this study find a definitive answer to the question of which theory is the best explanation of how policy is formed? No. This study is much more modest in scope and seeks to uncover which theory best explains the policy processes surrounding the AEDP. By using a longitudinal analysis of policy issues, augmented by a study of the presentations in the media, this study may capture evidence of the AEDP policy debates. In fact, the author of this study expects that all three theories will offer insight into the policy process surrounding this complex package of policies. The reason for using theoretical triangulation is not to identify the singular answer, but rather to compare and contrast different approaches to policy analysis.

## CHAPTER 4

### PRE-BOMBING

This chapter focuses on the fifteen year period before the Oklahoma City bombing to understand what transpired in the final debates on the AEDP. The expectation behind this analysis was that business and state managers would demonstrate interest in terrorism policy debates during this time frame. The findings suggested that business had some interest in, and state managers were much more active in, the debates around terrorism policy.

This chapter begins by addressing the motivations behind business advocacy regarding terrorism policy. As demonstrated, business has an interest in terrorism policy to protect itself from the economic consequences of political violence. While this discussion showed that business should have an interest in these policies, this was not the case with respect to all of the issues contained in the AEDP.

During this time, business was not the sole stakeholder interested in terrorism policy. State agencies had an interest in, and impact on, terrorism policy formation. In fact, state agencies were instrumental in changing the motivation behind the policy response to political violence. These changes affected the way the United States addressed terrorism, the debates that surrounded policy responses to terrorism, and they

had enormous influence on who would testify, and what was discussed, during the hearings on the AEDP. Regardless of these structural changes, state agency representatives were very active in the AEDP debates.

An intertwined motive behind the analysis of business and state agency involvement in terrorism policy development was to theocratically situate the AEDP debates. After this analysis, the six specific issues debated in pre-bombing Congressional hearings on terrorism are analyzed. As the discussion demonstrated, these six issues were subject to business and state advocacy efforts. While business was primarily focused on two of the six issues, state agencies were active on all six.

The motives for this analysis are threefold. First, it helped define why business representatives from either the corporate liberal class, or from class fractions, had a motive to be involved in the debates. Secondly, the evidence presented showed that from 1980 to 1995 the state gradually changed the way it addressed terrorism. This change involved a shift in agency power from the State Department and to the Department of Justice. This shift is important because it altered the focus on which policies were being debated and which agencies participated in the debates on these policies. Last, the discussion of the six issues helped set the stage for the overall analysis in this document by defining the specific issues used in the media and post-bombing analysis (Chapter 5 and Chapter 6 respectively).

### Business and Terrorism

The analysis begins with the idea that business should be attentive to terrorism policy debates. It is initially argued that business should be interested in terrorism policy

debates because these types of attacks disproportionately impact business interests.

Business interest in terrorism policy rests on the choice of commercial targets for the majority of terrorist attacks (State Department 1996).

The business of capital is to maintain a constant market demand for products produced by the various components of the economic system. On a strategic level, businesses should care about terrorism because it can potentially affect their ability to produce goods and/or create an impression that the current distribution of power is illegitimate. As a violent political act, terrorism is a direct challenge to the structures of power that regulate commerce and control the distribution of goods in such a market environment. Additionally, capital's raw materials can be jeopardized by the actions of terrorists and such disruptions can cause serious chaos in the transition of these raw materials into consumable products. Last, terrorist acts can be viewed as a direct challenge to the legitimacy of an economic system and as such demand an immediate response if the legitimacy of existing power relations is to be maintained.

At a more practical level, business operations and employees are directly threatened by terrorism. A recent State Department report references the bond between acts of terrorism and business interests. In discussing the two hundred ninety-six worldwide terrorist attacks made in 1996, this report states "about two-thirds of these attacks were ... against commercial targets" and furthermore, these terrorist attacks against commercial targets "command a worldwide audience ... and cause great disruption, fear, and economic damage" (State Department 1996: iii).

It is not only the State Department that sees a strategic interaction between policies designed to thwart terrorism and business interests. Lawmakers and state agency

leaders repeatedly reference this relationship when testifying in Congressional hearings on antiterrorism policies. For example, Senator Joseph Biden, then Chairman of the Senate Judiciary Committee, held terrorism related hearings in 1993. During his opening statement, Senator Biden refers to the bombing of the World Trade Center, a major commercial business center, and noted that:

the terror felt by those present at the explosion was visible on the faces of the survivors as they streamed out of the building, and this terror was shared by Americans who felt suddenly vulnerable because terrorism was no longer an abstract concept to them. It threatened an American landmark on American soil (Senate 1993a: 1)

Echoing a similar sentiment, Admiral William O. Stedeman, then acting Director of the CIA, described the interaction between terrorism policy and business interests when he noted that "the preferred targets of terrorist attacks continue to be 'soft' targets, such as business and tourist sites and facilities" (House 1995j: 19). Senator Biden and Admiral Stedeman's comments, and the aforementioned statistics from the State Department, suggest that it is in the best interest of business to be pro-active in the development of antiterrorism policy.

Likewise, Congressman Hyde (IL) recently noted that "with each passing day, our economic life becomes intertwined with international markets and supply sources" (House 1995j: 2). Hyde was suggesting that the nature of trade in the global business environment is directly tied to antiterrorism policy. It is exactly these vital global sources and supplies lines that could be threatened by terrorist actions and thus seemingly demand vigilant business policy advocacy efforts.

Given the evidence that business interests are tied to antiterrorism efforts, it would seem reasonable that business, and policy groups reflecting their interests, would be active

in the generation of antiterrorism policy. If businesses have a reason to be pro-active in antiterrorism policy development, then the structure of the policy generation processes should reflect the general and specific needs of the economic system and these interests. It would be reasonable to expect that policy maker declarations in support of antiterrorist policy should reflect the idea that the policy process is beholden to capital and therefore antiterrorism policy should be in direct support thereof. As the three theoretical perspectives used in this study note, business is just one of several stakeholders in the policy development process. The next section will focus on state agencies and the motivations for their interest in terrorism policy.

### State Agencies

During the 1980's, state agencies increased the attention they placed on terrorism and some agencies benefitted from this focus. Terrorism policy debates revolved around a gradual governmental power shift, from policy addressing problems using an international diplomacy format, to policies based on the internal criminalization of terrorism. In particular, state agencies saw an increase in their power, resources, and funding as a result of a general trend toward defining and addressing terrorism as a criminal event.

The evidence in this section supports the idea that the shift from diplomacy to criminalization increased the authority of the DOJ. Criminalization refers to the use of criminal statutes, administrative procedures, and civil liability laws to fight terrorism. This movement towards criminalization based policies created the circumstances whereby conflict between agencies could occur and changes in agency mission did occur.

This criminalization process is examined in detail to show how policy advocacy positions by agencies were a long term and successful attempt to gain additional power and resources. To justify the maintenance and expansion of this level of power and resource allocation, state agencies were very active in terrorism policy debates and based their advocacy efforts on specific instances of terrorism, what this chapter will refer to as the “politics of the last atrocity”. The agencies thereby sidestepped the issue of why such increases in power and resources were needed to fight such a statistically insignificant threat. Thus, the criminalization of terrorism was both a long term change in how the United States responded to terrorist attacks and also a justification used by state agencies for increased resources.

In Northern Ireland there is a saying that terrorism policy is based on the “politics of the last atrocity” (McClung Lee 1983) The analysis that follows demonstrates that terrorism policy in the United States reflects this same dynamic. It is argued that the legalistic metamorphosis surrounding terrorism policy depends upon the agency involved, their primary mission as an organization, and the situation under consideration.

This argument begins with an examination of the specific agencies involved in antiterrorism efforts. Next, this discussion provides an overview of the development of the role of the FBI as the primary agency in charge of antiterrorism investigations. As part of this discussion, the generalized role of policy elites and state agencies will be discussed with respect to antiterrorism policy decisions.

### Agencies Involved in Terrorism Policy

Four distinctive groups of agencies were found during the analysis of testimony undertaken in this project. These four include the State Department, Department of Justice (DOJ), Federal Emergency Management Agency (FEMA) and Department of Treasury (Treasury). The presentation in Table 4-1 lists each major agency and their relative component agencies.

Table 4-1 Major Agencies and Sub-Agencies

<b>MAJOR POLICY ADVOCACY AGENCIES AND CONNECTIONS TO SUBSERVIENT AGENCIES</b>				
<b>SUB- AGENCY</b>	<b>DOJ</b>	<b>STATE</b>	<b>FEMA</b>	<b>TREASURY</b>
	Federal Bureau of Investigation	Information Agency	Fire Administration	Alcohol, Tobacco and Firearms
	Immigration and Naturalization Service	Arms Control & Disarmament Agency	Insurance Administration	Customs Service
	Drug Enforcement Agency	Agency for International Development	Prepare. Training and Exercise	Internal Revenue Service
	United States Marshals	Foreign Service	Response and Recovery	Secret Service
	Bureau of Prisons	Diplomatic Security		Mint and Printing

Source: United States Government Manual 1996.

The sub-agencies under each group category perform different functions relative to the overall mission of the main agency. In some cases these sub-agencies offer testimony



based on their unique organizational expertise. In no instances do these sub-agencies differ from the policy positions of the parent agency.

The Department of Justice (DOJ) was established in 1870. Currently the DOJ employs about 126,000 people (DOJ 2000). This agency group provides legal advice to the President, represents the Executive Branch in court, investigates Federal crimes, operates Federal prisons, and provides law enforcement assistance to state and local communities. It is functionally divided into investigative and litigation branches. The sub-agencies listed in Table 4-1 represent the major functional areas concerned with terrorism.

The Department of State was first established in 1789 as the Department of Foreign Affairs. The sub-agencies listed in table 4-1 represent the main foreign affairs functions of the Federal government with a focus on terrorism issues. This agency group supports the President's office and frequently advises Congress on affairs of state. This agency is one of the smallest in the Federal bureaucracy and has about 15,500 employees (State Department 2000). Traditionally, the State Department has been very active in responding to terrorism incidents effecting American interests and civilians living abroad.

The Federal Emergency Management Organization (FEMA) was first established in 1979, but can trace the history of its mission as far back as 1803. This group of agencies attempts to reduce the loss of life and property during significant natural and manmade disasters. This agency group has about 2,500 employees and another 5,000 on stand-by status in case of an emergency (FEMA 2000). In the event of a significant terrorist attack, this agency would coordinate the emergency response to the incident.

The Treasury Department employs about 147,000 people and has a budget in excess of 400 billion dollars (Treasury 2000). The responsibilities of this agency group

range from minting coins to regulating firearms, tobacco, and alcohol. Treasury agents from these sub-agencies would primarily help in terrorism investigations by using their expertise on explosives to find the perpetrators. The agencies listed in Table 4-1 generally represent Treasury assets that could respond to a terrorist attack.

### State Agencies and Terrorism

These state agency groups have specific responsibilities with respect to fighting terrorism. For example, the DOJ's Terrorist Research and Analytical Center publishes an influential annual report on terrorism that includes data on the number of terrorist incidents, suspected incidents of terrorism, and preventions of violent acts by terrorist groups. A recent DOJ report states that in "accordance with U.S. counter-terrorism policy, the FBI considers terrorists to be criminals... There is no Federal law that makes terrorism a crime. Terrorists are arrested and convicted under existing criminal statutes" (DOJ 1995: 3).

Addressing terrorism as a crime was not always the case. Prior to 1982, the State Department held most of the responsibility for terrorism policy and garnered the lion's share of resources for this mandate due to its diplomatic mission. Starting in 1982, a series of Presidential decisions and legislative acts increased the role of the DOJ in

investigations of terrorism. This history is best summed up by William Sessions, then Director of the FBI, when he testified that:

in April 1982, by Executive Order, the FBI was designated as the specific lead agency responsible for combating terrorism in the United States. ...legislation passed by Congress in 1984 and 1986 resulted in a significant expansion of the FBI's jurisdiction. The new extraterritorial jurisdiction set out in the Comprehensive Crime Control Act of 1984 created a new section in the U.S. Criminal Code for hostage taking and the Omnibus Diplomatic Security and Antiterrorism Act of 1986 established a new statute pertaining to certain terrorist acts conducted abroad against U.S. nationals (Senate 1993a:15-16).

While this testimony provided a glimpse of the structural changes that transpired in terrorism policy in the fifteen years prior to the Oklahoma City bombing, the following time line offers important details supporting the argument that these changes effected policy advocacy efforts by state agencies. To understand this process better, the following examples of the politics of the last atrocity are discussed and show how the timing of the significant policy decisions discussed in this testimony coincided with specific acts of terrorism. The result of the DOJ adopting the politics of the last atrocity justification was a gradual reduction in the influence of the State Department and increases in the DOJ's influence.

### Criminalization Overcomes Diplomacy

In the wake of the overthrow of the Shah of Iran, hostages were taken in Iran during 1979. Partially as a result of this terrorist action, the Export Administration Act of 1979 passed into law. This Act requires the State Department to submit to Congress a report on terrorism activity worldwide. This report includes detailed assessments of foreign countries where terrorist acts occur and a listing of terrorist countries. This was

codified into law as Title 22 of the United States Code, Section 2656f (a) which required the State Department to submit an annual report on terrorism (State Department 1996).

In 1982, President Reagan signed a National Security Decision Directive giving the FBI investigative responsibility for terrorism in the United States. Scholars like Hiro (1987) suggest a link between this action and the 1979 hostage situation in Iran. Two years later the Comprehensive Crime Control Act of 1984 was passed into law. This Act expanded the role of the FBI. The FBI became the lead Federal agency in terrorist investigations and this Act is significant because it may represent the first official linkage of traditional crime policy and antiterrorism efforts (DOJ 1995: 17).

In 1986 the Omnibus Diplomatic Security and Antiterrorism Act was passed. This Act further expanded the FBI's territorial jurisdiction to include investigations of terrorist acts overseas. Until this time the State Department oversaw the government response to terrorism with the CIA being the agency most widely recognized as having the mandate to investigate international terrorism incidents (DOJ 1995: 17). Thus, the criminalization of terrorism embodied in these policy decisions increased the role of the FBI and gradually changed the focus away from diplomatic responses to terrorism and towards law enforcement based responses.

These examples, and the testimony of William Sessions, suggests a relationship between the expansion of certain state agency missions and the politics of the latest atrocity. Most importantly, it helps illustrate how, during the 1980's, the FBI's role expanded as a designated antiterrorist agency while the State Department's traditional role in counter terrorism was declining. The Iran hostage crisis helped provide the justification for expanding the mission of the DOJ/FBI and gave policy makers a specific crisis incident

from which to develop expansionist motivated policy responses to terrorism. Not only did the politics of the last atrocity cause an expansion of the FBI's role, the trend toward defining terrorism as criminal activity increasingly gave this particular agency the authority to combat terrorism as a criminal enterprise.

Over the years the DOJ/FBI group, as the leading Federal law enforcement authority, was able to convince policy makers that it had the organizational capacity to investigate these types of crimes and more importantly, to testify regarding appropriate policies designed to combat terrorism. While the State Department and the CIA had investigative capabilities via their intelligence gathering capacity, the DOJ/FBI was able to capitalize on the emerging definition of terrorism as a crime.

As the trend towards responding to terrorism as a criminal activity developed, many other state agencies used this as an opportunity to seek increased resources. The Treasury, ATF, and Immigration are a few examples of state agencies that became increasingly interested in antiterrorism policies because of their potential impact on these agencies, their funding, and the expansion of their mission. This does not imply that these agencies always worked alone and against each other. Testimony by Alexander Aleinikoff, General Council for the Immigration and Naturalization Service, illustrates the interagency grouping used in this study when he said that beginning in:

1986, INS began working more closely with the Federal Bureau of Investigation (FBI) in identifying and coordinating areas of responsibility relative to aliens suspected of engaging in acts of terrorism. This joint venture has enabled both agencies to share information which ultimately could render an alien excludable and/or deportable from the United States. INS agents at New York City have been working directly with the FBI in conjunction with the investigation and prosecution of aliens involved in the World Trade Center bombing in 1993 (House 1995g: 13).

These policies evidence a change in the way policy was debated and which players in the debates were most significant. In the beginning of the 1980's, the State Department, and its diplomatic mission, held the advantage over the DOJ and its law enforcement mandate. By the late 1980's, the terrorism related lobbying efforts of the State Department and the DOJ became roughly parallel. When Congress would hold hearings on policies designed to combat international terrorism, both agencies would send representatives to testify on whatever policy was under consideration. The following chart tracks each agency's terrorism policy testimony from 1988 to 1992 to demonstrate the emergence of this parity (see Table 4-2).

Table 4-2 State Agencies and Policy Advocacy

<b>AGENCIES THAT PROVIDED SUPPORT OR TESTIMONY FOR TERRORISM LEGISLATION 1988 - 1996</b>			
<b>BILL# OR DATE OF HEARING</b>	<b>DOJ/FBI</b>	<b>STATE DEPARTMENT</b>	<b>INCIDENT/ISSUE BEHIND HEARING/BILL</b>
05-19-88 TERRORISM	X	X	National Security (General issues)
09-15-88 TERRORISM	X		National Security (General issues)
07-25-90 S.2465	X	X	Pan Am 103 (1988) Klinghoffer Attack (1985)
04-21-93 TERRORISM	X	X	World Trade Center Bombing (1993)
04-22-93 TERRORISM	X	X	World Trade Center Bombing (1993)
05-28-93 S.667	X	X	World Trade Center Bombing (1993)

Sources: Senate 1988a, 1988b, 1990, 1993a, 1993b, and 1993c.

It was not just that each agency testified, but the focus of the policies was also changing and this change shaped the debates on terrorism policy. The policy solutions offered during these hearings were usually tied to specific attacks of terrorism and thus the debates were based on the politics of the last atrocity justification mentioned earlier. For instance, the debate on S. 2465 was in direct response to the attack against Pan Am Flight 103 and the murder of a wheelchair bound passenger on the *Achille Lauro* cruise ship (Senate 1990). This hearing debated antiterrorism policies that would allow victims of terrorism to use civil action to get monetary rewards from those terrorists who attacked them. While both the State Department and DOJ testified, this hearing is significant since it demonstrated that policy makers were not seeking diplomatic responses to these incidents, but rather debating legalistic remedies for the problems terrorism posed to society.

Likewise, in the aftermath of the bombing of the World Trade Center (WTC), the Senate held hearings reviewing the overall threat of terrorism. Senate bill S. 667 was formulated to address concerns expressed by experts and state agency representatives who testified on May 28, 1993 (Senate 1993c). The critical focus of this testimony was asylum and immigration policies. The issue of immigration policy and terrorism was linked to the WTC bombing when post-bombing media reports noted that some of the perpetrators were here under dubious immigration circumstances and a few had even sought political asylum in order to gain entrance to the United States (New York Times, 1993a, 1993b).

The issues brought forth in these hearings were not necessarily cast into the final draft of S. 667, but many of these same issues would emerge again two years later when

President Clinton sent his original antiterrorism package to Congress a few months prior to the Oklahoma City bombing. They would become part of his pre-bombing policy package to combat international terrorism and eventually some of these policies would become part of the AEDP. What is critical is that over the years terrorism policy had metamorphosed from a diplomatic response to one that needed the attention of law enforcement. This transition was not random, nor without benefit to other agencies. In fact, the DOJ was instrumental in capturing the ear of policy makers since law enforcement was their primary agency mission and they had the unique organizational capacity to address the problems posed by terrorism.

Interestingly, Philip C. Wilcox, the State Department's Coordinator for Counter-terrorism, uses a criminalization justification when he states that the:

basic premise of our counter-terrorism policy; that is, that terrorists are criminals, whatever their political motives, and that we need to strengthen our legal tools to accompany the diplomatic, intelligence, and security assets that we bring to bear against international terrorists (Senate 1995b: 10).

Together these two agency groups, their testimony, and their policy advocacy efforts on these issues helped demonstrate that the DOJ not only used, but benefitted from, the criminalization rhetoric. This agency was not alone in the use of this justification, but it was the one that benefitted the most as its mission and policy influence grew. Curiously, while the influence of the DOJ was increasing, the number of terrorist incidents was steadily declining. In the next section, reports and statistics from the State Department and DOJ are examined to better understand how state agencies manufactured statistics to get the policies they wanted. In particular, it is important to understand why



they also used the politics of the last atrocity justification for additional power and what effect these faulty statistics and that justification had on terrorism policy.

### Statistics and the Policies of the Last Atrocity

Agency advocacy for increased resources was not always based on good research or reliable data. Given the role such quantitative justifications usually play in the allocation of resources, one would expect that the statistics regarding terrorism would indicate a dramatic rise in terrorist incidents. But this was not the case. The annual State Department (1996) report on terrorism recently modified the way it calculated and recorded terrorist incidents. In so doing, the frequencies for incidents of terrorism in the years 1984 - 1988 were downwardly revised. As the following quote indicates, this problem was first identified in 1989 and after years of delay, the problem was finally corrected in 1995:

In past years, serious violence by Palestinians against other Palestinians in the occupied territories was included in the database... This resulted in incidents being treated differently from intraethnic violence in other parts of the world. In 1989... such violence stopped being included in the U.S. Government's statistical database on international terrorism. The figures shown ... for the years 1984 through 1988 have been revised ..., thus making the database consistent (State Department, 1996: 70).

These now excluded incidents had been used for many years to justify agency mission and funding (i.e., Senate 1988a: 25-26; Senate 1993a: 24-25). The result was increased funding and resources for the State Department's counter terrorism activities when said increases would not have been warranted because of a declining threat profile and more importantly because the investigative and response onus had gradually shifted to the DOJ.

The DOJ also keeps statistics on terrorism by way of its investigative arm, the FBI. A longitudinal review of this data indicate a second problem: that is, in real terms the actual number of terrorist incidents is steadily declining. The official FBI's statistics for 1982 to 1996 indicate that this agency investigates relatively few terrorist cases each year. The FBI uses three definitions of terrorist activity to categorize incidents (actual incidents, suspected incidents, and preventions). Like the State Department, the FBI frequently redefines an act of terrorism that was previously reported and adds/deletes incidents as their terroristic nature become known (DOJ 1989: 26; DOJ 1990: 26). Thus, each year the numbers may change slightly, but the consistent downward pattern seems to be fairly easy to decipher. Table 4-3 examines the FBI's statistics on the actual number of documented terrorist incidents and shows the overall declining statistical pattern.

Table 4-3 FBI Statistics on Terrorism

<b>STATISTICS REPORTED BY THE FBI FOR ACTUAL, SUSPECTED AND PREVENTED TERRORIST INCIDENTS DURING THE YEARS 1982 - 1995.</b>				
<b>TYPE YEAR</b>	<b>TOTAL INCIDENTS</b>	<b>ACTUAL TERRORIST INCIDENTS</b>	<b>SUSPECTED INCIDENTS</b>	<b>PREVENTIONS OF TERRORISM</b>
1982	54	51	0	3
1983	39	31	2	6
1984	25	13	3	9
1985	36	7	6	23
1986	36	25	2	9
1987	22	9	8	5
1988	17	9	5	3
1989	27	4	16	7
1990	13	7	1	5
1991	10	5	1	4
1992	4	4	0	0
1993	21	12	2	7
1994	1	0	1	0
1995	4	1	1	2
1996	8	3	0	5

Source: DOJ. 1995: 16; 1996: 5 - 6.

An analysis of these statistics for the years 1982 to 1996, show a grand total of 317 terrorist incidents, suspected terrorist incidents, and terrorist preventions. Individually, the DOJ/FBI categorized 181 incidents as terrorist inspired, 48 suspected incidents of terrorism, and 88 terrorist preventions during this time period. These statistics equate to an annual average of 21.13 total recorded terrorist incidents, suspected incidents or

preventions per year. These statistics break down to an annual average of 12.07 terrorist incidents, 3.20 suspected terrorist incidents, and 5.70 terrorist preventions. In comparison, the averages for the last five years of data indicate a significant decline in all categories of terrorist activity. During this five year period, the total number of incidents averaged 7.60 per year. Likewise, the data indicate that the United States is experiencing only 4.00 terrorist incidents per year, .80 suspected terrorist incidents per year, and 2.80 terrorist preventions per year.

While the State Department focuses on a different definition of terrorist incidents than the FBI, and thus their statistics are different, both agencies provide official data that suggest a declining threat from terrorism. In the face of the statistical anomalies found in the State Department data set, and a statistically declining threat profile evident in the DOJ/FBI data, agencies involved in the collection, processing, and investigation of data relating to terrorism have continued seeking to expand their mission by referencing single incidents of terrorism. This is direct evidence that the politics of the last atrocity is embedded in these agencies and this justification has value for state agencies, in particular for the DOJ. Several examples from recent DOJ reports illustrate this.

In the late 1980's Puerto Rican terrorism incidents were noted as the prime concern in agency reports (DOJ 1989:16). Since a considerable amount of the historic domestic terrorism activity reported by the FBI has been conducted by separatist groups from Puerto Rico, this theme emerges periodically in agency reports, even if the peak for such activity passed in 1982. Developments in world politics also had an influence on agency efforts to expand resources and mission. During the Gulf War crisis, the FBI

justified its antiterrorism mission as part of the national defense effort in the face of potential attacks by terrorists from Iraq (DOJ 1990:14).

Preexisting issues and war induced rhetoric notwithstanding, the FBI has recently focused on two major terrorism incidents to expand agency power, influence, and resources. In 1993, the World Trade Center (WTC) bombing transpired and the DOJ used this incident to justify its existing efforts and to advocate for new policies and resources (DOJ 1993: 23). Likewise, after the 1995 Oklahoma City bombing incident, this agency used that tragedy as the main justification for increasing the mission of the FBI in combating terrorism. This expansion includes expanding its authority and resources to fight domestic terrorists groups (DOJ 1995: 9).

Thus, the use of the politics of the last atrocity justification continues in contemporary debates and the evidence of a statistically declining threat becomes irrelevant in policy decisions. This is illustrated in quotes found in agency publications. Despite the declining numbers of terrorist incidents and specifically addressing the numerical trend indicating a declining terrorism threat profile, FBI reports repeatedly depict terrorism as a germane and meaningful threat (DOJ 1989, 1990, 1993, 1995). These reports and others specifically remind the reader that “terrorism is dynamic and ever changing. It will not go away. Anti-American sentiment will continue” (DOJ 1992: 19). The implication of such proclamations is that no matter how insignificant the statistics get on terrorism, the DOJ must maintain expensive investigative efforts to stop this criminal behavior and protect the citizens of this country against the forces that would destroy the American way of life.

This section has made several arguments. First, the shift from diplomacy to criminalization increased the authority of the DOJ. Second, the criminalization justification was a rhetorical device used by the DOJ and other agencies to justify increases in their power. This justification was based on the argument that they alone had the capability and authority to conduct criminal investigations of terrorism. Third, in response to a statistically declining terrorist profile, state agencies based their advocacy efforts on the politics of the last atrocity, thereby sidestepping the issue.

The next part of this chapter examines the development of several preexisting policy debates that would become part of the AEDP. This discussion will examine the advocacy efforts of state managers, business groups, and public interest groups involved in the pre-bombing debates on antiterrorism policies.

### Six Policy Issues

This section examines the development of several preexisting policy debates that would become part of the overall policy discussion on the AEDP. These debates and the policy advocacy efforts of state managers, business groups, and public interest groups involved in these debates, set the stage for the forthcoming chapters. The influence of the business involvement thesis and the criminalization thesis in these debates is important to recognize, since both provided the basis of the three theoretical perspectives used in this study and they act as justifications for advocacy by both business and state agencies.

As pointed out earlier, anti-terrorism policies changed over the years and in particular the role of the DOJ was expanded by Executive order and legislation. This section begins with details of the antiterrorism proposals submitted to Congress just prior

to the Oklahoma City bombing. Next, this study examines the policy debates from 1988 and up to early April 1995 as related to six specific issues. This analysis was done to identify which groups had advocated for these particular terrorism policies over the years. These debates transpired between state managers, business groups, and public interest organizations. The purpose of this enumeration of pre-existing issues is to help historically situate the debates prior to the tragedy of the Oklahoma City bombing.

### Pre-bombing Proposals

On February 9, 1995 President Clinton submitted to Congress a package of antiterrorism policies. This package of proposals came to Congress about nine weeks before the Oklahoma City bombing. These policies were introduced by Congressman Schumer (NY) and they were focused on international terrorism. The President's proposals were primarily motivated by the WTC bombing incident and included policies under debate for years. A few weeks later, on April 4, 1995 (fifteen days prior to the Oklahoma City bombing), the House Judiciary Committee held fact finding hearings on terrorism, including many that were incorporated into H.R. 896. The Clinton package entered the Senate as S. 735 in the same time frame.

Republican lawmakers incorporated one critical crime issue into this package that was not contained in the original proposals. This issue was habeas corpus reform and it was one element of the Republican Contract with America campaign. It is best understood as death penalty reform (House 1995l, Congressional Index 1996a, Congressional Index 1996b).

Within days of the Oklahoma City bombing, the Clinton administration resubmitted its antiterrorism proposal with significant policy modifications designed to counter this latest atrocity perpetrated by terrorists. These modifications included the death penalty provisions and focused on domestic terrorism. These provisions called for additional resources for, and policies friendly to, state agencies. In fact, as Senator Earnest Hollings stated, the new antiterrorism proposal provided everyone a golden opportunity to offer policy justifications for agency mission expansion. Hollings noted it was as if “a pinata had broken and every department chief was on the ground scooping up what they could” (Congressional Record 1996: 3312).

#### Terrorism Hearings Related to the Pre-bombing Proposals

From 1988 to January of 1993 several terrorism related hearings transpired. These all were held in the Senate and are listed in Table 4-4.

Table 4-4 Antiterrorism Related Hearings Prior to Bombing 1988 - 1993

<u>Date</u>	<u>Ref</u>	<u>Type</u>	<u>Committee/Sub-Committee</u>
5-19-88	Hi-tech	Hearing	Senate Judiciary/Tech. and Law
9-15-88	Hi-tech	Hearing	Senate Judiciary/Tech. and Law
7-25-90	S.2465	Hearing	Senate Judiciary/Courts
4-21-93	Terrorism	Hearing	Senate Judiciary
4-22-93	Terrorism	Hearing	Senate Judiciary
5-28-93	S.667	Hearing	Senate Judiciary/Immigration

Source: Senate 1988a, Senate 1988b, Senate 1990, Senate 1993a, Senate 1993b and Senate 1993c respectively.



The pattern of terrorism related hearings being held almost exclusively in the Senate was broken with the election of the Republican Congress in late 1994. During the period of January 19, 1995 to April 6, 1996 seven antiterrorism hearings were held in both the House and Senate. These hearings have been aggregated in Table 4-5 with appropriate dates and the particular policies under discussion.

Table 4-5 Antiterrorism Related Hearings Prior to Bombing 1995

<u>Date</u>	<u>Ref</u>	<u>Type</u>	<u>Committee/Sub-Committee</u>
1-19-95	HR3	Hearing	House Judiciary/Crime
1-20-95	HR3	Hearing	House Judiciary/Crime
3-23-95	IMMG	Hearing	House Judiciary/Immigration
3-28-95	S623	Hearing	Senate Judiciary
3-31-95	GUNS	Hearing	House Judiciary/Crime (Pt. 1)
4-05-95	GUNS	Hearing	House Judiciary/Crime (Pt. 2)
4-06-95	HR1710	Hearing	House Judiciary

Source: House 1995a, House 1995b, House 1995c, House 1995d, House 1995e, House 1995f, House 1995g, Senate 1995a, House 1995h, House 1995i, and House 1995j respectively.

Table 4-5 shows that the House became much more active in antiterrorism debates just prior to the Oklahoma City bombing incident. One reason for this is that after the 1994 elections, control of the House was taken from the Democratic party for the first time in many years. This so-called “Republican Revolution,” coupled with their overt policy mandate found in the “Contract with America,” changed the political landscape.

This change may have allowed House members to step forward in efforts to combat crime as part of the Republican promise to get tough on this important policy issue.. The first hearings (January 19 and 20, 1995) listed in table 4-5 demonstrate this

post-election restructuring of political debates and is best summarized by Congressman Bill McCullom (FL) when he said, “we begin two days of hearings on issues related to H.R. 3, the Taking Back Our Streets Act of 1995. This is a key part of the Republicans’ Contract With America” (House 1995a: 2).

This particular example brings up another important structural issue for contemporary antiterrorism policy analysis. The Senate normally deliberates policy like that found in the antiterrorism debates in large scale omnibus conglomeration form. In contrast, the House may create omnibus bills or just debate clusters of individual issues that may align with a counterpart omnibus bill from the Senate. The difference between how the two houses enact legislation was described by Congressman Bill McCullom (FL) when he stated:

We are going to be hearing about some bills that are not massive in nature, and throughout the past decade it's been my experience that, for better or for worse, the Crime Subcommittee and the Justice Department's issues have been addressed through big omnibus crime bills. However, these big bills that contain hundreds of laws, and so forth, are not necessarily the best way to legislate. They have been necessitated in large measure because of the fact that we have a rules situation over in the Senate with the filibuster opportunities, and so on, that make it very difficult to produce individual bills in a deliberative fashion (House 1995n:1).

Policy debates occurred in committee hearings and testimony when primary policy advocacy interests converged to debate the issues at hand. These groups include business interests, policy advocacy groups, and state managers. Additionally, state agencies may be asked by Congress to exhibit their organizational expertise by helping to develop policy and respond to testimony by any of the above groups. Because this policy intersection is so crucial to the process, the following discussion will use publically available testimony to frame the policy issues used in this analysis.

### Connections to the AEDP

The six themes were identified from the various hearings held from 1988 and through 1995 and embodied in the final version of the AEDP. The themes include policies designed to curb fund raising activities by terrorist groups, immigration issues related to terrorism, computer issues that tie to antiterrorism legislation, concerns over potential nuclear, biological or chemical terrorism, debates related to explosives and their use by terrorists and the addition of death penalty reform. The following discussion on the themes compares the testimony of business representatives, state managers, and public interest groups. These issues represent potential disagreement points between the various groups of policy elites on the issues that would become the major tenets of the AEDP.

### Fund Raising Issues

The history of the fund raising provisions as they relate to the final provisions of the AEDP begins with an October 1985 terrorist attack on the *Achille Lauro* cruise ship. Palestinian terrorists attacked an elderly wheelchair bound Leon Klinghoffer who was killed and his body and wheelchair tossed overboard. In response to this tragedy, the Senate drafted legislation designed to allow victims to sue foreign entities and collect fines for terrorist actions. The Senate held hearings on the matter in July of 1990. These forms of civil remedies were passed into law, but the testimony regarding the sources of funding for terrorist organizations was left unattended by policy makers..

The fund raising restrictions that would eventually appear in the AEDP came out of the 1990 Senate hearings and the unresolved issues not addressed by the Antiterrorism Act of 1990. During the hearings, representatives from the State Department and DOJ

advocated for legislation designed to limit the ability of known terrorist groups to raise funds in the United States. Testimony debated issues such as designating organizations as terrorist and how best to target fund raising activities by these types of organizations.

During the 1990 hearings, no business policy experts and/or representatives testified regarding the fund raising issue. Public interest groups offered testimony in two forms; in some cases they were asked to directly testify before Congress and in other instances, they sent submissions for the public record.. The direct testimony of Daniel Pipes from the Foreign Policy Research Institute in Washington, D.C., a public interest group, raised the issue of limiting fund raising abilities. Pipes, an expert on the funding of terrorist groups, discussed the asset and fund raising structure of the Palestine Liberation Organization (PLO). The reason he was asked to testify about this particular organization was that the PLO was suspected of this attack and would eventually settle with the Klinghoffer estate without admitting any responsibility.

Pipes testified that the PLO has extensive holdings around the globe and hides those assets from law enforcement. He noted that these assets “are a mystery to the outside world” and estimated their worth at six billion U.S. dollars (Senate 1990: 109). His testimony detailed how their funding is derived and where these assets could be found in the event of a judgement against this organization. Specifically, he discussed the various legitimate and illegitimate ways the PLO raises funds. These sources include nation states that offer financial backing for PLO activities, individuals who donate a percentage of their wealth to this organization, and assorted illegal/criminal activities that

help fund the PLO. In summarizing the testimony, Pipes echoed an influential anti-terrorism theory of the era (Adams 1986) and insisted that:

I would conclude that from a policy point of view that it is absolutely critical to go after the funds because he who controls the funds controls the organization. It is not enough to simply go after the footman, the soldiers, the terrorists, the individuals. One must strike at the heart of organization, and that means going after its funding (Senate 1990:110).

This sentiment is similar to the depositions from state managers at these same hearings. Alan Kreczko from the State Department noted his agency's positions on the proposed civil liability policies when stating, "we support this (civil suit) legislation as a useful tool in strengthening the rule of law against terrorists" (Senate 1990: 11). He also mentioned several recent court cases allowing for civil liability and suggested that the "existence of such cause of action may deter terrorist groups from maintaining assets in the United States, from benefitting from investments in the United States, and *from soliciting funds from within the United States*" (Senate 1990:12, emphasis added).

Steve Valentine from the DOJ suggested the passage of the civil remedy being discussed here is part of a larger effort by government to stop terrorism. He stated it is his agency's "belief that it is essential that both Congress and the Executive Branch take measures, such as the present bill, to deter terrorist attacks ... The Administration and the Department of Justice have indicated that they will leave no stone unturned in their efforts" (Senate 1990: 31).

This testimony from both the State Department and DOJ indicates a willingness to co-advocate for investigative remedies, new criminal statutes, and support for civil actions in the fight against terrorism. These policy discussions also demonstrate the genesis of the

future fund raising policy provisions first suggested by the President in his pre-bombing proposals and eventually embodied in the AEDP.

Not until February 9, 1995, when President Clinton submitted his package of terrorism proposals, did the provisions specifically directed at preventing fund raising by terrorist groups get put into policy. The fund raising provisions of the President's proposals were first articulated in the restitution section of H.R. 896 and Congress recorded testimony about these issues prior to the bombing.

As mentioned, just before the bombing, business had little interest in this issue and only one business representative offered testimony. Michael Ladeen from the American Enterprise Institute, a business supported policy institute, testified on April 4, 1995. Ladeen supported the anti-fund raising policies and the ideas of stopping the flow of money to terrorists by allowing the President, by Executive decision, to make a list of terrorist organizations that could be used in fund raising prosecutions. Such a list could also be an important way to label the organizations and allow for penalties for anyone giving support to these groups.

The provisions that allow the President to label organizations terrorist and to stop them from raising funds in America were opposed by many of the public interest groups that testified. These groups include the ACLU, NACDL, and various ethnic interest groups. Their opposition was focused on the specific provisions granting the President, or any government agency, the power to label organizations and to set limits on free association that such a designation would incur. Additionally, several House committee members, primarily those newly elected House Republicans, opposed the expansion of Executive power this provision implied (House 1995j, House 1995l, House 1995m).

State agencies did not agree with these public interest groups and the newly elected House Republican majority. Jamie Gorelick, a DOJ official, testified about her agency's support of the original provisions giving the President this power and law enforcement this tool in the fight against terrorism (House 1995j). At the same time, Louis Freeh, Director of the FBI, supported the original intent of the provisions, but did not specifically address who would have the power to designate these organizations as supportive of terrorists (1995j: 47).

These policy debates help demonstrate the persistence of advocacy efforts with respect to terrorism policy. In 1990 state agencies got some of the policies they had asked Congress to enact. The same issues were once again sent forth in the pre-bombing proposals from the President. At this time, no clear winner can be identified with respect to this policy. What is clear is that state agencies and public interest groups have engaged in long standing disagreements over the fund raising issue while business has had little or no interest in this issue.

### Immigration Issues

The history of immigration issues respective to AEDP terrorism policies begins with the February 26, 1993 terrorist attack on the World Trade Center (WTC) in New York City. Terrorists constructed and then detonated a massive truck bomb in the parking structure of this building. In response to this attack, the Senate held general hearings on April 21, 1993 and April 22, 1993. In addition the Senate also held hearings on S. 667 on May 28, 1993. In all three hearings, Senate testimony considered what policy changes could be enacted to combat the perception of an immigration crisis related to terrorism.

Specifically, testimony centered around how to identify immigrants connected with terrorist organizations and how to prevent them from entering the country.

Business had little or no interest in this issue in the 1993 hearings. In fact at no time did business testify in the pre-bombing era about immigration issues. Public interest groups did testify. Two counter balancing instances of public interest group testimony were noted during in the May 23, 1993 pre-bombing hearings. In these Senate hearings; Robert Juceam of the Lawyers Committee for Human Rights opposed new immigration policies and Dean Stein of the Federation of American Immigration Reform group supported new immigration policies (Senate 1993c). Immigration reform was shelved until reintroduced in President Clinton's pre-bombing proposals. Additionally, on April 6, 1995, ACLU representative Greg Nojeim testified about potential legal problems in the immigration reforms contained in the President's proposals. The ACLU is a public interest group dedicated to preserving civil rights. In this case, the opposition to the immigration proposals was based on potential violations of civil rights and due process. Nojeim detailed First, Fourth, Fifth and Eight Amendment concerns with the President's provisions (House 1995j).

The most active group in the pre-bombing debates on immigration were state officials. In fact, of the seventeen state managers who testified during pre-bombing hearings, twelve directly addressed an assortment of immigration issues and all twelve were in support of a host of new immigration policies designed to address the problem posed by non-citizens committing acts of terrorism (Senate 1993a, Senate 1993b, Senate 1993c, House 1995g, House 1995j).



Examples of state manager testimony include Aleinikoff from the INS (House 1995g), and Freeh from the FBI (House 1995j). Each testified about the need for improved immigration policies and procedures. All state agencies and their representatives supported the provisions as written and advocated for their passage (Senate 1993a, Senate 1993b, Senate 1993c, House 1995g, House 1995 j). The potential benefits to state managers of passage included increased funding for additional courts, more immigration agents, and new Federal powers to designate individuals as members of terrorist organizations. No policies were passed at this time, but the debates, who won and who benefitted, would become more apparent in the post-bombing era. The lesson is that in the pre-bombing era, business had no interest in immigration policies, public interest groups did offer some resistance to these policies, and state agencies were very active in promoting new immigration policies which had the potential to benefit them the most of any group.

### Computer and Technology Issues

Several computer and technology related terrorism issues were debated prior to the Oklahoma City bombing. These issues generated debate by business leaders and state managers. This section of the analysis will first cover the development of the debates and then detail which groups opposed or supported the policies that were codified in the final AEDP provisions.

Terrorism related policy debates surrounding computers and technology date back to the May 19, 1988 Senate hearings regarding the use of high technology by terrorists. During this hearing, several business experts and state agency representatives were asked

to testify about the potential of terrorists attacking America's technological infrastructure. These hearings included discussions on the potential use of computers to assist terrorists and their agendas.

The leading business representative testifying on this issue was Robert Kupperman. His testimony asked policy makers to start preparing for high-technology terrorism. His testimony included details on the potential for computer viruses and how hackers could disrupt business transactions (Senate 1988a: 48).

In discussing the lack of attention policy makers have made to these issues, Kupperman noted that:

we are only prepared to deal with yesterday's terrorism. The biggest problem we may face is the emergence of a different breed of terrorist, one with far greater technological talents than we have seen to date, one whose motivation is not fully understood by us. We are unprepared, in my view, to deal with such terrorists (Senate 1998a: 48).

Kupperman would once again testify about this issue and advocate for similar policies in 1993 (Senate 1993a). His 1988 testimony concurred with another business representative, James Woolsey of the legal firm of Shay and Gardner. Woolsey supported Kupperman's thesis and repeated his call for policies designed to curb the potential for terrorism attacks using computers (Senate 1988a). By the 1993 hearings, Woolsey was appointed Acting Director of the CIA and was once again asked to testify. At these hearings Woolsey didn't mention this particular issue in his testimony.

Business organizations were not yet active in these debates. Kupperman and Woolsey sided with state agency positions and supported allowing the government to intercept, decode, and have direct access to newer forms of electronic communications to prevent terrorism and gather intelligence.

State managers were very active in the pre-bombing debates regarding computer technology and encryption of electronic communications. Starting in 1988, the State Department supported Kupperman's thesis (Senate 1988a). Not only was there an alignment of positions between Kupperman and this state agency then, but in the 1993 hearings William Sessions from the FBI advocated a similar position to that taken by both (Senate 1993a).

The result of these long standing debates was evident when these issues were included in the President's pre-bombing policy proposals. The State Department and FBI were active in the hearings related to these proposals (House 1995j). In addition to this state agency testimony, Georgetown Professor Roy Godson, a frequent consultant to the DOJ, also supported the passage of the President's proposals (House 1995j). Over the years, and in the pre-bombing debates, state agencies supported the provisions as written and their testimony was consistent and persistent in advocating for new authority that would have increased their power and resources.

At this time no clear winners can be identified regarding this issue. The benefits of this policy proposal are unclear at this time. The passage of these policies could have allowed Federal agencies the opportunity to break encrypted messages and maybe increased the need for computer experts in law enforcement agencies.

### Nuclear, Biological and Chemical Terrorism

Policy debates surrounding the potential use of weapons of mass destruction (WMD) date back to 1988 Senate hearings regarding terrorism. During the May 19, 1988 and September 15, 1988 Senate hearings, several experts and state agency representatives

were asked to testify about the potential of terrorists attacking America's technological infrastructure and included discussions of the potential use of chemical, biological, or nuclear weapons, collectively referred to as weapons of mass destruction (WMD). The leading business representative and terrorism expert of this time was Robert Kupperman. Kupperman had previously run FEMA prior to his tenure at the Center and was asked by the Senate to present his theories of the future of terrorism, and specific to this issue, what reorganization of state agencies could help in the event of a WMD attack. He spoke of the potential for WMD terrorism and in particular how the military, or a reorganized FEMA, could respond to chemical and biological attacks (Senate 1988a: 45-48).

After Kupperman testified on May 19, 1988, additional testimony was taken on September 15, 1988 regarding several issues he brought forth. In the September hearings, state managers from the FBI, DOE, FEMA and DoD were requested to testify regarding WMD's and if the military could be used to combat their use by terrorists (Senate 1988b). The two FBI representatives and single representatives from both the DOE and FEMA addressed many issues for the committee, but supported the use of the military in the event of a terrorist attack using chemical or biological weapons. For example, FBI representative Oliver "Buck" Revell testified about the possibility of nuclear, biological and chemical terrorism attacks and how the military could be used to stop attacks (Senate 1988b: 72-73).

Several of these state managers noted that at the time the military had the power to intervene in the event of nuclear attacks and this authority was based on an exception to the *Posse Comitatus Act*. This Act was primarily designed to maintain a clear separation of the military from civilian law enforcement activities. In the post WWII hysteria

regarding Soviet development of hydrogen bombs, the Act was modified to provide civil defense responses to a nuclear attack.

During the September 1988 hearings, Craig Alderman from the Department of Defense (DoD) briefed the Senators on the history of the Act and how his agency did not support expansion of their role in matters with a “civil primacy” such as criminal investigations of terrorists (Senate 1988b: 117). He also noted the many ways the military could help in the event of an attack without violating the *Posse Comitatus Act*. At this time the Act was not changed and no new policies were sent forth.

The next significant hearing related to the NBC provisions transpired on April 21, 1993. Once again Kupperman was asked to testify and he discussed the World Trade Center bombing and how such an attack could have been worse if the terrorists had included radioactive materials such as Cobalt-60 (Senate 1993a: 63). The genesis of this testimony was an unverified rumor that the WTC bombers had tried to use WMD materials in their attack and these biological organisms were destroyed by the fire from the explosion. Kupperman notes that because of the enormous danger these types of weapons pose, we must reorganize response agencies and allow for military intervention. In these same hearings the State department, the only state agency to testify on this topic at this hearing, also supported exceptions to the *Posse Comitatus Act* (Senate 1993a).

The result of both the 1988 and 1993 hearings was that no changes to the *Posse Comitatus Act* were enacted. These policy debates would resurface in February 1995 when the next pre-bombing discussions on WMD usage by terrorists transpired after the President introduced his international counterterrorism proposals. In a hearing immediately prior to the Oklahoma City bombing, state agencies like the FBI, DOJ, CIA,

and State Department continued to testify about the importance of exceptions to the *Posse Comitatus Act* for chemical and biological terrorism (House 1995j). At this time the benefits of this advocacy are unclear, since the Department of Defense (DoD) was clearly against changing the Act and these state agencies had seemingly little to gain if the DoD was given such powers. This conflict does provide evidence of infighting between state agencies.

The issue of nuclear, biological or chemical weapons use by terrorists has an extensive history. The single business representative asked to testify agreed with many of the state agencies asked to testify. No business or public interest group opposition was identified in the pre-bombing era.

State agency advocacy was not unified. The DoD was opposed to changing the *Posse Comitatus Act* even when all other state agencies were seeking this change. No clear winner can be identified at this time and the question of who benefitted is equally muddled.

### Explosives

The issue of how and why society should tag explosives to enable tracing of their origin began as a policy debate after the World Trade Center (WTC) bombing during Senate hearings held on April 22, 1993. Taggents are small plastic or metal chips put into explosives to allow law enforcement to track their origin. During the pre-bombing era, no significant public interest group activity was noted on this issue, but considerable policy debates between business interests and state managers transpired.

After the WTC bombing, policy makers sought solutions to the vexing problems posed by investigations of terrorist incidents that used explosives. These discussions were built on findings regarding the use of plastic explosives against Pam Am flight 103 detonated over Scotland. In fact, several major countries had recently signed a trade agreement requiring taggents be placed into explosives (Senate 1993b).

During these hearings, four business representatives and five state managers testified. These business leaders included representatives from trade organizations like the Institute of Manufacturers of Explosives (IME), and the Sporting Arms and Ammunition Manufactures Institute (SAAMI). Business testimony also included comments from ICI Explosives USA and the Austin Powder Company. All of the business representatives were against the use of taggents. During testimony, they repeatedly noted the findings of an ATF report questioning the safety of taggents. This testimony noted that the benefits for business of not adding taggents to explosives include safety issues, lower manufacturing costs, and not having to maintain records of which taggent was placed into which batch of explosives (Senate 1993b).

In opposition to these business groups, state managers, one from the State Department and four from the ATF, lobbied policy makers to enact the treaty and create policies that would help the ATF in its investigations of terrorism (Senate 1993b). All five state managers sought the same policy. The benefits of regulating taggents for state agencies, in particular the ATF, would have included increased resources to track the flow of explosives and the ability to regulate the placement of taggents into explosives.

Little or no effects can be noted as a result of the state agency efforts to get taggents into explosives in 1993, but the Presidential proposals prior to the Oklahoma City

bombing once again sought the use of taggents. The issues were similar to those raised in the 1993 debates and once again ignited the debates on the safety, cost, and need for taggents. On April 6, 1995, hearings were held regarding taggents. During these debates, one business and two state managers testified (House 1995j). These included business representative Michael Ladeen from the American Enterprise Institute, who testified that taggents would not work and would increase costs (House 1995j). State managers like Freeh from the FBI and Gorelick from the DOJ, supported taggents in their testimony (House 1995j). All three maintained the same pattern noted above and no resolution was offered, since the issues remained the same with similar benefits and costs for each side noted. Since the passage of these policies was still forthcoming, analysis of who won and who benefitted would best be done in Chapter 6 when the outcome of these debates is known.

### Death Penalty

The death penalty issue was added to the President's pre-bombing antiterrorist provisions as a result of political victories by the new Republican Congressional majority. Specifically, this issue was added because of maneuvering from Republican leadership, in particular at the bequest of Senator Bob Dole. The first death penalty related hearing directly related to the AEDP was conducted on January 19, 1995, weeks before the President submitted his terrorism proposals. The Contract with America commitments by Republican politicians were discussed at these hearings and the House asked witnesses to testify about the need for death penalty and writ of habeas corpus reform (House 1995a).



The reforms discussed in these hearings included limitations to the number and timing of appeals. Writ of habeas corpus procedures were originally included in the Constitution and designed to combat the power of the state to illegally detain a citizen. The House hearings sought testimony to support setting limitations and decreasing the use of the writ by death row inmates (House 1995a).

In three hearings held prior to the Oklahoma City bombing incident, testimony was taken on this issue (House 1995a, House 1995b, House 1995g). No business testimony on this subject was recorded in the pre-bombing era. In contrast, public interest groups and state agency representatives testified extensively.

Public interest group testimony was offered by representatives from such diverse groups as the ABA, ACLU, and NACDL. These groups generally focused on civil rights issues and questioned the legality and application of these proposed policies (House 1995a, House 1995b, House 1995g). The majority of this testimony was in opposition to the proposed reforms.

In response to this public interest group opposition, the House accepted testimony from state managers during each of the three hearings (House 1995a, House 1995b, House 1995g). Every state agency representative who testified during the three hearings endorsed the passage of the death penalty reforms. State agencies like the DOJ supported these provisions even though they were not initiated or initially championed by these same agencies.

Who won on this issue was not decided prior to the bombing. The newly elected Republican majority was successful in adding this issue to the terrorism policy debates. The benefits of these policy debates were equally unsettled prior to the bombing. While

the addition of this issue to the debates could be seen as a victory for Republicans, a traditional capitalist policy bloc, the lack of business testimony, suggests that this was more of a political victory and less related to economic hegemony.

### Conclusions

With one exception, remarkably little disagreement between business and state agencies was found on these issues. That exception was on the issue of taggents in explosives. In three cases disagreement between public interest groups and the state were found. These include the fund raising, immigration, and death penalty. With respect to the debates on fund raising, immigration, computer technology, WMD's, and the death penalty, no business policy opposition can be seen.

The business related exception to the debate patterns noted above are a potentially significant indicator of the theories used in this study. This evidence included details on how business testimony was in conflict regarding taggents in explosives. In addition to this intergroup conflict, state agencies were advocating for policies that at least one group of business representatives opposed. Taggents are micro-fine multi-layered plastic chips designed to allow explosive experts to identify the source of the bomb materials after an explosion. State agency spokespersons from the ATF support the use of these taggents, but the explosives manufacturers association, an industry research institute, and large corporate interests opposes this policy. This opposition is based on several concerns expressed during testimony. The explosives industry opposes the use of taggents on a cost basis, since the price of explosives would have to rise in order to pay for these additives. Additionally, business representatives insisted that any regulation requiring

manufacturers to insert these taggents into explosives could have serious safety impacts on the manufacturing process.

The result of this opposition was that in the pre-bombing era, state agencies did not get the regulations they sought. Interestingly, this issue was shelved by these agencies and repeatedly brought back into Congress as hearings on terrorism were convened to address the latest atrocity. This ready availability of policy “solutions” to terrorism suggests long term agency planning and advocacy regarding certain policy issues.

The issue of who won and who benefitted on any of these debates was best understood after the final debates transpired and the issues became fixed in the AEDP. This pre-bombing analysis has shown a consistent pattern in state agency advocacy on the issues that are contained in the AEDP. State agencies have consistently advocated for the passage of these policies and the inclusion of all six themes in the final package of policies that would become the AEDP. In some instances state agencies have temporarily lost in their efforts to pass similar policies, only to resurrect the issue at a later date. State agencies seem to have long term policy goals. Perhaps evidence of this pattern, and with respect to many of these themes, can be summarized by reference to the DOJ annual report on terrorism which stated:

terrorist supporters in the United States continue a trend toward improving their ability to collect information, raise money, and issue rhetoric. Advanced technology allowed some extremists to communicate efficiently and securely ... Extremists in the United States continued a chilling trend by demonstrating interest in -- and experimentation with -- unconventional weapons (DOJ 1995: 14).

Since the policy debates on all six issues were on-going, no clear winners can be identified at this time. Chapter 5 will chronicle the analysis of the media coverage and document

how the policy debates transpired in the media during the critical week of coverage directly after the bombing in Oklahoma City.

## CHAPTER 5

### THE MEDIA

This chapter discusses the nightly newscasts on the three major American broadcast networks and their coverage of the Oklahoma City bombing. This analysis focused on how the media influenced the policy discussions surrounding then AEDP. The expectation was that business and state managers would use this opportunity to advocate for the policies they supported. The findings support the idea that state managers in particular used media interviews to advocate for the AEDP policies they supported.

This chapter is divided into two major discussion areas: coverage intensity and coverage analysis. Coverage intensity was examined first to establish the critical time frame for media interest in this story, and then to locate a logical cut off point for the coverage analysis. The coverage analysis was conducted to see who appeared, how the issues were framed, and what policies were discussed. In particular, this chapter focused on whether, and how extensively, policy elites in the three categories (i.e., business, public interest, and state managers) were covered during these broadcasts. In analyzing this coverage, several framing techniques relative to the question of how ideology supports existing power relations were discussed. This discussion included analysis of the economic verses political nature of the debates as well as specific framing techniques like

the creation of a crisis atmosphere and the use of the evil other designation. Lastly, the content of the actual broadcasts was coded to identify discourse relative to the six policy issues used in this study.<sup>1</sup> Each of the three theories previously discussed were used as the basis of the analysis process. The impetus for this chapter's discussion was to investigate how the media influenced the AEDP policy process and what effects media coverage had on the development of this policy.

### Coverage Intensity

On April 19, 1995 at 9:02 a.m., the nine-story Alfred P. Murrah Federal Building in downtown Oklahoma City was ripped apart by a truck bomb. The blast collapsed many portions of the building and trapped victims underneath tons of rubble. Almost immediately after the blast, a helicopter news crew was over the scene televising the collapsed building and documenting the efforts of countless fire, police, and rescue personnel. Additionally, videographers and photographers chronicled the toll of human tragedy created by the explosion.

Shortly after the explosion rocked the Federal building, hordes of reporters inundated the city and provided enduring images of the tragedy. Within days of the explosion, major newspapers like the *New York Times*, *Los Angeles Times*, and *USA Today* ran dozens of stories about the effects of the blast on the city, its citizens, the

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To reiterate, the issue themes include policies designed to curb fund raising activities by terrorist groups, immigration issues related to terrorism, computer issues that tie to antiterrorism legislation, concerns over potential nuclear, biological or chemical terrorism, debates related to explosives and their use by terrorists, and lastly, death penalty reform.

victims, and their relatives. Within weeks, news magazines like *Time*, *Newsweek*, and *U.S. News and World Report* carried stories about the bombing and potential links to extremist associations, anti-government organizations, and quasi-paramilitary groups.

In addition to the coverage by the print media, television networks devoted extensive on-air time and back room resources to the bombing incident. In analyzing the network coverage intensity, a significant drop-off in broadcast time devoted to this story occurred on the eighth day. During the first seven days of coverage, the nightly network newscasts averaged 80 % of their broadcast time on this story. On the eighth day of coverage, on-story time dropped to the mid 40% range. Analysis of the content of these broadcasts was thus limited to seven days, April 19 to April 25, 1995.

In the week after the bombing, the three major broadcast networks (ABC, NBC and CBS) used five different anchors, three combination anchor-reporters, and an additional thirty-seven different reporters to cover this story. These numbers do not account for the countless technicians, camera people, editors, and producers directly involved in the production of the nightly newscasts.

The virtual army of media personalities and support staff that descended on this story generated nightly news reports all over the United States and around the world. This was one of the greatest news stories in years and the networks pulled out all of the stops to cover it. As previously noted, an extraordinary amount of broadcast time was devoted to the coverage. This coverage was intense and conveyed a sense of urgency to a nation trying to understand this tragedy. To document the intensity, Table 5-1 analyzes nightly network newscasts to determine the actual percentage of time each network spent on stories about the Oklahoma City bombing during the week after the explosion.

Table 5-1 Percentage of Broadcast Time Per Network

<b>BROADCAST TIME SPENT ON OKLAHOMA CITY BOMBING STORY BY MAJOR NETWORKS</b>								
Name of Network	APRIL							7 day average percent
	19th	20th	21st	22nd	23rd	24th	25th	
ABC	84.25	86.49	86.96	86.82	71.31	87.32	53.97	79.59
CBS	73.17	99.20	89.74	91.87	60.94	88.89	45.08	78.41
NBC	93.28	91.34	90.55	93.89	72.03	70.23	65.25	82.37

Sources: ABC 1995a -1995g, CBS 1995a -1995g, NBC 1995a-1995g respectively.

The coverage of the Oklahoma City bombing invaded the nation's homes and influenced citizens and public institutions. More importantly, for this study, was the question of whether business representatives, public interest group spokespersons, and state managers used this opportunity to further their policy agendas.

Analysis of the overall number of speakers in the media coverage is presented in Table 5-2. This table offers a profile of the presentations made by the networks on these nightly newscasts. Speakers refers to everyone, identified or presented anonymously, who was given the opportunity to make a verbal expression on the broadcasts during the week of newscasts.



Table 5-2 Profile of Media Broadcasts

<b>MEDIA PROFILES FROM SELECTED VARIABLES</b>							
	<u>4/19</u>	<u>4/20</u>	<u>4/21</u>	<u>4/22</u>	<u>4/23</u>	<u>4/24</u>	<u>4/25</u>
Number of speakers on each broadcast day	125	123	107	106	96	103	89
Number of speakers		<u>ABC</u> 236		<u>CBS</u> 297		<u>NBC</u> 216	
Number of speakers on story		<u>On story</u> 656		<u>Related story</u> 22		<u>Off story</u> 71	

Sources: ABC 1995a -1995g, CBS 1995a -1995g, NBC 1995a-1995g

The overall numbers of speakers is staggering. Each network used over two hundred different speakers during this week. The majority (88 %) of these spoke directly about the story or about related stories.

State managers were the most active of the three analysis groups during the critical first week after the bombing. Few business and some public interest groups offered comments during the broadcasts. To determine how active they were, and who was present in the media, this study recorded how often representatives from these three groups appeared. Of the six hundred seventy-eight on-story speakers used in these twenty-one broadcasts, only thirty qualify as one of the three categories of policy elites defined by this study (see Table 5-3).

Table 5-3: Speaker Classification

SPEAKER CATEGORIES	
CATEGORY	TOTAL NUMBERS FROM EACH GROUP <sup>2</sup>
Business representatives	3
Public interest groups	8
State managers	19

Sources: ABC 1995a -1995g, CBS 1995a -1995g, NBC 1995a-1995g

Table 5-3 demonstrates that state managers were the most active policy elites during this week of newscasts, with nineteen different representatives covered. In addition to being the largest group, ten of the nineteen state managers who spoke during these newscasts had their comments broadcasted multiple times. The comments from these thirty policy elites were broadcast on different media outlets simultaneously and some representatives were asked to comment on the bombing time and again. The interviews of all thirty representatives were used in a total of seventy-seven places during the broadcasts that week. State managers accounted for sixty-three of the seventy-seven instances. At the top of this list was President Clinton, with eighteen total instances of coverage. Thus, not only were state managers the largest group of policy elites to be interviewed, their comments were used more often, and their expert opinions were used in the media more frequently than other policy elites.

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In some cases speakers were interviewed multiple times during the week of broadcasts. This was the result of the need to address the changing facts of the case and the speakers' positional qualifications (expertise on either legal or terrorism issues). These frequencies only represent a count of how many representatives from each group appeared.

In contrast, business representatives spoke in the media only three times. These three instances included interviews with two security experts and a producer of documentaries. Each of these speakers offered limited commentary and only had single instances of comment during the broadcasts. Likewise, the eight public interest group representatives offered only limited and generalized commentary during these newscasts. In only one case were the comments of a public interest group representative broadcast on two different networks.

While who spoke was important to document, how much attention their comments were given is critical. The thirty policy elites, and their arguments, were given more attention in the broadcasts than those expressed by other groups. These thirty represent only four percent (4%) of the total number of speakers on the broadcasts during this week of newscasts. They were covered a total of seventy-seven times, or eleven percent (11%) of the total on-story responses broadcast during that week. The disproportional coverage of policy elites and their perspectives is one indication of the collective expertise and clout that they represent. Details on how the interviews with these thirty policy elites connected to the three theoretical perspectives are included below.

### Business Representatives and the Media

As mentioned previously, there were only three business related speakers used in the broadcasts. These include Brian Jenkins, Martin Smith and Steve Emerson. Jenkins and Smith are terrorist experts and as senior associates at Kroll Associates, help oversee the business security and protection operations of this firm. Jenkins is a leading expert on terrorism, widely published, and a former Rand Institute Fellow. Smith is a well known

author of terrorism materials and an expert on business protect techniques. Kroll Associates is a business security firm with an international reputation and it services clients in many countries. The third member of this category was Steve Emerson, who produced a controversial documentary for public television. Emerson is also a consultant to business on the dangers of terrorism from Middle Eastern sources. The presentations made by all three reflect general concern about terrorism and its effect on society.

In relationship to the media coverage of their policy positions, neither corporate liberal and relative autonomy theory explain very much. None of these business representatives discussed any connection between terrorism and capitalism. Nor do they represent either a group of capitalists with a strategic vision, or, class fractions/blocs. The general lack of economic related discussions supported the idea that terrorism is thought of as a political act and not necessarily as a challenge to economic organization. Two possible explanations for this emerge: First, economic hegemony was so strong that political violence was not a challenge; or secondly, terrorism acts like the Oklahoma City bombing did not pose a political challenge that necessarily concerned capital. No clear answer to these questions could be formulated based on the level of policy advocacy found during the media coverage of the bombing.

### State Managers and the Media

In contrast to the almost non-existent pattern of business involvement in the media, state managers were very active and they clearly dominated the informational flow in the media. These state managers not only offered policy recommendations, but they also advocated for the support and expansion of their particular agency's mission.

These nineteen state managers could be subdivided into two interrelated groups: appointed and elected. The ten appointed officials included current agency heads, state managers, and past state employees with significant philosophical and policy advocacy connections to their former agency. Six of these two individuals were from the DOJ. They included DOJ head Janet Reno, current FBI associates Weldon Kennedy and Louis Freeh plus ex-FBI associates Victoria Teonsing, Buck Revell, and James Fox. The other four included ATF head John McGraw, FEMA head James Witt, DoD head William Perry, and Ray Kelly, a former NYC Policy Commissioner. Kennedy led this group with nine instances of coverage during the week; Reno was covered in seven cases, and McGraw, Revell, and Fox had multiple instances of coverage. The others were each covered by the media on single occasions.

Nine politicians were covered in the media during the week of post-bombing analysis. Five of these politicians were Washington based and four had direct connections to Oklahoma. President Clinton, First Lady Hillary Clinton, House Leader Newt Gingrich, Senate leader Bob Dole and House member Steve Stockman did not have a direct political tie to Oklahoma. Oklahoma Governor Frank Keating, First Lady Cathy Keating, Oklahoma Senator Don Nicholls and Oklahoma City Mayor Ron Norich all held positions directly related to in this state at the time of the bombing.

As noted, President Clinton had eighteen instances of coverage and was the most visible state manager during the week of coverage. Governor Keating, First Lady Clinton, Representative Stockman, and Speaker Gingrich were all covered multiple times during this week. Senators Dole and Nicholls, Mayor Norich, and First Lady Keating each spoke in the media only once during this week

### Media Coverage and Hegemony

As mentioned previously, hegemony is operationalized in this study by two complementary indicators: economic and political. Economic hegemony refers to those discussions and expressions in the media that legitimize capitalism and existing forms of economic inequality. Political hegemony refers to those discussions and expressions that legitimize current forms of political organization and the right of the state to address expressions of violent political dissent.

Evidence of these indicators was found in the media presentations, with the economic variety being hardly in evidence and the political variety being much more prevalent. One critical factor in this pattern may be that business representatives, and capitalist blocs, were not very active during the media broadcasts. Since little or no capitalist policy advocacy or in-fighting was present, state agencies did not have the opportunity or need to mediate class conflict. What was evident was that a considerable amount of the discussion revolved around issues related to political hegemony and legitimation.

Understanding the interaction between state managers, policy, and the media is complex. One specific variable was dedicated to tracking this interaction and two supplemental variables supported the analysis of this interaction. The dedicated variable tracked calls for new policy to deal with terrorism. During the coverage week, only seventeen direct calls for new policy were recorded from the total pool of respondents on

the broadcasts.<sup>3</sup> In conjunction with this dedicated variable, the comments from two other variable categories are related to state managers, policy, and television coverage.

Specifically, the variables relating to calls for punishment and justifications for state violence are associated with audience expectations of state managers. Sixty-two separate calls for punishment and thirty-three justifications for state violence were recorded.<sup>4</sup> Such public sentiment supported state manager claims for new policy.

State managers were not just advocating for policy, they quickly recognized the need to respond to this tragedy. The response by the state took on a variety of forms, including the localization of the crisis, reinforcements of a general fear of outsiders, and support for the idea that this was a crisis situation.

First, state managers recognized the need for, and responded with, highly visible efforts to help the local community address the bombing and its effects. On April 19, NBC reporter Brian Williams stated that almost immediately after the bombing Federal agencies “sent elements of the DOJ including the FBI, FEMA, ATF, U.S. Marshals and Secret Service” (NBC 1995a). Some of these agencies were dispatched to provide disaster relief and others to aid in the investigation.

This type of supportive response would be typical in the case of a terrorist attack. In addition to this physical support, state managers suggested that preexisting policy

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<sup>3</sup>

The nineteen instances come from the total pool of six hundred seventy-eight people who were interviewed in the media during the week of broadcasts.

<sup>4</sup>

Likewise, these frequencies refer to the total pool of six hundred seventy-eight interviewees.

initiatives needed enactment to keep such attacks from happening again. After the bombing Senator Nicholls noted that existing policy proposals were before Congress and they “are going to work on some legislation to give additional power, authority” to the FBI “so they can infiltrate” domestic terrorist groups (NBC 1995e). Likewise, towards the end of the week ABC anchor Peter Jennings said that “there is every indication today that Congress is going to try to move very quickly to pass antiterrorism legislation” (ABC 1995e). Antiterrorism policy was seemingly placed on a legislative fast track due to this incident.

With the demands for, and proclamations about, the need for new antiterrorism policy, what specific initiatives were in play? Early in the week of coverage an unidentified citizen called for “tighter controls on people coming” into the United States (NBC 1995b). What is interesting is how this public sentiment was aligned to the policy debates on immigration reform that had been active since the World Trade Center bombing incident and embodied in pre-bombing policy initiatives already before Congress.

State managers stepped forward and offered specific policy suggestions during the week after the attack. NBC reporter Brian Williams reported that President Clinton “wants to set up a Federal government counter-terrorism center headed by the FBI” (NBC 1995f). On the same day, CBS reporter Rita Braver noted that President Clinton would “ask Congress to give the FBI increased authority to monitor credit, hotel and travel records, as well as telephone communications of suspected terrorists” (CBS 1995f).

Likewise, Dan Rather reported that Speaker of the House Newt Gingrich “said today he supports more Federal monitoring of possible domestic terrorists groups” (CBS 1995f). James Fox, an ex-FBI agent, and at that time a CBS staff terrorism expert,



commented on Gingrich's observations and said he "would agree with the speaker on this issue. Presently, Federal law enforcement agencies operate under the restrictions of the Attorney General guidelines for investigating terrorist operations and they can be ... too restrictive" (CBS 1995f).

The debate on which policies were going to be added to the President's original antiterrorism proposal had already begun prior to the bombing and continued in the media coverage. As indicated before, newly elected Republicans added death penalty reform to the pre-bombing package and during coverage, several state managers put this idea into the public domain. House Speaker Gingrich said he had "recommended that.. if people are indicted and convicted after a fair trial, they should be executed within a reasonable time" (CBS 1995f). There was some dissension to these calls for new and restrictive policies. Laura Murphy Lee, spokesperson for the ACLU, said "we don't need anymore powers, we just need to do good law enforcement" (NBC 1995f). Such dissent was overwhelmed by the voices calling for immigration reform, altered legal authority for the FBI, more monitoring of electronic communications, and faster application of punishments like the death penalty.

Throughout the week, reporters suggested this attack had long term political and social effects. CBS reporter Bob McNamara observed "gone in a few seconds -- but gone forever -- is the middle-American sense of security, replaced with the sinking feeling that suddenly no place is safe" (CBS 1995a). By the middle of the week, people had a good idea of the fate of the victims and wanted some form of vindication. Dr. Bob Arnot, a CBS reporter, remarked that "the predominant emotion here in Oklahoma City now is anger and it's only going to grow" (CBS 1995c).

State violence justifications were offered almost immediately after the bombing and aimed at quelling this public anger. These justifications were focused on the prosecution and punishment of the perpetrators. For example, President Clinton condemned the attack and noted that “justice will be swift, certain and severe “ (NBC 1995a). Likewise, Attorney General Janet Reno noted that “the death penalty is available and we will seek it” (CBS 1995a).

These justifications support Gerbner’s (1992) contention that state officials will seize the moment and frame political dissidents who commit terrorism as abnormal and deviant. Gerbner’s theory suggested that a tie should exist between the politics of power control and news media coverage. This idea is supported by the data herein. The concepts that he suggested should be present in coverage of a terrorist event were likewise present in Oklahoma City broadcasts.

State manager advocacy in the media also supported the ideas of other media theorists. For example, Bruck (1992) used the term *spectacultuarization* to describe crisis periods whereby the spectacle of violence is used to validate viewer’s feelings of turmoil. Twenty-four percent (24 %) of interviewees offered some expression supportive of this concept. For example, nine percent (9%) of interviewees expressed the opinion that the attack was a deliberate attempt to intimidate and create a sense of fear in the population.<sup>5</sup>

Likewise, Halliday, et. al. (1992), reminds us that coverage of political violence may demonstrate a deliberate use of the “evil other” in order to continue the existing relations of power. This study examined the use of the evil other stereotype to discover if

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<sup>5</sup>

These percentages refer to the of six hundred seventy-eight people who were interviewed.

the discourse around specific victims, specifically the children hurt in the explosion, was used by state managers to justify their policy recommendations. Creation of an evil other refers to the dehumanization process associated with an individual or group and the successful application of a stigmatic label.

During the week after the bombing, the use of the evil other stereotype was widespread and frequent. In nearly thirty percent (29.80 %) of the cases, the speaker made reference to some variety of evil other.<sup>6</sup> The use of this stereotype changed over time and as circumstances evolved surrounding the investigation.

As a general framing technique, the victims, and especially the children who died in this bombing, were used to create a feeling that the bombers were evil. One unidentified woman said, "I think killing children is absolutely abominable ... nothing can justify that" (CBS 1995b). Tom Brokaw, the NBC anchor on April 21, stated "what is so haunting about this tragedy, what is so difficult to comprehend, is the madness of the act first, then the children" (NBC 1995c). The madness characterization was reinforced by daily images of rescue workers frantically trying to find any one alive. On the fourth day after the bombing, reporter Roger O'Neil described the heavy emotional burden this effort places on rescue workers and noted that one rescuer told him that "when they break through to where the children are, we're still praying to see a little hand reach out to us" (NBC 1995e).

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These percentages also refer to the six hundred seventy-eight people who were interviewed on this story.

Concern for the children ran deep and many interviewees felt like the unidentified woman who told ABC that she “liked to think the women who passed on are watching over the little children so their mothers won’t have to worry about them” (ABC 1995e). The message such comments communicated was that the bombing was an evil attack on defenseless children, those who committed this act were likewise evil, and something must be done about this.

After the initial shock, the questions became, who were the bombers and why did they do what they did? Who they were was a question that was complicated by the changing nature of the threat and the mounting evidence that contradicted the early assertions made by many in the media. In the early days of the investigation, Muslim extremists were the first to emerge as suspects. This category developed into one that included immigrants in general. As details of McVeigh’s background emerged, the blame shifted towards the militias and other extremist groups. Throughout these changes, policy elites were commenting in the media on these groups, with state managers being the most active.

On April 19, Connie Chung, a CBS anchor, told the nation the attack came without warning and “according to a U.S. Government source -- told CBS News that it has Middle East terrorism written all over it” (CBS 1995a). Steve Emerson, the producer of a controversial PBS documentary on terrorism, was interviewed and stated that Oklahoma City is “probably considered one of the largest centers of Islamic radical activity outside of the Middle East” (CBS 1995a). Using scenes from this documentary as a backdrop for his comments, CBS reporter Anthony Mason said this “scene is a convention of Muslims in 1992 sponsored by the Islamic Association of Palestine ... this

meeting in Oklahoma City was attended by members of Hamas, Islamic Jihad and the Muslim Brotherhood” (CBS 1995a). These presentations helped fuel public perceptions that the evil other was different, non-Christian, irrational, and violent.

A more generalized fear of outsiders was also present in the comments. Mike Boettcher, a native Oklahoman and NBC reporter, described this fear when he noted that at “the High Noon Café, a showdown with lax immigration policies was recommended ... anger was building ... the demand that something be done was more common” (NBC 1995b). Echoing a similar fear of outsiders, an unidentified man was caught on camera saying “that’s what we get for letting foreign people into this country” (NBC 1995b).

It was not just reporters and ordinary citizens who expressed these types of prejudices. State managers like Oklahoma Governor Frank Keating expressed similar fears when he was shown standing before the wrecked Federal building and said “they come in ... and do something like this” (NBC 1995b). Likewise, Buck Revell, a former FBI official turned CBS analyst, expressed the sentiment that our borders are out of control and how “essentially, we allow people to come here of all types ... drug traffickers, organized criminals and terrorists -- without any checks or controls” (CBS 1995b).

Arabs and immigrants were not the only evil others used in the aftermath of the bombing. After two days of story development, and when the background of Tim McVeigh became known, the militia movement became the evil other of choice. These anti-government extremists were portrayed as violent, dangerous, and a threat to the American way of life. Buck Revell discussed the violent nature of militias and how they encourage a violent ideology. He declared “if you are willing to kill Federal officers ... If

you are willing to commit armed robberies ... to assassinate other individuals ... then the next step is mass murder or a terrorist-type incident” (CBS 1995c).

Connecting militia criticisms to the National Rifle Association (NRA) and the issue of gun control, CBS reporter Eric Enberg described their anger at the FBI and ATF as one motive for political violence. He quotes an NRA board member as saying, “if you send your jack booted, baby burning bushwhackers to confiscate my guns, pack them a lunch. It’ll be a damned long day” (CBS 1995g). The militia and gun fanatics were vilified in the media. The media vilification process supported existing relations of power by picturing militia criticisms as illegitimate. The fact that state agencies may have committed serious violations of the law at Waco and Ruby Ridge was forgotten for a moment because these critics seemed so outrageous and not worthy of serious consideration.

Antonio Gramsci, a Marxist theorist, offered an explanation for the processes by which the evil other is used to justify existing relations of power. His concept of hegemony helps explain how in the face of real questions of political legitimacy those posing the questions are dismissed and vilified. The ideology of law and order that is the foundation for law enforcement agencies like the FBI and ATF can be used against easily targeted critics like the evil other since they represent a challenge to the *status quo*. In the media coverage, which was dominated by the comments of state managers, the real question was not if the government was acting to protect its own interests, but why they were not doing more to protect America from this criminal element.

### Policy Themes in the Media

The previous analysis offered evidence that policy discussions were present in the media presentations on the bombing. These discussions were part of the public discourse surrounding the bombing and they were included in a media dialogue that state managers controlled. To formalize the analysis of policy debates, and to directly connect them to the six issues used in this study, this section will focus on the thirty policy elites and what they specifically discussed.

No direct mention of the policies designed to stop fund raising by organizations associated with terrorists were noted in the media broadcasts. Business representatives and public interest groups were absent from the broadcasts on this issue. Likewise, state managers did advocate for the general package of terrorism policies before Congress, but no direct policy discussions relative to this issue were noted.

Throughout the media broadcasts, business representatives were absent from newscasts on the issue of immigration policies and terrorism. No significant opposition by public interest groups was noted regarding the immigration policy reforms contained in the pre-bombing Presidential provisions. Some concern about criminal alien activity was expressed by the general public and several speakers suggested a need for a policy based response to immigration problems. Most of this casual policy debate was the result of faulty reporting of the Oklahoma City bombing as an international terrorist incident.

State managers were singularly visible on this issue and pushed for the immigration policy solutions contained in the pre-bombing proposals already before Congress. Direct references to existing policy proposals was made by Governor Keating, Senator Nicholls, and Commissioner Kelly. Keating specifically addressed the ideas behind the immigration

policies when he voiced a distrust of outsiders and said they “come in, you know, come in 1500 miles and -- and do something like this” (NBC 1995b). Nicholls suggested that Congress needed to quickly address and pass immigration legislation (NBC 1995e). Kelly noted that America is “susceptible and it’s the price we pay for living in a free and open society” (NBC 1995a). He further advocated for policies designed to stop international terrorism and used the World Trade Center bombing as justification for the policies before Congress.

Business representatives were absent from these newscasts on the issue of computers and technological controls. Likewise, no opposition by public interest groups was recorded. State managers like President Clinton were reported to have addressed this issue, but no direct reference was made during his eighteen coverage instances. The discussion revolved around policies that would allow the FBI to have access to electronic communications. State managers directly noted the existence of general policy solutions before Congress, but no direct significant computer and technology related policy was discussed.

Likewise, no direct mention of the policies designed to stop nuclear, biological or chemical terrorism were noted in the media broadcasts. Business representatives and public interest groups were absent from the broadcasts on this issue. Likewise, state managers did advocate for the general package of terrorism policies before Congress, but no significant and direct policy discussions relative to this issue were noted.

In the media broadcasts, one business representative and two state managers briefly discussed explosives and terrorism policy. No significant policy advocacy by public interest groups was noted regarding this issue. The media used comments from Brian



Jenkins, Senator Nicholls, and John McGraw from the ATF. Jenkins noted that the use of explosives was the most common tactic for terrorists. Nicholls advocated for additional FBI powers to infiltrate militia groups and investigate the sources of explosives used in terrorist attacks (NBC 1995e). McGraw noted his agency's mission in tracking explosives and the need for better controls on explosives (CBS 1995d). None of these business or state managers specifically talked about the taggent policy contained in the pre-bombing antiterrorism proposals.

Lastly, business representatives were absent from newscasts on the issue of death penalty reforms and terrorism policy. Some desire for the death penalty was expressed by the general public and several speakers suggested the need for a retributive penalty for the terrorists who killed the children in the Murrah Federal Building.

In contrast, right after the Oklahoma City bombing, four state managers were quoted in the media as supportive of the death penalty for the perpetrators of this tragedy and for the need to change policies related to this issue. In fact, the day of the attack, DOJ official Janet Reno and President Clinton were both widely quoted as supportive of the death penalty for terrorists and those who attack government officials. Reno noted that "18 USC Section 844 relates to those who maliciously damage or destroy a Federal building. If there is death, if death occurs, the death penalty is available and we will seek it" (ABC 1995a). Clinton noted that "these people are killers and they will be treated as killers" (NBC 1995a). A few days later, Gingrich specifically addressed the proposals before Congress when stating, "I've recommended that we pass an appeal limitation so that these guys, if they are convicted -- I'm not prejudging anyone -- but if people are indicted and convicted after a fair trial, they should be executed within a reasonable time

(ABC 1995f). State agency representatives were highly visible in the media with respect to the issue of death penalty reform. They also directly and indirectly addressed the policies before Congress.

### Conclusions

The analysis of the media coverage and its content provided evidence for four conclusions. These included how the intensity of the coverage allowed policy elites the opportunity to get their definition of reality across to the public. Secondly, state managers clearly dominated the policy discussion in the media. Thirdly, the discussions revolved around political legitimation and not economic justifications for policy. Lastly, the six issues were discussed in the media with state managers having been the most active policy advocacy group, particularly with respect to the immigration and death penalty provisions.

The coverage of the Oklahoma City bombing was most intense during the first week after the bombing, with the networks devoting 78 % to 82 % of their coverage time to this story. The enormous resources used by the networks, the air time devoted to this attack, and the constant flow of images from the damaged Murrah Federal building, demanded that something be done about this attack. In response, state managers offered their expertise and advice to the nation.

These same state managers were the largest and most active group of policy elites in these broadcasts. Because of positional qualifications and because they used their organizational expertise, their perspectives held a distinct advantage over other policy positions televised during this time. When the audience sought a sense of normalcy, they listened and trusted those state managers that were in such positions of power. These

state managers had access to the information the media and audience sought to explain this crisis. These policy elites were also active in promoting a self motivated and potentially profitable definition of reality. They provided an easily digested answer as to why this tragedy happened as well as solutions to this crisis.

Terrorism is an act of political violence, but one that is frequently targeted against business interests. Its presence can be seen as a legitimization crisis for the state and also for business, since it challenges the very structures of society. In the case of the media coverage of the Oklahoma City bombing, business was not present in any significant way and economic legitimization was not a topic of discussion. On the other hand, state managers were very active during the media coverage. The general public and these state managers focused on the political crisis that terrorism posed and stayed away from the economic consequences of such an attack. The end result was that capitalism and economic dynamics were not a dominant frame in the discussions, while political legitimization was a dominant frame

The analysis of the six issues showed very little advocacy in the media by business and considerably more by state managers. The three business representatives indirectly supported existing policy proposals before Congress by referencing the need for policy responses to terrorism. The state managers both directly and indirectly referenced the policy proposals in Congress and advocated for their passage.

The final conclusion to be drawn from this data is that during times of crisis, the media seeks the expertise of state agencies regarding what has been done to fight terrorism and what should be done. Typically these answers take the form of policies designed to cure the problems the latest atrocity pose. These policy solutions will

eventually benefit state agencies by granting them additional resources and power. The question of who won in the media presentations is unclear, since the policies this study focused on had yet to be debated fully or passed into law. In another sense, state managers could be considered the winners, since it was their definitions of reality and interpretations of events that framed the media coverage and public opinion.

## CHAPTER 6

### POST-BOMBING POLICY HEARINGS

The post-bombing hearings reflected ongoing policy discussions, continued the debate on the Presidents's terrorism package, and were designed to gather additional information about the threat of domestic terrorism and what should be done to counteract this type of terrorist threat. With the intense public scrutiny created by the Oklahoma City bombing, state agencies like the DOJ were very active in the post-bombing policy debates and these hearings took on a more urgent tone. Within days of the bombing, the Executive branch forwarded a laundry list of new policies and programs to Congress as amendments to the previously submitted terrorism bill.<sup>7</sup> These modifications called for additional resources for, and policies friendly primarily to, the DOJ, as opposed to the State Department. The new proposals did not neglect the requests of other agencies like the INS or the Treasury Department.

After about a year of hearings, intra-Congressional conferences, and political maneuvering, Congress forwarded the Antiterrorism and Effective Death Penalty Act of 1995 (Public Law 104-132) to the President for his signature. On April 24, 1996, a year

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A chart detailing the legislative development and progress of the original terrorism package and subsequent codification into the AEDP can be found in Appendix B

and five days after the Oklahoma City bombing incident, President Clinton signed the AEDP into effect.

This analysis focused on testimony from nine Senate and House hearings held during the year after the bombing. The testimony included that of business representatives, public interest groups, and state managers; was analyzed according to the three theories used in this study; and used the issue themes previously identified.

### Related Hearings

Congressional activity directly after the Oklahoma City bombing was intense. In the year that followed the attack, Congress held a total of thirty hearings indirectly, or directly, related to terrorism policy.<sup>8</sup> In addition to these hearings, the Senate passed a resolution condemning the attack and Congress held two resolution hearings to reconcile

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Included in the total of thirty are two groups of hearings on September 28, 1995 (HR 1241, HR 1533, HR 1552, HR 2359 and HR 2360) and March 7, 1996 (HR 1143, HR 1144, HR 1552, HR 2359, HR 2092, HR 2137, HR 2453, HR 2587, HR 2607, HR 2641, HR 2650, HR 2803, HR 2804, HR 2974, HR 2980, HR 2996). These two groups are only slightly aligned with the debates on crime included in the terrorism package. Issues discussed in these two groups of hearings included false ID cards, physical control of prisoners during the application of the death penalty, war crimes against US citizens, and increased penalties for crimes against children and the elderly. While the DOJ, FBI, Bureau of Prisons, National Association of Criminal Defense Lawyers (NACDL), American Society of Crime Lab Directors, and the Century Council offered testimony during these hearings, that testimony and the issues under consideration were not directly related to terrorism or the major issues used in this study. These twenty-one hearings were excluded from the post-bombing policy analysis (House 1995n-1995gg).

In addition to the thirty policy related hearings, on April 25, 1995 the Senate issued a resolution condemning the bombing. In addition, towards the end of the policy generation process, there were also two legislative conferences between the House and Senate lawmakers (April 15, 1996 and April 24 1996). These three actions held no direct bearing on the policy discussions and were more procedural than substantive. They were likewise excluded from the analysis.

the difference between the House and Senate versions of the AEDP. Only nine of the thirty hearings were used, since they directly addressed terrorism policies.

The nine total hearings include three House hearings held on May 3, June 12, and June 13, 1995 (House 1995k, House 1995l, House 1995m). The Senate held hearings on April 27, May 4, May 10, May 11, May 24, and June 27, 1995 (Senate 1995b, Senate 1995c, Senate 1995d, Senate 1995e, Senate 1995f, Senate 1995g). Table 6-1 lists all nine hearings, how many policy elites testified during each hearing, and the overriding terrorism issue under consideration at that time.

Table 6-1 Antiterrorism Policy Hearings Post-Bombing

<b>POST-BOMBING POLICY HEARINGS</b>			
<i>DATE</i>	<i>MAJOR FOCUS OF HEARING</i>	<i>LEGISLATIVE CHAMBER</i>	<i>NUMBER OF INDIVIDUALS TESTIFYING</i>
04-27-95	Terrorism (General)	Senate	11
05-03-95	Domestic Terrorism	House	11
05-04-95	S.390 / S.735	Senate	10
05-10-95	S.735 / S.761	Senate	4
05-11-95	Internet bomb information	Senate	6
05-24-95	Terrorism (General)	Senate	5
06-12-95	H.R.1710	House	7
06-13-95	H.R.1710	House	23
06-27-95	DOJ Oversight	Senate	1

Sources: Senate 1995b, House 1995k, Senate 1995c, Senate 1995d, Senate 1995e, Senate 1995f, House 1995l, House 1995m, and States Senate 1995g respectively.

After the bombing, Congress rapidly addressed the many issues contained in the original antiterrorism package and acted quickly on the post-bombing amendments submitted by the Executive branch.<sup>9</sup> The bombing and media coverage seemingly infused the hearings with a sense of urgency and purpose. This urgency quickly passed. Despite the frequency and intensity of post-bombing hearings, it was just over a year later when Congress sent forward the AEDP and the President signed it into law.

During the nine hearings, a total of seventy-seven business, public interest group, and state agency representatives testified or submitted testimony for the record. This group of testifiers discussed the six themes used in this study, a combined total of one hundred-eighteen times; in many cases several provisions were discussed by each witness. These one hundred-eighteen policy discussions were used as the basis of this analysis.<sup>10</sup>

This chapter will now turn to the details of who opposed or supported each issue. In fact, this data is the essence of the project since it offers evidence of who was active in the policy development process, and more to the point, provides a basis from which an empirical answer to the questions of who won and who benefitted in the policy process can be formulated. The format of the discussion on each policy themes included: Details on each of the final manifestation of the policy as codified in the AEDP, the specific policy

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To reiterate, they include policies designed to curb fund raising by terrorist groups, immigration reforms, computer issues that tie to antiterrorism investigations, new policies concerned with nuclear, biological or chemical terrorism, explosive taggent regulations, and death penalty reform.

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During these same hearings, an additional eighteen incidents of policy discussion transpired. The major theme they represented, but that was not used in this study, was increased funding and power for the FBI. Fifteen of these eighteen off target incidents of testimony were about this issue.



debates from each of the three groups of policy elites, and discussion on who won the debates and who benefitted from these new policies.

### Fund Raising

The final AEDP policies related to fund raising are contained in the AEDP under Title III - International Terrorism Provisions.<sup>11</sup> These provisions were different than those originally proposed in the pre-bombing provisions submitted by the President. The key difference was that the office of the President did not get to designate which organizations were considered terrorist as originally proposed in Title III, Section 302. The final provisions allowed the Secretary of the Treasury to designate organizations and removed the President from the position of directly applying this policy. Small changes were also seen in Section 303, which defined the policies and procedures wherein fundraising activities for designated terrorist organizations were prohibited. Again, the Treasury Department was the agency which was given the enforcement responsibility, but this was not a significant change from the original intent of the pre-bombing policy proposals.

The final provisions and these changes were the result of policy debates between business, public interest groups, and state managers. What follows is a discussion of what transpired during these policy debates. Included are details on which policy groups were active in the debates and who won and benefitted from these debates.

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This particular title is split into two major parts, Subtitle A - Prohibition on International Terrorist Fundraising (three sections) and Subtitle B - Prohibitions on Assistance to Terrorist States (ten sections). The primary topics of the policy debates were focused on Title A, Subtitle A, Sections 302 and 303.

Two business related representatives testified regarding the fund raising provisions during the post-bombing hearings. They included the aforementioned business consultant Steve Emerson and GTE Corporate Counsel William Barr. Emerson testified about American based Islamic fundamentalist movements. Emerson's argument was that the proposed policy limiting fund raising by organizations was not restrictive of religious freedom, but necessary, since radical groups were using religion to raise money for terrorism (Senate 1995b: 115-121).

Barr offered testimony on the history of the fund raising debate. Describing the history of funding policy debate Barr noted that:

I don't think there's a rush to judgement here. I think a lot of what is being talked about has been on the table quite awhile and reflects the collective experience and judgement of both Republican and Democratic administrations at the Department of Justice (House 1995k: 53-54).

During this testimony, Barr also noted the interconnections between the fund raising provisions and immigration reforms suggested in another section of the AEDP (House 1995k: 55-57).

A total of eighteen instances of public interest group testimony was recorded regarding the fund raising provisions. Fourteen of the eighteen were opposed to the fund raising provisions. Opposition from groups like the ACLU and NACDL was also present prior to the bombing. In addition to this preexisting opposition, new groups like the Irish National Caucus added their voices to the debates.

One good illustration of the public interest group policy advocacy efforts was found when various groups testified during the Senate hearings on May 4, 1995. During this hearing, six advocacy groups testified, or offered written submissions for the record.

These included direct testimony from Robert Rifkind of the American Jewish Committee, Khalil Jahahan of the National Association of Arab Americans, Father Sean McManus of the Irish National Caucus, and Greg Nojeim of the ACLU. In addition, the Arab-American Anti-Discrimination Committee and the National Association of Criminal Defense Lawyers (NACDL) submitted testimony for the record.

During this hearing, Rifkind supported many provisions of the AEDP (Senate 1995c: 66), while Jahahan discussed how the fund raising provisions were of particular concern to his group (57-59). McManus objected to the provisions on fund raising since they could hamper humanitarian aid and encourage selective enforcement (60-62). Nojeim talked about many of the provisions (fund raising, *posse comitatus*, expanded Federal powers, immigration reform, habeas reform) and specifically laid out legal arguments against the fund raising provisions in his written and oral statements (77-85). Likewise, the letters submitted from the Arab-American Committee and NACDL opposed the fund raising provisions as part of their objections to the overall package, and the Arab-American Committee even suggested certain provisions were similar to McCarthy era Federal abuses (97-109).

Business and public interest groups were not the only active players in the debates. State agency representatives continued their pre-bombing advocacy on this issue and testified a total of seven times in the post-bombing hearings. Recognizing this long term pattern of policy advocacy, Senator Smith (NH) described the extensive history of state agency lobbying efforts attempting to link fund raising reforms to terrorism. Smith stated, "that is why I think the Department of Justice, under both Democratic and

Republican Presidents, and Attorneys General, has been pushing for the authority”

(Senate 1995c: 6).

The policy advocacy for these provisions was seen from various state agencies, used the criminalization justification discussed previously, and was intended to expand the mission of state agencies. For example, during the same May 4, 1995 hearing, Philip Wilcox, the State Department Coordinator for Counterterrorism, describes the criminalization of terrorism and the interconnections between agencies when he stated that the "basic premise of our counterterrorism policy: that is, that terrorists are criminals, whatever their political motives, and that we need to strengthen our legal tools to accompany the diplomatic, intelligence, and security assets that we bring to bear against international terrorists" (Senate 1995c: 10). One such legal tool was the fund raising provisions and Wilcox specifically argued for their passage (10-12). During these same hearings, and possibly in answer to public interest group legality criticisms, DOJ representative Teresa Roseborough discussed the legal concerns relative to fund raising restrictions (21-28). Roseborough suggested that the provisions, as written, were legal and did not represent an infringement on civil rights.

The seven state agency representatives that offered post-bombing testimony on the fund raising issue were united in their support for the provisions. Their testimony and policy advocacy did represent long term, or strategic, policy lobbying efforts by the state. These state managers did exhibit organizational expertise and capacity by having provided legal and policy guidance to the Senate and House over the years and with respect to the fund raising provisions under consideration.

The importance of this final manifestation of the fund raising provision debates included both who won and who benefitted. The history of the fund raising issue showed a consistent pattern by state agencies. This pattern of state advocacy was designed to pass policies calculated to control the funding sources for terrorist organizations. These policies faced no business opposition, but some opposition from public interest groups. The majority of the public interest group opposition advocated for the fund raising provision to be removed. They were not successful in this effort. No effect from public interest group advocacy could be noted since these provisions were passed into law, albeit in a modified form.

Of interest was the political infighting found in these debates and changes that resulted from these debates. In particular, the issue of who would have the power to designate groups forced some modifications in the proposals. In this case, the newly elected Republican majority in Congress seemed to have slightly altered the pre-bombing provisions originally sent forth by the President. Who won can be determined by noting which agencies got additional powers as a result of this policy, which agency got additional funding to enforce the new policy, and which branch of the government was the recipient of additional powers based on this new policy.

A specific benefactor of these provisions was the Treasury Department, since this agency would end up being the official designator of which organizations are supportive of terrorism. This agency was also granted the authority to track and confiscate assets of terrorist organizations. In one respect, the Presidency was the loser, since this office would not have the power to directly designate organizations as terrorist based, as was originally sought in the pre-bombing provisions. Rather, this power would now reside in

the Treasury Department. The Presidency may not have lost that much, since this agency is an Executive Branch member and still under the control of that office.

### Immigration

The post-bombing AEDP policies related to immigration are contained in Title IV- Terrorist and Criminal Alien Removal and Exclusion.<sup>12</sup> This large package of policies primarily focused on the modification of existing regulations, but also set up new procedures wherein state agencies could better identify, exclude, adjudicate, and even remove aliens with connections to terrorist groups and/or for their past records of said affiliations.

While the majority of these policies generated no opposition or debate, Subtitle D, Section 431, Section 435 and Section 442 were the focus of some opposition and debate. These Sections garnered support from many testifiers and extensive opposition from a wide range of public interest groups. Section 431 defined the policies around which access to certain confidential immigration and naturalization files could be limited or obtained through court orders. Section 435 expanded the criteria whereby deportation could be sought for crimes of moral turpitude. Lastly, Section 442 focused on policies designed to deport criminal aliens who were not permanent residents.

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This particular title is split into four major parts, Subtitle A - Removal of Alien Terrorists (one section), Subtitle B - Exclusion of Members and Representatives of Terrorist Organizations (four sections), Subtitle C - Modification of Asylum Procedures (three sections) and Subtitle D - Criminal Alien Procedural Improvements (thirteen sections).

Business support for the immigration reform proposals was not significant, but did result in two incidences of testimony. On June 12, 1995, William Barr testified in support of the total package of policy provisions (House 1995l). The immigration provisions were likewise supported by James Philips from the Heritage Foundation (House 1995l).

In contrast to the limited business testimony, significant opposition to these provisions came from public interest groups. Various Arab and Irish American ethnic organizations expressed concern about the illegal and discriminatory policy provisions contained in the President's proposals (Senate 1995c). Likewise, legal arguments against the provisions were recorded from the NACDL and ACLU (Senate 1995b, Senate 1995c). In all, thirteen incidences of opposition testimony from public interest groups were recorded. In contrast to this large block of public interest group opposition were two instances of testimony from the Anti-Defamation League which supported the immigration provisions.

Like public interest groups, state managers were very active during this time. An analysis of the post-bombing hearings indicate that eleven state managers testified on the immigration proposals during the nine hearings. In all eleven cases, state managers supported the provisions as articulated in pre-bombing provisions and in the final AEDP package. For example, DOJ representative Gorelick testified four separate times and all four strongly indicated support for the immigration provisions (Senate 1995c, Senate 1995f, House 1995l, House 1995m). Interestingly, former Reagan/Bush era DOJ and State Department officials were asked to testify during the June 12, 1995 House hearings. In all three cases, these former state managers (Fein, Schultz, and Sofaer) showed non-partisan support for the proposals under debate (House 1995l).

State manager testimony on immigration issues did seek new powers; these managers used their expertise in their testimony, and they sought the resources to enforce these new policies. The history of the immigration debates showed a consistent pattern by state agencies in their advocacy to change the way immigration policy is practiced. These policies faced no business opposition, but rather significant opposition from public interest groups. The public interest groups did not force specific changes in Sections 431, 435 or 442, but they were highly visible and vocal in their opposition to immigration policies.

Who won in the policy process surrounding the immigration issue is a judgement of which policies were eventually passed into law, which agencies got additional powers, which agency got additional funding, and which branch of the government was the recipient of additional powers. The final package of immigration policies were remarkably similar to those proposed by the Executive Branch in its pre-bombing provisions. State agencies had consistently advocated for these provisions and eventually received what they wanted with respect to this policy. Specifically, on the immigration issue, the DOJ and INS won. They consistently advocated for these policies and they got what they asked for on the immigration issue. The DOJ, which is the controlling structure behind the INS, got the additional immigration statutes and funding this agency sought to combat terrorism. The primary losers of this process were the public interest groups that advocated against the immigration provisions. This loss may very well be temporary, since many of their objections will be actionable in court and several groups expressed interest in judicial remedies.



## Computers and Technology

The final computer and technology policies incorporated in the AEDP are contained in Title VIII.<sup>13</sup> Three Sections of this title engendered significant debates and saw changes in the original policies sent forth by the President prior to the bombing. Section 805 was a policy designed to act as a deterrent to terrorist activity that would damage a Federal interest computer. This Section was added after the Oklahoma City attack and as a result of the massive damage inflicted during that attack. Section 810 authorizes a study and report on various evolving types of electronic surveillance in an era of increased communications complexity. This Section represented a change in the policy debates, since the original provisions wanted to enact these policies and not study them. Lastly, Section 821 authorizes research and development to support counterterrorism technologies. This Section also represented a change in the original policy provisions since they had wanted to authorize the use of such technologies and not fund research on their use.

The debates on this issue saw testimony from business, public interest groups, and state managers. During the nine hearings, testimony from business representatives evidenced some intra-class debates. Likewise, public interest group testimony was fractured, with some groups supporting the provisions and others opposed to them. State manager testimony was consistently in support of the provisions.

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Title VIII has two major subtitles: Subtitle A - Resources and Security and Subtitle B - Funding Authorizations for Law Enforcement. Subtitle A contains a total of ten sections and Subtitle B contains a total of thirteen sections.

Business representatives testified on this issue five times. These included two instances supporting the provisions and three opposed to them. The support came from Robert Kupperman from the Center for National Security Studies and from GTE Counsel William Barr. Kupperman continued his long-term advocacy on this issue. His testimony recognized the danger of encrypted messages and suggested a need for law enforcement to be able to break coded messages in the effort to stop terrorists (Senate 1995b: 126-128). Barr supported the encryption provisions (House 1995k: 55-57). He mentioned that the proposal under discussion had been on-line for many years (House 1995k: 54). This business testimony was in response to the President's post-bombing proposals, which added to the original package of policies and specifically asked for increased law enforcement authority to tap into communication technologies currently in place and those rapidly developing.

On the other side of the business debate were such business organizations as the American Society for Industrial Security (ASIS), the Center for Democracy and Technology (CDT), and the Interactive Services Association (ISA). ASIS, a security trade organization, discussed how their members would be one of the prime investigators of computer crimes (Senate 1995b). The CDT is a business advocacy group concerned with preserving civil liberties and expanding the use of new technology. The CDT's basic argument was that the benefits of free speech on the Internet more than offset hate speech concerns on the Internet. This organization opposes the provision since they believe it will allow the FBI to investigate the Internet (Senate 1995e: 33-34).

William Burrington represented the ISA and provided the most interesting instance of business testimony on this issue. ISA's position was that the emerging computer

marketplace was a vital economic asset and these regulations could hinder development of what would become known as e-commerce. Attached to the written statement from this organization was an extensive list of major American corporations that opposed policies allowing the Federal government to tap into electronic communications, at least as suggested in these provisions (Senate 1995e). A strategic business vision from capitalists was in evidence when Burrington testified and addressed the potential long term harms such policies could bring to an emerging electronic business community. Importantly, this was one of two issues in which business took an active role in the debates.

Public interest groups testified six times in the post-bombing hearings. They both opposed and supported the President's computer and technology related provisions, with most of the testimony focused on the policies allowing law enforcement to break the encrypted codes of certain electronic communications. For example, Marvin Hier from the Simon Wiesenthal Center supported the computer provisions on the basis that they are needed to control terrorism (Senate 1995e). In contrast, Donald Haines and Greg Nojeim, both from the ACLU, offered detailed testimony on the potential constitutional violations these provisions posed (Senate 1995f, House 1995l respectively).

State managers were very active in the post-bombing computer and technology debates. During the post-bombing hearings, DOJ representative Jamie Gorelick testified on computer issues four separate times (Senate 1995b, Senate 1995c, House 1995b, Senate 1995f). In addition to the testimony from Gorelick, the DOJ also used two additional representatives to testify during the post-bombing hearings (Senate 1995d, Senate 1995f). Lastly, DOJ head Janet Reno was also called before Congress to discuss

what her agency could do to stop terrorism. During this testimony, Reno specifically asked for the AEDP provisions to be passed (Senate 1995g).

In the post-bombing hearings, all of the state managers supported controls of computers and technology as written in the President's proposals. The main differences between the pre and post-bombing provisions centered around the President's new proposals to allow increased wiretap authority and widened access to electronic records for terrorist investigations. State managers supported both the pre-bombing provisions and the subsequent modifications of the provisions related to computers and technology. State agencies sought new powers, used their expertise to advocate for these, and sought the personnel and resources to enforce these new authorities. Their testimony suggested a long term, consistent, and persistent pattern of advocacy designed to benefit state agencies.

The question of who won in this case is mixed. State managers did not get all of the provisions they wanted. They lost on the critical pre-bombing provision regarding encryption, as well as the post-bombing provision regarding access to electronic records. These provisions would have allowed law enforcement to gain access to all electronic files. State agencies did not lose completely. They got many of the pre-bombing provisions passed, including new authority to bring to trial hackers who attack Federal computers.

The business opposition was evident and one particular group seems to have won. This assessment is based on the fact that the final disposition of the original and new provisions regarding electronic communications were not passed into law. This change was the result of the testimony of ISA representative Burrington. In particular, Sections

810 and 821 represent changes in the original provisions. In passing these modified Sections, Congress gave state agencies the authority to study these issues. These state agencies could later bring this research back to Congress and advocate for these policies again. Business specifically benefitted from these policy modifications, since soon after these discussions the e-commerce boom started. The ISA had argued that limiting the development of computer technology was not in the interest of capitalism and history would prove them correct.

### Nuclear, Biological, and Chemical

The post-bombing AEDP policies related to weapons of mass destruction are contained in Title V - Nuclear, Biological, and Chemical Weapons Restrictions.<sup>14</sup> This Title's provisions were mostly designed to alter the language of existing laws to formally recognize the emerging threat and dangers of biological and chemical terrorism. The single issue that created debate was the potential use of the military in the event of a chemical or biological terrorist attack.

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<sup>14</sup>

This particular title is split into three major parts, Subtitle A - Nuclear Materials (three sections), Subtitle B - Biological Weapons Restrictions (one section), and Subtitle C - Chemical Weapons Restrictions (one section). Subtitle A formerly recognizes the threat of radiological materials as a potential weapon of mass destruction and asks the DOJ and DoD to report on thefts of explosives (all varieties) from various military facilities across the nation. Subtitle B details procedures whereby transfers of biological materials are more closely regulated. Subtitle C requires a study of a facility designed to simulate an attack in both an urban and suburban environment. Said facility should allow for training related to an attack using weapons of mass destruction, in particular chemical and biological weapons.

In hearings after the bombing, significant discussion about nuclear, biological, and chemical related terrorism transpired. These debates focused primarily on suggested changes in the *Posse Comitatus Act*.<sup>15</sup> The final manifestation of these provisions did not allow for exceptions to the *Posse Comitatus Act* as sought in the original Presidential proposal.

During the nine post-bombing hearings, only two business representatives testified. These included long term advocate Robert Kupperman from the Center for National Security Studies and GTE Corporate Counsel William Barr . They both supported the pre-bombing provisions which asked for exceptions to the *Posse Comitatus Act* (House 1995l). Likewise, public interest group attention on this issue was minimal, with only three instances of post-bombing testimony. For example, the ACLU twice offered legal opinions on this issue during their testimony. In both cases they opposed the expansion of the *Posse Comitatus Act*.

In the year after the bombing, ten state managers testified regarding this issue and the dynamic of intra-agency policy fighting was evident during these debates. Seven of the state managers supported exceptions to the Act and three did not. The seven included former and current representatives from the DOJ and a former manager of the CIA (Senate 1995b, Senate 1995c, Senate 1995c, Senate 1995d, Senate 1995e).

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This Act was enacted in 1878. It is the primary precedent for the separation of civilian law enforcement activities from traditional military assignments. One exception to this separation of powers was enacted during the early days of the cold war. This exception allowed the military to intervene in civilian law enforcement responsibilities in the event of a nuclear attack.

State agency support for the provisions was primarily found in the DOJ. During the nine post-bombing hearings, representatives from this agency group testified a total of six times, with DOJ representative Jamie Gorelick testifying on three separate occasions. In all instances these state managers supported exceptions to the Act and supported the President's provisions regarding nuclear, biological, and chemical weapons (Senate 1995b, Senate 1995c, Senate 1995d, Senate 1995e).

State manager opposition included testimony from John McNeill and Casper Weinberger, representing the Department of Defense, and Georgia Senator Sam Nunn. In his testimony McNeill detailed the history of the separation of the military from civilian affairs like crime control. He talked about the existing exceptions for nuclear emergencies and the DoD's reluctance to accept law enforcement missions (Senate 1995d: 31). Likewise, Weinberger was opposed to the expansion of exemptions to the *Posse Comitatus Act* as proposed by the administration in the provisions regarding nuclear, biological, and chemical terrorism (Senate 1995d: 5-7). Senator Nunn was asked to testify since he was the ranking member of the Senate Armed Services Committee and this committee directly controls military matters in the Senate. He asked for narrow exceptions to the Act, if any should be necessary (Senate 1995d: 8-12).

The question of who won on these issues is clear. The DoD was once again able to stymie the passage of *Posse Comitatus Act* exceptions and forestall the co-optation of military assets by agencies with law enforcement agendas. The losers were state agencies like the DOJ who have consistently tried to change this Act. This loss is particularly interesting, considering the amount of effort and time spent by the DOJ and

because of the seeming lack of effort by the DoD in their successful efforts to stop these policy changes.

State managers did exhibit organizational expertise and capacity by providing the legal and policy guidance to Congress with respect to these provisions. The in-fighting between agencies is a pattern not unexpected, since this debate was long standing and demonstrated this dynamic over that time. Additionally, the long running battle between the State Department and the Department of Justice agency groups over investigative primacy relative to terrorism suggests that it is not unusual for state agency groups to engage in this form of in-fighting.

### Explosive Taggents

The final AEDP policies related to the use of taggents in explosives are found in Title VI. This particular title has no Subtitles and only seven Sections. These Sections offer procedures and policies on how to implement the requirements of the Montreal Convention on plastic explosives. This Title did not specifically make taggents a requirement for commercial explosives as required in the pre-bombing provisions, or for their use in fertilizer as proposed in the post-bombing provisions.<sup>16</sup> While the original provisions were not enacted, Title VI authorized the ATF to conduct a study on their use in commercial explosives and/or the materials that could be used to create explosions like the one that destroyed the Murrah Federal Building.

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<sup>16</sup>

The Montreal Convention on the Marking of Plastic Explosives for the Purpose of Detection was signed by the United States in 1991. This treaty was agreed to in part to help law enforcement detect the use of plastique and other explosives by terrorists.



In the post-bombing debates on this issue, eight business representatives testified about the dangers of adding taggents to explosives. These business representatives focused on industrial safety concerns, the economics of placing taggents into explosives, and how these taggents could create potential contamination impacts on industrial production. Business related testimony was taken from Christopher Roney, representing the Institute of Makers of Explosives (IME) and Robert Delfay from the Sporting Arms and Ammunition Manufacturers Institute (SAAMI). Additionally, submissions included comments from the New Mexico Institute of Mining and Technology, three different letters from Unimin Corporation, and one each from the Anzo Nobel Corporation and the National Mining Association.

Roney is the President of the IME and the former Chief of the FBI's Explosives Unit. The IME is a national level trade organization and his testimony supported a comprehensive Federal licensing policy for anyone purchasing explosives (House 1995m: 365), but did not support the use of taggents in explosives. During this testimony, Roney advocated for a study of the issues surrounding taggents (House 1995m: 365). Delfay is the Executive Director of the SAAMI. He expressed concern about the effects of taggents in smokeless powder, a gunpowder commonly used in firearms. He also supported a study of the issues surrounding taggents (House 1995m: 389). The suggestion for a study of the issues made by Roney and Delfay was eventually accepted by Congress as an alternative to the President's pre and post-bombing proposals.

As noted above, several business related submissions were also recorded. They included testimony from a business research center and statements from domestic and international corporations. These submissions focused on the various issues that could be

problematic in the use of taggents. For example, the New Mexico Institute submission discussed the problems associated with manufacturing explosives and the introduction of taggents into this process (House 1995m: 378). Attacking taggents from a different argument, Unimin Corporation executives Charles Klimper, Charles Collins, and CEO Kevin Crawford submitted testimony regarding the contamination these taggents would bring to the environment (House 1995m: 379-389). Likewise, Bruce Higgins from Akzo Nobel, an international chemical manufacturer, discussed the cost of adding taggents and the problem they may create by introducing static electricity into the manufacturing process (House 1995m: 385). Finally, the submission from Robert Lawson, President and CEO of the National Mining Association, a national level trade organization, discussed how taggents would contaminate the mining of silica and how this would impact the semiconductor industry (House 1995m: 368-387).

Very little public interest group testimony was recorded for this issue in the post-bombing debates. In all, only two brief instances of testimony were recorded. In one case, Robert Rifkind from the American Jewish Committee noted support for this provision as part of his organizations support for the overall package. Additionally, Greg Nojeim from the ACLU mentioned this issue as part of his organization's overall opposition to the proposals.

In resistance to the powerful business opposition to this proposal, ten state managers offered testimony during the nine hearings. These advocacy efforts included testimony from a wide variety of agencies, including the Department of Justice (six instances, four from Gorelick), the Treasury Department, the State Department, a former CIA manager, a representative from the Bureau of Mines, and lastly, testimony from the

ATF (House 1995m, House 1995l, Senate 1995b, Senate 1995c, Senate 1995d, Senate 1995e, Senate 1995g).

All state agency managers were united in their support for the taggent provisions. This collective effort represented long term, or strategic, policy lobbying efforts by the state. Those state managers that testified exhibited organizational expertise and capacity by providing engineering, manufacturing, legal, and policy guidance to the Senate and House with respect to these provisions.

The outcome of these debates showed a repeat of the pattern from the 1993 hearings. Like before, Congress dropped the taggent provisions. Instead Congress took the advice of business representatives and authorized the study of these issues. The final provisions in the AEDP reflect this change in policy.

Who won in this case is clear. Business had successfully fought the battle once again and state agencies did not get the power to force them to add taggents to explosives or explosive materials. State agencies like the ATF lost, since they were once again foiled in the attempt to enact these restrictions. The question of who benefitted is equally clear. Business benefitted, since they were not forced to change their existing methods of manufacturing and did not have to incur additional manufacturing costs.

## Death Penalty

The final policies related to the death penalty are contained in Title I of the AEDP.<sup>17</sup> This provision remained unchanged after the bombing, with three Sections being the focus of the debates. Section 101 focused on the creation of a one year filing deadline for writs of habeas corpus for a person in custody and pursuant to a judgement by a state court. Section 102 limits the jurisdiction for an appeal to the Court of Appeals in the Federal District where the proceeding was held. Lastly, Section 106 places limits on second or successive habeas corpus applications.

During the nine post-bombing hearings, no business related testimony was recorded regarding the application of the death penalty. This continued the pre-bombing pattern of non interest in this issue by business representatives.

A total of three public interest group representatives testified regarding this issue during the post-bombing hearings. All three opposed changing the way the death penalty was enforced in America. Evidence of this opposition included direct testimony from the ACLU (Senate 1995c) and submissions from the NACDL (House 1995b, Senate 1995a). For example, a NACDL submission offered legal and moral arguments against the provisions. This organization strongly opposed the death penalty provisions (House 1995k: 162-180).

During the nine post-bombing hearings, state managers testified five times on the death penalty provisions. All five instances came from DOJ representatives, with Jamie

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<sup>17</sup>

This particular Title was labeled Habeas Corpus Reform. Title I has no Subtitles and eight sections. Those parts of Title I that created the most testimony included Section 101, Section 102, and Section 106.

Gorelick testifying on four separate occasions (Senate 1995b, Senate 1995c, House 1995l, Senate 1995e) and Janet Reno once (Senate 1995g). Gorelick noted the DOJ's pre and post-bombing support for specific provisions related to the death penalty (House 1995l: 246-247). Likewise, Reno testified that the death penalty provisions had been, and were still, supported by the DOJ. She noted that they were needed to combat terrorism (Senate 1995g).

During this debate, state agencies sought new powers, used their expertise to influence the debates, and successfully sought the resources to enforce these new authorities. Their testimony suggested a long term, consistent, and persistent pattern of advocacy designed to benefit state agencies. Post-bombing testimony was likewise patterned to that of the pre-bombing testimony, since state managers continued to support the reforms, and public interest groups generally opposed these provisions.

The result of the debates on the death penalty issue, and what eventually passed into law, were remarkably like the pre-bombing policies. In this case state agencies won on this issue. The most visible losers were the public interest groups who opposed these provisions. Likewise, it was those same state agencies who benefitted. The final application of these new policies had to be conducted by these agencies and would inevitably lead to additional resources for the DOJ. The final evaluation of this issue should be tempered, since in a similar fashion to the fund raising provisions, public interest groups specifically expressed their desire to fight these policies in court.

## Conclusion

While the post-bombing analysis of the policy debates surrounding the six issues provided some evidence to support all three theories used in this study, one theoretical perspective dominated. In the case of this study, state-centered theory offered the best explanation of the facts. The findings supporting this claim are summarized below.

Evidence supporting a business influence based thesis on the policy process was found in two of the six policy debates. Business representatives were active on the issues of computer technology and explosive taggents. In both instances they won on those provisions for which they offered objections.

On the issue of computers and technology, business objected to the provisions allowing Federal agencies access to electronic communications, even if those communications were encrypted. Business representatives feared that such access to privileged communications would hinder the development of what would become the Internet revolution.

In the case of taggents, both businesses and trade organizations objected to these provisions. Their objections were based on environmental, safety, and financial rationalizations. Business representatives feared that these provisions would increase the inherent risks associated with the manufacturing of explosives, as well as the costs of doing business.

The usefulness of corporate liberal and relative-autonomy theory in explaining these facts is limited. For example, while it would be possible to argue that corporate liberals demonstrated a long term economic vision by advocating against the computer provisions, this theoretical explanation does not offer a convincing argument for the

overall pattern of AEDP policy development. Likewise, the limited evidence of class in-fighting found in the debates on taggents could provide evidence for the relative-autonomy perspective. Since this debate created no circumstances that required mediation by state agencies, and the limited evidence of class in-fighting was restricted to this issue alone, the usefulness of this perspective as a theoretical explanation of the AEDP debates is also suspect.

With the limited explanatory value of these two theories, at least in the case of this data, what theory does offer a framework explaining the facts? State-centered theory examines the processes by which state managers control the policy process to expand their agencies' mission and funding. State-centered theorists believe that in exerting this control, state agencies demonstrate a self-sufficiency from the control of capital. This theory would predict that state agencies would be active in policy debates and use their unique informational capacity to shape the debates. These efforts would be expected to help these agencies win on whatever policies they advocated for during these debates.

All six issues provided evidence that state agencies were active in policy debates and they used their organizational capacity to shape these debates. Overall, the state was united in support of the AEDP. These agencies took the opportunity afforded them by the bombing in Oklahoma City and actively sought additional resources and authority based on this attack.

On three of the six issues, they outright won the policy debates. State agencies received what they asked for with respect to fund raising restrictions, immigration reforms, and changes in death penalty regulations. Respective to the issue of how to control nuclear, biological, and chemical weapons, in-fighting between state agencies was

noted and the final provisions were watered down as a result. Nevertheless, the state got what it wanted in the aggregate.

Regarding the issues of computer technology and taggents, state agencies were consistent and persistent in their advocacy. The fact that they didn't win on all of their policy positions should not necessarily be considered counter-factual evidence. While business won on some of the policies in these provisions, the final AEDP did incorporate policies the state wanted and provided for future state advocacy. One example of this is found in the final outcome of the taggent issue. State agencies were once again unsuccessful in adding taggents to explosives, but these same agencies were given the authority to study the issue. If history is a predictor, they will use that data to advocate for taggents after the next atrocity.

State agencies were the overall winners in the AEDP policy process, since they were the recipient of additional resources and authority. This expansion of state mission was primarily based on political hegemonic arguments. Since state agencies used political rhetoric as the foundation of their policy justification, they rarely ran afoul of capitalism and its interests. In those instances where state and business agendas did conflict, the state won on every policy that business didn't specifically object to.



## CHAPTER 7

### CONCLUSIONS

Theda Skocpol (1987) suggested that political sociologists should maintain a multiple theoretical methodology in their research. Skocpol indicated that this would enrich the academic understanding of the policy generation process and allow for a greater perception of power and its relationship to policy. This study focused on three specific theories of the state and how each would conceptualize the formation of policy during times of a perceived legitimation crisis. In order to accomplish this task, six specific issues from the final AEDP were chosen to illustrate the policy generation process whereby in times of crisis, policy is created, debated, and eventually enacted into law. The final result was a case study focused on the policy debates surrounding the AEDP, six specific issues contained therein, and including an analysis of the media's impact on these policy debates. These issues were not analyzed at a single point in time and thus in isolation, but rather they were investigated historically, put into the context of media presentations about the crisis incident, and placed into the policy analysis format suggested by corporate liberal, relative autonomy, and state centered theories.

As predicted by state-centered theory, state managers were the most visible and active policy advocates in the debates surrounding the AEDP. This observation was true

in the pre-bombing debates, in the media coverage of the bombing incident, and in the post-bombing hearings. During pre and post-bombing testimony, and in media interviews, state managers used their organizational expertise to promote anti-terrorism policies. This self motivated policy advocacy awarded state agencies an extraordinary opportunity to expand their mission and accrue more resources. Despite the possibility of such rewards, this policy advocacy was not always successful. On two issues, business was steadfast in opposing state managers and business ending up winning on those particular policies they opposed. Despite these exceptions, state centered theory was the most viable explanatory theory for the policy debates surrounding the AEDP.

To support these conclusions, this chapter will examine the expectations and results of the overall AEDP policy analysis which was based on the three theories. Included in this discussion is an assessment of the impact of the media on these policy debates. Lastly, suggestions for future research and a discussion of the shortcomings of this study are provided.

### Corporate Liberal Theory and the AEDP

This study began with the assertion that corporate liberal theory offered several expectations for the analysis of the AEDP policy generation process. In particular, this theory predicted that the corporate liberal business class would be interested in terrorism policies; that liberal capitalists, or their policy planning organizations, would be present in the debates; and the policies that were under discussion, and that eventually passed into law, would be supportive of a liberal capitalist agenda.

Some evidence was found that supported this theoretical perspective, but it was not a convincing argument for the primacy of this theory. For example, business representatives testified in the pre-bombing and post-bombing hearings regarding parts of two of the six provisions. This testimony was directed at some of the computer technology and explosives policies, but not at all of the policies in these particular provisions. On the computer issue, business representatives were consistently opposed to policies allowing state agencies access to electronic communications. On this issue business won, since the final articulation of the computer policy provisions did not allow the Federal government to have this power. In the case of the explosives provisions, business representatives were present and testified both in the pre-bombing and post-bombing eras. These business representatives testified primarily against the taggents to be placed in explosive materials. Business was successful in their opposition to this policy, and the AEDP provisions on explosives did not contain this particular policy.

These findings do not negate the fact that the overall analysis showed limited business advocacy with respect to the total package of AEDP provisions that passed into law. While business was present on some issues, that limited involvement did not evidence a strategic policy vision. Finally, the policy debates surrounding the AEDP did not establish verification of an overriding liberal capitalist agenda and did not provide evidence of an active liberal capitalist class with respect to these policy debates.

#### Relative Autonomy Theory and the AEDP

Like corporate liberal theory, relative autonomy theory offered limited insight into the policy debates that surrounded the AEDP. The expectations of this theoretical

perspective included how identifiable economic based class segments would be present in the policy debates, how these class blocs would hold unique policy positions, and class in-fighting between these blocs could allow for autonomous state policy actions.

Very limited evidence supporting this theory was found in the pre-bombing and post-bombing debates surrounding the computer technology provisions. The debates on one policy therein showed some conflict between business fractions. These fractions were not along the lines of business segments, but rather centered around whether a particular business representative supported, or didn't support, state agency policy positions. That evidence is tempered, since these fractions were not that active, and while one side did win on one particular issue, these conflicts did not motivate state mediation.

Relative autonomy assertions were not disproved totally, but the rhetoric suggested by this theory was not present in the debates on the AEDP provisions. The finding that some class in-fighting existed does not negate the fact that the overall analysis showed limited class bloc advocacy with respect to the total package of AEDP provisions. While business representatives testified on some issues, that limited involvement did not provide convincing evidence supporting either the idea that they offered competing policy agendas, nor that intervention by the state was needed.

### State-centered Theory and the AEDP

Reviewing the pre-bombing debates, the media coverage of the Oklahoma City bombing incident, and the final provisions of the AEDP, a persistent pattern of state manager policy advocacy emerged. This pattern was not predicted by either corporate liberal theory, or relative autonomy theory, but it was consistent with state-centered

theory. The expectations of state-centered theory with respect to the AEDP policy debates included the following: State managers would be present in the debates on terrorism policy; a sense of crisis would prevail in the debates; these state managers would offer their organizational expertise in response to this perceived sense of crisis; and the policies that resulted from the debates would expand state power.

In the pre-bombing debates several issues emerged that impacted the debates on the AEDP provisions, motivated state manager testimony, and helped decide which state agencies sent representatives to testify. First, a gradual change in state agency involvement in terrorism policy was noted. This change is characterized by a movement towards the criminalization of terrorism policy and away from diplomatic responses to political violence. The result of this transition was that the DOJ took control of terrorism policy advocacy. This change was based on the fact that this agency had the investigative capacity (FBI) and the legal mandate to pursue this agenda.

This transition was reflected in the pattern of state manager testimony prior to the Oklahoma City bombing, in the media after the event, and in the post-bombing hearings. State managers were the most active group in all three phases of this analysis. In particular, the DOJ and other agencies seemed to have had a strategic policy focus regarding terrorism policy. That is, when they advocated for a policy, maybe even having seen the same suggestion defeated years before, they would reintroduce this policy back into the debates as a solution for the latest tragedy. This means that state managers usually based their policy positions on the politics of the last atrocity and when successful, this advocacy resulted in policies friendly to, and profitable for, the DOJ and those agencies that embraced the criminalization justification. Examples of this policy

persistence can be found in five of the six issues, with only the death penalty having no record of said form of state advocacy.<sup>18</sup>

The DOJ and other state agencies clearly controlled the debates on the six issues used in this study. Additionally evidence of this policy persistence was seen when the Executive Branch sent additional domestic terrorism policies to Congress within days of the bombing in Oklahoma. Clearly, such a quick response suggested that state agencies had policies under consideration, if not fully developed, and these plans were awaiting the right circumstances to offer to Congress. The bombing provided just the right circumstance for these policies to be introduced and acted as a justification for the preexisting provisions already before Congress.

State agencies won the policy process surrounding the AEDP. Pure and simple. They asked for, and got, almost all of the provisions they wanted. When they lost, it was only on certain policies, and not on the complete provision. Their efforts were enhanced by their ability to testify more than any group, win on issues more than other groups, and because they used the politics of the last crisis as a justification for these efforts. In particular, the DOJ has successfully changed the policy discourse on terrorism. The DOJ argued for, and made this, a legal and criminal based issue, not a diplomatic one. That transition benefitted the DOJ more than other agencies and allowed it pursue an AEDP related policy mandate based on their unique organizational expertise.

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The death penalty provisions were introduced late in the policy process. The DOJ would be required to administer these provisions and would require additional resources to implement these policies. This agency supported the addition of this provision and benefitted the most from its passage.

It was not just in direct Congressional testimony that state managers advocated for terrorism policies. State managers used the media during the social crisis created by the Oklahoma City bombing to offer solutions to the problem of terrorism and to justify the policies they were already promoting in Congress. Two specific arguments were made in Chapter Five regarding the influence of the media and its impact on the policy debates. These include a recognition of the impact of policy advocates using the media and how the media images feed the politics of the last atrocity mentality surrounding terrorism debates.

The media did matter in the AEDP debates since it offered state managers the virtually unopposed opportunity to publically react to the crisis posed by this act of political violence. Media coverage helped state managers demonstrate their unique informational capacity and their agency's ability to address a crisis. Lastly, the media helped limit the debates to the political hegemony based question: What must be done to cure the problem of violent political dissent? The effect of this was to give state managers policy authority over the issue of political violence and increase the viability of their policy suggestions, since this was not a question of economics where business would have a say, but rather one of political stability, where the state would be expected to hold the answers.

The media worked to the advantage of state managers by supporting the idea that something needed to be done and soon. It was with the indelible image of the little broken body of a dead child cradled in the arms of a rescue worker that policy makers sat down with when they debated the AEDP provisions. The media gave the public and Congress this image, state managers offered them a policy based cure to the tragedy it represented, and thus the stage was set for the debate. Was the media a willing player in this drama. In

some respects they were. After the attack the media sought out those experts that had expertise on terrorism. These experts were primarily state managers and former employees of state agencies. Both represented agency expertise on terrorism issues, and since they had easily consumed answers to offer a shocked public, the media readily accepted their reality.

This study found that the media mattered and state managers used the media, and their testimony in Congress, to conduce their policy advocacy in support of the AEDP provisions. Due to the change in motivation behind terrorism policy, state agencies with a law enforcement mandate held court in these policy debates and Congress listened. These agencies used their organizational expertise to get policies enacted that were friendly to their budget and organizational mission. As a result, the DOJ, and to a lesser extent other agencies, got more power and resources. These findings are very consistent with state-centered theory and offer convincing evidence that this theory provided the most explanatory value with respect to the AEDP policy debates.

### Future Research

What ideas found in this study could inform future research and help in the understanding of terrorism policy? In a project of this size and complexity, some problems are sure to arise. They did with this project. Future research will hopefully benefit from these errors and could help set them right.

This study focused not necessarily on the largest scale of crisis faced by society, but on a more modest scale of crisis. What exactly is the middle range of policy debates? No clear answer to this questions was formulated. This study did not address the question



of what differences exist between large scale economic disruptions and the middle range of policy debates. Hopefully, another researcher will address this important issue in the future, since political sociology can not just focus on the extraordinary times when policy is debated. Political sociology needs to move toward the analysis of the everyday practice of policy making, if it is to be a more useful analytical paradigm. One suggestion is that by focusing on hegemony, be it economic or political, insight into the differences between everyday and extraordinary policy debates could be revealed.

Secondly, the issue of advanced planning is critical for policy analysis. Jenkins and Brents (1989) suggested that the policy elite group that plans best will more likely win in the policy debates. Evidence that state agencies are not only planning terrorism policy, but that they are continuously advocating for additional resources, powers, and their own policy agendas is important. This finding provided evidence of a long-term policy focus, and in this case, one centered on the criminalization of terrorism. Theoretically, this dynamic seems to be important for state-centered theory. Methodologically, it suggests that traditional case studies focused on a single moment in time do not afford the opportunity for researchers to identify similar underlying policy motivations and strategic processes.

The methodological choices made in this study need refinement or reformulation by future researchers. For example, focusing on publically available testimony has several pitfalls. For example, one of many questions left unanswered by this project included the following: Should the testimony analyzed include the speech making from politicians who control the hearings and ask the questions of testifiers? In retrospect, not including these types of state manager testimony may have been a mistake. This may be true since the

political winds changed so dramatically over this time frame and these speeches would have helped reveal those types of changes.

The focus on public testimony also posed the question of what happened behind closed doors. Classified briefings did transpire and may have influenced the policy process. Since these briefings would have been done by state agencies, and thus increased the number of incidents where this group testified, the patterns shown herein may still apply. Never the less, not knowing what was testified about in these hearings is a concern and should at least be an issue for future research.

Lastly, the media analysis was not as productive as anticipated. Clearly, state managers did engage in policy debates in the media and evidence of organizational expertise was found. In contrast, business was not visible in the media. They didn't get the chance to offer their perspective on the issues. A related problem in the media analysis was that the complexity of the policies was negated by the sound bite presentations typically used in newscasts. While the networks offered enormous amounts of coverage, the debates were framed in typical media segments, short rapid fire comments interspersed with images from the site of the bombing. No clear answer comes from this observation, but the addition of a longer media focus may help future researchers.

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## APPENDIX A

### UNLV OFFICE OF SPONSORED SUBJECTS RESEARCH AUTHORIZATION.



DATE: January 4, 1999

TO: David Ballard  
Department of Sociology  
M/S 5033

FROM: *WES*  
Dr. William E. Schulze, Director  
*for* Office of Sponsored Programs (X1357)

REF: Status of Human Subject Protocol Entitled:  
"Terrorism and Political Policy"

1<sup>st</sup> yr - OSP #115s0197-167e  
2<sup>nd</sup> yr - OSP #115s0198-135e  
3<sup>rd</sup> yr - OSP #115s0199-165e

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The protocol for the project referenced above has been reviewed by the Institutional Review Board Secretary in the Office of Sponsored Programs and it has been determined that it meets the criteria for exemption under the Multiple Assurance Agreement for the UNLV Human Subjects Institutional Review Board. This protocol is approved for a continuation period of one year from the date shown above and work on the project may continue.

Should the use of human subjects described in this protocol continue beyond a year from the date of this notification, it will be necessary to request an extension.

If you have any questions regarding this approval, please contact Marsha Green in the Office of Sponsored Programs at 895-1357.

cc: B. Brents (SOC-5033)  
OSP File

Office of Sponsored Programs  
4505 Maryland Parkway • Box 451037 • Las Vegas, Nevada 89154-1037  
(702) 895-1357 • FAX (702) 895-4242

## APPENDIX B

### CHART OF THE AEDP RELATED DATES AND LEGISLATIVE HISTORY

## The Development of Public Law 104-132.

KEY STEPS IN THE FINAL DEVELOPMENT OF PUBLIC LAW 104-132 (1995 AND 1996)	
HISTORY OF HOUSE BILLS RELATED TO 104-132	HISTORY OF SENATE BILLS RELATED TO 104-132
<p>February 1995 -</p> <p>9th: President Clinton submitted international terrorism proposals on February 9, 1995.</p> <p>10th: Clinton's proposals were introduced by Congressman Schumer (NY) and codified in H.R. 896.</p> <p>April 1995 -</p> <p>4th: Judiciary Committee holds hearings on general terrorism issues and in particular aspects of H.R. 896 (though not identified as such).</p> <p>19th: The Murrah Federal Building in Oklahoma City was bombed.</p>	<p>April 1995 -</p> <p>4th: Senate Bill S. 735 introduced.</p>

<p>May 1995 -</p> <p>3rd: House Subcommittee on Crime continues hearings on domestic terrorism policy.</p> <p>15th: Congressman Gephardt (need state) introduces H.R. 1635. This bill provides the administrations policy responses to domestic terrorism threats and in particular the Oklahoma City bombing.</p> <p>25th: H.R. 1710 introduced by Congressman Hyde (IL). This bill combines H.R. 896 and H. R. 1635 with new proposals.</p>	<p>May 1995 -</p> <p>4th: Senate Sub-committee on Technology held hearings. These hearings referenced S. 390 and S. 735. Both are antiterrorism proposals.</p> <p>10th: Hearings by Judiciary Committee. These hearings referenced S. 735 and S. 761. Both are antiterrorism proposals.</p> <p>June 1995 -</p> <p>7th: S. 735 passed by a vote of 91 to 8.</p>
<p>April 1996 -</p> <p>18th: House agrees to conference report by a vote of 293 to 133.</p> <p>24th: Sent to President.</p>	<p>April 1996 -</p> <p>17th: Senate agrees to conference report by a vote of 91 to 8.</p> <p>24th: Sent to President.</p>
<p>Public Law 104-132 signed into law by President Clinton on 04-24-96.</p>	

Sources: History is from House (1995l: 107). Actual text of H.R. 1710 can be found in House (1995l: 109-219). Information on House vote is from the Congressional Index (1996a). Senate information and date for Clinton's signature taken from the Congressional Index (1996b).

## VITA

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### Publications:

#### Agency Reports:

*Grand Rapids Bar Association: 1998 Diversity Survey Report.* Co-authored with Kristine Mullendore, Linda Rynbrandt and Bruce Bikle. Grand Rapids Bar Association. Grand Rapids, MI. September 1998.

*Nuclear Waste Transportation Security and Safety Issues ...* Co-author was Robert Halstead. Agency for Nuclear Projects. Carson City, NV. June 1998.

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"Nuclear Waste Transportation Security and Safety Issues: Potential Transportation Impacts of S.104 and H.R.1270." Co-author Bob Halstead. Agency for Nuclear Projects. Carson City, NV. Submitted to the Nevada Congressional Delegation. September 1997.



**Litigation support:**

Nuclear Regulatory Commission. Petition for Rulemaking pursuant to 5 U.S.C. § 553 and 10 C.F.R. § 2.800 - 2.804. Provided text and comments on petition. Summary published in Federal Register. September 1999.

**Poems:**

*Grand Valley Review*, Fall 1999; *On Cue Magazine*. December 1999; *Mindfire Poetry Journal*. September 1999; *The Thin Wire Journal*. Fall 1999; *Journal of Creative Social Discourse*. September 1999; *Fairfield Review*. September 1999; *The Thin Wire Journal*. Spring 1999; *Grand Valley Review*. Winter 1999; *A Little Poetry*. February 1999; *Mindfire Poetry Journal*. December 1998; *Journal of Creative Social Discourse*. Summer 1997, V. 2, N. 1.

Dissertation Title: Terrorism and Political Policy: Crisis and Policy Making Indicators in the Media Prior to Legislative Action.

**Dissertation Examination Committee:**

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