Abstract: Congressional policymaking has a significant impact on the management of wetlands in the United States. Both the congressional committees and witnesses who participate in hearings play significant roles in helping define wetland policy. This research examines congressional 240 hearings and 1569 witnesses who testified from 1789 to 1995 on wetlands. Based on key issues from witnesses and the committees who set the agenda, the findings show that three distinct eras exist in wetland policymaking in Congress. Era I (1789-1945) was characterized by a dominant monopoly of agricultural and development issues in congressional policymaking. Agricultural committees dominated in framing the debate by controlling the hearings and legislative discussion of issues during this time period. A significant break-up of these dominant agricultural issues occurred in Era II from 1946-1965 with the early beginning of public attention to environmental issues and the start of scientific investigation into wetlands. However, since Era III, which began in 1966, wetland policymaking in Congress has been highly conflictual, with no single committee or witness dominating. The growth of wetland science and continued public interest in wetlands presents a challenge to the dominant agricultural and development interests that once controlled congressional policymaking. Unlike in Era I, wetland congressional policymaking today reflects many different issues and participants without a dominant monopoly that controls the issue. Wetland policy debates no longer focus solely on agricultural concerns but have expanded and been re-defined to include issues such as leisure, environmental protection, private property, and economics. Chi Square tests and a regression analysis demonstrate the strong relationship among hearings, venues, and witnesses. A major conclusion drawn from the study is that congressional wetland policymaking is a more open and democratic process than in earlier eras.

Key Words: wetland policymaking, U.S. Congress

INTRODUCTION

There is a long history of policymaking in the U.S. Congress that has a significant impact on the management of wetlands as a natural resource. Before laws are enacted, the underlying policy is discussed in hearings before congressional committees. Often, a policy reaches congressional attention because it has been framed in a manner that requires governmental action (Cobb and Elder 1983). Participants in the policymaking process try to frame issues in a manner designed to gain the attention of a congressional committee that is receptive to their concerns (Rochefort and Cobb 1994). Congressional committees conduct hearings that help frame both the issue and the policy approach to solving it (Kingdon 1984). Thus, the importance of understanding how wetland policy is defined by congressional committees influences, if not totally determines, how wetlands will be managed. This research looks at the issues and participants involved in congressional hearings dealing with wetland policy from 1789 to 1995. Three major policy eras in congressional hearings occurred over time that have significantly impacted the management of wetlands as a natural resource. This paper describes how these changes in policymaking took place and how issues of agriculture, science, and public awareness about the environment aided in the policy changes. I first address how, in general, congressional hearings can be used as a means to influence wetland policy by committees and witnesses who testify. Then, I turn to the specific eras to describe how wetland policymaking in Congress has changed over time. I test then data using Chi Square tests on tone of witnesses, hearings, and venues and use a regression analysis to lend evidence to how increased congressional attention can lead to increased venues for wetland policymaking in Congress.

The Relationship of Congressional Hearings and Committee Dominance

Congressional wetland policymaking in the United States has evolved over time. By examining congres-
sional hearings on wetlands, three distinct eras can be seen. The early years of wetland policymaking in Congress range from 1789 to 1945. This first era was dominated by the needs for agriculture and developing land for a growing country. The second era from 1946 to 1965 reflected a period of declining influence of the agriculture and development issues over wetland policymaking. Finally, Era III, which began in 1966 and continues to today, is characterized by the tremendous conflict between the participants and issues that dominated in Era I and those that emerged in Era II. Before evidence can be provided for the existence of these eras, how congressional participants in hearings created, then transformed, wetland policy over time must be examined.

Before Congress becomes involved in a particular policy, the policy issue must be defined as requiring government action. Several authors have explained how rhetoric and symbols are manipulated by participants involved in the development of policy to define an issue (Elder and Cobb 1983, Riker 1986). Advocates of a policy often try to broaden the appeal of the issue in order to persuade others to lend support (Schattschneider 1960). The use of positive or negative tone can assist with winning a debate and broadening its appeal. Often, tone is used to re-define an issue so as to affect a change in policymaking. A participant whose concerns are not represented in a policy may end up trying to re-define the issue to make it more appealing for a congressional committee interested in taking on the issue. This type of strategy allows policy losers to engage other committees who may be more amendable to their side of the issue.

Frequently, a congressional committee can gain a monopoly over a particular issue for a period of time. These committees maintain their monopoly by conducting hearings, controlling legislation, and having witnesses testify before them to reinforce their viewpoint. The outcome is a nonconflictual form of policymaking since the dominant viewpoint has no competitors. Challenges come from the process of re-definition of a policy by other competing committees looking to expand their jurisdiction of policymaking. Committees frequently seek to enter into new policy areas, especially ones that are considered unclaimed, such as the environment was in the 1960s to 1970s (King 1994). Witnesses interested in challenging the status quo policy and monopoly in Congress testify before the challenger committee interested in re-defining the policy and increasing its jurisdiction.

Through this process, congressional committees can become venues for policy losers to make an appeal for their issue that is not being entertained by the committee holding the monopoly. Baumgartner and Jones (1993) demonstrated this activity in the policy areas of nuclear energy, smoking, and pesticides. They coined the phrase "venue-shopping," where losing participants or those interests not represented in the policy debate want to re-define a policy in hopes of influencing a committee interested in expanding its jurisdiction.

The result from the break-up of a dominant monopoly is more hearings, more witnesses, and a diversity of committees involved in policymaking who were not previously involved. The increase in participation of witnesses and committees in hearings, and the change in tone and key issues, all indicate a conflictual re-definition of the policy. This does not mean a better or worse policy in terms of policy content. While this conflict can be a source of great problems for implementers, it also can indicate a healthy democratic discussion of the issues not previously considered by the congressional monopoly.

These congressional dynamics allow investigation of wetland policy. Questions of who dominates congressional policymaking are critical for understanding wetland policy in the United States. The study of environmental policy has generally focused on a collection of case studies and histories. Some recent examples include environmental policy literature on interest-group behavior or public opinion (Dunlap and Mertig 1993), congressional and executive action (Bryner 1992, Vig and Kraft 1994), and sometimes state or federal bureaucratic behavior (Lester and Lombard 1992). These studies often include detailed information over a short period of time that generally focuses on the 1970s to 1990s to explain the formulation of specific environmental statutes. Other studies (Bosso 1987) take a broader longitudinal case study approach to examine how policy and politics interplay over time to explain pesticides policy. Some studies perform a cross-sectional analysis of specific topics like environmental permitting (Ringquist 1993, Rabe 1996) or comparative case studies of alternative regulatory approaches like public participation (John 1994). However, few studies have provided analysis of congressional environmental policy from a longitudinal view that included empirical evidence for their conclusions. Using a broader longitudinal approach rather than a cross-sectional with limited time frame allows the researcher a more complete picture of congressional policymaking and the dynamics involved.

Jones et al. (1993) have taken the longitudinal approach to understanding the destruction of monopolies by congressional committees while also providing cross-sectional empirical tests of their theories. Analysis of congressional environmental policymaking in this study applies their techniques toward analysis of tone of congressional hearings, venues (congressional committees and subcommittees), and witnesses for the