One of these days Alice: Issue framing, entrepreneurship and the passage of the Violence Against Women Act

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Using the literature on agenda setting, issue framing, and entrepreneurship, this study seeks to answer how gender entered the discussion of violence that culminated in the passage of the Violence Against Women Act in 1994.

Introduction

How "an idea's time has come" (Kingdon 1984) is a central preoccupation of those who study the policy process. Attention to problems, why a particular frame resonates while others are abandoned, and how politics work to advance or stall issue evolution is at the heart of the policy process, agenda setting and political conflict. If institutions are a means of channeling conflict, and as such involve "the mobilization of bias" (Schattschneider 1960, 69), then understanding the role of institutions in focusing attention is essential. In this paper we are interested in exploring how domestic violence moved out of the realm of the private-that is, an issue of concern to very few but the participants-to become defined as a public problem suitable for government attention and redress that culminated with the passage of the Violence Against Women Act in 1994. The story we tell in what follows suggests that an increase in issue attention (Jones and Baumgartner 2005) promoted by advocacy coalitions and political entrepreneurs (Sabatier 1987, 1993) worked to upset the existing policy equilibria (Baumgartner and Jones 1993) under which domestic violence was defined as a private (non) issue. As such, the story we tell looks like other cases of policy dynamics in which policy learning, prompted by a shift in attention, alters pre-existing subsystem-induced policy equilibria (see Nelson 1984 for a similar example involving child abuse).

See Nelson

Much of the recent work produced on attention and policy dynamics works from the premise that subsystem politics are the norm for the bulk of policy making in the United States. Punctuated Equilibrium Theory (PET) has been used in a variety of policy realms to examine the interplay of positive and negative feedback in the maintenance of institutionally induced policy equilibria (Baumgartner and Jones 1991, 1993, 2002; Cashore and Howlett 2007; Givel 2006, 2008; May 2010; Repetto 2006; True 1999; Wood 2006; Worsham 2006). The argument, in brief, is that policy equilibria, which foster an incremental inertia that gives the appearance of stability over lengthy periods of time, are subject to radical change at opportune moments. Whether change occurs depends on the ability of subsystems to contain challenges to existing policy arrangements. The beauty of PET is its ability to accommodate both the incremental nature of so much public policy dynamics, as well explain the moments of dramatic change that on occasion punctuate the seeming calm that characterizes American policy and politics.

PET, drawing on group theory, suggests that institutions are designed to operate as selfcorrecting mechanisms. Subsystems are the institutional embodiment of this self-equilibrating mechanism and the subsystem approach itself is a direct descendent of group theories (Schattschneider 1935, 1960; Griffith 1939; Bernstein 1955; Maass 1951; Scher 1960; Long 1962; Cater 1964; Freeman 1955, 1965; Lowi 1969, 1979; Bosso 1987; Campbell 1988; Balogh 1991; Baumgartner and Jones 1993; Worsham 1997). Unlike group theorists, subsystem models suggest policy equilibria are the result of bargains struck through institutional arrangements normally out of the public eye—with congressional committees, agencies, experts, and wellorganized interests the central players. Of special interest is the institutional dynamic that allows subsystems to operate in a semi-autonomous fashion in a particular policy area and how it is subject to stress or change.

Because the lynchpin in any particular subsystem is the congressional committee or subcommittee that serves as the legislative anchor for the subsystem, studies that employ PET focus on congressional efforts to control the policy agenda. While initial studies focused on hearing activity, more recent efforts have included legislative referrals (Wilkerson, et al 2002; Worsham 1997, 2006) as an additional indicator of control. No matter the focus, all suggest a variety of macro-level forces outside the subsystem, as well as internal dynamics within a subsystem, provide a constant set of challenges to subsystem-induced equilibria (see Sabatier 1993; Baumgartner and Jones 1993; Worsham and Stores 2012). This constant stimulation from within and without means that rather than thinking of a subsystem-produced equilibrium as static, it is more accurately portrayed as wavering between distinct political types, each of which produce a different calculus of benefits and costs (Worsham 1998).

The concept of subsystems as wavering equilibria explains why so much of policy involves change at the margins, rather than radical reconfiguration. That said, not all policy change is incremental, nor are politics invariably the stuff of logrolls and "mutual noninterference pacts" (Lowi 1969). At times change is dramatic, politics are nasty, and disequilibrium is real. Baumgartner and Jones (2002, 7) suggest that positive feedback models are those in which "ideas of momentum, bandwagon effects, thresholds, and cascades play critical roles" in the policy process. A focus on the ideas that undergird institutions, and how they are subject to change, is essential to understanding positive feedback and its role in producing disequilibrium. Paul Sabatier and Hank Jenkins-Smith (1993, 1999) have suggested that policy learning, which can produce dramatic policy change, is a result of shifts in the core beliefs of advocacy coalitions. For Baumgartner and Jones, positive feedback occurs either as a result of cue taking or mimicking; or is produced by the serial processing nature of individuals and institutions. In the former instance they suggest a threshold effect is in play, where a critical mass of interest or attention produces self-sustaining momentum (2002, 16-17). In the latter, something forces decision makers to shift their attention to a previously excluded dimension, which in turn changes the dominant view on the issue (Baumgartner and Jones 2002, 19). A final possibility suggests change may be the result of "tipping" – that is a gradual accumulation of knowledge accompanied by incremental changes in routine that at some point move institutional arrangements in an entirely new direction (Woods 2006).

What we suggest, similar to Jones and Jenkins-Smith (2009), is that positive feedback is often produced by the actions of policy entrepreneurs who assemble a coalition in pursuit of policy change. Policy entrepreneurs bring new ideas and new policy proposals that threaten to upset existing policy equilibria. While altering policy equilibria is often couched in terms of the distribution of costs and benefits, the common currency of distributive policy, policy change may go beyond the redistribution of material assets. Positive feedback associated with punctuating moments, or the most dramatic "learning," create new institutional arrangements, promote new ideas, and reward new interests. Quite simply, for some entrepreneurs the ultimate goal is the construction of a policy regime that supports new policy equilibria across a wide array of subsystems that entails a new understanding of policy, politics, and rights.

Jochim and May (2010) argue that regimes override subsystem constructed arrangements to bring some semblance of order and cohesion to disparate policy arenas, that is, they create "governing arrangements that foster integrative actions across elements of multiple subsystems" (Jochim and May, 304). Quite simply, regime construction involves an effort to coordinate policy dynamics originating in multiple subsystems, get multiple subsystems on the same page re the goals of macro-level political actors, or promote a new understanding of some (often previously ignored) phenomenon. Whether a regime takes hold or not is often determined by an entrepreneur's ability to alter congressional-based subsystem dynamics by arousing attention, assembling a coalition, and framing issues so that a new understanding (policy learning) takes hold. We have argued elsewhere that regime strength, which involves both the span of control and depth of change sought, varies across regimes and through time (Worsham 2013). In this effort we are suggesting that recognition of the gendered nature of a good deal of violence required refocusing the attention of actors in multiple subsystems on the phenomenon of domestic violence, and as such has a regime-building quality to it. *Finish with link to entrepreneurs, learning, framing*

In order to make our case we borrow liberally from both the theoretical insights of the work associated with PET, as well as the techniques used in same, to get at how shifts in attention and agenda dynamics shaped the recognition of domestic violence as a public issue. As such we are interested in developing indicators of attention in the politics, policy and problem stream. We begin with the problem stream, settling on use coverage in the *New York Times* as an indicator of public attention to problems. When it comes to developing indicators of attention in the policy stream (or entrance on the government agenda) we use articles in academic journals and legislative introductions in Congress. Hearing activity serves as an indicator of attention on the decision agenda (and perhaps the opening of a policy window).

Media Attention

While Kingdon downplayed the role of the media in his development of the streams model, and Downs suggested media attention mattered in the short term but was often ineffective or uninterested in producing meaningful long-term change, more recent work has demonstrated the important salience raising role of the media. For some media attention is the spark that undergirds the outside initiative model (*cites*), for others it widens the scope of conflict drawing in organized interests and policy makers (cites), while some suggest it can alter subsystem dynamics by introducing new understanding that challenge prevailing beliefs that sustain a policy monopoly (Sabatier and Jenkins-Smith 1993; Worsham 2012). We agree that media may accomplish any or all of the preceding, and suggest that it is also a useful indicator of activity in the problem stream. In order to get a feel for the shifting nature of public attention to the topic of domestic violence we conducted a search of the New York Times Index, available online through ProQuest Historical. Our initial search employed a single term-crime rate and United Statesto get a feel for attention to crime over time (which included 16,725 stories between 1965-2011). Once we have that as the base-line, we are interested in tracking when domestic violence enters into the discussion of crime, and how much space it occupies on the crime agenda. To get at that we used the following search terms: battered women, battered wife, domestic abuse, domestic assault, domestic disturbances, domestic violence, family violence, intimate partner violence, marital rape, mental cruelty, personal violence protection order, physical cruelty, spousal abuse, violence against women, and wife beating. The search retrieved 4,848 articles, after eliminating those not tied to violence against women, we were left with 3,266 articles.

While the popular media provides a nice indicator of public attention, and popular opinion no doubt has something to do with agenda entrance (Schattschneider 1960), public or media salience alone is often not enough to rouse government to action (Cobb, Ross and Ross 1976). Cobb et al (1976) suggested attention or identification groups, composed of policy experts and issue initiating coalitions, respectively, are often the key to focusing government attention. Similarly, Walker (1977) argued that while public salience might arouse congressional interest, more important was the role of expert communities in focusing the attention of legislators faced with scarce agenda space. Similarly, Kingdon's notion of a policy stream populated by experts

continually tinkering with policy solutions to problems not yet salient, carves out an important role for expert communities in the policy process. In order to get a feel for expert attention, we conducted an additional search employing the Academic Search Complete function available via EbscoHost, limiting the search to publications in periodicals, and utilizing the search term domestic violence. This search, as opposed to the *NYT* search, allows us to get a feel for the evolution of the issue in academic periodicals, in effect tracking the discussion among the experts who populate the policy stream. We conducted similar searches using the Medline data base, as well as Lexis-Nexus, to track attention to the issue in medical and criminal justice journals, two groups of actors among policy experts who might be expected to be especially focused on the issue given their street-level role in dealing with victims of such violence.

Figure 1 maps media attention between 1965 and 2012, suggesting that crime was an increasingly salient issue in the first two decades under review, peaking with the law and order presidency of Richard Nixon (Oliver 2005), dropping dramatically during the Carter administration, picking back briefly during the 1980 election, falling off after the Reagan inauguration, followed by a period of gradually increasing salience during the 1990s, with another dramatic decrease in attention following the events of 9/11. NYT attention to violence against women makes up a miniscule percentage of crime coverage through 1976, with a dramatic increase in 1977 reporting on efforts to secure legislation for battered wives and focusing on the battering of women as the most unreported crime. Salience picks up again in the early 1980s, with violence against women becoming an increasingly larger fraction of crime stories throughout the decade, peaking in the early 1990s with focus on domestic violence among professional athletes and the O.J. Simpson case, and reaching its apex in 1994 with the passage of the Violence against Women Act as part of an omnibus crime bill. After passage of the VAWA media attention to the issue declined steadily, with a brief peak during renewal of the act in 2004, in a fashion similar to the attention cycle as described by Downs. What domestic violence does not do is disappear from the public (media) agenda altogether, as Downs thought was inevitable of any issue when the actual costs of dealing with a problem became obvious. Indeed, peaks in coverage in 2005 and 2010, again associated with domestic violence in sports or among public figures, suggests that while domestic violence may be simmering on a back burner, it is easily brought to the front when public figures are involved.

Domestic violence, like drugs or child abuse, can be seen as a private family misfortune or a public problem. As Deborah Stone (1989) has discussed in her work, any issue can be treated differently on the basis of this simple, but important, distinction (see also Kingdon, 1984). The key element of public understanding that has changed over the years in the case of violence against women is that what was once considered a family privacy issue is now often seen as a public outrage. This is evident when cases of domestic violence occur in a public setting. In order to track this change in attitude and coverage figure 2 maps the nature of public discourse surrounding the issue of domestic violence. Initially the public discussion of violence against women focused on the mental and physical cruelty aspects, but soon moved to a discussion of women as victims, with a good deal of discussion invoking children as well. *Can we say something more interesting about the tone of coverage? Portrayal of targets ala Stone or Ingraham?* In the end, press coverage moved from defining such violence as an isolated and domestic matter, to a problem that mirrored multiple gender-based social and political inequities. In suggesting violence against women was the most extreme manifestation of gender

discrimination in a society rife with such discrimination, the media widened the scope of the conflict in such a way as to make it concern for a wide variety of interests.

Another key dimension of the discussion of domestic violence involves expert discourse. When experts recognize an issue as a problem, and perhaps more importantly begin discussing solutions, issues have a better chance of moving from the problem stream through the policy stream and onto the decision agenda. A review of figure 1 suggests the expert discourse parallels the popular discussion of the issue, with some notable differences. First, the issue of domestic violence among academics does not enter into the discussion until 1975, and not until 1979 among medical experts, suggesting the issue attracted media attention before it surfaced in the policy stream. That said, after entrance onto the expert agenda, its increasing salience after 1975 mirrors the public agenda dynamic up through passage of the VAWA in 1994. After that, unlike the decline in public attention, the issue remains salient among experts. Indeed, when it comes to all academic periodicals, salience continues to increase until it reaches a new, and highly visible, equilibrium in 2007. While not as steep an increase occurs in medical journals, the trend is still positive and increasing over the entire time series. The exception to this new level of expert awareness involves the criminal justice periodicals, which never exhibit the level of interest in academia or medicine. Instead, there are two punctuations, in 1989 and 1992, neither of which sparks continued interest.¹ Criminal Justice periodicals aside, what the review of expert attention reveals is a feature of attention that Down's missed in his discussion of agenda setting, but something that would not surprise Kingdon, Walker, Sabatier, or Baumgartner and Jones. The policy stream, once tuned in, stays tuned in. No doubt because experts invest time and resources in developing solutions, efforts they are not likely to abandon easily.

Congressional Attention

Although violence against women appeared in the popular media in the mid-1960's, entered the policy stream in the mid-1970s, and was the subject of state action soon after, eg, Pennsylvania enacted the "Prevention from Abuse Order" in 1976 to protect women from violence, Congress appears to be the late comer to the action, suggesting outside initiative at work. We develop two measures of congressional attention, legislative introductions and hearing activity. We use the Congress.gov website (formally Thomas.loc.gov) to track legislative activity and the Congressional Information Service (CIS) *Index to Committee Hearings* (available online through ProQuest Congressional) to track hearing activity. Using the term "domestic violence" we track bills and resolutions introduced in each chamber, between 1965 and 2014.² Our search produced 1552 bills, 909 introduced in the House and 643 in the Senate. We are in the process of tracking legislative referrals and sponsorship information, and report only the raw numbers in this effort. In our review of hearing activity we identify every committee holding hearings dealing with domestic violence policy between 1964 and 2012.³ The search produced 136 hearings, 69 in the House and 67 in the Senate, with five committees dominating the process:

¹ We admit, our effort to get at police interest is quite limited, since a single criminal justice journal is probably not an ideal indicator of expert attention to the issue. Still, we think it striking that at least one source of information associated with an important segment of street level bureaucrats who are expected to enforce the mandate of the VAWA, pays so little attention to the issue.

² Congress.gov contains data from the 93^{rd} Congress (1973-4) through the current session. We utilized the index to the *Congressional Record* to track legislative activity between 1965 and 1972.

³ Utilizing the "Index Terms" function we settled on domestic violence as our search term.

House Judiciary, House Education and Labor, Senate Judiciary, Senate Labor and Human Resources, and Senate Indian Affairs, suggesting domestic violence, while unrecognized early on, fell under the domain of health and law enforcement experts when it became salient.

Figure 3 tracks congressional attention to domestic violence, along with the domestic violence focused stories in the NYT and academic periodicals.⁴ As noted earlier, review of figure 3 demonstrates that public attention preceded congressional attention, with the *Times* reporting on domestic violence for a decade before any legislation is introduced or it becomes the subject of a congressional hearing. While this could indicate outside initiative at work, with press attention eventually clearing space on the congressional agenda, it is also interesting to note that the rise in expert attention also precedes congressional attention, and is closely followed by legislative introductions, with a one session lag before hearing are actually held on the issue. It appears that expert interest, new coverage, and legislative introductions, which begin in earnest in 1977, serve as a kind of dialogue among the media, experts, and legislative entrepreneurs. Thus, it is the combination of media, expert and entrepreneurial attention that get the issue to the government agenda (a role that becomes clearer when we examine the identity of witnesses at these hearings in the following section). A couple of other features of congressional attention stand out. First, legislative introductions appear to drive hearing activity in the period leading up to the passage of the VAWA in 1995. While this may seem unremarkable to some, the idea that the membership can force a response from committees is not a given. A central role of committees is to serve as gatekeepers, or as Woodrow Wilson observed over a century ago, most legislation sent to committee dies in committee (see also Baumgartner, et al 2009 for the effect of lobbyists and their use of influence on committees). While the dramatic increase in bill introductions occurs in the session in which legislation is eventually passed, suggesting increased interest among the membership forces action by committees, the period after 1994 reaffirms the gatekeeper role that committees play in the chambers. That is, bill introductions continue to rise, but hearing activity returns to a pre-passage equilibrium that indicates domestic violence is no longer privileged on the committee hearing agenda. Second, the continued growth in bill introductions is correlated with a similar pattern in expert attention, suggesting there is a link between the players in the policy and politics stream that continues after solutions are attached to problems. In this sense, it is not just academics, bureaucrats, and the usual suspects in the policy stream who maintain an interest in generating solutions, but legislators as well.

Finally, the committees that claim law and health as their jurisdictions don't appear to maintain the same level of interest as that of legislators at large once they have enacted legislation. This should not come as a surprise, as Walker first documented and Baumgartner and Jones (1993, 2010) have so ably demonstrated more recently, agenda space is scarce. That said, the new committee (subsystem) equilibrium now includes domestic violence in the discussions held by the health and judiciary committees in both chambers, a facet of the discussion that was non-existent before 1978. Clearly domestic violence has been institutionalized as part of their turf, the judiciary and health committees hold seventy-three percent of all hearings, and monopolize legislative referral activity associated with domestic violence.⁵ While prior to 1989 the health committees showed the most interest in the issue, treating it as an outgrowth of child abuse, by 1990 the judiciary committees took control of the issue. What this suggests is that domestic violence was transformed from a "family" matter into a legal issue, and more important, subject to criminal prosecution. In this fashion the recognition of domestic violence as

⁴ The latter two were divided by ten to ease comparison.

⁵ -- % of all legislation introduced between 1995-2014 in referred to Judiciary (--%) or Health (--%).

a problem, and the development of legal solutions to same, resembles the process Nelson (1984) documents in the case of child abuse.

To get at this transformation of the issue we examined abstracts for each hearings to establish the frame(s) used by witnesses and/or the committee when discussing domestic violence. Three frames—violence, health, and crime—account for -- percent of committee attention. *Finish and construct a percent area graph for the entire time series*

One explanation for the choice of frame has to do with the composition of witnesses at hearings and the viewpoint promoted by particular coalitions. Previous research has demonstrated how committees serve as venues that promote a particular frame, which is why turf control is so important to agenda setting (Baumgartner and Jones 1993; King 1997; Worsham 2012). In order to get at this dimension witness affiliations were noted as indicated in the abstracts of the hearings. We constructed four coalitions in an effort to get at the major frames in play.⁶ The first and largest coalition made up of thirty-five percent of witnesses, we labeled street level bureaucrats. This coalition lumps together the law enforcement, social work, and legal communities, along with hospital administrators, medical staff, and social workers, based on the logic that all could be expected to have some connection to policy implementation when VAWA was enacted. The gender politics coalition, which accounts for thirty-one percent of all witnesses, contains actors affiliated with major women's groups ranging from the high profile, such as the National Organization of Women, to the more specialized such as the National Coalition Against Domestic Violence, as well as survivor groups, and various public interest advocacy groups that frame issues in terms of rights. Government witnesses (thirteen percent) include state and local as well as federal legislators. **Experts** (eleven percent of witnesses) include academics, policy analysts and researchers, and usually had a university or think tank. Finish, need to: 1. construct a table that maps coalitions by venue; 2. Tracks coalition activity over time (use a percent area graph).

Summary and Conclusions

While it is presumptuous to offer much in the way of a conclusion on work in its earliest stages, we feel we can offer some preliminary observations about attention, agenda setting, and policies aimed at domestic violence. First, public attention matters to those interested in getting an issue on the agenda. As Schattschneider (1935, 1960) observed so long ago, widening the scope of the conflict by raising attention to a problem is an excellent first step in upsetting long-standing policy and political arrangements. Related to this, expert attention can be instrumental in keeping an issue alive, percolating on the back burner even after a solution has been attached to a problem, as the relationship between bill introductions and academic attention suggests. Finally, government can and does enact major policy change without a punctuating event. That is, policy equilibria can be challenged from within, new frames cause members of advocacy coalitions to reevaluate long standing beliefs, learn new "truths" and lessons, and alter existing policy to accommodate same.

⁶ Health and social welfare account for 13% and law 19% of all witnesses, and while we model them as members of larger coalitions, they, along with women's groups (15%) are the major interests involved.

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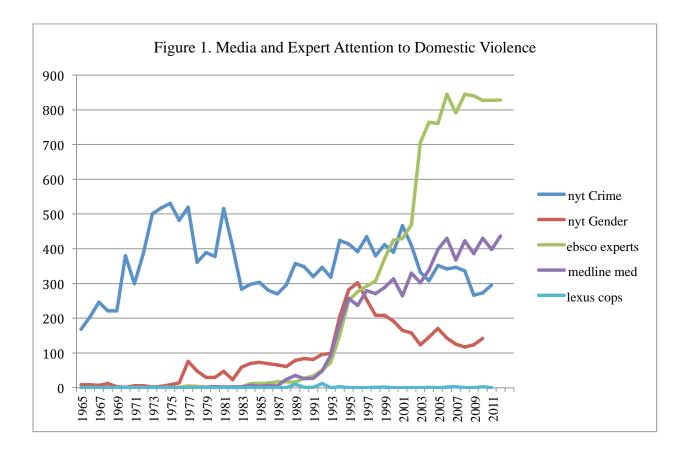
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