Higher Education Policy Punctuations: An Assessment of Media Attention and Congressional Oversight

Dean Lefor

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HIGHER EDUCATION POLICY PUNCTUATIONS: AN ASSESSMENT OF MEDIA ATTENTION AND CONGRESSIONAL OVERSIGHT

by

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Bachelor of Science, North Dakota State University, 2006

A Thesis
Submitted to the Graduate Faculty
of the
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for the degree of
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This thesis, submitted by Dean C. Lefor in partial fulfillment of the requirements for the Degree of Master of Public Administration from the University of North Dakota, has been read by the Faculty Advisory Committee under whom the work has been done and is hereby approved.

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Chairperson

This thesis meets the standards for appearance, conforms to the style and format requirements of the Graduate School of the University of North Dakota, and is hereby approved.

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ABSTRACT

Congressional oversight of higher education is vital part of the policy process. However, a compressive study regarding the relationship between higher education oversight and attention has not been conducted. By utilizing McCubbins and Swartz's Police Patrol and Fire Alarm Oversight Dichotomy, this experiment was able to discover that a relationship exists between fire alarm oversight and the amount of public attention in the higher education policy process.

Congressional hearings in higher education were broken into three sections over a 58-year period. Each section was divided by major policy punctuations such as the Higher Education Act of 1965 and the 1980 elevation of the Department of Education to cabinet level. By utilizing a dataset compiled by the Policy Agendas Project, New York Times articles along with Congressional Quarterly Almanac Articles were used to measure the public's awareness and attention of higher education policy.

By using a Poisson regression, a statistically significant relationship was discovered in all three time periods of the New York Times articles when compared to the frequency of fire alarm oversight days per year. This analysis showed that there is a relationship between the frequency of fire alarm days that occur each year and the amount of New York Times articles that occur, representative of the public's attention of higher education. However, Congressional Quarterly articles were not found to have a significant relationship with fire alarm oversight days.
CHAPTER I
INTRODUCTION

History has shown that higher education has long been entangled with the many forms and levels of government. Even though higher education tends to be thought of as a power reserved for the state, the federal government has taken an active role in the policy arena of higher education for more than 175 years (Smith, 1923). Back in the days of Socrates, many institutions felt and dealt with the outside pressure of many different agents. State, federal, religious, and secular powers have been engrained within the creation and development of higher education policy and created both positive and negative consequences (Lingenfelter, 2004). To explain it more clearly, Lingenfelter states that:

In the martyrdom of Socrates, in the suppression of Galileo by the Catholic Church, and in far too many less famous cases, we find social and political leaders taking wrong-headed, tragic actions against scholars and intellectuals. Paradoxically, such events are both a warning about the abuse of state power and incontrovertible evidence that higher learning really matters (2004, p. 47).

As a society that lives based on the rules of a republic, the decisions of our leaders are to mirror the voices and beliefs of the people. This paper aims to clarify the overwhelmingly complicated issue of political oversight and the public’s attention.
Specifically molded within the realms of higher education, this paper focuses on investigating whether a relationship exists between public attention and congressional attention of higher education.

Without mention of education in the United States Constitution, and against the urging of some of our founding fathers, education is primarily a responsibility of state and local government. The Tenth Amendment of the Constitution stated that powers not specifically reserved for the federal government were reserved for the state. Since education is not specifically reserved to the federal government through the Constitution, the states received and continue to be the primary policy makers of higher education. Apart from military institutions (United States Naval Academy, United States Military Academy at West Point, etc) the federal government has been removed from the sponsorship of colleges and universities of higher education (Gladieux & King, 2005).

However, with no specific guidelines written within the Constitution regarding federal involvement of higher education, all three branches of government have been involved in shifting amounts of involvement of higher education. The first major involvement of the federal government in education was provision of the Northwest Ordinance of 1785. This provision stated that one square mile in each township was reserved for the creation of public schools. In 1802, the federal government first became involved in higher education through the creation of the United States Military Academy at West Point. Even though West Point was unable to grant collegiate-level degrees until authorized by Congress in 1933, it was seen by many as a federal desire to be involved in higher education (Babbidge & Rosenzweig, 1962).
It is important for scholars of the higher education policy process to understand the roots of federal involvement in higher education. In order to understand the future of higher education and the federal government's involvement within, one needs to examine over 200 years of education policy to see how both the executive and legislative branch has been involved in the past.

Statement of Problem

With over 70 million dollars budgeted to the Department of Education for student aid, along with over two billion to help "strengthen teaching and learning in colleges" (Grants and Contracts), within the education policy domain, it is important to understand if a connection exists between fire alarm oversight and public attention and if public attention changes and to what extent over major shifts in policy process.

Since the Legislative Reconstruction Act of 1946, one have at our disposal mounds of information regarding the work of Congress and its committees. The Congressional Research Service has records dating back to hearings held in 1946 that have allowed libraries across the United States to house record hearings, minutes, and legislative outcomes. However, research into committee oversight and behavior tends to be focused more at Intelligence (Aberbach, 1990; Barrett, 2004), Defense (Art, 1985) and the Budget (Price, 1982) with less of a focus on education, especially higher education.

Higher education, both within the legislative and executive arena has been involved some major shifts in policy over the past 45 years. However, direct examination of congressional oversight in relation to higher education remains relatively minimal. A letter from David Walker, Comptroller General of the United States, to the Legislative Leadership in 2006, stressed that "many of the federal government’s higher education
policy tools, designed decades ago, may not be as well suited for an increasingly diverse population" (Walker, 2006, p. 29). The letter to Congress continued, stating that increased congressional oversight was needed to assess the "efficiency and effectiveness of programs designed to promote access to and affordability of postsecondary education" (p. 29) in order for the United States to continue to be competitive in the international higher education arena (Walker, 2006).

**Purpose of Study**

The purpose of this study is to examine the changes of congressional oversight, specifically fire alarm oversight, and the extent of its relationship to public attention. This study divides the complete time period from 1946-2004 into three defined periods (1946-1964, 1965-1979, 1980-2004). Specifically, this study is looking to examine if attention to higher education (measured by the number of New York Times Articles and Congressional Quarterly articles) has a relationship to the amount of fire alarm oversight as defined by McCubbins and Swartz (1984).

The relationship between congressional oversight of the executive branch is not a new issue to scholars (Smith, 1923; Scher, 1963; Ogul, 1976; Aberbach, 1980). In addition, the relationship between congressional oversight of higher education, even though the Department of Education was not a cabinet level agency until 1979, has also not completely escaped attention (Lane & Lefor, 2007). Since the establishment of the Office of Education in 1867, the agency has shifted through several different federal departments and changed dramatically in both structure and function (Radin & Hawley, 1988). This project will investigate the relationship between congressional oversight,
significant punctuations in the policy process, and how attention shifts between each punctuation period.

The change of the executive branch’s involvement in higher education through the Department of Education, along with the passage of the Higher Education Act of 1965, has created significant changes in the higher education policy arena. However, little research has been conducted to view what changes these punctuations periods might have had on the effect that attention brings into the oversight process.

One important aspect of the legislative process that should not be ignored is the power of public attention (Miller & Stokes, 1963; Page & Shapiro, 1983; Kingdon, 2003). Whether viewing changes in higher education policy through Baumgartner and Jones’ (1993) Punctuated Equilibrium Theory or through the lens of incrementalism (Jones, True, & Baumgartner, 1997), research on the relationship between higher education and congressional oversight can help clarify the complex relationship between the executive bureaucracy and the legislative oversight of that branch.

Employees within the bureaucracy along with members of Congress, educators, lobbyists, and researchers could all benefit greatly by understanding if there is a connection between public attention and major policy punctuations in higher education policy. In addition, if there are correlations found, further research could be done to find if there is any causality between the two. For example, does an increase in public attention demand punctuation in policy? Could the punctuation in policy create an increase in the public attention?
Research Questions

The purpose of this thesis is to investigate the relationship between congressional oversight and attention, separated by significant punctuations in the policy process. Each of the two research questions will be broken into three distinct periods separated by two major punctuations in the higher education policy arena as seen in Figure 1. First, 1946 until 1964 will represent the time from the Legislative Reconstruction Act of 1946 (when the Congressional Research Service was funded to track committee hearings) right up until the passages of the Higher Education Act of 1965. The second period, 1965-1979, will be from 1965 until the elevation of the Department of Education to a cabinet level agency in 1980. The third and final period will be from 1980 after the opening of the Department of Education until 2004.

Figure 1. Periods One through Three by Punctuation Event

By following in the footsteps of McCubbins and Swartz (1984) and Balla and Deering (2001), all of the higher education congressional hearings from 1946 until 2004 will be coded to determine which hearings were caused by specific, external reasons. By coding congressional hearings in relation to the fire alarm and police patrol dichotomy created by McCubbins and Swartz using the guidelines of Balla and Deering. By distinguishing which congressional committee hearing are externally event driven, I am
attempting to discover a connection between externally driven congressional hearings and punctuations in the policy process.

With fire alarm oversight focused on decentralized and external factors such as interest groups or informed groups of people to bring alerts to congress, what relationship (if any) does the New York Times, with a circulation of over 1.1 million papers daily (2007: Top 100 subscriptions) have with the amount of fire alarm oversight per year? Second, does Congressional Quarterly, whom over 95% of Congressional representatives subscribe to, (CQ.com) have a relationship with the amount of fire alarm oversight?

The primary research questions of the study are the following:

- What effect, if any, does external attention (measured in New York Times higher education articles) have on the amount or occurrence of fire alarm oversight conducted by Congressional Committees?

- What effect, if any, does external attention (measured in Congressional Quarterly higher education articles) have on the amount or occurrence of fire alarm oversight conducted by Congressional Committees?

First, through an analysis of a random sample of New York Times articles from 1946 until 2004, I will determine if a connection exists between the amount of externally driven congressional events (fire alarms) and public attention measured through New York Times higher education articles. Four separate tests for each period, and then one test for the whole time frame (1946-2004) to see if there is a significant statistical relationship between New York Times articles related to higher education and Fire Alarm oversight.
My hypothesis for the question 1 is as follows:

- Hypothesis 1a; that a significant relationship exists between the amount of New York Times articles related to higher education and an increase in the amount of days of fire alarm oversight between 1946-2004.

- Hypothesis 1b; A significant relationship exists between the amount of New York Times articles related to higher education and an increase in the amount of days of fire alarm oversight between the second policy period of 1965-1979.

- Hypothesis 1c; A significant relationship exists between the amount of New York Times articles related to higher education and an increase in the amount of days of fire alarm oversight between the third policy period of 1980-2004.

Second, a similar analysis of a random sample of Congressional Quarterly articles from 1946 until 2004 I will determine if a connection exists between the amount of externally driven congressional events (fire alarms) and public attention measured through Congressional Quarterly higher education articles. Four separate tests for each period, and then one test for the whole time frame (1946-2004) to see if there is a significant statistical relationship overall between Congressional Quarterly articles related to higher education and fire alarm oversight.

My hypothesis for the question 2 is as follows:

- Hypothesis 2a; A significant relationship exists between the amount of Congressional Quarterly articles related to higher education and an increase in the amount of days of fire alarm oversight between 1946-2004.
• Hypothesis 2b; A significant relationship exists between the amount of Congressional Quarterly articles related to higher education and an increase in the amount of days of fire alarm oversight between the second policy period of 1965-1979.

• Hypothesis 2c; A significant relationship exists between the amount of Congressional Quarterly articles related to higher education and an increase in the amount of days of fire alarm oversight between the third policy period of 1980-2004.

Limitations

The primary difficulty with a study of this magnitude is trying to reduce the outside factors that play constantly on the decisions of legislators. As with many research projects that use Congress and the Executive branch as comparisons, there are several outside factors that could play a role. For example, the amount of congressional oversight during a congress that is of an opposite party to the president does not play a significant role however, factors such as the amount of congressional staff have been found to play a role (Smith K. W., 2005). A thorough understanding of congressional oversight literature has shown that differing opinions emerge about the reasons for increased oversight (Smith K. W., 2005). In order to minimize the effect of the fluctuations, I am attempting to compare the same variable over three time periods. However, it would be far reaching to assume that one independent variable would be able to account for 100% of the variation of fire alarm oversight.

Due to the different causes that can initiate a committee hearing, I am not looking for this research to be generalized into other agencies or policy arenas. As a single case
study, I am hoping to build to theory and to supplement the field of higher education with an analysis of how much, if any, public and congressional attention appears to affect major higher education between policy punctuations.

Definitions of Terms

Listed below are the definitions of terms used throughout this study.

**Administrative agencies** refer to governmental units, or departments that tend to reside within the executive branch.

**Agenda setting** is the list of subjects or problems to which governmental officials, and people outside of the government closely associated with those officials, are paying some serious attention to at any given time (Kingdon, 2003).

**Bureaucracy and Bureaucrats** (members of the bureaucracy) are those members of the executive branch who were not elected or appointed to their position. These civilian members often work in administrative agencies and departments of the Federal Government. The bureaucracy is often referred to as the “fourth branch of government” due to its power to interpret and ensure implementation of laws passed by congress (Strauss, 1984).

**Bounded Rational** is the idea that people as a whole intend on being rational, but make decision based on limited information, limited resources, and their desire to maximize utility

**Civil Officers** are employees of the federal government, including judges and participants in the judicial branch, (excluding military and those in congressional offices).
members of the President’s cabinet, including the President himself are classified as civil officers (Lieberman, 1999).

**Congressional Oversight** is defined by McCubbins and Swartz (1984) as “whether, to what extent, and in what way Congress attempts to detect and remedy executive-branch violations of legislative goals” (p. 165).

**Congressional Research Service** was created by President Wilson in 1914 and originally named the Legislative Reference Service. During the 1970 Legislative Reconstruction Act, the LRS was renamed Congressional Research Service and expanded its authority to provide information on legislative activity and policy analysis (Library of Congress).

**Congressional Quarterly** is a non-partisan news-reporting agency that publishes daily. Owned by the Times Publishing Co., Congressional Quarterly is the largest publication devoted specifically towards congress and has more than 150 reporters, editors and researchers (CQ.com)

**Countermobilization** is the process in which people, groups of people, or attention is mobilized in order to prevent another group that is growing in power to obtain an unbalanced amount of control

**Filibuster** is ability to continue speaking on the floor of the Senate once you have been recognized, and is used to halt the legislative process. Filibustering is offered to the members of the Senate, as the House of Representatives does not have such a rule.

**Focusing Events** are sudden events that can generate a lot of publicity to a specific public problem or issue. Focusing events can be the cause of policy changes since they increase the amount of attention and information to a specific policy (Birkland, 2005).
Government Accountability Office (GAO) is a non-partisan, independent agency that works for Congress. The GAO’s (n.d.) mission is to ensure efficiency and accountability of the Federal Government. The head of the GAO is the Comptroller General who is appointed to a 15-year term by the President.

Incrementalism is the process of policy change that involves slow, methodical, and measured changes in policy. This can be caused by many reasons including countermobilization and negative feedback (Baumgartner & Jones, 1993).

Information Costs are the costs, both in human, cognitive and actual capital that are required to obtain and understand information.

Muddling-Through, also known as “successive, limited comparisons” is a decision model based on limited knowledge and resources is similar to incrementalism in that it policy decisions are combinations of gradual steps.

Negative Feedback is a decrease in the amplification of attention to a policy agenda. Decreased attention, resources, or countermobilization can cause a policy to return to equilibrium prevent a major shift in the policy.

New York Times is a daily newspaper, printed in New York City and published internationally. The New York Times is often regarded as the nations “newspaper of record” meaning that the newspaper tends to hold very high journalistic standards that could be used for the base of scholarly research.

Policy Monopolies are a group of actors who tend to dominate or “monopolize” policy making in a specific domain (Baumgartner & Jones, 1993).
Positive Feedback is the process in which an item or policy gains attention and momentum. This positive feedback amplifies the original attention or policy instead of stabilizing the signal causing the possibility of a policy shift.

Public Congressional Hearings are public information gathering forums held by either both houses of Congress with the intent of learning about legislation, performing oversight, and to learn about constituent problems.

Punctuated Equilibrium Theory is the theory that political processes are generally characterized by stability and incrementalism, however there are occasionally large, or dramatic changes from previous policies instead of small, incremental changes.

Nature of the Study

New York Times and Congressional Quarterly articles were analyzed to see if a relationship existed between the amount of articles occurring per year and the amount of fire alarm oversight hearings by congressional committees. In addition, the committees involved in higher education oversight were analyzed to see if a relationship exists between the amount of committees that participate in higher education oversight each year and the amount of fire alarms that occur. A list of 558 committee hearings related to higher education were coded using the guidelines by Balla and Deering (2001) to determine if whether a hearing was a police patrol or fire alarm by the definitions of McCubbins and Swartz (1984).

Data from the New York Times articles, Congressional Quarterly articles and Congressional committee counts were analyzed using STATA (Data Analysis and Statistics Software) using regression analysis. After the completion of OLS Regression analysis (Ordinary Least Squares Regression), a non-linear distribution resulted, which
lead to the use of a Poisson regression analysis. By the use of a Poisson regression analysis, a determination if a relationship between each dependant variable (New York Times articles, Congressional Quarterly articles, and Congressional Committee involvement) could be discovered.
CHAPTER II
LITERATURE REVIEW

In order to understand the effect that congressional committee hearings and the media have on the agenda setting and policy process it is important to first start with a general understanding of how policy change and the major actors involved in higher education policy. This literature review contextualizes and studies the relationship between congressional oversight and significant punctuations in the policy process. In order to understand the relationship between oversight and punctuations, I will first examine preeminent models of policy change from punctuated equilibrium theory in order to gain a solid understanding of how policies change, the actors involved, and what causes major changes, or punctuations, in policy.

Second, with the focus of the thesis based on legislative oversight, it is important to take a close look at the evolution of both the executive branch and the legislative branch that performs oversight over it. The second part of the literature review will cover the evolution and involvement of the Executive branch and most importantly the Department of Education from its establishment in 1867, until its elevation to a cabinet level agency in 1980.

Third, returning to the realm of the legislature, it is important to start with a solid understanding of congressional oversight, the actors involved, how it has changed over the past 60 years and also what effect external factors such as the media play on the
oversight process. Once we has the opportunity to understand congressional committees and congressional hearings, I will cover an oversight hybrid form created by McCubbins and Swartz (1984) known as Police Patrol and Fire Alarms. The final part of the chapter will connect all of the pieces of this puzzle by noting connections between the intertwined world of agenda setting, public attention, and legislative oversight.

Punctuated Equilibrium

There have been many different attempts to discover a solid explanation of how policies evolve so that we may increase our understanding and possibly even learn how to control the process. Research has been devoted to a variety of policy making processes, such as “incrementalism” (True, 2000; Kingdon, 2003; Davis, Dempster, & Wildavsky, 1966) and “punctuated equilibrium (Baumgartner & Jones, 1993; Jones, Sulkin, & Larsen, 2002)” and including hybrid models such as “muddling through” (Lindblom, 1959; Gregory, 1989) in hopes of finding an explanation.

However, it is important to note that due to the complexity of the policy creation process, only a small aspect of the process will be looked at throughout the study. Kingdon (2003) looks at the development of the policy process and the agenda-setting aspect in two different lights. According to Kingdon, it is worth separating the two and considering them individually because “[d]evelopment in the policy stream might well resemble the long process of natural selection… [b]ut the agenda-setting process might be must less gradualistic” (2003, p. 226). For this reason, reference to the policy process and agenda setting will be interchangeable, with no focus on the developmental aspect of the policy stage. For the purpose of this thesis, we will use the definition of agenda setting as defined by Kingdon. He states that agenda setting is “the list of subjects or
problems to which governmental officials, and people outside of the government closely associated with those officials, are paying some serious attention at any given time” (2003, p. 3).

Punctuated Equilibrium theory was originally adapted from research by Eldredge and Gould in 1972 in relation to evolution of biological species. Based on the evolutionary work of Darwin, Eldredge and Gould learned that the evolution of species was not a consistent and perfectly incremental process. By viewing the changes of species, Eldredge and Gould noticed that due to the surroundings, species would go from periods of rapid change to periods of relative stasis. Similar to the evolution of biological species, Baumgartner and Jones realized that policy did not evolve at a perfectly incremental rate and punctuated equilibrium theory for policy was born (Mulolland & Shakespeare, 2005).

Baumgartner and Jones noticed that politics imitated biology in that it also had periods of relative stasis sometimes followed by rapid often very dramatic changes in policies. True, Jones and Baumgartner (2007) state that:

Punctuated Equilibrium theory seeks to explain a simple observation:

Political processes are generally characterized by stability and incrementalism, but occasionally they produce large-scale departures from the past. Stasis, rather than crisis typically characterizes most policy areas, but crises do occur (p. 155).

As agendas change, information flows shift, and policy monopolies fall, new windows are open in the policy area that creates the possibility for larger scale change (Baumgartner & Jones, 1993).
Jones, Sulkin & Larsen (2002), explained the Punctuated Equilibrium theory in relation to tectonic plate movement on the earth. Daily, small earthquakes constantly cause the crust of the earth to move, sometimes without people even noticing. However, as each of the small earthquakes (inputs) releases some of the pressure on the crust, not all the pressure is able to be released (output) and eventually a larger earthquake occurs releasing the pressure from all previous shifts (inputs). They argue the policy creation process works in the same way – with constant little changes (incrementalism) that add up into larger policy punctuations when in the words of Kingdon (2003), a policy window opens or in the words of Baumgartner and Jones (1993), positive feedback is occurring. First, in order to understand what causes punctuations in the policy equilibrium we need to understand the factors that inhibit or create change.

Policy monopolies are a major contributor to punctuated equilibriums and have a very important effect on the policy agenda. As policy monopolies are created and destroyed, they restrict and allow access into the legislative process. As a policy group becomes more powerful, opposing groups often attempt to increase their power to keep the policy process in check. It is in the best interest of those supporting a policy monopoly to ensure that the policy system remains as closed as possible. Through limiting information to those outside of the monopoly and by using the mass media to express their claims, policy monopolies can remain successful (at least for a period of time) in isolating the policy decision process (Birkland, 2005). If an opposing policy group grows at a similar rate as their counterpart, incrementalism ensues – however, if one group is able to garnish more resources then their counterpart – or if they grow
unopposed, positive feedback can result, creating the possibility of larger policy punctuations (Baumgartner & Jones, 1993).

Based on the premise of positive and negative feedback, Baumgartner and Jones (1993) argue that slow and incremental change is caused by negative feedback within the agenda setting aspect of the policy stage. Negative feedback causes the system to decrease in important and salience, whereas positive feedback augments disturbances causing them to become noticeable and “major disruptions as they operate across time” (1993, p. 6). A work by True, Jones and Baumgartner (2007) views positive feedback as a “feeding frenzy and bandwagon effect” (p. 160) and compares negative feedback as a thermostat that keeps the room at a constant temperature, making sure it does not become too warm or too cold.

In addition to negative and positive feedback, scholars have identified several complementing and sometimes overlapping forces on the policy agenda that have both impeding and assisting effects on changes within policy such as finite information and policy monopolies and their effect on the legislative process. In addition to the media and interest groups, the basics of the legislative process tend to have an incremental effect on the legislative process. One of the ideas expressed, which is believed to contribute to a punctuated equilibrium, is the act of the legislative process itself. By legislators reauthorizing prior legislation and basing new budgets off of prior budgets (Davis, Dempster, & Wildavsky, 1966), the legislative process itself is ensuring and institutionalizing minor and incremental changes in policy. In addition, if decision makers create and enact small, incremental changes, if a policy problem occurs it is easier
to correct the issue as opposed to trying to reverse a major new policy process (Baumgartner & Jones, 1993).

With the fundamentals of democracy promoting the freedom of speech and association, mobilization and counter mobilization tend to keep the policy agenda in a relative equilibrium. As legislators, lobbyists, and political actors influence the policy agenda, groups who hold a different view and organized interests mobilize to keep the policy in check. According to Baumgartner and Jones (1993), the "political system at balance is quite conservative, since it implies that dramatic changes from the status quo are unlikely" (p. 10). Typically, the new members into the policy area are the biggest advocates for changing the status quo. As new actors become involved, they are able to uproot the traditional boundaries that prevent collaboration between different governmental actors and allow policies to be changed (True, Jones, & Baumgartner, 2007).

Next, the idea of finite information is another important contributor to punctuations in the policy process. The policy area is very complex with actors both inside and outside of the government, relying on information that can is often hard to obtain. There is a cost to obtain information, which further compounds the issue – limited information and limited budgets can make for limited knowledge when making policy decisions. (True, Jones, & Baumgartner, 2007). Focusing events, crises, and an accumulation of problems over a period of time have caused attention to be raised on specific policies where little (if any) attention was focused on earlier (Kingdon, 2003). Another aspect of information is information salience. Policies have a way of grabbing attention one day, and then fading from the limelight the very next. Problems that were unnoticed only weeks or
months before now have the attention of the media and those who consume it. As such, focusing events and crises tend to place previously ignored problems front-and-center on the schedules of public officials creating an opportunity for the correctly situated, strategically positioned, or lucky interest group, lobbyist or legislator to act and shift the policy equilibrium (Baumgartner & Jones, 1993).

Jones, Sulkin, and Larsen break down the cost of information even further – into information costs and cognitive costs. With finite budgets, the costs of retrieving information relevant to the policy agenda can be limited. In addition, cognitive costs are the costs associated with the interpretation and ability of the people to process that information. Both the information costs and the cognitive costs create friction in the policy process (2002). If one has access to large pools of information for a low cost along with people who are able to interpret that information efficiently, that could cause a dramatic shift in policies as opposed to an organization with very stringent resources. The idea of bounded rationality that tends to create an incremental policy process also helps facilitate policy punctuations. Jones (2001) argues that the cognitive and information limits that are placed on the decision makers are one major reason that policy punctuations occur.

Recent research conducted by Wood (2006) as points out two very important implications about punctuations relevant to this thesis. First, just because there is no punctuation identified in the policy stream it does not mean that there is not a conflict. Conflict can occur without major punctuations in the policy cycle. Second, positive feedback can be resisted by opponents of change by legislative actors and by legislative tools such as the filibuster. Even after powerful political actors such as the President or a
majority party or a policy monopoly take hold, there still are tools that can prevent or slow punctuations.

Executive Involvement in Higher Education

With over 4,500 employees and a budget of 71.5 million dollars\textsuperscript{1}, the Department of Education has come a long way from its founding over 175 years ago. The Department of Education, even though only existing as a cabinet level organization within the executive branch since 1980, has been in the works since 1840 (Smith D. H., 1923).

Henry Bernard was able to convince the U.S. Bureau of Census to retrieve data related to education in 1840 that included literacy rates and the amount of schools and colleges operating in America. Prior to the Census Bureau’s work, there were no centralized information and educational standards varied widely from school to school (Kursh, 1965).

In 1846, Congress created the Smithsonian Institute that brought national attention to education because of the Smithsonian’s involvement in scientific research. Riding on the momentum and enthusiasm of scientific discovery, Barnard and his colleagues attempted to create a proposal for a federal agency (Kursh, 1965). The Smithsonian was not the only proposed home for a new agency to work with education. In 1851 and 1854, Congress discussed the idea for a creation of a separate Department of Education and in addition, in 1849 they had discussions to create a statistical bureau that would be retrieve and analysis education data. It was not until 1854 that with the help of the Association for the Advancement of Education that a plan was created outlining the Department of Education (Smith, 1923).

\textsuperscript{1} Based on the 2007 estimate from the Department of Education, http://www.ed.gov/about/
The notion that government should not be involved in education was shattered by the 1862 Morrill Act, and pressure again rose for the creation of a federal agency for education. In 1867, while rebuilding from the Civil War, Congress appropriated $13,000 dollars to create a central agency for education. This bill, introduced by Representative Garfield from Ohio (later President Garfield) established a Federal Department of Education (Smith, 1923).

Over 30 years after Henry Barnard first asked the Census to gather data about education in the United States, he was appointed the first Commissioner of Education. Fearing an increase in federal presence in education beyond the collection and distribution of statistics, Congress renamed the newly created Department of Education to Office of Education and placed the agency within the Interior Department. Barnard, as Commissioner of Education, was to report to the Interior Secretary and education remained without cabinet representation. In 1870, the name changed a third time to the “Bureau of Education” although it remained within the interior department. The Bureau of Education, once again, returned to the name of the Department of Education in 1929 (Kursh, 1965).

The Office of Education was removed from the Department of the Interior and placed within the Federal Security Agency after its creation in 1930. In 1953, the Federal Security Agency was changed to Department of Health, Education, and Welfare (HEW). After the passage of the Servicemen's Readjustment Act of 1944 (GI Bill) and other legislation in the early 1950s, the Office of Education grew rapidly, expanding to over 1,100 employees in 1960 (Sniegoski, 1988).
Once again, the National Education Association would play a large role in the creation of policy by urging President Jimmy Carter towards the creation of a cabinet level agency for education. (Sniegoski, 1988). After more than 130 pieces of legislation were introduced to Congress between 1908 and 1975 (with 48 of the bills between 1965 and 1975), attention for the desire to create a Department of Education was becoming more obvious (Radin & Hawley, 1988).

President Carter signed the legislation for the creation of the Department of Education ("ED," not to be confused with DOE which is the Department of Energy) into law on October 17, 1979. The newly created Department of Education had its funds authorized by the 96th Congress and officially opened its doors on May 4, 1980 (Sniegoski, 1988).

**Legislative Involvement in Higher Education**

Similar to the Executive branch, the legislative branch became involved in higher education soon after the inception of the United States. In 1802, "An Act Fixing the Military Peace Establishment of the United States" by the legislature allowed funding for the creation of United States Military Academy at West Point. However, legislative activities tended to be mostly focused around the admission of new states into the union and the provisions of higher education that were contained within them (Babbidge & Rosenzweig, 1962).

The Morrill Act, the one of the most comprehensive pieces of legislation for higher education, was introduced to Congress in 1857 and passed through both houses two years later in 1859. President Buchanan vetoed the original Act, feeling that it allowed too much federal involvement in education. The role of the federal government would soon
take a dramatic pause with the start of the Civil War in 1861. Even with a war separating the nation, the Morrill Act of 1862 once again was passed by Congress and signed by President Lincoln on July 2, 1862 (Kursh, 1965). However, Congress's role in higher education is more than creation of legislation, accountability to an overgrowing executive bureaucracy is an increasingly important function (Aberbach, 1980; Mayhew, 1991; Kingdon, 2003)

This study focuses on two recent pieces of legislation passed by Congress to serve as punctuations between periods of higher education policy: the elevation of the Department of Education, and the passage of the 1965 Higher Education Act.

*Congressional Committee as an Oversight Mechanism*

The congressional committee hearing or "public hearing" is an important tool that the legislative body utilizes during the oversight process. The House of Representative and the Senate have the ability to collect information in order to address issues brought by constituents, interest groups, and other political actors. In order to hold administrative agencies accountable to the people, congressional committees are able to conduct oversight of those who were appointed by the executive branch. Davidson and Oleszek (2006) also stated that hearings are "valuable devices for making government accountable to the people. They can spawn new laws or their functional equivalent: unwritten laws that change bureaucratic operations" (p. 355).

Scholars have used the amount of committee hearing activity as a barometer for congressional oversight activity for over 75 years (Galloway, 1927; Scher, 1963; Ogul M. S., 1976; McCubbins & Schwartz, 1984; Balla & Deering, 2001). By measuring the amount of oversight hearings, scholars can receive a vague idea of how much oversight
Congress is exerting over the executive branch. In addition, since the Legislative Reconstruction Act of 1946, increased funding to Congressional Research Service has provided a great insight into the works of congressional committees by keeping records of individual committee hearings. With added information about each individual hearing, scholars are now able to make a crude measure of how important each hearing is by weighting each hearing by the amount of days that a hearing lasted. Following in the idea of McCubbins and Swartz (1984), finite resources and tight budgets lead members of Congress to prefer oversight activities that will bring the most benefit to their positions, and thus, less important hearings can assumed to be kept shorter in duration.

*Evolution of Congressional Committee Organization*

Congressional committees were created during the convening of the first congress in 1789. The standing committee was created in the House of Representatives and based on past legislatures like the Continental Congress and British House of Commons (Davidson & Oleszek, 2006). According to the United States Senate Historical Office (n.d.), Senate Committees operate as fact-finding panels that are also used to create policy and help build consensus in legislation. Although many are almost as old as the Senate itself, senators periodically update their jurisdictions and resources to meet the evolving demands of modern American life.

The Legislative Reconstruction Act of 1946 formally established the roles of congressional committees in the oversight process. It charged Congress with “cautious watchfulness” of the executive agencies and had an increased focus on committee efficiently and effectiveness (Rosen, 1989). Through the reduction of the number of congressional committees in each chamber and by making jurisdictional boundaries more
specific along with the addition extra staff, congressional committees were better prepared to go up against the growing executive branch. However, many feel one of the important aspects of the Legislative Reconstruction Act of 1946 is that it formally, for the first time, mentioned congressional oversight and the legislature's role of oversight in the committees (Aberbach, 1990).

In 1970, amendments to the 1946 Legislative Reconstruction Act again put the committee structure under the knife. The 1970 amendments increased role of the Congressional Research Service to expand their involvement and the information that it could gather. In addition, the amendments strengthened the General Accountability Office's (GAO) ability to complete program evaluation and most relevant to this thesis, explicated to congress the intent to “review and study, on a continuing basis, the application, administration and execution” of all laws that are under the purview each committee (Kaiser, 1997).

Through their research, many scholars have agreed that Congress acts either proactive or reactive, but have tried to further distinguish oversight into manifest or latent forms (Ogul, 1976), adversarial or advocacy (Aberbach, 1990), formal and informal (LaFollette, 1994), and in addition, the focus of this thesis, police patrol and fire alarm oversight (McCubbins & Schwartz, 1984). Prior to the work by McCubbins and Swartz (1984), scholars characterized congressional oversight as lacking, overly complex, and in many cases non-existent. However, McCubbins and Swartz (1984) disagreed and stated that congress does have an active involvement in oversight, but that they have a preference for fire-alarm oversight as opposed to police-patrol oversight.

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2 See Ogul 1976; Aberbach 1990
Legislative Oversight

Legislative oversight, known most basically as the review of the activities of the bureaucracy and executive branch by the legislative branches, has been seen in many different forms since it was first used over 215 years ago. The Senate and the House of Representatives have both been involved in congressional oversight not long after the ratification of the Constitution on June 21, 1788 with investigation of the War Department in 1790 (Smith, 2005). According to Galloway (1927), congressional committees have three basic functions: to aid in the creation of legislation, to supervise the executive branch, and to inform public opinion. This section of the literature review will focus on the evolution of the second function of congressional committees, to supervise the executive branch or administration, by reviewing several pieces of literature that have looked intensely in the role of congressional committees within the “oversight process.”

It is important to note that the supervision of executive agencies is not an enumerated power. There is no direct mention of oversight in the Constitution; however, its existence has been implied since the ratification of the Constitution. The Constitution enumerated several powers to the legislative branch that require knowledge of the executive agencies to ensure that the agencies were acting in accordance to what the legislature had intended. In order for congress to raise and support an army, declare war, appropriate funds, and remove civil officers (by impeachment) it must understand how the agencies are working, the cost they are incurring, who is administering the programs
and most importantly whether or not they are they operating within the intent of the legislation (Legislative - Executive Relations -- Congressional Oversight, 1993).

There is not a universally accepted definition of what precisely congressional or legislative oversight is. For example, Aberbach (1990) defines oversight as the “review of actions of federal departments…including the review that takes place during program and policy implementation as well as afterward” (p. 2) while Ogul views oversight as “behavior by legislators and their staffs, individually or collectively, which results in an impact, intended or not, on bureaucratic behavior” (1976, p. 11). For purpose of this study, I will use McCubbins and Swartz (1984) view of oversight. They define oversight as “whether, to what extent, and in what way Congress attempted to detect and remedy executive-branch violations of legislative goals” (p. 165). This definition will be relevant to this area of study because it takes into consideration the outside forces that play on oversight that will be examined through this analysis.

Is Amount of Oversight being Overlooked?

Legislative oversight often comes under attack for being absent or lacking (Aberbach, 1980), however, congressional hearings and investigations have been increasing since the 1960s for a multitude of reasons. According to Scher (1963), there are seven main reasons that even though congressional oversight exists it is often not noticed or largely publicized. These seven reasons can be broken into two main categories - four reasons concerning oversight costs and rewards and three reasons concerning relationships. Legislators have to weigh the costs and benefits of congressional oversight of committees. The cost versus rewards can be summarized up to four reasons. First, legislators must seek the greatest reward for their legislative
behavior. Second, agencies are seen as "impenetrable mazes" (p. 532) with only the most experienced legislators being able to reap the rewards of trying to "penetrate" the bureaucracy. Third, committees will only seek to investigate an agency if they do not expect costly retaliation. Fourth, unless there are persuasive reasons to use committee resources for oversight they will continue along a fixed routine with little oversight.

However, relationships between the legislators and the President and agency heads also play a role in congressional oversight. Scher’s three relationship reasons can be summarized as such. First, legislators who have established rewarding relationships with agency heads are less likely to disturb that relationship and perform oversight of their agency. Second, legislators often feel that the relationships that they have developed with agency actors could serve more valuable for constituent needs. Finally, if a Member of Congress views they can receive a reward by close ties with the President they will be less willing to examine the agencies and agency officials whom are appointed by the President (1963). Each of the seven reasons listed by Scher may cause, individually or in a combination of, decreased focus or less public attention on congressional oversight.

As research has been increasing in the field of congressional or legislative oversight, a few scholars argue that there has been a dramatic increase in oversight over the last 30 years. Through the congressional reconstruction in 1946 and the amendments offered in 1970, oversight has not only been more explicitly expected, but also made more efficient through increased committee staff, more funding for the Congressional Research Service (CRS) and also greater evaluation from the GAO. Increased committee staff along with increased funding for CRS has allowed more information to be collected
and distributed to the public. In addition, the GAO received increased funding and opportunity to evaluate programs and policies created by the legislative branch.

Birkland (2005) offers three main reasons to explain the increase in Congressional oversight activity from 1970. First, due to the increasing complexity of the laws that are passed by congress, it is important that agencies follow the legislative intent of the law. The executive branch and the agencies are allowed discretion in how the law is executed and are able to emphasize parts of laws while putting little-to-no emphasis on other parts of the law. Congress may hold hearings or conduct investigations to ensure that the laws are being executed in the way they had intended and if not, they are able to create new legislation, amend the laws to more adequately serve their intent, or apply pressure, budgetary or otherwise to remedy the differences in legislative intent (2005).

Second, Birkland argues that there has been increased pressure over the last 20 years to ensure that current laws are amended and updated as opposed to writing completely new laws. Congressional oversight is needed to ensure that current laws are being upheld properly and to learn how to strengthen the current laws. Similar to the first reason, as laws grow in complexity and with a finite amount of resources and staff, it is important that the legislative process is used to amend laws if possible.

The third reason listed by Birkland is the most controversial of the three reasons listed. Birkland states that:

Greater partisan polarization in Congress – in particular, the shift in power in the Congress from Democrats to Republicans – has made oversight an important way for Republicans to scrutinize programs that are less popular with their partisan than with more liberal democrats (p. 222).
Birkland, however, is not the only scholar who believes that the partisan divide has caused increased oversight. Scher (1963) argued almost 40 years prior that when the leadership of an opposing party feels that they would be able to cause a large amount of embarrassment for the opposing party or an opposition president that oversight of their policies would increase.

Research completed by Aberbach (1990) found that an increase of oversight by 26% occurred during times of divided government as opposed to periods of time when both the executive and legislative branch were under the same party control. Ten years prior to the completion of that research, Aberbach (1980) stated an idea similar to Scher that if two different parties control the executive and legislative branches there is an increase in the amount of oversight in the hopes of embarrassing or harassing the opposing party.

It is important to note however, that research by Mayhew (1991) found no significant increases or decreases in the amount of investigations that either party held during opposition or same-party congresses (however his oversight literature consisted only of 31 investigations throughout 44 years). In addition to the findings by Mayhew, Smith (2005) also finds that periods of unified or divided government do not have statistical relevance on explaining the increase in congressional oversight. Smith (2005) states that “all other things held constant, periods when the House is controlled by one party and the presidency another result in no addition oversight hearings” (p. 84).

In conclusion, although scholars differ on the reasoning behind the increase in congressional oversight, most authors agree that oversight has increased quite
dramatically over the past 40 years. In the words of Aberbach (1990) “Congress was responding to the demands of citizens frustrated by government growth and complexity…these changes, and the changes connected to them, worked together to increase the payoffs of oversight” (p. 191).

Types of Congressional Oversight

According to Galloway, in order for Congress to effectively execute their role as lawmakers, a house of Congress “may employ any means necessary in its judgment to the execution” (1927, p. 54) of the process. With the power to conduct oversight, Congress has employed the use of Congressional inquiries that “watches, studies, corrects, and perfects our administrative departments” and “reveals inefficiency and dishonesty – serious evils which cannot be exposed in any other way (Galloway, 1927, p. 62).

It is very important to differentiate between parameters in which congressional oversight is going to be viewed within this thesis. Smith lists the four separate dimensions of congressional oversight as: manifest vs. latent, formal vs. informal, centralized vs. decentralized, and active vs. passive (Smith, 2005). McCubbins and Swartz (McCubbins & Schwartz, 1984) outlined a hybrid form of categorizing congressional oversight, which they termed “Police Patrol”, and “Fire Alarm” oversight. This form of oversight, dubbed “the most influential distinction among forms of oversight” (p. 5) by Balla and Deering (2001) is derived from a combination of manifest & latent, formal & informal, and active & passive dimensions of oversight; these will be discussed more in detail later in this chapter.

*Manifest or latent form* – Manifest and latent forms of oversight have been covered quite in-depth by scholars of legislative oversight. Ogul (1976) originally coined the

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3 See Aberbach 1990; Birkland 2005; Rosen 1989; Smith 2005
terms of manifest and latent oversight in 1976, however later an article by Ogul and

Rockman (1990) stated that when Ogul distinguished between manifest and latent

<table>
<thead>
<tr>
<th>Table 1: Rockman’s Alternative Models of Oversight</th>
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<tr>
<td>Latent Oversight</td>
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<tr>
<td>Manifest Oversight</td>
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<tr>
<td><strong>Scope:</strong></td>
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<tr>
<td>Almost Always Particularistic and Narrow Remedies</td>
</tr>
<tr>
<td>Nearly Always Stimulus</td>
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<tr>
<td><strong>Trigger:</strong></td>
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<td>Provoked</td>
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<tr>
<td><strong>Approach:</strong></td>
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<tr>
<td>Nearly Always Inductive</td>
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<tr>
<td>Almost Always</td>
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<tr>
<td><strong>Nature of Inquiry:</strong></td>
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<td>Individualistic</td>
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Source: Rockman (1984)

oversight “he meant respectively, formal and informal efforts to bring agencies into

compliance with congressional demands” (p. 6). Rockman (1984) differentiated between

manifest and latent oversight in four main categories. Table 1 shows the relationship

between scope, trigger, approach and nature of the inquiries separated by manifest and

latent oversight.

Rockman (1984) differentiates between latent and manifest oversight further taking

into consideration what caused the oversight and whom it will affect. One important

distinction to notice is Rockman’s definition of latent oversight is that latent oversight is

stimulus provoked, whereas manifest oversight is generally “self-automating” (Rockman,

1984). Smith (2005) explains manifest oversight as “behavior primarily intended to learn

about or alter agency behavior” (p. 10) fitting appropriately into Rockman’s alternative

modes of oversight. Activities such as committee oversight hearings, investigations, and

concerns heard from constituents would be considered manifest. Manifest oversight, by

definition, will be comprised entirely of responses to issues because it involves the

review of programs and agencies. In contrast, latent oversight, is oversight that was not

intended to be “primary purpose oversight,” in the words of Aberbach (2002, p. 3).
However, latent oversight can be both pro-active and re-active, responding to concerns of an upcoming crisis and in response to a crisis that has occurred (Ogul & Rockman, 1990). Difficulties arise when studying latent oversight because of how broad the interpretation of latent oversight can be. Aberbach (1990) decided against using the manifest and latent dimension of oversight during his study “Keeping a Watchful Eye”, because the definition of latent oversight was so broad that it appeared almost all congressional activities could be included within the definition.

**Formal or Informal** – A second dimension of oversight is separated by formal and informal oversight. Formal oversight is considered use of the formal mechanisms afforded to congress such as committee hearings and constituent services. Research by Johannes (1979) found that a large majority of administrative problems were discovered through their constituents. This formal process of constituent contact is similar to the formal process of holding a committee hearing. Both constituent contacts and hearing activities create a record and is formal process by congress. However, informal processes are also afforded to the legislature. For example, Scher (1963) explained that members of Congress might be unwilling to conduct oversight because of close personal ties to those within administrative agencies. These relationships with administrators may also help the oversight process by serving as an informal communication line. Other forms of informal oversight include communication between committee staff and informal conversations with constituents and other political actors.

**Centralized or decentralized** – A third dimension of oversight is whether or not the oversight is centralized or decentralized. Almost all congressional oversight is decentralized and takes place in the committees. However, Ogul and Rockman (1990)
point out that the Iran/Contra hearings occurred as a centralized investigation that involved the chamber as a whole. McCubbins and Swartz (1984) based their Police-Patrol and Fire Alarm model on the idea of centralized oversight within the congress (police patrols), and decentralized fire alarms brought to the attention of a centralized body by outside individuals and interest groups.

Smith points out another important consideration of centralized oversight – the more centralized the oversight becomes, the greater the chance that congressional leaders will have to become involved. In order for an impeachment proceeding to occur, the congressional leaders would have to schedule a floor debate and possibly even a vote. This type of oversight is more capital intensive then decentralized oversight because decreased centralized oversight would require only the attention of committee or subcommittee chairs. At the most decentralized level, committee staff act on their own to review and investigate the activities of administrative agencies.

Active or Passive – The fourth and final dimension listed by Smith (2005) is active or passive oversight. Active and passive oversight are quite explanatory in their titles – active oversight is a proactive search for wrongdoing and malfeasance, whereas passive oversight is oversight that occurs along the way of the legislative process. Examples of active oversight would be the scheduling of a committee hearing to investigate if an administrative agency is following the “legislative intent” of the law or planned contact with constituents to learn about programs with an agency. Passive oversight, however, refers to oversight that occurs throughout the course of the normal legislative process. This oversight might occur through a constituent contacting a member of Congress to
alert them of a problem or by interest groups or lobbyists that express their concern (Ogul & Rockman, 1990).

Using a combination of several dimensions of oversight, McCubbins and Swartz (1984) argue that there is a hybrid dimension of oversight, that when overlooked, makes Congress appear that they are not conducting oversight as often as they are. McCubbins and Swartz argue that members of Congress do not ignore oversight; they just have a preference of oversight that does not fit neatly into the four prior dimensions previously listed. McCubbins and Swartz created the police patrol and fire alarm model of oversight that is the basis for the coding of congressional hearings in this thesis.

**Police Patrol and Fire Alarm Forms of Oversight**

McCubbins and Swartz (1984) first argued over 20 years ago that oversight was not ignored by congressional actors, but rather that those actors choose one type of oversight over another. They speculated that instead of using manifest versus latent or informal versus formal oversight that congressional representatives really prefer “fire-alarm” to “police-patrol” oversight. Police-patrol oversight is defined by McCubbins and Swartz as:

> Centralized, active, and direct: at its own initiative, Congress examines a sample of executive agency activities, with the aim of detecting and remedying any violations of legislative goals and, by its own surveillance, discouraging such violations. (1984, p. 166)

In contrast to police-patrol oversight, McCubbins and Swartz believe that the Congress prefers fire-alarm oversight:
Less centralized and involves less active and direct intervention that police-patrol oversight; instead of examining a sample of administrative decisions, looking for violations of legislative goals, Congress establishes a system of rules, procedures, and informal practices that enable individual citizens and organized interest groups to examine administrative decisions (1984, p. 166).

Fire alarm oversight, also allows the most benefit for the amount of work exerted. By having outside constituencies such as interest groups and individual citizens monitor the work of the executive agencies and inform Congress of any wrongdoing, Congress is able to address the issue with little to no resources expending on locating problems.

The important distinction between police-patrol and fire alarm congressional oversight is that police-patrol oversight is regulation and observation by a congressional actor (either a member of Congress or a committee) whereas the source of the information for a fire alarm is an outside constituency such as interest group, lobbyist or the media (McCubbins & Schwartz, 1984). Balla and Deering (2001) explain that police patrol oversight can be an inefficient use of resources because often Congress is investigating or tracking agency actions that are within the parameters of the congressional intent. Lupia and McCubbins (1994) agree, stating that police-patrol oversight is an excellent way to track agency activity, but the increased costs of having to conduct the research will lead congressional actors to instead seek out fire alarms because they are able to become more involved in the policy issue and bring attention to their constituencies without the large resource costs.
Twenty years after Scher described agencies as “impenetrable mazes” (p. 532), Lupia and McCubbins (1994) argue that a police patrol only oversight system would not be able to be conducted in short enough time due to fiscal, cognitive and human constraints that can be discovered through fire-alarm oversight. Due to finite resources, complex forms of oversight are generally avoided in order to ration resources to the most at-demand tasks. In the words of Rosenthal (1981), “oversight seems an unfathomable business, and not at all convenient to pursue” (p. 121). This idea plays in accordance to McCubbins and Swartz, who argued preference of fire alarms over police patrols. By having an outside actor bring attention to the administrative behavior, the outside actor bears the primary cost, whereas if the members of Congress choose to assist, they might be able to reap a healthy reward without the cost of having to discover the issues.

In addition, Scher (1963) identified congressional preference for activities that could have the greatest rewards. If oversight were able to bring rewards to their constituencies, they would be more apt to participate in it. It is in the best interest of those in the oversight process to receive clear, uncomplicated information, so they are best able to act in accordance. Legislators still might not participate in the oversight process even when problems are found unless there are clear answers. Without knowing potential outcomes, the members of Congress could be putting themselves in the way of unnecessary conflict. Rosenthal (1981) mentions that bringing problems to the attention of congressmen still might not be enough for them to address the issue because they receive enough problems without having to search for any new issues. The fire alarm model also accounts for this behavior because it suggests that members of Congress will search out those “fires” that can reap the most benefit for their constituent base.
Limitations of Police Patrol and Fire Alarm view of Oversight

The police patrol and fire alarm model of oversight are not completely without criticism. Ogul and Rockman (1990) further define the police patrol and fire matrix into a matrix of active and passive oversight. They create a modified version of police patrol which they view, like fire alarm, are decentralized as seen in Table 2.

<table>
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<tr>
<th>Centralized</th>
<th>Active</th>
<th>Reactive</th>
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<tr>
<td></td>
<td>Police Patrol as described by McCubbins and Swartz (1984)</td>
<td>Response to ‘scandal,’ usually through special select committee</td>
</tr>
<tr>
<td></td>
<td>Police Patrol as modified by Ogul and Rockman</td>
<td>Fire Alarm as described by McCubbins and Swartz (1984)</td>
</tr>
</tbody>
</table>

Source: Ogul and Rockman (1990, p. 14), Table 1

McCubbins and Swartz’s (1984) original definition place police patrol oversight as “comparatively centralized” (p. 166) whereas Ogul and Rockman (1990) believe that police patrol oversight is decentralized because congress does not contain a “central headquarters” and that these decentralized units often cross over the jurisdictions of other committees, but sometimes are able to cooperate and work with other units.

Summary

The policy process, from agenda setting to the evaluation of implemented policies is a complex and arduous journey. However, many (if not all steps) are intertwined and have an effect on other steps throughout the policy life cycle. Punctuations in policy can be created by increases in public attention, which cause positive feedback. During these windows of positive feedback, policy creators and individuals willing to take a risk are sometimes afforded the opportunity to make large (and sometimes very important) shifts in policy.
Scholars have noted an increase in overall oversight by congressional committees in the past 40 years (Smith K. W., 2005), and higher education oversight is not aberrant, although it appears to have peaked in the 1980s (Lane & Lefor, 2007). The works by McCubbins and Swartz (1984) might play a role in the policy world by helping identify the times in which congressional attention is increasing. Looking at the committee oversight hearings through the model of fire alarms and police patrols can provide insight into the higher education policy process. With members of Congress preferring to respond to “fire alarms” within higher education, is there a change in the relationship between external attention and the fire alarm oversight?
CHAPTER III
RESEARCH METHODS

Introduction

The purpose of this study is to examine changes of congressional oversight overtime, specifically fire alarm oversight, and the extent of its relationship to public attention. Following in context with the purpose of study, which is to investigate the relationship between congressional oversight and attention during separate punctuations in the policy process, two questions were asked:

• What effect, if any, does external attention (measured in New York Times higher education articles) have on the amount or occurrence of fire alarm oversight conducted by Congressional Committees?

• What effect, if any, does external attention (measured in Congressional Quarterly higher education articles) have on the amount or occurrence of fire alarm oversight conducted by Congressional Committees?

Framework of Study

Two major articles serve as the basis for this study. McCubbins and Swartz’s “Congressional Oversight Overlooked: Police Patrols versus Fire Alarms” (1984) which created an oversight model based on centralized active and direct oversight (police patrols) and less centralized and active oversight (fire alarms). The second major article used as a base for this study is Balla and Deering’s “Oversight over Time and Across
Committees: An Operational Measure of Police Patrols and Fire Alarms” which included a classification system for the coding of police patrols and fire alarm committee hearings.

McCubbins and Schwartz two-part classification of congressional hearings is based on police patrols and fire alarm oversight. Police patrols, they note, are very similar to actual police patrol work. By having a strong, centralized control, police are able to deter issues from occurring and remedy any problems quickly that may exist. Similarly, when Congress uses the committee hearing as a police patrol they are investigating if there are any problems that need attention and by showing their interest in oversight, deterring future problems. In contrast to police patrols are fire alarms, which are event driven. Fire alarms are hearings that come to the attention of legislators by the event itself, public attention, lobbyists, and interest groups. Instead of having Congress go out and locate a problem, they wait until an outside constituency brings the problem to them so that they can address it (McCubbins & Schwartz, 1984).

The methodology section will be divided into two separate discussions. The first section of the methodology will focus on New York Times and its relation to fire alarm committee hearing days. The second section of the methodology will focus around the Congressional focused newspapers, Congressional Quarterly (an affiliate of the Times Publishing Co.) and its relation to the amount of days that fire alarm oversight is conducted in each year.

Variables

In order to find a relationship between public attention and fire alarms, first finding a way to measure public attention is necessary. Two separate measures to of public exposure to see if a relationship can be found – New York Times articles and
Congressional Quarterly articles have been chosen. In addition, we must find which congressional committee hearings are fire alarms and which are classified as police patrols.

Four separate pieces of data are used as the primary sources of information for this analysis. First, a dataset of 558 Congressional Committee hearings from 1946 through 2004 was compiled containing all higher education hearings held by any congressional committee in either the House of Representative or the Senate. Second, a dataset of 800 New York Times articles was compiled for the years of 1946 through 2004 that contained a higher education focus. Third, a dataset of higher education articles by Congressional Quarterly from 1948 through 2003. The fourth and final dataset is the 500 most influential laws compiled by the Policy Agenda’s Project. I will explain the composition of each dataset in more detail later in this chapter.

The Policy Agendas Project compiled a collection of all Congressional committee hearings. This list of hearings contains over 60,000 Congressional hearings that have occurred over the last 70 years. Within this extensive list of hearings, higher education hearings were separated using guidelines created by Baumgartner and Jones. There were 558 hearings in higher education from January 1946 until July 2004 (with seven

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4 This dataset was compiled in cooperation with Dr. Jason E. Lane, University of Albany

5 Baumgartner and Jones have already separated out the High Education Hearings. Higher Education was coded as Topic Code #601. Examples: student loan reform, reauthorization of the higher education act, higher education student financial aid programs, violations of NCAA regulations by some colleges, direct loan programs for graduate students, student loan fraud and default, role and financial need of black colleges and universities, Montgomery GI bill, military education, veterans education assistance, foreign students at U.S. military academies, rising costs of operating higher education institutions, improving the quality of higher education, Pell Grant eligibility changes, status of university endowments in light of federal aid reduction to higher education, national defense education act, Sea Grant and Space Grant programs (http://www.policyagendas.org/codebooks/topicindex.html#6)
unpublished\(^6\) and one incorrect SuDOC# not used in the dataset.\) Once the list of the 558 hearings was identified, we needed to figure out if the congressional committee was considered a "police patrol" hearing or a "fire alarm" hearing.

This study will focus specifically on the "fire alarm" versions of congressional hearings. Fire alarms are reactive and generally are preferred by members of Congress because they tend to receive widespread media attention and the "cost" of discovery is born by the public who discovers it. Since Congress has a finite amount of time per session, they must choose which issues to focus their attention on. Fire alarms tend to receive more Congressional attention because once public attention is captured, the member of Congress is able to show the public how they are helping the issue and thus hoping to secure more votes come election day (Smith, 2003).

The 1970 amendments to the Legislative Reconstruction Act of 1946 increased power of the Congressional Research Service to expand their involvement and the information they could gather. The increased funding and power to gather information in 1970 caused a change in the way that congressional hearings were coded post 1970. For this reason, the datasets for Congressional hearings had to be coded in two sets, pre-1970 and post-1970, and combined after coding. Due to increased funding of the Congressional Research Service post-1970, a greater amount of information was available about Congressional Hearings after 1970, allowing me to align pre-1970 and post-1970 with no data lost in the transition.

\(^6\) According to policyagendas.org, "Many congressional hearings were not available for public record when the Congressional Information Service (CIS) initially began compiling hearing transcripts for publication due to the following reasons: hearings were held in executive sessions (this includes most committee business meetings and Senate nomination hearings); hearings dealt with investigations involving matters of individual privacy; hearings involved matters of national security; or hearings were simply were not released at the discretion committee chairs."
Congressional hearings before 1970 were located manually by using LexisNexis Congressional for the location of the SuDOC numbers. By referencing the CIS Source code, we were able to locate the SuDOC number allowing us to find the published hearings. Seven of the congressional hearings were not published; all of them occurred between the years 1947-1970. In order to code each of the hearings that were published, the first six pages of the transcript were printed out. During the start of each hearing, the Chairperson would make comments on the reason for the hearings along with who would be witness. Under most conditions, the Chairman's notes were sufficient to explain the purpose of the hearing and to determine if the hearing was a police patrol or fire alarm. If the lack of information from the Chairman's notes made it difficult to discern the nature of the hearing, the next ten pages were printed.

In order to ensure a more accurate coding process and to reduce coder bias, two separate individuals coded the hearings and then discussed any differences in coding following the guidelines of Balla and Deering (2004). There were four hearings from 1949 until 1969 that were initially coded differently, but any discrepancies in what type of hearing each was became solved during further discussion of the hearing.

Congressional hearings from 1970 through 2004 were retrieved using the Congressional Information Service Abstracts. Once again, hearings were referenced according to the Policy Agenda's dataset of Congressional Hearings to separate out the higher education hearings. In order to ensure accuracy of coding, two separate individuals once again coded the information and then cross-referenced their coding. If differences in the two codes were discovered, the Congressional hearing was located and the first six pages (containing the Chairmen's comments) of the hearing were analyzed.
In order to ensure that the data from the Congressional Information Abstracts was accurate, a random sample of 10% of the Congressional hearings from 1970 to 2004 was taken using Excel Random Number generator. Through the utilization of the Excel Random Number generator, 43 hearings were selected for further investigation to ensure accuracy of coding.

After retrieving the full-text hearings for the 43 randomly selected hearings, both researchers then individually coded the full-text of the hearing same as before. After completion of coding the random sample, there was only one agreed upon difference between the full text random sample and the original CIS Abstracts (1 out of 43 hearings, ~97.65% agreement). From 1970 until 2004, only 12 hearings were originally coded differently out of the 426. After retrieving the first eight full text pages of the hearings, the discrepancies between the two coders were resolved and one type of hearing was selected (fire alarm or police patrol).

As stated previously, two separate coders were used to code each of the hearings using guidelines created by Balla and Deering (2001). These guidelines explained six situations in which a congressional hearing would be classified as a fire alarm. If the hearing did not meet at least one of the six requirements, the hearing was to be considered a police patrol. Balla and Deering (p. 13)), using guidance from McCubbins and Swartz (1984) explained the guidelines as such:

1) Hearings tied to a specific event are considered responses to fire alarms.

   [Campus unrest during 1969 and the possibility of those who participated in the riot losing federal financial aid]
2) If an event appears to have induced the hearing it should have occurred within a year of the hearing itself. [A hearing in relation to the Kent State shooting in the 1990's would not be considered a fire alarm. However, had a hearing occurred within a year of May 1970, it would be]

3) Fire alarm hearings are induced by specific rather than general problems. [A problem with the collection of student loans would not be fire alarm, however if the hearing was focused on specifically on a sharp increase of students defaulting on the Stafford loan it could be]

4) Hearings that respond to specific Supreme Court cases, provided they have been decided in the past year, are considered responses to fire alarms. Distant cases or more general reviews of Court actions, however, are not [Gratz v Bollinger in 2003 is a specific case, however if a hearing was conducted in 2006 it would not be considered a fire alarm]

5) Hearings that consider routine or mandated reports [The President’s state of the Union that states a new higher education initiative would not be considered a fire alarm, however if the Secretary of Education announces a dramatic change in federal funding that could be considered a fire alarm]

6) Witnesses who were specifically called to task or who presented specific grievances were also used as indicators of fire alarm hearings. [If the President of University was called to be a witness to speak of their campus’s failing infrastructure]
The first instrument to measure public attention is the use of the New York Times article database. The complete New York Times dataset was downloaded from the Policy Agenda website. This dataset is a random sample of all New York Times articles for each year, compiled from 1946 until 2003. This data, coded by major themes\(^7\), allowed the researcher to separate the original dataset of 44,331 New York Times articles down to 1,652 records that were coded with the main theme of “education.” This education subgroup contained articles that included all levels of education from pre-school to doctoral programs.

Major keywords were chosen from the titles in order to identify which of the articles were related to higher education. The keywords chosen to identify higher education related articles were “Veterans”, “College”, “University”, “Dean”, “Professor”, “Doctor”, “Loans”, “Grants”, and “Degree”, and “Higher”. In order to ensure that the abbreviations that were used during the policyagenda.com coding were accounted for keywords were searched for using both full word and abbreviations. (ex. College and Coll, University and Univ) After the keywords were found within the titles, each was verified to contain the relevant information (example: Doctor, as in doctoral candidate or doctor at a university – not a doctor at a veterinary clinic.) Since abbreviations could also increase the risk of including irrelevant words in the search each time a word was found within a title it was verified to be an accurate abbreviation and not an irrelevant section of a word (ex. the abbreviation “prof” used in the context as a professor of higher education and not as a part of the word professionalism.)

\(^7\) There are major 27 topic codes. Each article is coded by topic area and checked by at least three coders to ensure consistency and correspondence with the congressional hearings, statutes, and CQ stories datasets of the Policy Agendas Project.
After the articles were key-worded, 976 articles remained that did not contain any of the keywords listed above. These article titles were read through one-by-one in order to find any relevant higher education related articles that were not identified by the keywords. From the 976 articles that did not contain any of the previously stated higher education keywords another 113 were found to be higher education related. The majority of the articles not found in the keyword search were related to specific institutions of higher education (such as Ohio U. or Columbia U.) which would not have been identified using a keyword search because of the specificity regarding the institution name or the use of “U” as an abbreviation for “university.” From the New Yorks Times sample set of 44,331 articles published, 800 articles were found to be related to higher education.

The second instrument to measure the amount of public attention devoted to higher education is the use of the Congressional Quarterly Almanac article database. The complete dataset was downloaded from the Policy Agenda website and contained a complete listing of all articles covered in the main chapters of the Almanac from 1948 until 2003. The Congressional Quarterly dataset should contain a different view of higher education attention because it contains information on bills and legislation inside of congress. This data, coded by major themes, allowed the researcher to separate the original dataset of 13,501 Congressional Quarterly articles down to 128 records that were coded with the theme of “higher education.” Since the data was already sorted by sub-

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8 CQ includes articles about bills that became law, many that did not become law, and some items not explicitly legislative in nature. A case is an article or—in rare instances—a portion of an article. CQ Almanac articles typically cover one legislative initiative. When a CQ article contains information about several different statutes or bills, articles are divided so that each record contains information about one legislative initiative. The articles vary in size and depth of description.

9 There are major 27 topic codes. Each article is coded by topic area and checked by at least three coders to ensure consistency and correspondence with the congressional hearings, statutes, and CQ stories datasets of the Policy Agendas Project
themes (higher education), the experimenter did not have to go through each article in order to separate the articles from the main theme of education.

The third dataset used for this experiment is a compilation of the 500 most important laws of the form 1948 through 2005. This list, actually containing 576 laws over the course of 57 years ranks each pieces of legislation by the amount of line of coverage in Congressional Quarterly. The Higher Education Act of 1965 had 1,560 lines of coverage and the 1980 authorization of funds for the Department of Education received 495 lines of coverage.

Data Analysis

Descriptive statistics and frequencies for each factor were run and analyzed for the entire population of congressional hearings, New York Times articles, Congressional Quarterly articles and the results were analyzed. A regression model was then run, but due to the low occurrences over time, was found to be an inadequate model for this study. For that reason, a Poisson regression model was used to determine any relationship between the amount of days of fire alarm oversight and the New York Times and Congressional Quarterly articles.

When running the Poisson regression, days of fire alarms per year was treated as the dependent variable with days of police patrol hearings acting as the baseline amount of activity per year. Since police patrols, by definition, tend to be a reauthorizations required by legislation and also contain hearings that are considered routine or induced by a broad problem, they will serve as a baseline for the amount of hearings that would occur if no specific “fire alarm” oversight had occurred.
There were six independent variables (as seen in Table 3) used for this study are nytlag, nylag2, cqlag, cqlag2, year65_80 and year80up. First, nytlag and nylag2 are the amount of New York Times articles in the year prior, and two years prior to the test year. Second, cqlag and cqlag2 are the amount of Congressional Quarterly articles one and two years prior to the test year. Both New York Times articles and Congressional Quarterly articles were lagged by either one or two years to see if there is a difference in the amount of time that is required for information to be disseminated to the mass to then cause a fire alarm hearing. The independent variables were lagged in this study to allow one the possibility to find a cause-and-effect relationship between lagged independent variables and the dependant variable.

Table 3: Definition of Variables

<table>
<thead>
<tr>
<th>Variable</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>FireAlarms</td>
<td>Days of Fire alarm hearings per year as defined by McCubbins and Swartz (1984) by using the guidelines from Balla and Deering (2001)</td>
</tr>
<tr>
<td>PolicePatrols</td>
<td>Days of Police Patrol hearings per year as defined by McCubbins and Swartz (1984) by using the guidelines from Balla and Deering (2001). This is used as a baseline of congressional hearing activity per year</td>
</tr>
<tr>
<td>nytlag</td>
<td>New York times articles per year, lagged (New York Times articles from the prior year were compared to Fire Alarm Days of current year) one year</td>
</tr>
<tr>
<td>nylag2</td>
<td>New York times articles per year, lagged (New York Times articles from the two years prior were compared to Fire Alarm Days of current year) two years</td>
</tr>
<tr>
<td>cqlag</td>
<td>Congressional Quarterly almanac articles per year, lagged (Congressional Quarterly almanac articles from the prior year were compared to Fire Alarm Days of current year) one year</td>
</tr>
<tr>
<td>cqlag2</td>
<td>Congressional Quarterly almanac articles per year, lagged (Congressional Quarterly almanac articles from the two years prior were compared to Fire Alarm Days of current year) two years</td>
</tr>
<tr>
<td>year65_80</td>
<td>A user created dummy variable; placing “0” in the years 1946 through 1964 and 1980 through 2004. The years 1965 through 1979 contain a “1”</td>
</tr>
<tr>
<td>year80up</td>
<td>A user created dummy variable; placing “0” in the years 1946 through 1964 and 1965 through 1979. The years 1980 through 2004 contain a “1”</td>
</tr>
</tbody>
</table>
The last two independent variables for this study are year65_80 and year80up. These variables take into account the punctuation periods in comparison to the base period of 1944 through 1964. By applying these variables to the regression we are able to see if the amount of New York Times or Congressional Quarterly articles required to trigger a fire alarm hearing (if found that a significant relationship occurs) increases or decreases between each of the three periods.

Summary

Coding of the Congressional hearings into either a police patrol or fire alarm hearing following the guidelines of Balla & Deering (2001) allows one to view the shift of hearing type through each year from 1946 until 2004. Through the use of the Policy Agenda Projects databases, data have been compiled on higher education Congressional Hearings, New York Times articles, Congressional Quarterly articles and the 500 most important laws, (as identified by the Policy Agenda Project).

The Congressional hearings dataset yeilded 558 higher education hearings of which 446 hearings were coded as police patrols with the other 102 coded as fire alarm oversight hearings. The original New York Times dataset contained 44,331 articles that are a sample of all the New York Times articles published each year. From the sample set, 800 articles were found to be related to higher education. The third variable, Congressional Quarterly articles, came from a dataset containing all 13,501 articles published in the Congressional Quarterly Almanac each year. Of the 13,501 Congressional Quarterly Almanac articles, 128 articles were coded with the theme of higher education by the Policy Agenda Project. The last variable used in this study is the 500 most important laws. The frequency of Congressional Quarterly coverage (judged
by lines of coverage) was used to decide the most important laws since 1946. The Higher Education Act along with the 1980 Budget approval for the Department of Education as it transitioned to a cabinet level agency served as the two punctuation periods that separated each of the three policy periods.

The initial analysis of the Ordinary Least Squares regression analysis resulted in a non linear distribution which lead to the use of a Poisson regression analysis. Each of these varibles was then inserted into a Possion regression to determine if a relationship exists between each media type and the amount of fire alarm hearing days per year. The independent variables were lagged by both one and two years in order to allow the regressional analysis to show causality. In addition, dummy variables were constructed for periods two and period three so that each period could be compared to the first period.
CHAPTER IV
FINDINGS AND ANALYSIS

The purpose of this study is to examine changes of congressional oversight overtime, specifically fire alarm oversight, and the extent of its relationship to public attention. Following in context with the purpose of study, which is to investigate the relationship between congressional oversight and attention during separate punctuations in the policy process, two questions were asked:

- What effect, if any, does external attention (measured in New York Times higher education articles) have on the amount or occurrence of fire alarm oversight conducted by Congressional Committees?
- What effect, if any, does external attention (measured in Congressional Quarterly higher education articles) have on the amount or occurrence of fire alarm oversight conducted by Congressional Committees?

This chapter includes a description of the population and samples used along with graphical representations and the statistical formula used for this study. Analysis of data and results of statistical tests addressing each of the research questions are included. For the purposes of this study a 0.05 level of statistical significance is set.

Description of Data Set

Data for each of the three independent variables was collected and analyzed to measure the influence on the dependant variable, number of fire alarms. Of the 557
hearings by Congressional Committees that related to higher education, 446 of those were classified as police patrols (80.1%), 102 of the hearings were fire alarms (18.3%), with nine hearings remaining not able to be coded\(^\text{10}\) (1.6%).

The data presented in Figure 2 shows that from 1946 until 1969, the number of Fire Alarm hearings remained relatively constant, staying lower than four oversight hearings per year. In 1969 there were four congressional hearings related to higher education; that increased to six in 1973. The years from 1969 until 1991 was a time of increased fire alarm oversight, which returned to low numbers of fire alarm hearings (less than 3 per year) in 1992. Fire alarm oversight reached a maximum of seven oversight hearings in 1990, decreasing again to zero in 1994.

Police Patrol oversight also has some fluctuations throughout the data set. From 1946 until 1985 an increase in police patrol oversight occurred, starting at 1 hearing per year in 1946 and increasing steadily until 24 in 1983 and 23 in 1985. However, major fluctuations in police patrols hearing would now accompany reauthorizations of the

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\(^{10}\) Eight hearings between 1946 and 1970 were unpublished, with another hearing in 1946 with an incorrect SuDOC number for retrieval.
Higher Education Act of 1965 which can be seen in 1991 and 1997, both of which are one year prior to the reauthorization.

The number of days that each hearing lasts was used as an indicator of how “important” a congressional committee hearing was. It is important to note that I am not looking to define “importance” as how much the hearing will further higher education (for example, reauthorization may be very important when they are required by law), but rather to account for increased publicity, amount of witnesses testimony, and volume of information that can be gathered in a greater length hearing. By adding the amount of days that each hearing lasted together, one is able to see a weighted amount of fire alarm and police patrol hearings.

*Fire Alarm Hearing Days*

Looking specifically at the amount of fire alarm hearing days per year, we can see in Figure 3, the first punctuation period (1946 through 1964) shows a relatively stable period for fire alarm oversight in terms of hearings per year, with peaks in 1950 and 1956. Table 4 shows that the maximum number of fire alarm days spend per year was 9 days in 1950; however, the average amount of fire alarm hearings that occurred per year for the 19-year period is only 2 days spent on fire alarm hearings per year.

<table>
<thead>
<tr>
<th>Table 4: Fire Alarm Hearing Days Per Year</th>
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</thead>
<tbody>
<tr>
<td>Fire Alarm Hearing Days Per Year (1946-1964)</td>
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<tr>
<td>Fire Alarm Hearing Days Per Year (1965-1980)</td>
</tr>
<tr>
<td>Fire Alarm Hearing Days Per Year (1946-2004)</td>
</tr>
</tbody>
</table>
Figure 3: Fire Alarm Oversight Days and Hearings Per Year
In the second period, a marked increase in the amount of fire alarm hearings occurs first in 1969 and repeats itself in 1974 and 1975. These increases in oversight hearing days raise the second period average of fire alarm hearings to over 7.3 compared to 2.0 in the first period. In addition, weighting the amount of fire alarms per year by the length of the hearings reveals the differences between fire alarm hearings and fire alarm days. The black vertical lines appear when the amount of days exceeds the amount of hearings. The amount of days conducting fire alarm hearings per year will always be greater than the amount of hearings because each of the hearings (either police patrol or fire alarm) lasted at least part of one day.

The third punctuation area returns to a period of relative stability with an 11-day hearing range and a mean of fire alarm hearing days per year of 2.12. Similar to period 1, period 3 has only one large deviation in 1990 with 11 hearing days that year. A decrease of oversight hearing days per year occurs from the high of 19 in 1975 dropping to a low of zero fire alarm hearings in 1986 for the first time in 14 years.

Due to the nature of a the police patrol hearing (legislative surveillance, reauthorizations, field observations, etc) this study will use the amount of Police Patrol hearing days per year as a control for the baseline amount of Congressional attention to higher education per year.

Figure 4 shows the amount of police patrol oversight in days per year. Similar to fire alarms, oversight, measured in both days and actual amount of occurrences did not occur very often per year throughout the first period. Although the actual number of police patrol hearings never surpassed six hearings per year, 1951 saw an 18 day field hearing on veterans' educational programs. Twenty-one days of police patrol hearings
would not be seen again for another 14 years when in 1965 forty days of hearings were held.

The second period, from 1965-1980 showed greater fluctuation then period one did with a mean amount of days of police patrol hearings increasing from an average of 6.89 to an average of 29.73 hearing days per year. Another interesting characteristic of the second time period is that a larger disconnect between the amount of hearings and the amount of days that each of the hearing lasted. Although it appears in Figure 2 that the amount of oversight peaks in the mid 1980s, more days were actually spent on oversight of higher education in the late 1960s and mid 1970s.

The third punctuation period starts a new pattern for police patrol oversight as seen in Table 5. With the passage of the Higher Education Act of 1965 and the 1980 elevation of the Department of Education higher education oversight becomes more cyclical (becoming very pronounced in 1990-1992). The reauthorizations of the Higher Education Act of 1965 are now creating large increases of police patrol oversight in the year prior to the authorization. In addition, hearings are becoming shorter in length with each police patrol hearing between 1992 and 2003 lasting only one day in length. Similar to fire alarm oversight days, police patrol days also increase in the 3rd period, although

<table>
<thead>
<tr>
<th>Table 5: Police Patrol Hearing Days Per Year</th>
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<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>N</td>
</tr>
<tr>
<td>Police Patrol Hearing Days Per Year (1946-1964)</td>
</tr>
<tr>
<td>Police Patrol Hearing Days Per Year (1965-1980)</td>
</tr>
<tr>
<td>Police Patrol Hearing Days Per Year (1946-2004)</td>
</tr>
</tbody>
</table>
Figure 4: Police Patrol Oversight Days and Hearings Per Year

Police Patrol Oversight Days and Hearings Per Year

Number of Hearings and Hearing Days Per Year

- Police Patrol Days per Year
- Days of Police Patrol Hearing per Year
not as low as they were in the first period with a second period average of 29.73 to a third period average of 14.40 days per year.

*New York Times and Congressional Quarterly Almanac Articles*

Having defined our dependent variable (fire alarms) and control variable (police patrols) it is valuable to understand the dynamics of the New York Times articles sample set. The New York Times dataset has a range of 16 articles per year, with 1958 and 1963 having a low of 8 and 1947 having a high of 24 higher education articles published per year.

Similar to the fire alarm days and police patrol days, Figure 5 shows an increase in the amount of articles relating to higher education in the second period of activity with a peak of 38 in 1970. In period three, a decrease of New York Times articles occurs to a low of four in 1980. Table 6 shows that although the second period only has 15 years (25.4% of the years in the sample) over 38% of the New York Times articles were published during that time frame.

<table>
<thead>
<tr>
<th>Table 6: New York Times Articles Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Variable</td>
</tr>
<tr>
<td>------------------------------------------</td>
</tr>
<tr>
<td>New York Times Articles Per Year (1946-1964)</td>
</tr>
<tr>
<td>New York Times Articles Per Year (1965-1980)</td>
</tr>
<tr>
<td>New York Times Articles Per Year (1946-2004)</td>
</tr>
</tbody>
</table>
Figure 5: Number of Articles Published Each Year in the New York Times Sample Set

Number of Articles Published Each Year in the New York Times Sample Set

- New York Times Articles Per Year
- Days of Fire Alarm Hearing per Year
The second independent variable used in the study is the amount of Congressional Quarterly articles that are published in the Congressional Quarterly Almanac. Congressional Quarterly articles are important for consideration because these articles often contain information on legislation and hearings that did not become law. Unlike New York Times Articles, Congressional Quarterly articles related to higher education occurred less frequently and with a smaller range. Whereas there were never fewer than four New York Times articles per year, zero Congressional Quarterly articles related to higher education were published seven of the 59 years. Table 7 shows the descriptive statistics for Congressional Quarterly articles.

Table 7: Congressional Quarterly Articles Per Year

<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>Min</th>
<th>Max</th>
<th>Mean</th>
<th>Standard Deviation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congressional Quarterly Articles Per Year (1946-1964)</td>
<td>16</td>
<td>0</td>
<td>8</td>
<td>2.19</td>
<td>2.316</td>
<td>35</td>
</tr>
<tr>
<td>Congressional Quarterly Articles Per Year (1965-1980)</td>
<td>15</td>
<td>0</td>
<td>7</td>
<td>2.87</td>
<td>2.066</td>
<td>43</td>
</tr>
<tr>
<td>Congressional Quarterly Articles Per Year (1980-2004)</td>
<td>21</td>
<td>0</td>
<td>5</td>
<td>2.38</td>
<td>1.532</td>
<td>50</td>
</tr>
<tr>
<td>Congressional Quarterly Articles Per Year (1946-2004)</td>
<td>52</td>
<td>0</td>
<td>8</td>
<td>2.46</td>
<td>1.935</td>
<td>128</td>
</tr>
</tbody>
</table>

Overall, fewer Congressional Quarterly Articles (average of 2.46 articles per year) that focused on higher education appeared than to New York Times articles (average of 13.54 articles per year). However, unlike Fire Alarm Days, Police Patrol Days and New York Times articles, there was not a major increase in the second period as seen in the other three variables. In the first period, Congressional Quarterly articles remained relatively low (average of 2.19 articles) even though it did have the largest range (8) of all three periods. Table 7 shows the third period, from 1980 until 2000 contained the most
Congressional Quarterly articles, but lagged behind the second period for most articles per year on with an average of 2.38 and 2.87, respectfully.

Figure 6 displays the amount of Congressional Quarterly articles and the amount of Fire alarm days per year. Unlike New York Times articles, which occurred more frequently from 1967 through 1979, Congressional Quarterly articles remained relatively constant with only a small spike (increase of 4) in 1970.

Poisson Regression Analysis

The analysis consisted of regression models on the two independent variables: New York Times Articles, Congressional Quarterly Articles that contained information of or related to higher education. In addition, as a baseline level of attention for higher education in Congress police patrols will be used. Originally, a simple regression was going to be used to analyze the data, but due to such infrequent occurrences of New York Times articles, Congressional Quarterly Articles and Fire Alarm Days a Poisson regression was used because it is more robust on small population or samples.

Two important factors must be understood when dealing with the Poisson regression. First, coefficient values are not direct translations into magnitude. For example, if a coefficient of a variable is 2.0 (at a significant level) it does not mean that there are two times as many occurrences of data within that period. The Poisson regression uses the first period as a baseline activity and through the use of the dummy variables compares the next two periods (if statistically significant) to the first.
Figure 6: Number of Articles Published Each Year in the Congressional Quarterly Almanac
The formula for both the New York Times Articles and Congressional Quarterly articles in function form is:

\[
\text{Fire Alarms} = f(\text{PolicePatrols, NYT articles, Time period}) \quad \text{and} \quad \text{Fire Alarms} = f(\text{PolicePatrols, CQ articles, Time period}),
\]

or more specifically

\[
\text{Fire alarms} = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \beta_5 X_5 + \text{error},
\]

whereas we derive two following equations:

1) Fire Alarms = \beta_0 + \beta_1 \text{Police Patrols} + \beta_2 \text{NYT Lag}_1 + \beta_3 \text{NYT Lag}_2 + \beta_4 \text{Years}_65_{-80}
\quad + \beta_5 \text{Year}_80_{up} + \text{error}

2) Fire Alarms = \beta_0 + \beta_1 \text{Police Patrols} + \beta_2 \text{CQ Lag}_1 + \beta_3 \text{CQ Lag}_2 + \beta_4 \text{Years}_65_{-80}
\quad + \beta_5 \text{Year}_80_{up} + \text{error}

In accordance to regression model standards, we are testing to see if the amount of New York Times articles to the amount of fire alarm days in a given year, the New York Times data was lagged both one and two years. Lagging the independent variables allow one to test if there would be a difference in the length of time between the New York Times articles and the amount of fire alarm days per year.

For one to test the magnitude change from period 1, to period 2, to period 3, I have inserted two dummy variables into the equation. By allowing the dummy variables to interact with the full regression, it will allow one to see if the relationship between the amount of New York Times articles and fire alarm days changes through each period. Results for the Poisson regression are displayed in Table 8 and show a significant relationship at \( \alpha = 0.05 \) for the overall New York Times articles, along with the Years65_80 (dummy variable 1) and Year80up (dummy variable 2).
Research Question

A Poisson regression was first completed for New York Times articles by each of the three periods. In following with the thesis question, “What effect, if any, does external attention (measured in New York Times higher education articles) have on the amount or occurrence of fire alarm oversight conducted by Congressional Committees?” the experimenter is able to see that a significant relationship does occur between New York Times articles per year (lagged) and each period of Fire Alarm Days.

Table 8 shows that New York Times articles lagged one year has a significant (0.000 at an α=0.05), positive (.04 coefficient) with the amount of fire alarm days (pseudo r=26%). In addition, when the second period is compared to the first level, it is again positive, however it is also stronger. The third period is also statistically significant and has a larger coefficient then period one; however, it does not have as large of a coefficient as the period two does.

Table 8: Poisson Regression Results for New York Times Articles

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<tr>
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<tbody>
<tr>
<td>New York Times Articles</td>
<td>.04 (.000)*</td>
<td>1.535 (.000)*</td>
<td>0.544 (.029)*</td>
</tr>
<tr>
<td>Lagged 1 Year</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York Times Articles</td>
<td>-0.005 (0.694)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lagged 2 Years</td>
<td></td>
<td></td>
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*Significant at 0.05

Table 9 shows that Congressional Quarterly articles lagged one year has an insignificant (0.575 at an α=0.05) relationship with the amount of fire alarm days that occur each year. However, it is important to note that in period two, a significant relationship was found. Period three, similar to period one was not found to have a
significant relationship between Congressional Quarterly articles per year and the amount of fire alarm days per year.

Table 9: Poisson Regression Results for Congressional Quarterly Almanac Articles

<table>
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<tr>
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<tbody>
<tr>
<td>Congressional Quarterly Articles Lagged 1 Year</td>
<td>0.001 (.961)</td>
<td>1.807 (.000)*</td>
<td>0.311 (.197)</td>
</tr>
<tr>
<td>Congressional Quarterly Articles Lagged 2 Years</td>
<td>-0.011 (.791)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Significant at 0.05

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CHAPTER V
SUMMARY, CONCLUSION AND DISCUSSION

Summary

The goal of this project was to see if a relationship existed and if there was fluctuation between congressional oversight and attention between significant punctuations in the policy process. By using datasets comprised of New York Times articles and Congressional Quarterly articles, we were able to measure the amount of exposure that external constituencies received in the field of higher education. After coding all available Congressional Committee hearings using a model created by McCubbins and Swartz (1984) and coding guidelines by Balla and Deering (2001), I am able to determine which hearings are fire alarms (external, event driven) and which hearings are police patrols (reauthorizations of prior legislation, etc.)

After finding two major punctuation events, one is able to break up the 58-year period into three separate periods. The first period, 1946 through 1964, showed an increase in overall amounts of oversight, albeit marginal (an increase of one in the average amount of hearings per year every seven years.) The second period, however, gave an incredibly different view of higher education oversight with increasing amounts of oversight (an increase of one in the average amount of hearings per year every 1.5 years.) With increased racial tensions and campus unrest at Universities to

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11 See, CIS Source: 91-H2451-4, 91-H2464-1
increased problems with financial aid and loan fraud\textsuperscript{12}, higher education oversight increased dramatically in during 1965 through 1980. The third period again showed a dramatic change from the first period of slow, but steady increases in oversight. After the passage of the Higher Education Act of 1965, oversight tends to be centered on reauthorization periods starting after 1980. Dramatic increases in oversight a year prior to the reauthorizations are followed with minimal oversight of higher education once the reauthorizations are completed.

\textbf{Conclusion}

\textit{Research Question One – New York Times Articles}

The first research question to be addressed in this study is: What effect, if any, does external attention (measured in New York Times higher education articles) have on the amount or occurrence of fire alarm oversight conducted by Congressional Committees?

In order to determine how long New York Times articles needed to be lagged, we ran a Poisson regression with the articles lagged both one and two years. Independent variables are lagged in this model because we are attempting to test if there is a relationship on days of fire alarm oversight compared to the amount of New York Times articles. In this model, it is assuming that the New York Times articles should appear first, and then cause an increase in attention of higher education, thus increasing fire alarm oversight of higher education. Analysis shows that New York Times articles lagged one period does have a statistically significant relationship with days of fire alarm oversight, however, New York Times articles lagged two years have lost their

\textsuperscript{12} See, CIS Source: 73-S541-52, 74-H341-23, 75-H341-24, 75-H341-17
significance. I believe that this could be explained because of the increased amount of
time between the newsworthy event and the time of the hearings.

First, Hypothesis la is that a significant relationship exists between the amount of
New York Times articles related to higher education and an increase in the amount of
days of fire alarms oversight between 1946-2004. After computation of the New York
Time dataset, the Poisson regression showed that Hypothesis la is correct. When taking
into context the overall relationship between fire alarms and New York Times articles I
was able to find a statistically significant relationship (p=0.00 at a=0.05) with a very
small coefficient of 0.04.

Hypothesis lb states a significant relationship exists between the amount of New
York Times articles related to higher education and an increase in the amount of days of
fire alarms oversight between the second policy period of 1965-1979. This hypothesis
was also supported with a statistically significant relationship (p=0.00 at a=0.05) and a
stronger coefficient of 1.535.

The third Hypothesis, lc states that a significant relationship exists between the
amount of New York Times articles related to higher education and an increase in the
amount of days of fire alarms oversight between the second policy period of 1980-2004.
Analysis found that hypothesis three is also supported with a statistically significant
relationship (p=0.29 at a=0.05) and a coefficient of 0.544.

While the actual coefficient is not important for this study, what is important is
that the relationship is statistically significant and that the coefficient is positive. The
reason that I will be not be interpreting the actual coefficient is because although it shows
a relationship between this study’s measure of external attention, the actual translation is
of the coefficient is less important than knowing the significant, direction and magnitude of the coefficient. For example, if the coefficient of New York Times articles (lagged one year) to Fire Alarm Days is 1.5, it is not important that an increase in a specific amount of New York Times articles will yield an increase in one fire alarm day. However, the coefficient is very important when comparing period one and period three because it shows that in period two a smaller increase in attention is needed to yield one more fire alarm oversight hearing day.

The first research question can be answered by saying that this is a relationship between the amount of New York Times Articles per year and the amount of fire alarm oversight days per year.

*Research Question Two – Congressional Quarterly Articles*

Similar to research question one, the second question is addressing: What effect, if any, does external attention (measured in Congressional Quarterly higher education articles) have on the amount or occurrence of fire alarm oversight conducted by Congressional Committees?

Again, in order to determine how long Congressional Quarterly articles needed to be lagged, we ran a Poisson regression with the articles lagged both one and two years. In this model, it is assuming that the Congressional Quarterly articles should appear first, and then an increase in attention of higher education will be found, thus increasing fire alarm oversight of higher education. Analysis shows that Congressional Quarterly articles lagged one period does not have a statistically significant relationship \(p=0.575, \alpha=0.05\) with days of fire alarm oversight. In addition, Congressional Quarterly articles lagged two years also does not have a significant relationship.
The first hypothesis for question two is 2a stating that a significant relationship exists between the amount of Congressional Quarterly articles related to higher education and an increase in the amount of days of fire alarms oversight between 1946-2004. However, after running the data using a Poisson regression I found the hypothesis not to be supported. There is not a significant (p=0.575, \( \alpha=0.05 \)) relationship between Congressional Quarterly articles and the amount of fire alarm oversight days per year.

The second hypothesis, 2b, states a significant relationship exists between the amount of Congressional Quarterly articles related to higher education and an increase in the amount of days of fire alarms oversight between the second policy period of 1965-1979. This hypothesis was statistically significant (p=0.00, \( \alpha=0.05 \)), however, since it is compared to period one (which is insignificant) it loses significance. The coefficient of 1.545 appears to be similar to the coefficient found in the New York Times dataset in Question one. This significance in period two could be caused by several reasons. First, it could be a detection of an actual increase of attention during the second period (1965-1979), similar to the one seen in Question one, hypothesis b. However, since this variable is a dummy variable, it is showing that media attention (with all responses in the second period equal to 1) shows a significant relationship with the overall variable set, which in this case is not statistically significant, voiding the significance of the second period.

The third hypothesis, 2c, states that significant relationship exists between the amount of Congressional Quarterly articles related to higher education and an increase in the amount of days of fire alarms oversight between the first policy period of 1980-2004. This hypothesis was also not supported. No statistically significant relationship (p=0.233,
\( \alpha = 0.05 \) was found between the amount of Congressional Quarterly articles and fire alarm days in period three.

**Discussion**

The most important aspect of this thesis, following the direction of the thesis question, is there a difference between the punctuation periods and the attention that causes fire alarm congressional oversight. Simply, yes, but unfortunately it is not that simple. New York Times articles has a statistically significant relationship with fire alarm days per year and when comparing them between periods you will notice that it would take less New York Times articles per year in the second period than it would in the first or third. However, for this study, it is more important to look at each period as a whole, then each article per year throughout each period. For example, while one is able to calculate how much an increase of one New York Time article would have on the amount of fire alarm days per year, we would be missing the bigger picture. Throughout the three time periods, it would take less New York Times articles between 1965 and 1979 to gain another day of fire alarm hearings, than in the first and third period since the coefficient is higher. Without calculating an exact percentage of fire alarm days per increase in New York Times articles we are still able interpret the coefficient with great meaning.

In addition, another very important aspect of the analysis is that New York Times articles are statistically significant, whereas Congressional Quarterly Almanac articles are not. I purpose three main explanations for the incongruence of the significance of the relationships between New York Times and Fire Alarm Days and the absence of a relationship between Congressional Quarterly Almanac articles and Fire Alarm Days; style of printing along with intended audience and circulation size.
First, the New York Times is a daily newspaper that contains a wide variety of topics that appeal to a general audience whereas the Congressional Quarterly Almanac is a compilation of Congressional Weekly articles that focuses specifically on legislative activity. I feel that a specific focus on legislative activities could create a limit on the amount of attention that the average person would give the publication. This could be one explanation to the relationship between New York Times articles and fire alarm days, and no significant relationship between Congressional Quarterly Almanac articles and fire alarm days.

Second, the audience that each of the publications is intended for along with the circulation size of the publications may be the reason between the two differing results. With the focus of the New York Times not being government specific, a greater cross section of our country attention can be reached. With CQ Weekly’s mission “to be the publication of record on Congress”, the scope of the audience could be more limited than the scope of the country that reads the New York Times. With McCubbins and Swartz’s police patrol and fire alarm dichotomy focused on external attention, one could assume that the larger external audience (outside of Congress) that pays attention to higher education the more informed the public would become, thus increasing the chance that fire alarm oversight would occur.

In addition, the New York Times with a circulation of approximately 1,120,420 daily with over 1,627,062 newspapers on Sunday (approximately 8.5 million per week), it has over 600 times the amount of readers per week (2007: Top 100 subscriptions). The CQ Weekly publication (which is compiled into the CQ Almanac) has 14,114 weekly readers, with the majority of the Congressional members having subscriptions (CQ.com)
By playing on the work of McCubbins and Swartz (1984) and Balla and Deering (2001), the fire alarm and police patrol dichotomy appears have to have been a successful variable when compared to New York Times articles. Since fire alarm by definition is externally monitored by interest groups and concern citizens, this appears to be a logical connection.

Smith (2005) states that oversight has been increasing since we started tracking oversight in 1946 and even though it is often referred to as congress’s neglected function (Aberbach, 1990; Ogul M., 1977) it has made great strides. One finding of this research is that during the second period (1965-1979) increases in both fire alarm days and New York Times articles lead to a significant relationship between the two and showed that during period 2 it would take fewer articles related to higher education to spur one fire alarm day. Although I have mentioned it previously, it is important to remember that the New York Times sample set is just a measure of one’s exposure to higher education policy and thus by increasing articles tenfold that people may become more aware, but may not discover any wrongdoing or corruption.

After further review of the audience, circulation, and dynamics of each form of publication (New York Times and Congressional Quarterly) it appears as the data is a proper fit to the results. However, further research will have to be conducted to discover causality and try to remove the spuriousness of the variables that were used in the study. By including an increased amount of variables such as majority party in Congress, divided House and Senate, and party of the Legislative and Executive branches one might be able to further understand other influences on fire alarm oversight days that occur each year.
In summary, the thesis questions have been answered with the data showing that there are differences between each punctuation period and the amount of attention when related to fire alarm days. The changing structure of both the executive branch organizations that create higher education policy along with the changing mechanisms for oversight and passage of new laws create a fluid dynamic between the two branches. As policies shift, understanding the effect of attention and oversight can be an extremely valuable tool to ensure that policies are in the best interest of the population and oversight is efficient.
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