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Environmental Voting in Congress.

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ENVIRONMENTAL VOTING IN CONGRESS

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

In

The Department of Political Science

by

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B.S., Louisiana College, 1983
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ABSTRACT

This research project is designed to explore the field of voting on environmental issues in the House of Representatives. A variety of factors are considered in determining why representatives vote as they do; among those factors are party identification, ideology, gender, and region of the country. Special attention is devoted to the difference between those environmental issues in which private property rights are involved and those in which property rights are not at issue.

The research project consists of four case studies, each one of an environmental issue. Each case study describes the issue and explains why it is pertinent to this research. Each case study also includes an extensive review of the relevant history of the issue and how it made its way onto the public agenda. Each case study leads to a contested vote in the House of Representatives. Each vote is subjected to multiple regression analysis to determine the statistical significance of the variables.

The findings are that the only variable that is consistently significant over all four issues is ideology. Each of the others is significant at some point, but none is consistently so. This is especially relevant when ideology is compared to party identification. Ideology is more consistently and more strongly significant in determining voting on environmental issues than party identification.
CHAPTER ONE
INTRODUCTION

American public policymakers delight in clean-cut, non-controversial issues. Policymakers in Washington loves an issue with strong bipartisan support in which Democrats and Republicans and liberals and conservatives can join hands and show how well they can get along and get things done. Such cooperation means serenity in Washington, and serenity in Washington means the lawmakers get to keep their jobs. Such peace and harmony is often desired by lawmakers, but rarely achieved. There is a reason that lawmakers call themselves Democrats and Republicans and liberals and conservatives; it is because they do not share the same values. When values collide, controversy erupts.

This dissertation will address such a controversy. The gist of the controversy is the battle between two laudable and politically popular concepts. When polled, Americans express strong support for environmental protection.1 In a New York Times/CBS New Poll, 84 percent of Americans believe that pollution is a serious national problem that is getting worse. In the same poll, 74 percent expressed the belief that the environment should be protected regardless of the cost. Candidates for public office consistently portray themselves as defenders of the environment. After all, who could possibly be against clean water, clean air, and forests populated with plenty of furry animals? Environmentalists frame the issue as a matter of life and death, with environmental catastrophes such as global warming threatening the very survival of the human race. But on the other hand, protection of private property rights also receives at least lip service from practically every successful candidate for

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American public office. The image of the Minutemen at Lexington and Concord fighting to secure our freedom is a powerful icon, and those men were not fighting for clean water and clean air. James W. Ely writes, "The founding generation stressed the significance of property ownership as a safeguard for political liberty against arbitrary government as well as the economic utility of private property." Americans have a strong tendency toward individualism, and inherent in that individualism is the right to own property and to do with it as one will. Alexis De Tocqueville recognized this pervasive American belief, contrasting it with attitudes in Europe, writing, "In America, the most democratic of nations, those complaints against property in general, which are so frequent in Europe, are never heard, because in America there are no paupers. As everyone has property of his own to defend, everyone recognizes the principle upon which he holds it." The concept was important enough that the first Congress saw fit to include protection of private property in the Fifth Amendment as one of the individual's protections against government.

It is inevitable that concerns over environmental protection and private property rights will conflict. With the passage of the Endangered Species Act in 1973, Congress made it clear that protection of rare plant and animal species is important enough to bring to bear the power of the federal government. But endangered plants and animals do not only live in places like Yellowstone and Yosemite National Parks, where a trained army of forest rangers stands ready to protect them from human beings and human beings from them when necessary. If such species confined themselves to public lands, protecting them would be far easier. Endangered species

also live on private property, and when they do the needs of the endangered species will often be different from those of the property owner. When those needs clash, someone must yield.

This dissertation will strive to answer several questions as to what happens when these two worthy and politically popular concepts come into conflict. First, what are the significant factors that determine votes of members of the House of Representatives on environmental issues? Second, is one of the factors dominant in congressional voting behavior or are all relatively equal? Third, does the significance of those factors change when private property rights are involved in the issue? The factors that will be considered are party identification of the House member, personal ideology of the representative, gender of the representative, and the region of the country the member represents. Each of these variables will be explored in detail on the chapter on Variables and Methods. It is hoped that by examining these factors that more may be understood about the relationship between environmental protection and the protection of private property rights.

This dissertation will consist of four case studies on environmental issues. Two will be on environmental issues that have little, if any, potential to negatively affect property rights. Those are the issues of raising livestock grazing fees on public lands and the Tennessee Valley Authority’s Tellico Dam. The other two issues, the National Biodiversity Study and the reintroduction of gray wolves into Yellowstone National Park, differ in that they do, in fact, hold the possibility of conflicting with property rights. After the chapter on Variables and Methods, the reasoning behind the selection of these issues for the study will be explored in a chapter entitled Why These Issues?

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Each case study will include an explanation of the importance of the issue to this study, the necessary history of the issue, and a review of congressional and other federal action taken on the issue. Each case study will culminate in a contested floor vote in the House, and will be followed by a statistical analysis of the floor vote. This analysis will test the significance of each variable and the differences between instances involving property rights and issues not involving property rights.
CHAPTER TWO
WHY THESE ISSUES?

Four major issues were chosen for this study. Each is an environmental issue, and each has similarities and differences. The four issues selected are the National Biodiversity Study (1993), the Gallatin Range Land Exchange (1993), grazing fees legislation (1991), and the Tennessee Valley Authority’s Tellico Dam (1979). The dates in parenthesis reflect the years in which Congress voted on these issues. The most important distinction between the issues is the matter of property rights. The National Biodiversity Study is an issue that has the potential to have an impact on private property rights due to its emphasis on endangered species and the protection of their critical habitat. A companion amendment to the National Biodiversity Study will also be briefly discussed and the floor vote on it analyzed. Reintroduction of gray wolves into Yellowstone National Park is also an issue with the potential to affect property rights. Proponents of the reintroduction plan foresee the protection of wolf migration routes, some of which lie on private property outside the park. Grazing fees legislation certainly has an effect on the environment but has no such potential to affect property rights. The Tellico Dam controversy only minimally affected property rights, and will be used as an example similar to grazing fees, that being an environmental issue that does not affect property rights. The Tellico Dam was selected on the matter of timeliness, as will be discussed below. The significance of each issue and its possible impact, or lack of impact, on property rights, will be examined in the case studies.
The Property Rights Debate

The conflict between industry and the environment has been alive in the United States at least since the 1870's. Prior to that time, pioneer environmentalists such as John Muir of California had espoused a need to care for the environment and preserve the nation's wilderness as a valuable resource. The great New England author Henry David Thoreau had written extensively on the wonders of renewing man's spirit through immersion in the wilderness. A major step toward environmental protection as public policy took place in 1872 with the establishment of Yellowstone National Park as a "national pleasuring ground for the benefit and enjoyment of the people." While important, this was an isolated step, and not until the administration of Theodore Roosevelt did true environmental protection begin to make its way into public policy. Roosevelt was an avid sportsman and hunter, and his travels to far-flung locations such as Africa and Yellowstone National Park brought attention to the beauty and fragility of these marvelous places.

The idea of preserving natural wonders for the future enjoyment of the people was at first nothing more than an oddity. At the time of the establishment of Yellowstone in 1872, Wyoming was not yet a state and Yellowstone was in the heart of the wilderness. Many actually questioned the wisdom of establishing a national park in a place where it seemed that so few would be able to reach it. Yellowstone was a huge national park, covering over 2.2 million acres, but it was surrounded by a relatively unpopulated area that was far greater. This abundance of available land meant that there was little question of the possibility of government infringing on the area's residents. But this great abundance of land was not a permanent state. As the
West became more populated, questions of property ownership and the rights therein began to arise.

The seeds of the present property rights versus environment controversy were planted with the passage of the Endangered Species Act of 1973. The motives of the Endangered Species Act and later amendments to it were unquestionably good: the preservation of plant and animal species that, without protection, would be likely to become extinct. Very few opposed the protection of such magnificent creatures as the grizzly bear and the American bald eagle. But while the protection of the animals themselves was not in question, the related protection of their habitat held the possibility of conflict. That conflict was due to the concept that saving endangered species was an academic exercise at best if efforts were not also made to protect the habitat necessary for their survival. As an example, environmentalists believe that each pair of spotted owls, an endangered bird found in the Pacific Northwest, requires 800 acres of timberland to survive. Additionally, environmentalists also argue that old growth forest, defined as timber that is at least 400 years old, is necessary for the survival of the spotted owl. Considering the value of the timber in the Pacific Northwest and the fact that logging is a pillar of the region’s economy, it was inevitable that the need of endangered species for suitable habitat and the rights of private property owners would clash. As with most public policy conflicts, neither side was without merit, and it fell to government to decide where to draw the line between the factions.

With the election of Ronald Reagan in 1980, concern over property rights moved to a higher level on the policy agenda. Reagan spoke the rhetoric of a defender
of private property, but little was put forth in Congress in this area. Most of the
conflict between environmentalists defending the critical habitat of endangered species
and property owners defending their property rights remained in the judicial system.
But with continual “horror stories” of property owners being denied use of their land
due to endangered species restrictions, sentiment for the defense of property rights
continued to build. That concern manifested itself on the legislative agenda after the
election of a Republican majority in the House of Representatives in 1994. The
Defense of Private Property Act was a centerpiece of the Republican Contract With
America, a plan set forth by some 300 Republican candidates during the 1994
campaign.

This concern over property rights is the basis for choosing the 1993 National
Biodiversity Survey and its companion amendment as two of the issues to be
considered in this study. This legislation proposed the creation of a nationwide study
of all plant and animal species in the United States, including a cataloging of the
approximate numbers and survival prospects of each species. A great deal of the
opposition to this legislation was based on the concept of critical habitat. Property
rights groups opposed the National Biodiversity Survey on the basis that classification
of an area as critical habitat would unnecessarily burden the property owner and, in
effect, deny him the use of his property. According to property rights advocates, such
restrictions would amount to a “taking” of private property, and that the landowner
would be entitled to just compensation under the 5th Amendment. Supreme Court
decisions such as Dolan v. Tigard (1994) and Lucas v. South Carolina Coastal

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Commission (1992) have supported a broad interpretation of the Takings Clause of the 5th Amendment and therefore bolstered the views of property rights advocates.

Reintroduction of gray wolves into Yellowstone National Park was also chosen as an example of an issue with the potential to affect property rights. Critical habitat is also the lynchpin of this issue and its possible effect on property rights. The vote that will be analyzed is not the actual Wolf Recovery Plan, which passed by a voice vote, but the Gallatin Range Land Exchange vote, which provided needed habitat for the wolves and their prey. The Northern Rocky Mountain Wolf Recovery Plan, produced in 1987 by the National Park Service, proposed to restore a vital predator, the gray wolf, to Yellowstone National Park, where it had not been seen since the 1920’s. Property rights are involved because part of the plan called for protection of wolf migration routes outside the park, parts of which lie on private property.

The third case study to be examined, grazing fees legislation, was chosen for precisely the opposite reason that the National Biodiversity Survey and the wolf reintroduction/Gallatin Range bill were chosen. Grazing fees legislation is an issue that has the potential to affect the environment but does not have the potential to impact private property rights. Grazing fees are considered an environmental issue because of the alleged negative impact that overgrazing has on rangelands that are not properly managed. The effects of livestock grazing (or overgrazing) are far from definite, as will be explained in the grazing fees chapter. Environmentalists argue that excessive grazing of livestock causes irreparable harm to fragile ecosystems, while ranchers counter that grazing actually improves the land by aerating the soil.
Grazing fees are also an environmental issue because of the contentious matter of proper use of national forest and other public lands. Environmentalists would like to see fees raised to discourage excessive use of public lands and make more of such lands available for outdoor recreation. Environmentalists contend that use of land by livestock often precludes the use of that land for any other purpose, or at least makes such land much less desirable for outdoor recreation. It is noteworthy that not only do ranchers and environmentalists disagree on the effects of grazing, federal agencies also disagree. Reports by the General Accounting Office and the Bureau of Land Management arrive at opposite conclusions concerning the environmental effects of livestock grazing. Those reports will be examined in the case study. Joining environmentalists in calling for higher grazing fees are such diverse groups as taxpayer watchdog groups and anti-corporate welfare groups. Taxpayer watchdog groups assert that the federal government is missing out on a large source of revenue. Groups such as the National Taxpayers Union point out the large discrepancy between what ranchers pay to graze livestock on private land as opposed to the much lower fees they pay to use public lands. Anti-corporate welfare groups argue that low grazing fees amount to nothing more than a subsidy for ranching interests, which are largely owned by large corporations. Ranchers counter that the great majority of ranchers are small family operations that would be forced out of business by increased grazing fees. But whatever the impact grazing may have on the environment, it is an appropriate topic for this study because it is an environmental issue which does not have the potential to affect private property rights.
The Tellico Dam controversy was chosen for the same reason as grazing fees. Building a dam and inundating a valley certainly has environmental effects, but property rights are not involved except where government's nearly universally recognized power of eminent domain comes into play. Taking private property for public use may be distasteful and unpleasant for the owner, but there is near unanimous agreement that it is a necessary power of government. Many people were displaced, but they were given just compensation under the auspices of the Takings Clause of the Fifth Amendment.

**Competitive Floor Votes**

Putting potential impact on private property rights aside, these issues were selected for other reasons as well. A practical reason that these issues are appropriate for this study is that the House floor votes on the issues were relatively competitive. As any student of American politics knows, the great majority of legislative work is done in committees and subcommittees. Contentious issues are usually discussed thoroughly in committee, where legislators may hear from authorities on the issue at hand. The result of this behind the scenes work is that by the time an issue reaches the floor of the House or the Senate, a consensus has been reached and the floor vote is often highly lopsided. While there is certainly nothing wrong with this system, lopsided floor votes do not make for an interesting study and do not shed any light on the matter of why a legislator votes one way or another. The floor votes, including breakdowns by party, region, and personal ideology as measured by Americans for Democratic Action will be thoroughly examined in the chapters on those subjects.
The Time Factor

Another reason these issues were selected is the time that they took place. Issues that occurred in the more distant past may be of some historical interest, but since the study of politics is dynamic, it makes much more sense to examine issues that are more recent. This reason for choosing these issues is related to the subject of property rights in that the floor votes took place during the time that property rights were at the forefront of the public policy agenda.

The first three issues were also chosen because the floor votes took place in a relatively short span of time. The grazing fees vote took place in the 102nd Congress while the National Biodiversity Survey vote and the Gallatin Range Land Exchange vote took place during the 103rd Congress. Ideally, floor votes that took place in the same congress would have been considered, but no issues that met the other requirements of time, property rights involvement, and competitiveness existed. The 1992 congressional election was a typical one, with incumbents doing well and relatively little turnover between the 102nd and 103rd Congresses. In addition, both houses remained under control of the same party, so the possibility of a great shift in ideology between the two congresses should be minimal. Most committee and subcommittee chairmen also retained their positions, and those committees and subcommittees that had a change in leadership remained under control of the Democratic Party.

The Tellico Dam controversy of the late 1970's was selected to provide some historical context to the study. Having taken place some twelve to fifteen years prior to the other two, this issue should provide some perspective as to how motivations for
floor votes may or may not have changed over that period. The Tellico Dam controversy is also of interest because, unlike the other two issues, the executive branch was not united behind passage of the legislation. While the Tennessee Valley Authority lobbied for construction of the dam, the Department of the Interior under Cecil Andrus opposed its construction on the grounds that it would potentially lead to the extinction of an endangered species, a tiny fish known as the snail darter.

In conclusion, these four issues were selected due to their environmental focus, their relation to private property rights, their controversial nature, and their timeliness. Two are issues that have the potential to affect property rights, and two do not hold that potential. An examination of the floor votes should serve to reveal a great deal concerning the reasons members of Congress vote the way they do on these types of issues.
CHAPTER THREE
THE VARIABLES AND METHODS

The purpose of this dissertation is to examine the factors that determine votes of members of Congress on selected environmental issues and determine which factors are the strongest in determining congressional voting behavior on those issues. Through the use of a series of case studies and statistical analysis, the intent is to determine which of the factors is significant in affecting voting on the chosen issues. Those issues will be extensively explored in the four case study chapters, and each case study will culminate in an analysis of a competitive roll call vote or votes. Several independent variables were selected as the most likely to have a significant effect on the decision of a member on the chosen roll call votes. These were selected after an extensive review of the existing scholarly literature on similar issues. In each instance, the dependent variable is the roll call vote on the bill in question.

The Control Variables

It is never possible to determine with absolute certainty why any given member of Congress casts a particular vote. A certain amount of uncertainty is unavoidable when dealing with human beings, and uncertainty is also inherent in the social sciences. Logic and observation suggest that a number of factors play a role in the decision-making process. The following are factors which it is believed will play a role in the congressional decision-making process.

Party will be the first independent variable. It is probably the most common variable used in the study of congressional decision-making. Party is important because it is so prevalent in American politics. Its importance in American politics is
explained in such seminal works as Aage Clausen’s *How Congressmen Decide* (1973). In congressional decision making, party’s significance is explained in such works as Berenstein and Horn (1981). The efforts of third parties notwithstanding, the United States has a two-party system. Members are elected with the help of their party and almost always maintain that identification in future elections. Party is a crucial voting cue to the American electorate. Voters may not know a member’s views on particular issues, but they usually know the party in which they claim membership. Studies have shown that party is at least a very important reason for an individual’s vote, if not the most important reason. Expectations are that Democrats will tend to vote heavily in favor of environmental protection, while Republicans will be inclined to vote against such legislation. Republicans will not characterize their votes as anti-environment, but will instead describe their votes as being pro-business or a defense of private property rights. An additional expectation is that Republicans will be more solidly opposed to environmental protection legislation than Democrats will be in favor of it.

Party is a useful variable for a number of reasons. First and foremost, it is unmistakable. With the exception of Bernie Sanders (I – VT), each member of the House of Representatives and the Senate self-identifies as a member of one of the two major parties. Unlike other variables, such as ideology, party is discrete and readily identifiable. There is no possibility of bias coming into play when using party as a dichotomous variable. A member is either a Republican or a Democrat. Party is a variable that is common to almost all studies of roll call votes. Using party as a variable allows this study to fit in with similar scholarly research.
Personal ideology is the second independent variable. This is not as clean a variable as party identification, but is still necessary to this study. It is still, however, a very common variable in the study of congressional decision-making. Personal ideology will be measured by reference to the member’s voting rating as assigned by Americans for Democratic Action (ADA). *The Almanac of American Politics* describes ADA as a liberal group that has “pushed for legislation designed to reduce inequality, curtail rising defense spending, prevent encroachments on civil liberties and promote international human rights.”¹ The ADA uses a broad spectrum of issues for its vote analysis. The House votes used for the ADA scores in each of the years involved in this study are listed in three appendixes.

Party and personal ideology are important in a study of environmental voting and the related matter of property rights. Those who score high on the ADA index are likely to think collectively, giving more credence to belief that environmental problems can be solved through government action, and the belief that property rights must necessarily take a lower priority. Party identification should follow a similar pattern, but not as readily. Expectations are that numerous conservative Democrats will vote pro-business.

A third independent variable is the region of the country represented by the member of Congress. Votes cast by members who are more directly affected by the legislation should prove revealing. For example, special attention should be paid to Western members whose districts are directly affected by efforts to raise livestock grazing fees on public lands. Expectations are that pro-environment voting will be

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strongest near the East and West coasts, weakest in the South, and divided in the Midwest.

Gender will also be included as in independent variable. Some studies have shown that gender makes a difference in the level of interest in environmental matters (Arp and Howell, 1995.)

Use of region of the country is less common than party, but examples can be found. Examples are common which use a dichotomous variable, “South” or “non-South”. This study will divide the country into four regions, East, South, Midwest, and West. Two studies which make use of region and in fact describe the differences between Republican and Democratic members in those regions are Mitchell (1979) and Nivola (1980). These were studies of congressional energy policy, but the methodology should be transferable to a study of environmental voting. Studies of energy policy and environmental policy are inextricably intertwined, as witnessed by their inclusion in the same chapter in American Public Policy (Peters 1992.)

Methodology

This study will utilize a combination of case studies on the issues and regression analysis of the resulting roll-call votes. The case studies will include an explanation of the significance of the issue to this study, a short history of the issue, an explanation of the congressional debate of the issue, and a short explanation of the roll-call vote or votes. Special attention will be given to the independent variables discussed above in these case studies. Factors such as the intensity of a congressman’s beliefs may be revealed in a study of the debate that cannot be explained by a simple roll-call vote.
Logistic regression will be used in analyzing the five individual votes. Logistic regression is necessary due to the dichotomous nature of some of the dependent variables. Ordinary Least Squares regression will be used in the three composite analyses where the variables are no longer dichotomous.

**Multicollinearity**

While multiple regression allows a direct comparison of the relative effects of the independent variables on the roll call votes, its validity depends on several underlying assumptions concerning the equations. One such assumption is that there is true independence among the independent variables. If two of the independent variables are so closely related that a change in one is consistently followed by a change in the other, then the inclusion of both in the same equation can lead to inaccurate results.

This is the statistical problem of multicollinearity. When collinear variables are used in the equation, the most serious problem is that the standard errors are affected. If the problem is severe enough, it may become possible to reject as insignificant an independent variable that may indeed belong in the equation as significant. It appears that this may be the case with the independent variables of party identification and conservation ideology.

Since the social sciences often have to deal with two or more variables which are correlated with each other, it is usually not possible to avoid some multicollinearity. It is simply a matter of degree. Lower levels of multicollinearity may not adversely affect the computation of valid coefficients. However, there is a level beyond which multicollinearity may interfere with the validity of the model.
If multicollinearity proves to be a serious problem, then some effort will be made to reduce it. The most likely solution seems to be combining the two collinear variables, as suggested by Michael Lewis-Beck in *Applied Regression* (1978).
CHAPTER FOUR
CONCEPTUAL FRAMEWORK

This chapter will place this study in its proper place in the existing literature. The literature on property rights, the relationship of property rights to environmentalism, congressional decision-making on the subjects, and a section placing the debate in an economic context are included. The first section will deal with congressional decision-making and the factors that affect it. It will include a review of the literature on the subject and an examination of how each factor affects, or does not affect a congressman’s decision. The importance of these issues and the level of interest shown in them by Congress in recent years make this an excellent laboratory in which to study the congressional policy-making process.

The second section will examine the theoretical underpinnings of Americans’ belief in the concepts of protection of private property and protection of the environment. Their eventual clash in the arena of public policy will be explored. Influential thinkers such as John Locke and Alexis De Tocqueville will be cited as antecedents to these principles. The literature on environmentalism will follow, and will be contrasted with the literature on property rights. A final section examining the economic context of the debate will follow. Attention will be given to the nature of the environment as a public good and the difficulty of selling environmental protection in the public policy arena.

Congressional Decision Making

Attempting to determine how a particular member of Congress will vote on a particular issue always carries a level of uncertainty, as is the case in any study of
human behavior. Logic and observation suggest that numerous factors play a role in
the decision-making process.

Numerous observers of American politics have performed studies on the
motivations that determine why members choose to vote the way they do. Among
these is Aage Clausen, an Ohio State political scientist. In *How Congressmen Decide: A Policy Focus*, Clausen theorized that congressmen utilize four major factors in the
calculus of their voting decisions: enduring personal policy views, perceptions of
constituency interests and views, their relationships with interest groups, and their
party loyalties.

Clausen's belief that enduring personal policy views are important in
congressional voting is borne out by this study's finding that ideology, which for
purposes of this study is a coherent set of beliefs, is the strongest and most consistent
predictor of roll call voting. In every regression analysis that was performed in
Chapter Nine, Ideology proved to be statistically significant and in the expected
direction. No other variable can make that claim.

Clausen's study of party loyalty is also important to this dissertation. Clausen
argues that party loyalty is less important in voting decisions than ideology because of
the two major parties' historical unwillingness to formulate coherent policy programs
to which individual members must adhere. Clausen's implications that parties are
more interested in elections than policy and that party discipline is far less enforced in
America than in many other countries are true. By way of comparison, a congressman
who votes with the opposition party in this country may receive a warning from the
leadership or, at worst, lose a desirable committee assignment. In a parliamentary system such as Great Britain, a wayward party member may lose his seat.

Clausen's assertion that party loyalty is not strong plays well into one of the enduring themes in American politics: pragmatism. In a system with only two viable parties, it is understandable that a great deal of sharing of ideas may take place. Those who wish for a multiple party system lament that smaller, more focused parties could articulate more cohesive policy agendas. But Clausen defends the two party system by suggesting that Congress actually acts as a fair representation of the effective individuals and groups in the political system, and that those individuals and groups are also pragmatic rather than dogmatic. Congressmen seem quite willing to forsake their party loyalty in order to get something done if they believe in it strongly enough.

David Mayhew also addresses the issue of party loyalty in Party Loyalty Among Congressmen. Mayhew stresses that party is certainly an important factor in congressional decision-making, but that it is not all-important. Mayhew points out that no single congressman can do anything without the assistance of many others. Mayhew contends that the building of coalitions sometimes requires that members cross party lines in order to build support for their legislation, and that the expediency of getting things done outweighs any negative consequences that may result from disloyalty to the party leadership.

Mayhew also notes a difference between Southern congressmen and those from the rest of the nation. Mayhew writes that the solid Democratic majority in the South has long concealed an affinity for the Republican position on many policy issues. Mayhew's study considered congresses that met from 1947 to 1962, so the
Southern party shift to the Republican party had not yet gained momentum. Mayhew also saw that most Democratic congressmen in the South represented only the white portion of the populace due to the effects of segregation laws; Mayhew suggests that representing such a truncated electorate necessitated party disloyalty.

Donald Matthews and James Stimson generally follow the Clausen model of decision-making in *Yeas and Nays: Normal Decision-Making in the U.S. House of Representatives*. Matthews and Stimson identify party loyalty, constituency or "voting the district," personal precedent and incrementalism, and ideology as the most important factors. Matthews and Stimson take the approach that congressmen are so overloaded with demands that they cannot take a rational approach to decision-making. A rational approach would require a complete examination of each and every piece of legislation brought before them and would require complete information on each. Since such a rational approach is not possible, members rely on decision-making shortcuts, or cues. This view echoes the extensive body of literature on voting by individuals, which also suggests that ordinary citizens base their votes not on complete information but on shortcuts. Most notable among this literature are *The American Voter* (Campbell, Converse, Miller and Stokes), *The Changing American Voter* Nie, Verba and Petrocik), and *The Unchanging American Voter* (Smith), each of which to some extent stated that voters rely on shortcuts rather than complete information to determine their votes. Matthews and Stimson also cite the difficulty in "voting the district," or serving as a delegate representative; they note that it is sometimes exceedingly difficult to know just what it is that the district wants.
While Aage Clausen and others address the issue of constituent influence in congressional decision-making, perhaps the most influential work in this area is Richard Fenno's *Home Style: House Members in Their Districts*. Fenno examines the effects of constituency influence, dividing constituency into a number of levels which have varying degrees of influence on the congressman. Fenno makes a number of observations concerning constituency influence, most notably that those congressmen who develop a successful "home style" in serving their districts may be forgiven for deviating from their constituents' policy preferences. Fenno concludes that the personal ambitions and intentions of each member also influence decision-making, and that personal ambitions and intentions vary greatly from member to member. Many consider their House seat to be the capstone of their career while others may have ambitions of advancing to the Senate and perhaps the presidency.

While constituent service, a successful "home style" using Fenno's term, is considered important in the majority of studies, its influence is not universally accepted. Robert Bernstein, author of *Elections, Representation, and Congressional Voting Behavior*, suggests that policy preferences are more important that Fenno believes. Bernstein argues that a substantial minority of constituents who strongly disagree with a member's voting stances can sometimes turn against even the most successful of congressmen in terms of constituency service.

Morris Fiorina offers a slightly different view of constituency influence. In *Representatives, Roll Calls, and Constituencies*, Fiorina suggests that it is the nature of the district that determines constituency influence. Fiorina divides districts into consensual and conflictual types. Consensual districts tend to be homogeneous in
their interests and include most “safe” seats, while conflictual districts are heterogeneous in their interests and are the ones most often contested. Fiorina argues that while congressmen may want to vote the policy preferences of their constituents in conflictual districts, it is often difficult to tell what those are. Fiorina describes the members in such districts as finding themselves between the proverbial fire and the frying pan.

There is little dispute that constituencies play a role in congressional decision-making, but there is often a great deal of dispute as to how and to what degree constituencies influence members. Some studies have been unable to determine a direct constituent influence (Hofferbert, 1974) while other studies have suggested that members pay little attention to their constituents (Mitchell, 1977). Studies that suggest that members do rely on constituent opinion disagree on the degree to which this is the case. Some studies suggest that it is a phenomenon common to all members (Miller and Stokes, 1963), while others suggest that constituent influence varies with the issue (Zwier, 1979). Others suggest that the degree of constituent influence is determined by the member’s perception of how closely the constituents are watching (Kuklinski and McCrone, 1991).

Warren E. Miller and Donald E. Stokes address the issue of constituency influence in their 1963 *APSR* article. Miller and Stokes take the approach of tying the concept of constituency influence to both the normative and behavioral aspects of political science. They note that the Founders expected the people to be influential in the House of Representatives, and also assert that while congressmen may feel pressure from the local constituency, they do not necessarily respond to it. Miller and
Stokes offer a cursory review of the Burkean trustee model of representation, the delegate model, and the responsible party model, and determine that the contemporary congressman falls somewhere between the three, with each model having a place in American political life. Miller and Stokes arrive at the conclusion that constituency attitude does affect the roll call voting decision, but not directly as in the delegate model of representation. Roll call behavior is also influenced by the representative's own attitudes, echoing the Burkean model. Miller and Stokes also note the difficulty in gauging constituency attitude, noting that the representative's perception of constituency attitude may not reflect actual constituency attitude.

Morris Fiorina addresses the subject of interest group influence in the second edition of *Congress: Keystone of the Washington Establishment*. Fiorina notes that interest group influence is growing and becoming more focused. He offers as evidence of this that the acronym “PAC” is relatively new and did not even appear in the first edition of the book, published twelve years before in 1977. Fiorina links the subjects of constituent influence and interest groups, writing that the growth of PACs could weaken district ties to members and strengthen the influence of interest groups not ties to specific districts. Fiorina makes the familiar and widely accepted link between money and influence, citing the increase in the percentage of campaign contribution money being received from sources outside the districts.

Aside from Aage Clausen's four factors that affect congressional voting, others may come into play as well. The internal dynamics of Congress exert an important influence. Internal dynamics include factors such as logrolling, the trading of votes on unrelated issues (Matthews and Stimson, 1975). The role of the president may be a
factor, but will vary considerably depending on the issue, whether the president is of the same party as the congressman, and the interests of the particular president involved. (Bond and Fleisher, 1980).

Two of the variables that will be considered in this study are party of the member and the member’s personal ideology. Constituent influence should not underestimated in these factors. Logic suggests that a district is unlikely to elect a representative that sharply disagrees with the majority in it, although as has been explained previously constituents may be tolerant of a member who strays on policy matters if he is successful in constituent service. But the influence of ideology is strong, and a strongly liberal district is unlikely to elect a conservative representative, just as a strongly Democratic district is not likely to elect a Republican. This is less reliable in the South, where the lines of ideology and party identification are more blurred than in the rest of the country. The majority of the electorate in the South remains with the Democratic Party, but that Democratic electorate has tended in recent years to elect Republicans to Congress (Almanac of American Politics, 1996).

**Literature on Property Rights**

The literature on property rights is extremely varied and quite expansive. It is far older than this country, and early writers on the subject had a profound influence on the Founders. The Founders were strong proponents of the protection of private property, and their views alone could be the subject of a separate dissertation. This belief can be seen in several places in the Constitution. The Fifth and Fourteenth Amendments both offer protection of life, liberty, and property from arbitrary government action. The Founders unquestionably discerned a strong link between the
economic power to own and control property and the political liberty they had so recently won from Great Britain. John Adams summed up the Founders’ view of private property, declaring that “Property must be secured or liberty cannot exist.”¹ Adams’ words echoed those of Arthur Lee, who stated fifteen years earlier, “The right of property is the guardian of every other right, and to deprive a people of this, is in fact to deprive them of their liberty.”²

Forrest McDonald offers a slightly different view of the Founders’ views on property rights. McDonald divides the Founders into two groups, which he refers to as nationalists and republicans. McDonald cites several dividing points between the groups, including their view of the very nature of man. Concerning property rights, however, McDonald writes that the nationalists were more inclined to place their faith in leaders and were generally skeptical of the power of “the people.” The nationalists were less inclined to allow a popular government to interfere with private business. The republicans, on the other hand, were more inclined to place their faith in a popularly elected government. McDonald writes, “They were far more willing to have the government interfere in private business and far less willing to have private business interfere in government.”³ The debate between those inclined to trust in government and those skeptical of its power continues today, and is quite evident in the debate between property rights and environmental protection.

The Founders’ views on property rights were shaped by a number of earlier writers, but none was more influential than John Locke. Locke asserted in his Second

¹ Charles Francis Adams, ed., The Works of John Adams, (Boston: Little and Brown, 1851), vol. 6, 280.

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Treatise on Government (1689) that legitimate government was based on a compact between government and the governed, and that deviation from that compact was grounds for the dissolution of the government. Property rights were central to Locke’s theory. Locke theorized that property rights were not granted by government but were a part of natural law that existed before the creation of political bodies. Locke saw the principal purpose of government as the protection of natural property rights. Locke foreshadowed the working of the Fifth and Fourteenth Amendments, writing that government was organized to preserve “their Lives, Liberties, and Estates.” Locke argued that government could not arbitrarily take property, and this view was adopted by the Founders. Locke actually went one step further, asserting that taxation without popular consent was an invasion of property rights and subverted the purpose of government.4

Eminent Domain

The concept of eminent domain must be addressed in order to properly place what is meant by “taking” of property. That subject of taking of property appears throughout this dissertation, and an explanation of eminent domain and its relation to taking of property is essential. Eminent domain refers to the power of government to take property for public use. Few scholars debate that this is a necessary power of government, and it is not to be considered a taking for the purposes of this dissertation, as just compensation is involved. It is generally recognized that government has this power, but the evolution of “just compensation” for the property taken separates

eminent domain from the property restrictions to be examined in this study. Restrictions on property rights discussed herein refer to possible takings without just compensation; there would be no question of legality if government took property through eminent domain and paid just compensation for land it deemed to be critical habitat for endangered species.

Just compensation for land taken by eminent domain can be traced to the first written limitation on the power of government in England, the Magna Carta. The Magna Carta established the rights of property owners against deprivation of property with due process of law. That tradition became a part of English common law, and was brought to America by the colonists as one of their birthrights as citizens. It continues today as a principle of American law.

**Individualism and Property Rights**

The concept of Americans as rugged individualists is rooted in the earliest days of the republic. It took a certain measure of individualism to leave the security of England for the colonies, and to leave the security of the East Coast for the frontier. The connection between property rights and individualism in this country can be traced to the earliest colonial days, when the British government and proprietary companies offered free land to those who would emigrate to the colonies. James Ely explains the system:

Because land was abundant, the trading companies and proprietors attracted settlers by granting land on generous terms: Most colonies outside New England adopted the “headright” system as a means of distributing land. By this device an amount of land was awarded to each person emigrating to the colony. For many years Virginia granted a headright of 50 acres to all settlers. In 1689 the Carolina proprietors

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promised 150 acres to encourage immigration. Several colonies even
offered headright land to indentured servants once their period of
service expired. 6

Those who accepted this free land were moving to areas that were quite wild by
comparison to England, and it is understandable that they would be more likely to be
self-reliant than those who remained in the safety of England. This individualism
remained even when the areas around them developed and more formal government
authority came to their region.

The French author Alexis de Tocqueville wrote extensively on the subject of
American individualism. Tocqueville saw individualism as an outgrowth of
democracy, and had decidedly mixed feelings about it. He saw individualism as an
erroneous belief that one could withdraw from public life and still expect society to
remain virtuous. He saw such withdrawal as the catalyst for a spiral downward into
the destruction of the very democracy that caused it. But Tocqueville was quick to
differentiate individualism from selfishness. Tocqueville wrote that

Selfishness blights the germ of all virtue; individualism, at first, only saps
the virtues of public life; but in the long run it attacks and destroys all others and is at length absorbed in downright selfishness. Selfishness is a
vice as old as the world, which does not belong to one form of society more
than to another; individualism is of democratic origin, and it threatens to
spread in the same ratio as the equality of condition. 7

In short, individualism was a malady found in democracies, and if left unchecked it
would destroy the virtue of democratic society.

Tocqueville saw America’s deep respect for property rights as a result of the
relatively equal distribution of property in this country as compared to European

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6 Ibid., 11.
nations. Tocqueville likens people to children who do not respect other people’s belongings until they have some of their own. Once they have things that can be taken away, they are more likely to respect the rights of others to keep their possessions. He writes, “As everyone has property of his own to defend, everyone recognizes the principle upon which he holds it.”

Whereas in Europe only a relative few held property, in America property ownership was the norm. Support for a government which protected property rights in the Lockean tradition would be strong in a democratic nation such as this one.

The Courts and Property Rights

A great deal of the property rights debate in this country has been shaped by judicial decisions concerning attempts at regulating property rights. The courts have shifted over the history of the country, with first one side then the other holding the upper hand. The following section is a short history of the judiciary’s influence on the debate.

For the first one hundred years of this country, the courts were solidly behind economic rights, which are closely related to the right to own and control property. State regulations for the purpose of health and safety were generally frowned upon by the courts. An example of this laissez-faire attitude is the case of Lochner v. New York (1905). By that time, the Progressive movement had taken hold, and efforts were under way by states to regulate business. The legislature of New York passed laws limiting the number of working hours per week for bakery workers. Writing for a five-to-four majority, Justice Rufus W. Peckham wrote that the decision violated the right of contract between worker and employer, and that it was not the state’s concern

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8 Ibid., vol. 1, 254.
to determine how many hours a worker contracted to perform. The Supreme Court continued to be poorly disposed toward regulation of business in the areas of health and minimum wages until the Depression.

With the onset of the Depression, the Supreme Court began to soften its opposition to state regulations on business. In *Nebbia v. New York* (1934), the Court upheld state price regulations on milk. But the real shift came in 1937 with *West Coast Hotel v. Parrish* (1937), which upheld a Washington state law establishing a minimum wage for women and minors. Long a goal of those in favor of more extensive state regulation, minimum wages became the rule around the country.

While property rights are constitutionally protected, the courts have never held those rights to be absolute. Like the right of freedom of speech, reasonable restrictions have always been accepted on private property. A common example of such regulations which have consistently been found constitutional is local zoning ordinances, which have been accepted since around the turn of the century. Zoning was seen as a legitimate government restriction on the use of property, and challenges of local authority to zone property were generally accepted by the courts. In a related matter, coastal protection became a battleground in the 1992 case of *Lucas v. South Carolina Coastal Commission*. This crucial case will be examined in the following section, as it represents a shift in judicial rulings that have taken place in recent years.

**Contemporary Developments in Property Rights and Environmentalism**

This dissertation deals with congressional voting that took place between 1979 and 1993. Since the last of the five votes being studied took place, a significant

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change has taken place in the political landscape of the nation. In 1994, the Republican Party won control of both houses of congress; for the first time since the 1950’s, the GOP controlled both houses. The Republicans won partly on the strength of a series of ten campaign promises known collectively as the Contract With America. One of the ten components of the Contract With America was the Job Creation and Wage Enhancement Act, which contained a promise to protect private property rights from reductions in value due to environmental regulation, which conservatives decried as virtual “takings” of property without just compensation.  

Proponents of regulatory takings for environmental protection purposes justify such takings based on the economic concept of externalities. An externality occurs when the actions of one party impose costs on another party. Regulatory takings are designed to mitigate those costs and, in effect, require those who receive the benefits to pay the costs. Questions arise when the extent of the negative effect being imposed on the public by a private property owner is relatively small. If the effect is relatively small, does government have a responsibility to abrogate private property rights in order to correct it? In recent years, the tide has been running more in the direction of protecting private property.

A shift in judicial thinking was seen in *Lucas v. South Carolina Coastal Commission* (1992). In 1986, David Lucas purchased two residential lots on the Isle of Palms in Charleston County. In 1988, the South Carolina legislature passed the Beach Front Management Act, which was designed to protect the state’s beach and

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11 *West Coast Hotel v. Parrish*, 300 U.S. 379.
dune system. The state claimed that the beach and dune system was important as the basis for the tourist industry, as a defense against storms, and as a natural, healthy environment for the citizens of the state. Lucas applied for a permit to build a house on his property and was denied the permit on the basis that the request violated the Beach Front Management Act. Lucas received a favorable ruling from the trial court, but the South Carolina Supreme Court reversed the decision and declared that protection of the beach and dune system was an important public concern and that the interests of the public outweighed Lucas’ property rights.

The United States Supreme Court agreed to hear the case and ruled in favor of Lucas. Writing for the majority, Justice Antonin Scalia noted that the Supreme Court had never set up any criteria for when a “taking” had occurred. Scalia set forth two categories of regulatory action wherein compensation would be required. Scalia wrote that a “taking” occurs (1) when the property owner suffers a physical invasion of his property or (2) when regulation denies all economically beneficial or productive use of land. The Supreme Court ruled that the property had, in effect, been “taken” because the coastal zone designation had destroyed any economic value of the property.14

It is worth noting that one of the bases of the state’s defense in the Lucas case was that the construction of a house would, in effect, be a “nuisance.” Preventing nuisances has long been a recognized responsibility of government, but Justice Sandra Day O’Connor questioned the nuisance defense. The state’s attorney argued that the house was a nuisance because, in the event of a major hurricane, it could break apart

and damage neighboring houses. O'Connor refuted this claim, stating that such a defense could be used to oppose the construction of any house anywhere.\textsuperscript{15}

The Supreme Court also ruled in favor of property rights in \textit{Dolan v. City of Tigard (1994)}. Mr. and Mrs. Dolan, owners of an electrical supply store in Tigard, Oregon, applied to the city for a permit to expand their store. The city, citing a state land-use statute, put conditions on approving the Dolans' permit. The Dolans would have to cede the portion of their property that lay within the one-hundred year flood plain to the city, cede an additional fifteen-foot-wide strip of property for construction of a bicycle path, and build an 8-foot-wide bicycle path according to the city's specifications. While recognizing that bike paths are desirable for public use, the Supreme Court ruled that construction of such a public facility could not be required without just compensation and was an unreasonable infringement on the property rights of the owner.

Recent literature has also appeared concerning the environment and its protection. Writing in \textit{Private Property and the Endangered Species Act}, John F. Turner and Jason C. Rylander rebut the commonly-held view that property rights and environmental protection must necessarily conflict. Turner, former director of the U.S. Fish and Wildlife Service, and Rylander suggest several activities that might ease concerns on both sides. Among the most noteworthy is the idea of "safe harbors." According to Turner and Rylander

\begin{quote}
The idea was simple. If landowners would permit threatened and endangered species to nest on their property and agree to manage their lands to promote habitat enhancement, the Fish and Wildlife
\end{quote}


\textsuperscript{15} Ibid., 172.
service would assure them that they would not be penalized or restricted from converting their land to other uses at a later date.

The "safe harbors" approach was tried with considerable success in the North Carolina Sandhills Habitat Conservation Plan, in which the Red-Cockaded Woodpecker's habitat was protected while allowing development and use of the property. Fort Bragg, an extensive U.S. Army base, served as a testing ground for this concept. The results are encouraging, as the Army was able to continue to use its property while not negatively affecting the woodpeckers.16

Recent literature has also appeared questioning the hegemony of the environmentalist viewpoint. Writers of the 1960's such as Rachel Carson, Barry Commoner, and Paul Ehrlich predicted widespread environmental degradation and massive death tolls unless drastic measures were taken and taken soon. They based their beliefs on the writings of the 18th century economist Thomas Malthus. Malthus wrote in An Essay on Population that while food production could only increase arithmetically, population would increase geometrically. Malthus has been proven wrong, as food production has increased more than arithmetically due to advances in scientific farming methods. Action was taken, to be sure, but it was of a more moderate sort than the doomsayers would have liked. As a result, cars have been made cleaner, industries now pollute far less, and the environment is generally far cleaner now than it was in the 1960's.

An example of recent literature calling into question the doomsday environmentalism of the 1960's is found in The True State of the Planet. This collection of essays by ten prominent environmental researchers questions widely held
assumptions from global warming to deforestation to which nations are really polluting the planet the most. Among the book’s most insightful observations comes from Steven Breyer, an associate justice of the Supreme Court. Breyer cites the economic principle of diminishing marginal returns, noting the “problem of the last 10 percent.” According to Breyer,

"We have taken care of the first ninety percent of the pollutants, but cleaning up the last ten percent is exceedingly difficult and expensive. It is at this point of diminishing returns that we must consider whether devoting resources to cleaning up the last ten percent is better for the natural environment than directing those resources to other problems."

In short, Breyer asks the simple question of how clean is clean enough and commits a sort of environmental heresy by suggesting that maybe the environment is now clean enough.17

Environmentalists are fond of citing opinion polls on the environment which suggest that no price is too great to protect the planet. Authors such as Al Gore argue that protection of the environment must be humanity’s number one priority. While nearly everyone places some value on environmental protection, rulings such as Lucas and Dolan suggest that such a belief holds up better in the abstract than in the real world of dollars and cents. The question of environmental protection versus business concerns remains a balance, and striking the proper balance will continue to be the subject of future literature as well as public policy battles.

Environmental Literature

The literature on environmentalism in America is not nearly as rich and varied as that of property rights. Neither is it as long, with no significant literature on the subject existing at the time of the Founding. In many instances, the two subjects are inextricably intertwined, with authors seeing the two as a zero sum game. This section will explore the underpinnings of environmentalism and examine some of the literature on the subject.

In many ways, America can be seen as the world’s leader in environmental protection. Henry David Thoreau was perhaps the first writer to extol the virtues of preserving natural places and living simply. Thoreau, a Massachusetts school teacher, surprised his contemporaries by moving into a cabin at Walden Pond and living in relative isolation from civilization from July 1845 to September 1847. During that time he wrote of the rejuvenating experience of living simply, and proved through his own experience that one could have all the necessities of life without all the stress of modern civilization. Thoreau was also noted for a deep mistrust of government, as seen in his essay Civil Disobedience:

Yet this government never of itself furthered any enterprise, but by the alacrity with which it got out of its way. It does not keep the country free. It does not settle the West. It does not educate. The character inherent in the American people has done all that has been accomplished; and it would have done somewhat more, if the government had not sometimes got in its way.

America was the first nation to establish national parks. At the time that Yellowstone National Park was established in 1872, the concept of setting aside land with no intended economic purpose was unheard of. When President Ulysses S. Grant signed
the National Park Act of 1872, it was criticized as a monumental waste of money. What was the use of establishing a "national park and pleasuring ground" in an area that was almost inaccessible? In retrospect, it is difficult to imagine an America without its great parks.

Perhaps the greatest standard bearer for early environmentalism was the Scottish-born John Muir. Muir settled in California, and spent the majority of his life traveling in and studying wild places, and in his later years arguing vehemently for their preservation. He was especially enamored of the Yosemite region, and was instrumental in seeing it designated as America's second national park in 1890. Muir also founded the nation's first environmentalist organization, the Sierra Club, in 1892. This organization remains a leader in lobbying for environmental protection today.

John Muir's view of government was quite different from that of Thoreau. Both valued the natural experience, but Muir saw government as a potential protector of the wonders of nature. Writing in defense of preserving the giant redwoods and sequoias of the coastal forests and the area south of Yosemite, Muir wrote

Through all the wonderful, eventful centuries since Christ's time, -- and long before that -- God has cared for these trees, saved them from drought, disease, avalanches, and a thousand straining, leveling tempests and floods; but he cannot save them from fools; only Uncle Sam can do that.19

Much is revealed in this statement. Muir, the son of a Calvinist minister, was a deeply religious man. And unlike the skeptical Thoreau, Muir placed his faith in government as the best hope of preserving natural wonders from the inexorable march of civilization.

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No discussion of American environmental thought would be complete without mention of President Theodore Roosevelt. An avid traveler and hunter, Roosevelt was the first president to take an active interest in conservation. By 1912, America had thirteen areas designated as national parks. Roosevelt, who would run for president later that year as the candidate of the Bull Moose Party, noted that each park had its own administration, hiring practices, and congressional appropriations. To remedy this inefficiency, Roosevelt called for the creation of a national system of administration for the parks, which became known as the National Park Service. Although the call was not immediately heeded, the National Park Service was finally created under President Wilson in 1916. Roosevelt also wrote a number of essays describing his adventures in America and abroad. For ordinary Americans, these essays brought a touch of reality to fascinating but far-away places such as Yellowstone, Alaska, and Africa.

The man who is most responsible for putting conservation on the national policy scene was Gifford Pinchot. A contemporary and confidant of Theodore Roosevelt, Pinchot was the nation's first professional forester and first director of the Department of Agriculture's National Forest Service. Pinchot was one of the nation's first policymakers to recognize that America's natural resources, while vast, were not inexhaustible. One can see modern environmentalism beginning to take shape in Pinchot's claim that "the conservation of natural resources is the basis, and the only permanent basis, of national success. There are other conditions, but this one

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20 Theodore Roosevelt, "A National Park Service," The Outlook, February 3, 1912, 246.
lies at the foundation." Pinchot later served two terms as governor of Pennsylvania, but is best remembered as a ground-breaker in the conservationist movement.

While Pinchot and Roosevelt may have been responsible for making conservation of resources a public sector concern, they did not succeed in gaining broad-based public support for the issue. Environmentalism did not gain widespread public support until the 1960's when Rachel Carson wrote *Silent Spring*. Carson raised the alarm of environmental degradation, asserting that pollution was interfering with the Earth's natural processes, and that humans would eventually pay the price for this short-sightedness. Carson took particular aim at pesticides such as DDT. Carson noted that while DDT was initially effective, insects that survived a spraying developed a resistance to the pesticide so that it was no longer effective. She went on to assert that the pesticide had other detrimental effects such as weakening the shells of eggs of species such as the bald eagle. The threat to the bald eagle was widely publicized, and this publicity brought attention to environmental problems in general. Carson’s book is cited as one of the catalysts for the first Earth Day in 1970.

Carson was joined in the 1960’s by Barry Commoner. Commoner wrote such books as *The Closing Circle* and *Making Peace With the Planet*. Commoner echoed Carson’s concerns about pollution, especially taking aim at the plastics industry because it polluted both in the production process and in its final product. Commoner is best noted for his efforts at combining environmentalism and politics under a socialist political agenda.

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25 Ibid., 118 – 120.
Finally, the marriage of environmentalism and politics might be said to be complete with Vice President Al Gore's *Earth in the Balance*. Gore's book is less alarming but broader in scope than Carson's effort. Gore takes a more optimistic view than Carson, arguing that small efforts by millions of individuals can have a profound effect on the environmental state of the world. Gore's brand of environmentalism seems more attainable than Commoner's and less frightening than Carson's.

**The Economic Context**

It would be unwise to consider any environmental topic without recognizing the nature of a clean environment as a public good. Public goods are distinguished from private goods in that the consumption of the good by one agent does not subtract from another's consumption of that good (Papandreou 1994). Thomas Dye writes in *Understanding Public Policy* that the public sector must provide public goods because their costs exceed their value to any single buyer, and a single buyer would not be able to keep nonbuyers, or free riders, from using it. Since private enterprise operates on a profit basis, it cannot effectively provide clean air and water. Due to this market failure, the public sector must take on the task of providing clean air and water, and it must do so for all or for none.

According to public choice economic theory, every individual acts in his own economic best interest, and that entails maximizing benefits and minimizing costs. The market fails when public goods are concerned, since according to public choice economic theory, every individual acts in his own economic best interest. James Buchanan, Nobel Prize winner for Economics in 1986, uses the term *homo economicus* to describe this rational, self-interested being (Buchanan 1986).

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Buchanan goes on to argue that *homo politicus*, or the ostensibly public-spirited man, is really no different. Buchanan theorizes that individuals come together in the political arena just as they do in the marketplace, seeking to maximize their own benefit, and that they often manage to do so to the mutual benefit of their colleagues.

Since this dissertation deals with environmental issues, the environment as a public good must be considered. Environmentalists and their political allies may talk a good game about zero tolerance for pollution, but it is an impossibility. Pollution is an unavoidable result of human activity and is a cost of production, and if a business acts from a purely economically rational perspective, it will attempt to minimize its costs by shifting the cost of pollution from itself. It falls to government to do what the market cannot do; that is, require self-interested business to correct the negative externality of pollution and correct the problem itself. Government should seek to place the cost of production that is pollution back on the shoulders of those who get the benefits: private enterprise.

One apparent contradiction between economics and political science is that the environment seems to be more of a concern to the well-to-do than to the less well-off. Clean air and water may be a "superior good," one which the wealthy demand proportionately more of than those of less means (Hardin 1982). Democrats portray themselves as the protectors of the poor, yet they tend to vote strongly pro-environment. If one considers Maslow's hierarchy of needs, then it is quite understandable that the poor would be less concerned with the environment. Meeting the basic needs of food, clothing, and shelter and providing for one's family understandably come before more abstract concerns like clean air and water. With
this in mind, it seems logical that Republicans, portrayed as the party of the wealthy, would have the support of well-to-do environmentalists. The answer to this contradiction is that while environmental activists tend to have higher incomes, they view Republicans as the enemy due to their support of business interests, which they see as destructive to the environment.

Public choice economics also comes into play with respect to property rights. Property owners may take actions that shift costs wrongfully onto their neighbors. A cattle rancher may have cattle that stray onto a neighboring farmer’s land and consume his crops. In this way, the cost of feeding the cattle has been shifted from the rancher to the farmer, creating a negative externality for the farmer. He now bears a cost that should rightfully be borne by his ranching neighbor. The public sector intervenes in this example by instituting laws against roaming livestock, which allow the farmer to seek legal redress for his loss against the rancher (Papandreou 1994).

The Collision

A discussion of the literature of the property rights movement and the environmental movement leads to an inevitable collision. Both are laudable goals, but at some point one may have to be subordinate to the other. The following case studies will examine four issues, two of which are environmental issues in which property rights might be involved, and two in which property rights are not involved. These case studies along with the statistical analysis of the House roll call votes that follow them may reveal how legislators go about making decisions when these two issues clash.
CHAPTER FIVE
THE TELLICO DAM

The most common lines of battle in environmental disputes put business and industry against environmentalists. Business and industry, operating with a profit motive, have a tendency to look at their bottom line and place less emphasis on intangibles such as clean water, clean air, and species diversity. Therefore, it falls to environmentalists to petition government to place checks on business and industry and preserve those items which are of no direct benefit to business. In economic terms, environmentalists argue for the elimination of negative externalities. But the lines are not always drawn this way. In some cases, the battle is between government and the environmentalists, with business and industry not directly involved. Such is the case in the battle over eastern Tennessee’s Tellico Dam.

The controversy over Tellico Dam involved three federal agencies. In favor of the dam’s construction was the Tennessee Valley Authority (TVA), the New Deal era agency responsible for the electrification of one of the nation’s most technologically backward regions. Opposing the dam were the Department of the Interior and the Environmental Protection Agency. Tellico Dam can be seen as the first major test of the Endangered Species Act of 1973, as the continued existence of the snail darter, a tiny fish, was the justification for holding up construction of the project.

This case study will consist of a section on the salience of the issue, a section on the TVA’s history, a section on environmental and human concerns about the dam, a section on the conflict between the involved federal agencies, a section on judicial action, and a section on congressional action on the issue. The portion on court action
is noteworthy because the courts were much more involved in this issue than in the others in this dissertation. Also included will be information on the snail darter.

The actual House roll call vote that will be examined is an exemption for Tellico Dam from the Endangered Species Act. An attempt to remove the exemption from the public works appropriations bill was rejected on August 1, 1979 by a count of 156 – 258. A statistical analysis of the House floor vote on the Tellico Dam will follow.

Salience of this Issue

The controversy over Tellico Dam will be used as an example of an environmental issue that has no effect on private property rights. Many residents of the area were displaced by the filling of the reservoir, but these were paid fair market value for their property under eminent domain and in accordance with the Fifth Amendment. The Tellico Dam case involves no private property, as the adversaries in this instance are all public sector agencies.

History and Nature of the TVA

In order to fully understand the Tellico Dam case, it is necessary to understand a little of the history and nature of the agency central to it. The TVA was established as a governmental corporation during the New Deal, and was charged with three tasks. First, TVA was to take steps to control the flooding which plagued the region on a regular basis. Second, the organization was to improve navigation on the area’s rivers. Finally, TVA was to bring electrical power to a region that had almost none.1 While these aims were quite diverse, the method of achieving them was the same: build dams. Dams could control the flow of water in the rivers of the Tennessee Valley,

thereby preventing floods. With locks, dams could allow navigation by relatively large ships deep into the region. And with hydroelectric generators, dams could provide clean, safe electrical power. With one method able to accomplish each of the goals of the TVA, dam building became the agency’s most important business.

Besides being able to accomplish each of TVA’s three goals, dam building also offered another major advantage for the region. Dams are very expensive and require large federal expenditures. To put it simply, dams create jobs, jobs stimulate the economy, and a strong economy means votes for incumbent politicians. The temptation to push through projects with at best questionable overall benefit has led many of the region’s congressmen and senators to strongly support those projects in the interest of their constituents.

The history of the TVA has been one of a struggle between those who wanted the agency to have a narrow mission and those who wanted to expand the mission of the organization. For most of the first twenty-five years, those who desired a narrow focus were in control. That began to change in 1954 with the appointment of Aubrey “Red” Wagner as TVA’s general manager. President Eisenhower was no friend of TVA, and Wagner helped guide the organization through a difficult decade in which its scope and even existence was questioned. But Wagner was not interested in the mere survival of TVA. Wagner was a strong proponent of a broad scope of operations, and he argued persuasively for TVA’s expansion into regional economic and industrial development. The centerpiece of this new mission was to be the Tellico Dam.

2 William Bruce Wheeler and Michael J. MacDonald, TVA and the Tellico Dam (Knoxville: The University of Tennessee Press, 1972), 17.
Early Opposition

Originally known as the Fort Loudoun Extension due to its proximity and connection with nearby Fort Loudoun Reservoir, Tellico Dam would create a 15,000 acre lake on the Little Tennessee River southwest of Knoxville. The proposed project encountered opposition almost from its inception. Early opposition centered not on environmental concerns but on the project’s benefit-cost ratio. Initial TVA estimates showed a benefit-cost ratio of 0.6, the most favorable of a number of projects that were under consideration, but not high enough to justify proceeding with construction. Through a number of questionable methods, TVA managed to improve the benefit-cost ratio to about 1.5. The most questionable of these tactics was the purchase of land surrounding the proposed lake and the later sale of that land at a significant profit. TVA used these expected profits as part of the expected benefit. Throughout the life of the project, questions about TVA’s benefit-cost estimates persisted, but were never serious enough to halt the project. In hearings on the Tellico Dam, Senator Allen Ellender (D – LA) was especially vehement in his criticism of TVA’s methods. Ellender described Tellico Dam as a new standard of boondoggle by which all future boondoggles would be judged. Over Ellender’s objections, TVA received congressional authorization to begin land acquisition and construction in 1966.

Other opposition to construction of the dam consisted of groups that argued that historical sites would be inundated. Among these groups were the Fort Loudoun

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3 Ibid., 23.
4 House Committee on Appropriations, hearings on HR 9220, 89th Congress, 1st Session, part 4, 44.
Historical Association and the Eastern Band of Cherokee Indians. The Fort Loudon Historical Association was dedicated to the preservation of Fort Loudoun, an outpost originally built by the British in 1757 during the French and Indian War. The eastern Band of Cherokee Indians argued that several burial grounds and religious sites would be flooded. Neither organization was effective in its opposition, and construction proceeded until 1969, when the first two major environmental obstacles to completion of Tellico Dam surfaced.

Environmental Opposition

Environmentalists were strangely silent in the debate over Tellico Dam until 1969 when Congress passed the National Environmental Policy Act (NEPA). Among other provisions, the NEPA required that all major federal projects prepare an environmental impact statement. The environmental impact statement was required in order to determine what, if any, negative effects might result from a project. TVA officials first argued that since the Tellico Dam project was already under way, no environmental impact statement should be required. Environmentalists disagreed, and sued to stop the Tellico Dam project. An injunction was issued in January 1972 halting construction until an environmental impact statement was completed. An EIS was prepared, but was attacked by Tellico opponents as entirely inadequate. In October 1973, the court lifted the injunction and construction resumed. Like the questions concerning the benefit-cost ratio, the Tellico Dam EIS remained a subject of debate until the project was completed.

Environmentalists' opposition to Tellico Dam was also energized in 1969 by Supreme Court Justice William O. Douglas. In a May 1969 article which appeared in
True magazine, Douglas stated his opposition to Tellico Dam and called TVA a “worst offender” in the destruction of the environment. More than any other single factor, it was the Douglas article that drew the attention and outrage of environmentalists and moved the Tellico Dam project onto the national scene. But like previous opposition, neither the NEPA nor the Douglas article seemed powerful enough to prevent the eventual completion of Tellico Dam.

The Fish That Roared

What a questionable benefit-cost ratio, historic preservationists, the Cherokee Indians, the NEPA, and a Supreme Court justice could not do, a three-inch relative of the perch almost did. While swimming in the Little Tennessee River in 1973, zoologist Dr. David Etnier of the University of Tennessee discovered a species of fish he had never before encountered. This small fish was named the snail darter due to its diet of snails, and was not known to exist anywhere in the world except in the stretch of the Little Tennessee River that would be flooded by Tellico Dam. This fact alone would not have been enough to place an obstacle in the project’s path. However, Congress had passed the Endangered Species Act in 1973, which greatly strengthened already existing laws that protected endangered species that were in danger of extinction. Since other environmental opposition was not slowing the project, environmentalists threw their support behind stopping Tellico Dam in the name of saving the snail darter.

To many opponents of the dam, bringing suit against TVA on the grounds that it would render a tiny fish extinct seemed like a long shot at best. This may have been nothing more than a matter of aesthetics. When considering the Endangered Species

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Act, many congressmen probably envisioned saving beautiful creatures such as the American elk and majestic national symbols such as the bison and the bald eagle. The snail darter was neither beautiful nor majestic. It was not even attractive by fish standards, lacking the beauty of a dolly varden trout or the raw power of a chinook salmon. But the Endangered Species Act made no distinction between large and small forms of life, nor between attractive and unattractive ones. The fish was clearly rare, and immediate steps were taken to have the snail darter placed under the protection of the Endangered Species Act. In November 1975, with the Tellico Dam project 75% complete, the Secretary of the Interior placed the snail darter on the endangered species list and concluded that the “proposed impoundment of water behind the proposed Tellico Dam would result in total destruction of the snail darter’s habitat.”6 The Secretary went on to say that, “all federal agencies just take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of this critical habitat area.”7

TVA was not idle during this period of uncertainty. Under the direction of Aubrey Wagner, TVA responded to the snail darter threat in a number of ways. First TVA argued that since the project was already under way, the Endangered Species Act did not apply to Tellico Dam. This argument was probably no more than a delaying tactic, as the agency had tried a similar tactic with the NEPA and had no success. Second, TVA embarked on a program to transplant the snail darter to the Hiwassee River, a nearby stream similar in nature to the Little Tennessee River. Wagner hoped that if the snail darter could be established in the Hiwassee River, then the stretch of

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the Little Tennessee that would be flooded would no longer be considered critical
habitat under the Endangered Species Act. Third, TVA filed a petition with the U.S.
Fish and Wildlife Service (USFWS) on the grounds that construction had already
effectively destroyed the snail darter’s critical habitat. That petition was quickly
denied.

Opposition to Tellico Dam continued but was ineffective as construction
proceeded. Dam opponents, led by University of Tennessee Professor Zygmunt “Zyg”
Plater, petitioned the federal district court to issue a temporary restraining order
halting construction until the issue of the snail darter’s critical habitat could be
resolved. The same court that had temporarily halted construction of the question of
the environmental statement was unsympathetic and denied the request in February
1976. When the USFWS ruled in May 1976 that the Little Tennessee River was
indeed the snail darter’s critical habitat, the federal district court again denied the
injunction. The federal district court estimated a loss of $58 to $78 million of public
money if the injunction were issued and concluded that under the circumstances of the
nearly completed project it would be unreasonable to apply the Endangered Species
Act to protect the snail darter. Upon appeal, dam opponents got the break they
needed.

On January 31, 1977, Judge Anthony Celebreeze of the Sixth District Court of
Appeals reversed the decision, ordering the lower court to issue a permanent
injunction against further construction on the Tellico Dam. TVA claimed that its snail

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7 Ross Sandler, “The Tellico Dam Case”, Environment, July/August 1978, Volume 20,
Number 6, 4-5.

8 The Endangered Species Act of 1973 states that not only an endangered species but also its
critical habitat must be preserved.
darter transplant was already a success and that it was unreasonable to stop a project on which so much money had already been spent. The agency also held to its contention that the Endangered Species Act could not be applied retroactively. Judge Celebreeze sided with dam opponents, ruling that the Tellico Dam project could not be completed unless Congress changed the Endangered Species Act or took action to specifically exempt the project from the law.

The Sixth Circuit Court of Appeals ruling provided a much-needed boost to dam opponents. It was now up to TVA to appeal to the Supreme Court and have the decision overturned. TVA also took full advantage of the fact that the Court of Appeals injunction would not take effect for ninety days. In order to strengthen its position that the dam should not be stopped when it was so near completion, construction went on under flood lights on a 24 hour a day basis. While technically legal, this action angered Tellico opponents as well as some in the Carter administration who might have otherwise been neutral toward or supportive of the project.

**An Administration Dilemma**

The Carter Administration found itself in a dilemma over Tellico Dam. President Carter had campaigned as a strong supporter of the Endangered Species Act, and was potentially a formidable opponent of the project’s completion. But administration officials were sharply divided on the issue. The Department of the Interior, led by Secretary Cecil Andrus, followed in the footsteps of his predecessor and opposed any further construction on the grounds that the project violated the Endangered Species Act. But Attorney General Griffin Bell argued that the dam
should be completed and that the Justice Department should represent TVA before the Supreme Court. After consulting both sides, Carter arranged a compromise under which the Justice Department would represent TVA and the Department of the Interior would present its case against the dam and for the snail darter. This compromise was the cause of considerable confusion as to what the President Carter's position on the matter really was. 9 Neither side was pleased with the compromise. Environmentalists saw it as a retreat from the rhetoric of Carter's campaign, 10 and dam proponents saw it as blindness to the fiscal reality of a nearly completed project. 11

The Supreme Court Decision

The Supreme Court heard arguments on the Tellico Dam case in April 1978. The decision was handed down in June, and was a clear victory for dam opponents. The Supreme Court endeavored to answer two questions concerning the Tellico Dam and the Endangered Species Act. First, would TVA be in violation of the Act if it completed and operated Tellico Dam as planned? Second, if TVA's action's would violate the Endangered Species Act, is an injunction the appropriate remedy for the violation. In a 6 - to- 3 vote with Powell, Blackmun, and Rehnquist dissenting, the Supreme Court upheld the Sixth Circuit Court of Appeals, answering both questions in the affirmative. 12

Writing for the majority, Chief Justice Warren Burger emphasized that this was a place for judicial restraint acquiescence to the will of Congress. Burger wrote

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that “Once the meaning of an enactment is discerned and its constitutionality
determined, the judicial process comes to an end.”\textsuperscript{13} Burger also asserted that the will
of Congress was unquestionable with respect to endangered species, writing that
“Congress has spoken in the plainest of words, making it abundantly clear that the
balance has been struck in favor of affording endangered species the highest of
priorities.”\textsuperscript{14} With this decision, the battle moved back to Congress and the executive
branch. If Tellico Dam were to be completed, it would be through congressional
action.

\textbf{Congressional Action}

Congress had been involved in the Tellico Dam project in a passive sense ever
since it was first authorized in 1966. Each year, Congress had appropriated funds to
TVA to continue construction on the project, thereby giving tacit approval to the
continuation of the project. Through this “legislation by appropriation,” Congress
had placed itself firmly on the side of TVA, even after passage of the Endangered
Species Act and the listing of the snail darter as an endangered species whose critical
habitat was being threatened. With the Supreme Court’s decision to halt construction
on the dam, Congress was faced with the prospect of the dam not being completed
unless action was taken to alter the Endangered Species Act or to specifically exempt
the Tellico Dam project from it.

Congressional proponents of the dam considered several possible ways to, in
effect, get around the Endangered Species Act and allow the project to be completed.

Led by Senators John Culver (D – IA) and Howard Baker (R – TN), Congress

\textsuperscript{13} 98 Supreme Court Reporter, Tennessee Valley Authority v. Hill, 437 U.S. 194.
\textsuperscript{14} 98 Supreme Court Reporter, Tennessee Valley Authority v. Hill, 437 U.S. 194.
established a committee to review the status of endangered species. This committee would have the power to grant exemptions to the Endangered Species Act for projects that warranted such an exemption. The Endangered Species Committee, nicknamed the “God Committee” because of its presumed power over life and death, consisted of seven members and was viewed by dam opponents as nothing more than a vehicle to push the Tellico Dam project through. If that was the case, then the committee did not function as planned. On January 23, 1979, the committee convened and “played God” in the Tellico Dam controversy. In a unanimous vote, the Endangered Species Committee voted to deny the exemption to Tellico Dam. Senator Baker moved unsuccessfully to abolish the committee.

Several actions remained available to Congress. First it could take no action and allow the project to remain incomplete. TVA found this option unacceptable, as did most of the region’s congressional representation. Second, Congress could order TVA to gather and provide Congress with detailed information on the remaining costs and benefits of the project on the grounds that the previous figures were either incorrect or badly out of date. Dam proponents rightly believed that such a new benefit-cost ration would be heavily in favor on completion of the dam, with few costs remaining as opposed to great benefits. This was the course suggested by the General Accounting Office, which had completed a study of the Tellico Dam project in October 1977. GAO found that if the dam was not completed, $56.3 million of the $103 million already spent on the project could still provide benefits. In short, not

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15 The Endangered Species Committee was to consist of the Secretary of the Army, the Secretary of Agriculture, the chairman of the Council of Economic Advisors, the administrators of the Environmental Protection Agency and the National Oceanographic and Atmospheric Administration, and representatives of the governors of the states involved in each specific issue.
completing the project would not be a total loss. GAO also examined alternative uses for the Little Tennessee River valley, including development of agricultural, recreational, and archaeological opportunities, and found that these were not supported by current benefit-cost estimates. A third option Congress could consider was a rewriting of the Endangered Species Act that would allow Tellico Dam to be completed. This option was strongly opposed by environmentalists on the grounds that it was much too broad and would in effect render the Endangered Species Act powerless or at least seriously weakened.

A final option for Congress was to issue a special exemption from the Endangered Species Act for Tellico Dam. Efforts to exempt the project from the Endangered Species Act had first been attempted after the January 1977 Court of Appeals ruling. It was this final option that was pushed through and which sealed the fate of the Little Tennessee River valley.

The Tellico Dam exemption from the Endangered Species Act passed the House as a rider to HR 4388, a public works appropriations bill. Similar arguments were raised against this procedural end run as were voiced in the floor debate over raising grazing fees. On June 18, 1979, the rider was introduced by John Duncan (R - TN) and was passed without objection by voice vote after a reading had been waived.

In this way, the exemption was approved by the House without any mention of the Endangered Species Act.

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Opponents of Tellico Dam were understandably outraged at what they saw as a procedural trick designed to thwart efforts to stop the project. But now they were alerted to this new effort by dam proponents, and they quickly mobilized to defeat the exemption. The Senate originally voted to reject the exemption, but it was put back in the bill in a conference committee. A final attempt to stop the exemption for Tellico Dam was made on the House floor, but it was defeated on August 1 by a vote of 156-258. This vote will be the subject of the statistical analysis to follow.

**Administration Action**

Environmentalists' last hope of stopping the completion of Tellico Dam was a veto by President Carter, who had campaigned as an environmentalist but whose record on environmental issues had at times been a cause for concern among environmentalists. Carter had gone along with increases in offshore drilling and increases in timber cutting, much to the dismay of environmentalists, who had seen him as a powerful ally. During the 1976 presidential campaign, the League of Conservation Voters rated Carter as “an outstanding prospect for president.” Carter was faced with a difficult decision on whether to veto the $10.8 billion public works bill in order to halt the Tellico Dam. The bill contained a number of projects favored by the president, and did not contain some that he opposed. Carter had vetoed the previous year’s public works appropriations bill because of what he considered excessive pork. After consultation with his advisors, including Secretary

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19 Ibid., 224.
of the Interior Andrus and Attorney General Bell, Carter signed the appropriations bill
"with regret" two hours before it would have become law without his signature. TVA
closed the floodgates on Tellico Dam on November 29, 1979, effectively submerging
any further challenges to the project.23

Statistical Analysis

A logistic analysis was performed using the house vote as the dependent
variable and Party, Ideology as represented by ADA score, Gender, and region as
independent variables. Region was divided into East, South, Midwest, and West
according to U.S. Census designations. Ideology was highly significant and positively
correlated, with liberals strongly supporting the pro-environment position. Party
Identification was also significant but not strongly so, with Democrats supporting the
pro-environment position. The only region that proved significant was East, and it
was not strongly so. A more detailed examination of the statistical analysis, including
regression result tables, is included in Chapter Nine.

Epilogue

The Tennessee Valley Authority’s effort at transplanting the snail darter
proved successful. The tiny fish is now thriving in the Hiwassee River and several
other streams in Tennessee and North Carolina.

1980), 223.
CHAPTER SIX
GRAZING FEES ON PUBLIC LANDS

An environmental issue that has been newsworthy in recent years is the subject of livestock grazing fees on public lands. While there is little question that the public has the right to utilize lands owned by the federal government, there is considerable disagreement over the priorities that should be attached to those uses. Recreational use may conflict with commercial use, and balancing the needs of the recreational and commercial user has been a continuing problem for agencies that manage public lands. The ranching industry is one of the largest and most powerful of those commercial interests. Anyone who has traveled in the West is familiar with the sight of thousands of sheep and cattle grazing. It may not have occurred to them to ask who owns all that land; with apologies to Woody Guthrie, this land is your land.

The question of raising livestock grazing fees on public lands to levels near to those charged by private interests was proposed many times but finally made it to a floor vote in 1990. The issue died in committee in 1990 but made it to a floor vote in 1991. This case study will consist of a section on the salience of this issue to this dissertation, a section on grazing permits, a section on the history of grazing fees, a section of Congressional action leading up to the 1991 roll call vote on raising grazing fees, a section on public land usage policy, and a review of congressional debate on the issue. The chapter will lead to a statistical analysis of the 1991 vote, and will be used as an example of an environmental issue that has little potential to negatively affect private property rights.
Salience of this Issue

Unlike an issue such as protection of an endangered species or the National Biodiversity Study, grazing fees is an example of an issue that has little, if any, potential to negatively affect private property rights. It is an environmental issue not only because of the direct negative impact that environmentalists claim overgrazing of livestock has on public lands but also due to the indirect effects on areas that border them. In an indirect way, an increase in grazing fees could change how a neighboring private landowner might manage his property, but since this legislation offers no new regulations on the private landowner, it will be treated as an issue with no relation to property rights.

Grazing Permits

The subject of what price should be charged for livestock grazing on publicly owned lands has been a matter of debate almost since the creation of the agencies that oversee those lands. Nearly all public lands that will be considered in this case study are under the control of two federal agencies. The National Forest Service, an agency of the United States Department of Agriculture, is easily the larger of the two, with responsibility for 191 million acres of land in 48 states. The Bureau of Land Management, a division of the Department of the Interior, manages 64 million acres in 32 states. These agencies have the responsibility of determining who is allowed to graze their livestock on public lands. This is done through a closely monitored permitting process.

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1 Janice Bell, National Forest Service Public Affairs Officer, telephone interview by author, August 6, 1999.
2 Jay O’Neal, Bureau of Land Management, telephone interview by author, August 6, 1999.
Public lands grazing permits can be thought of as a type of agricultural subsidy because they provide a financial benefit to those that possess them. As will be explained in the next section, the cost of grazing livestock on public lands is considerably less than that of grazing on comparable private land. However, grazing permits are unlike other agricultural subsidies. Most agricultural subsidies are available to anyone who produces a particular crop. In contrast, the number of grazing permits is basically fixed at about 28,700. These permits are held by only 2.5% of the nation’s livestock producers, but they grant grazing rights to 260 million acres in eleven Western states, more than one-ninth of the nation’s landmass.³

Not surprisingly, grazing permits are extremely valuable. The permits are transferable, and are commonly sold along with property or handed down from generation to generation. To complicate matters further, permits are not distributed evenly among those who hold them. The largest 10% of permit holders control nearly half the permits; this group includes the Church of Jesus Christ of Latter-Day Saints, the John Hancock Mutual Life Insurance Company, and David Hewlett of Hewlett-Packard.⁴ With this distribution of grazing permits, the issue of fairness is inevitably raised by ranchers who do not hold them.

A Short History of Grazing Fees

The National Forest Service first began charging ranchers for grazing privileges in 1906. Ranchers had been grazing their herds at no charge, and prime rangelands were suffering from the effects of overgrazing. To offset the effects of overgrazing by restoring the land, the National Forest Service began charging a fee of

⁴ Ibid., 164
five cents per animal unit month (AUM). One AUM was charged for each head of

cattle and for every five sheep. The Bureau of Land Management, created in 1936,
began charging five cents per AUM in that year, while the National Forest Service fee
had increased to thirteen cents.

A major change in federal policy occurred in 1950, when the Bureau of the
Budget began a campaign to pressure the Forest Service and Bureau of Land
Management to charge "fair market value" for grazing privileges on public lands.
"Fair market value" was defined as the price a rancher would have to pay to graze his
livestock on comparable private land. Therein lies the issue of which ranchers are
allowed to graze their animals on public lands. The number of grazing permits is
fixed at 28,700, and neither agency has any plans to increase that number.5 Although
the number of grazing permits has risen over the years, it has done so very slowly, so
that the advantage for those with permits has steadily increased over those who do not
have them.

There was no question that the cost of grazing livestock on public land was
much lower than grazing on private land. Therefore, it is not at all surprising that
ranchers who held grazing permits fought long and hard to keep them and to keep the
AUM cost low. As a result of a 1965 study performed by an interdepartmental task
force of the Forest Service and the BLM, fair market value was determined to be $1.23
per acre. This figure satisfied neither environmentalists, who thought it was too low,
nor the ranching interests, who considered it outrageously high. At the time, the
Forest Service and BLM were charging $.56 and $.35 per AUM, respectively. As a

5 Ibid., 163.
result of this study, the Secretaries of Agriculture and the Interior agreed that grazing fees would gradually be increased to fair market value over a ten year period.

Responsibility for increasing grazing fees was vested in the Secretaries of Agriculture and the Interior. Various people held these posts in the late 1960's and early 1970's, and each in varying degree resisted increasing grazing fees to an extent that would bring the public fee in line with the comparable fee on private land. A wide variety of reasons was put forth for this lack of action, including complying with President Nixon's cost control program and a widespread drought in the West in the early 1970's. Interestingly, the Agriculture Research Service reported that no abnormal precipitation conditions had occurred on public lands at this time.

**Congress Re-enters the Fray**

In response to complaints from both environmentalists and ranching interests, Congress moved in 1978 to set grazing fees legislatively. A provision of the Public Rangelands Improvement Act (PRIA) of 1978 instituted a formula for setting grazing fees based on the difference between beef cattle prices and the cost of producing beef. With the PRIA formula, Congress sought to establish an "ability to pay" system; it was touted by ranchers as beneficial to both large and small ranching operations.6 Environmentalists viewed this method of determining grazing fees as a victory for the ranching interests because the only way that fees could increase was for the difference between cattle prices and production costs to continually increase. In the best case environmentalist scenario, all that could be hoped for was that grazing fees would not

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decrease. The 1980’s proved the environmentalists’ fears well-founded. As Table 6.1 indicates, grazing fees fell dramatically after an initial increase.

**TABLE 6.1**

**HISTORY OF GRAZING FEES**

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<td></td>
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<td>1991</td>
<td>1.97</td>
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The PRIA formula for determining grazing fees was originally authorized for seven years. President Reagan extended the use of the formula in 1986 by Executive Order 12548. The Executive Order appeased environmentalists with a “floor” fee of $1.35 per AUM but also established a maximum annual increase or decrease of 25% of the previous year’s fee.7 The PRIA formula remained essentially intact throughout the 1980’s, with ranching interests far more satisfied with the situation than environmentalists. Administrators of the two responsible federal agencies, each appointees of Republican presidents, tended to be sympathetic to the ranching point of view, and were also pleased that the issue had the appearance of being depoliticized by the use of an objective formula.

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Over the years, a number of objectives have been established with respect to the grazing fees formula. As is the case with so many evolving public policies, some of those objectives are at cross purposes. One of the objectives of the federal grazing fee program, one supported by environmentalists and fiscal conservatives, is to recover the government’s full cost of the grazing program. Environmentalists also support the objective of ensuring prudent use of this renewable resource by setting fees to reflect environmental costs. Fiscal conservatives support the objective of obtaining fair market value for the forage consumed, seeing anything less as a government giveaway program for ranching community, a form of corporate welfare.

A fourth objective is the elimination of competitive advantages by equalizing all costs between public and private lands. This objective has been supported by many private landowners in western states who see the government as a large and unfair competitor. Emphasis on each of these objectives would have the effect of dramatically increasing federal grazing fees from the levels established under the PRIA formula.8

Two other objectives have received greater emphasis than these. The first is helping to ensure that ranchers stay in business by being responsive to their ability to pay. The ability to pay principle is a foundation of the PRIA formula. In fact, critics argue that is emphasized too strongly in that the PRIA formula in effect double counts ranchers’ ability to pay.9 The second objective that receives strong emphasis reflects one of the commonly cited goals of economic policy: price stability. The PRIA formula has the effect of not only keeping grazing fees relatively low but also of keeping the fee fairly stable. According to the General Accounting Office, “The

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8 Ibid., 10.
9 Ibid., 16.

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existing federal grazing fee formula was designed with the intention of having fees
increase when the livestock industry was doing well and having them decrease when
times were difficult."10 Few argued that price stability and keeping ranchers in
business in business were laudable goals. The coming battle in Congress centered on
which of the objectives of the federal grazing fee program should receive the greatest
emphasis.

A move to end the PRIA formula and increase grazing fees to market levels
was started in the late 1980’s by Representative Mike Synar (D – OK). Synar
introduced legislation in 1987, 1988, and 1989 that would have gradually increased
grazing fees on public lands by 500%, bringing the fees in line with the fees paid by
ranchers not holding grazing permits. In each of those years, Synar’s legislation died
in committee and did not reach the House floor.

A Shift in Focus of Public Lands Policy

An important development that encouraged those in favor of grazing fee
increases was the gradual shift in policy toward the use of public lands. On a broad
scale, support for the long-standing “multiple-use” approach to public lands policy
was waning. Under the multiple-use policy, all public lands were to be available for
use by competing groups, be they ranching interests, mining concerns, or recreational
users. Critics of multiple use policy argue that this approach inevitably favored
commercial interests over recreational users. Many such critics derisively referred to
the Bureau of Land Management as the Bureau of Logging and Mining. Legislators
sympathetic to environmental concerns argued instead for a “public use” policy which
would not exclude commercial uses such as grazing, logging and mining, but would

10 Ibid., 17.
shift the focus of federal policy to watershed management, wildlife preservation, and recreation.

Several factors played heavily into this shift in focus in public lands policy. Among these were demographic changes in the Western states. Traditionally, rural legislators had been more supportive of ranching interests than those from urban districts or states. But by 1990, the West\(^\text{11}\) had basically lost its rural character, with 84.6% of its population residing in metropolitan areas,\(^\text{12}\) making the West’s population almost as urban as that of the Northeast.\(^\text{13}\)

Perhaps the most important factor in the public lands policy change was the shift in the character of the National Parks and Public Lands subcommittee of the House Interior and Insular Affairs Committee, the chief legislative architect of public lands policy. This subcommittee has traditionally been dominated by rural Western lawmakers, but due to an effort begun in the 1970’s by Democratic Steering and Policy Committee and Democratic Caucus Chairman Philip Burton (D – CA) the subcommittee had all but lost its rural Western composition.\(^\text{14}\) In the 93\(^\text{rd}\) Congress, eleven of the fourteen members, or 79.3% of the subcommittee represented Western states. In the 102\(^\text{nd}\) Congress, Western lawmakers accounted for fourteen of the thirty-two members, or 43.8%. In Appendix 1, members of the House Subcommittee on National Parks and Public Lands from the 102\(^\text{nd}\) Congress are contrasted by region


\(^{13}\) Ibid., 257.

with members of the same subcommittee from the 93rd Congress, showing the declining influence of Western lawmakers in this area.

Another important factor in the change in public lands policy was the increasing sophistication and influence of the environmental lobby. In the early to mid 1970's, lobbyists for the mining, ranching, and timber industries, the so-called "extractive" interests, were far more organized, skilled, and better financed than their counterparts in the environmental movement. It is therefore understandable that the extractive industries would be more likely to have the ear of lawmakers in states with an abundance of publicly owned land.

Congress Takes Action

The grazing fee increase finally made it to the House floor during the 101st Congress in the debate over the Department of the Interior appropriations bill in 1990. The measure passed by the significant margin of 251 – 155, but was later removed by the Senate from its version of the bill. The measure was not reinstated in conference and never reached the Senate floor for a vote.

The issue resurfaced during the 102nd Congress, again under the leadership of Mike Synar. Synar introduced HR 2686, an amendment to the Fiscal 1992 Interior Appropriations Bill that would increase over four years the domestic livestock grazing fee on public lands administered by the BLM from $1.97 to $8.70 per AUM or to fair market value, whichever was higher by fiscal year 1995. The measure was adopted by a vote of 232 – 192.15

The amendment, which proposed raising grazing fees by more than 500% over the allotted time, was supported by a wide variety of interests. Major environmental
groups, such as the Wilderness Society and the National Wildlife Federation, supported the amendment on the grounds that the additional revenue could be used to rehabilitate damage from overgrazing. According to the Wilderness Society, the condition of 70% of public Western rangeland was in poor to deplorable condition due to overgrazing and inadequate management practices by ranchers. The National Wildlife Federation added that overgrazing on public lands has had a detrimental effect on endangered species, among them America's national symbol, the bald eagle.

Support for the amendment also came from conservative groups. The National Taxpayers Union urged passage of the amendment on purely fiscal grounds, arguing that those who received the benefits of public lands should pay the costs. The Grace Commission, commissioned by President Reagan in 1982 to identify sources of waste in the public sector, also identified grazing fees as an untapped source of revenue. This view was supported by a General Accounting Office report, which set the difference between revenues actually collected and what would have been collected if fair market value had been charged at $650 million over the previous five years.

Proponents of the grazing fee increase also cited fairness as a reason for passing the amendment. Noting that grazing permits were held by relatively few ranchers, George "Buddy" Darden (D - GA) argued that the present grazing fees gave those with permits an unfair advantage over those who had to utilize private lands, and that the federal government should not be in the business of favoring one producer.

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15 Ibid., 48-H.
17 John Bailey, "Whither the Bald Eagle?", Bioscience, June 1990, 36.
over another. Darden summed up the reasons for increasing grazing fees, stating, “A vote for our amendment is a vote to protect the environment. A vote for our amendment is a vote for fiscal responsibility. A vote for our amendment is a vote for fairness and free enterprise.”

Opponents of the fee increase countered with a similarly wide variety of arguments. Jon Kyl (R – AZ) put forth a procedural defense, saying that the grazing fee increase amounted to an “end run” because it avoided the usual committee process. Bruce Vento (D – MN), expressed concern that the amendment was being handled in an appropriations bill:

As I said last year, I would have preferred that debate about grazing fees and range management occur in connection with an authorization bill, instead of this appropriations measure, because this amendment, if it is adopted, obviously will constitute legislation in an appropriations measure, contrary to the normal rules of the House.

Vento eventually voted in favor of the Synar amendment, but with the stated objections as to the procedural manner in which it was handled.

Opponents also challenged environmentalists’ claims concerning the state of public rangelands. Opponents argued that the condition of rangelands was actually improving and had been for thirty years. “Controlled grazing promotes plant diversity, aerates soil, diminishes fire risk, improves riparian conditions, and enhances watersheds,” stated John Kolbe (R – AZ). Kolbe supported this assertion with a BLM report which stated that “public rangelands are in a better condition than at any

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time in this century."\(^{22}\) As further evidence of the condition of public rangelands, Kolbe pointed to increases in wildlife in the last thirty years: antelope up 112 percent, bighorn sheep up 435 percent, deer up 30 percent, elk up 782 percent, and moose up 476 percent.\(^{23}\)

Fee increase opponents also challenged the contention that the present fee structure amounted to a subsidy at all. Richard Stallings (D – ID) pointed out that holders of grazing permit holders incurred a variety of additional costs that ranchers utilizing private lands did not. Among these costs were transportation costs, water hauling, fence repair, care of sick animals, and protection from predators. Stallings argued that these additional costs should be recognized in a comparison of public versus private land grazing costs, and that when these costs are considered, the cost of grazing on public lands equals or surpasses private lease rates.\(^{24}\)

Related to the previous contention, fee increase opponents also averred that the fee increase would actually cost the treasury money by either driving ranchers off public lands or driving them out of business entirely. William Brewster (D – OK) suggested that the fee increase would have the effect of reducing the nation’s cattle herd by 30 percent, with a loss of $150 million per year that cattlemen were paying for the use of public lands.\(^{25}\) Brewster also cited a National Forest Service report stating that twenty percent of public grazing permits go unused by ranchers, in part because of the high costs associated with their use.

\(^{23}\) Congressional Record, June 25, 1991, H 4992.
\(^{24}\) Congressional Record, June 25, 1991, H 4999.
Opponents also challenged the notion that the majority of grazing permits were held by wealthy ranchers or large corporations. Richard Stallings painted his opposition to the Synar amendment as a small business issue, noting that the vast majority of the 31,000 ranchers who graze animals on western public lands run small, family oriented operations.

Finally, opponents to the Synar amendment pointed to a hidden agenda behind the proposed legislation. Extreme environmental groups had as a stated objective the complete elimination of the cattle industry due to its detrimental effects on the environment. Among the effects cited by Earth First! were increased erosion and resulting loss of topsoil, excessive consumption of resources, and exacerbation of global warming due to methane emissions.26 "If the real driving force behind this effort is to achieve 'Cattle Free by '93' on public rangelands for environmental purposes, then we should consider every cattleman in America, whether they graze on public or private rangelands, under indictment for choosing to produce livestock as their livelihood and that of their families," said Brewster.27

After five hours of floor debate, the Synar amendment was approved by a vote of 232 – 192. A statistical analysis of the vote will follow.

Statistical Analysis

A logistic regression analysis of the floor vote on the Synar amendment with the floor vote as the dependent variable and Party Identification, Ideology as measured by ADA score, Gender, and Region as independent variables. Region was divided into East, South, Midwest, and West according to U.S. Census designations. Similar

26 Cattle Free by '93!, Earth First!, 3.
to the other cases, Ideology was highly significant. The East region also proved significant, though only marginally. The other variables, Party Identification, Gender, Midwest, South, and West, each proved to be insignificant. A more detailed analysis, including regression result tables, is included in Chapter Nine.
CHAPTER SEVEN
THE NATIONAL BIOLOGICAL SURVEY

This case study focuses on the National Biological Survey. This far-reaching study sought to nationalize efforts to catalog every life form, both flora and fauna, in the United States. A number of states had already made efforts in this area, but due to the migratory nature of so many species a national effort seemed more appropriate. After a long and heated debate and a number of proposed amendments to protect private property rights, the National Biological Survey was approved by a roll call vote of Congress on October 26, 1993.¹

This case study will consist of a section on the salience of this issue to the dissertation, a section on the importance of biodiversity, a short explanation of how the issue got to Congress, and a review of the congressional debate on the issue. The chapter will lead to a statistical analysis of two votes, one on the National Biological Survey and another on an amendment to the National Biological Survey relating to property rights. Both are related to property rights, and will be used to represent environmental issues that have the potential to affect private property rights.

Salience of this Issue

The purpose of this dissertation is to study a variety of environmental issues and examine the differences in how Congress votes on them. The National Biological Survey serves as an example of an environmental issue that has the potential to have a negative effect on private property rights. At first glance, a nationwide study of plants and animals would not appear to have such a potential. However, the seeds of such a situation can be found in the original Endangered Species Act of 1973. If direct

protection of endangered and threatened plants and animals was the only goal of the Endangered Species Act, then property rights would in no way be in question. But the Endangered Species Act and all its reauthorizations go beyond direct protection of species. The original Endangered Species Act provides that “The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species may be conserved, to provide a program for the conservation of such endangered and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.”\(^2\) The Endangered Species Act goes beyond prohibiting the hunting and otherwise unlawful killing and harassment of endangered and threatened species; it provides for protection of the habitat of such plants and animals. Since that habitat may in many cases be the privately owned land, the potential conflict with property rights becomes apparent.

It is the concept of ecosystem protection that makes endangered species protection, and therefore the National Biological Survey, a property rights issue. Obviously, when humans share space with endangered species, the needs of one will not always be compatible with the needs of the other. A human being’s need for a new driveway or improved farmland may conflict sharply with an endangered bird’s need for a home in the wetlands. Conversely, the landowner might be able to live quite comfortably with out his new driveway, while the endangered bird might not be able to live at all without sufficient wetlands habitat. Destroying the bird’s habitat can

be seen as tantamount to destroying the bird, which would be a blatant violation of the Endangered Species Act.

Rachel Carson was one of the first to write extensively concerning ecosystem protection. In her seminal environmental book *Silent Spring*, Carson explained the interrelated nature of so much of the natural environment. Using the powerful insecticide DDT as an example, Carson explained how even the most well-intentioned use of chemicals can have a domino effect on an ecosystem. Carson describes Michigan State University’s effort in the 1950’s to eliminate Dutch elm disease. This disease is spread by the Elm bark beetle, which is also a favorite prey of robins. Spraying began in 1954, and by the spring of 1957 the robin population of the campus had been reduced from 370 to a few dozen. The robins themselves were somewhat susceptible to the insecticide and several were seen dead, apparently from DDT. But the greater effect was in the upsetting of the ecosystem. Early DDT sprayings for the Elm bark beetle were very successful, and the elms were preserved. But the destruction of the robins’ major food source led to their seeking other more suitable habitat.³

The Importance of Biodiversity

Concern over the extinction of species is not new. John J. Audubon lamented the loss of many species of birds, including the dodo bird. John Muir wrote, prematurely, of the impending demise of alligators and crocodiles. Reasons for this concern are as varied as those who have voiced them. They range from Christian

biblical concerns to simple aesthetics to fears that potential cures for diseases might be lost.

One reason to protect the diversity of species is that it is simply the right thing to do. The Book of Genesis admonishes Man to take dominion over the earth and all its creatures. Implicit in that charge is that it is Man's responsibility to take care of the gift that God has given. Not protecting the great variety of life that God has created can be seen as disrespecting Creation and hence the Creator. Vice President Al Gore summarizes this belief: "Dominion does not mean that the earth belongs to humankind; on the contrary, whatever is done to the earth must be done with an awareness that it belongs to God."4

For those not of the Christian religion, protecting biodiversity can be argued from a natural historical preservation angle. Native Americans revered many animals that were driven to the brink of extinction before being allowed to recover. The American bison, often incorrectly referred to as buffalo, is a classic example. Once numbering in the millions, the bison was the major food source and a source of spiritual strength for the Indians of the Great Plains. Demand for the bison's skin, as well as sport hunting, reduced the bison's numbers to less than 10,000 in the early 1900's. Recovery efforts have resulted in considerably increased numbers of bison, to the point that the species is no longer considered in danger of extinction. Other examples of animals that were nearly wiped out are the grizzly bear and America's national symbol, the bald eagle. Had these species become extinct, America would have lost a small part of its history, and we would all be a little poorer for it.

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Besides moral and aesthetic concerns, there are more tangible reasons for protecting the nation's biodiversity. One is that biodiversity, in the form of a wide variety of subspecies, protects a population from decimation due to environmental changes. Genetic similarity as seen in large captive populations such as poultry farms can lead to heightened susceptibility to disease and climate changes. Efforts to produce a higher yield from poultry through selective breeding may produce the desired effect, but may, in the long run, be detrimental to the species.\(^5\) In the wild, a similar example of genetic purity being detrimental to a species can be seen in the African cheetah. Cheetahs are considered endangered due to their high degree of genetic similarity. There is considerable concern that this great similarity will lead to the extinction of the species should a disease or climate change strike the species' rather limited habitat.\(^6\)

Maintaining an effective population size is also important in retaining genetic diversity in a species. Sheer numbers are important, but maintaining the consistency of those numbers is important as well. Wild swings in population size which include "crashes" in numbers have a tendency to reduce the genetic diversity of species populations. Drastic declines in populations lead to genetic "bottlenecks". If a species successfully recovers from the population decline, its gene pool will be more limited, as all new members of the species will be descendants of the relatively small

\(^5\) Dr. David Ingram, Professor, Department of Poultry Science, Louisiana State University, interview by author, June 2, 1999.

\(^6\) Dr. Mohammed Noor, Assistant Professor, Department of Biological Sciences, Louisiana State University, interview by author, June 9, 1999.
number that survived the decline. The result can be the aforementioned susceptibility to disease and climate changes.7

Environmentalists often base their support for biodiversity on the possibility that a plant or animal species that holds the key to curing disease might be wiped out. Hollywood highlighted this possibility in the movie *Medicine Man*. In the movie, a research scientist played by Sean Connery discovers a cure for cancer in the Amazon rain forest, then loses it due to encroaching development. Hollywood dramatizations aside, a real example of this possibility can be seen in the Pacific yew tree. This scrubby coniferous species, found in forests from southern Alaska to central California and in Idaho and Montana, is the source of the drug taxol, which has promise in the treatment of various forms of cancer, most notably ovarian cancer.

The case of the Pacific yew tree brings to light a controversy within the environmental community. Environmentalists oppose further destruction of the rain forests because a species that may be necessary to combat a disease may be found there. Yet when the cancer fighting properties were discovered, environmental groups such as the Sierra Club and the National Wildlife Federation continued to challenge the National Forest Service’s ability to sell and harvest the trees. Citing the tree as critical habitat of the northern spotted owl, these groups opposed a request by the pharmaceutical company Bristol-Myers and the National Cancer Institute for 750,000 pounds of Pacific yew tree bark for clinical studies. Ovarian cancer victim Sally Thane Christensen offered the opposing view. “I have news for the Save the Yew Committee. I am endangered, too. Environmental groups, the timber industry and the National Forest Service must recognize that the most important value of the Pacific

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A thinking person is certainly justified in wondering what human good is served by protecting species diversity if such diversity cannot be used to improve the human condition.

Raising Awareness of the Issue

Efforts to authorize a study of all life forms in the United States are far from new. As early as the 1960's, many environmentalist groups advocated such an effort in order to identify plant and animal species that might be in danger of extinction. Environmentalists voiced the opinion that the Earth was a complex ecosystem, and that the interrelated nature of the world's species made it imperative to protect even the most seemingly insignificant flora and fauna from extinction. The effort gained credibility with the passage of the original Endangered Species Act in 1973. The Endangered Species Act stated that it would be "the policy of Congress that all Federal departments and agencies shall work to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act."\(^9\)

Just as Jimmy Carter did in 1976 prior to the Tellico Dam controversy, Bill Clinton campaigned for president in 1992 as a protector of the environment. Environmentalists strongly supported Clinton and Al Gore, who was being lauded for his environmental book *Earth in the Balance*. Gore cited the need for a national inventory of all plant and animal species in a speech to the Sierra Club of California, asking, "How can we possibly protect endangered species if we do not even know

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\(^8\) Sally Thane Christensen, "Is a Tree Worth a Life?", *Newsweek*, August 5, 1991, 11.

what and how many they are? Clinton followed through with his promise for such an inventory, announcing plans for a National Biological Survey in a speech on Earth Day 1993.

Congressional Debate

The House began debate the National Biological Survey on October 6, 1993. A number of amendments were offered, most of which were dismissed by point of order or by voice vote. One that was debated extensively on October 6 was offered by Charles H. Taylor (R – NC.) The Taylor Amendment sought to require government officials working on the National Biological Survey to get written permission from the landowner before entering private property. The Taylor Amendment also required full disclosure of information gathered on private property if the landowner requested such information.

The Taylor Amendment brought the issue of property rights squarely into the debate on the National Biological Survey. Taylor did not challenge the good intentions of the project, but argued that a proper balance must be struck between the protection of endangered and threatened species and the constitutional rights of property owners. Taylor summed up the amendment by stating,

We should be the protectors of the people’s rights. I have heard it said on many occasions, Madam Chairman, that the courts can look after the rights, that we can have legislation such as before us today without any written notice being given to property owners before the Government comes onto their property, without letting them go with you when that property is examined or without telling them what you found, and yet we should be the basic protectors of those rights. The courts cannot protect people in this area.

12 Congressional Record, October 6, 1993, 23727.
Taylor also invoked the original intent of the Founders, stating that the Bill of Rights was created to “protect the people from the onerous hand of government.”

James V. Hansen (R – UT) offered a related but slightly different angle in supporting the Taylor Amendment. Hansen brought up the issue of lack of trust by many people in the federal government. “Perhaps we’re a bit paranoid but the truth is that there are a lot of people in the West who simply don’t trust the Federal Government,” stated Hansen. Hansen also cited the incremental nature of the loss of property rights. Hansen continued, “What is even worse is that they are losing their faith in the concept of private property rights. The bundle of rights we traditionally associate with property rights is getting smaller and smaller.” Hansen went on to describe instances of overzealous federal land managers and horror stories of the federal government abusing the legitimate rights of property owners.

Opponents of the Taylor Amendment countered that it was unnecessary, as the language of HR 1845 already required federal officials working on the National Biological Survey to comply with existing state, local, and tribal laws concerning private property. John LaRocco (D - ID) stated that he had consulted with state and tribal officials in Idaho and found that they were satisfied with the language of HR 1845. LaRocco suggested that the Taylor Amendment was nothing more than an attempt to use the federal government and possible property rights violations as red herrings to garner opposition to the National Biological Survey. Bruce Vento (D – MN) supported LaRocco’s statement, arguing that the language of the Taylor

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13 Congressional Record, October 6, 1993, 23726.
14 Congressional Record, October 6, 1993, 23728.
15 Congressional Record, October 6, 1993, 23728.
Amendment was unnecessary and intrusive on state’s rights. Vento clarified his opposition, stating, “This amendment is not about property rights. This is not about science. This amendment is about putting hurdles in front of the National Biological Survey.”\(^\text{16}\) The Taylor Amendment, which gained co-sponsors in Gary Condit (D – CA) and Richard Pombo (R – CA), was approved by the House by a vote of 309 – 111 on October 6, 1993.

Debate on the amended HR 1845 lasted most of October 26, 1993. Much of the debate was over proposed amendments that were eventually found to be not germane to the bill at hand. Constance Morella (R - MD) spoke in favor of the legislation from a number of perspectives. Morella discounted the belief that the National Biological Survey would trample private property rights, noting that the Survey would have no authority to take private property and that property rights were already protected by state and local laws and guaranteed by the language of HR 1845. Morella also touted the efficiency aspect of the National Biological Survey, point out that the functions that were being proposed were already being proposed by a number of state and federal entities. The same function could be done more effectively and efficiently by a single federal agency, according to Morella.\(^\text{17}\)

John T. Doolittle (R – CA) spoke in opposition to HR 1845. Doolittle expressed the concern felt by many that the National Biological Survey would be used to place the interests of endangered species ahead of the property rights of human beings, and that its supporters would use the Survey to further a pro-environment, anti-private property agenda. To illustrate his opposition, Doolittle quoted from a speech

\(^{16}\)Congressional Record, October 6, 1993, 23729.
\(^{17}\)Congressional Record, October 26, 1993, 26087 – 26088.
by Secretary of the Interior Bruce Babbitt when Babbitt was serving as head of the Planning and Conservation League:

The Endangered Species Act is an extraordinary piece of legislation, because it allows the Federal Government to preserve, maintain and foster the recovery of endangered species wherever they occur, without regard to geography, location, or land ownership. Here is a law of great reach and power and yet we do not have the scientific capability to get ahead of it.

"That is what the National Biological Survey is all about," stated Doolittle. "This is so we can find more endangered species, so we can regulate more private property. It is absolutely outrageous."

Following a lengthy debate, the House approved the National Biodiversity Survey Act, HR 1845, on October 26, 1993 by a vote of 251 - 165. A statistical analysis of the vote on HR 1845 and on the Taylor Amendment will follow.

Statistical Analysis

A logistic regression analysis was performed on the passage vote on the National Biological Survey and on the Taylor amendment to the NBS. As is the case with the other votes, Ideology is highly significant. The East region proved significant in both votes. The West region is significant in the Taylor amendment vote but not in the NBS passage vote. Each of the other variables, Party, Gender, and the South region proved insignificant in both cases. A more detailed analysis, including regression result tables, is included in Chapter Nine.
Yellowstone National Park is the nation's and the world's first national park. It is considered one of the jewels of the National Park Service. The establishment of Yellowstone as a "national pleasuring ground for the benefit and enjoyment of the people" set the example that has been followed by this and other countries. But beautiful and wondrous as Yellowstone may be, environmentalists assert that we are not seeing the park in its natural state. Man has altered Yellowstone from its natural condition, sometimes irreversibly but more often in ways that can still be reversed.

One way in which the park could be returned to a more natural state is by the reintroduction of native flora and fauna which have been artificially eliminated. It was with this idea in mind that the possibility of reintroducing Canis lupus, the gray wolf, to Yellowstone National Park.

In 1987, the National Park Service prepared the Northern Rocky Mountain Wolf Recovery Plan. The issue bogged down in Congress for several years, with heated battles in congressional committees between wolf proponents and opponents. This study will focus on those arguments, but will not culminate in an examination of the actual vote on wolf recovery. That decision, made by Congress in September 1991, was made by voice vote. Instead, the House vote that will be examined is a 1993 bill authorizing a land exchange involving 80,000 acres of prime gray wolf habitat on the northern edge of Yellowstone National Park. This bill was passed by the House on May 20, 1993 by a vote of 317 - 101.

1 The National Park Act of 1872
Salience of this Issue

This issue is appropriate for a study of environmental voting and property rights. As it involves an endangered species, it is certainly an environmental issue. It is also an environmental issue because it focuses on the crucial concept of critical habitat, which was established in the original Endangered Species Act of 1973. Due to the involvement of critical habitat, the issue will be used as an example of an environmental issue with the potential to be detrimental to property rights. It is an excellent example of the clash between the rights of property owners and the needs of an endangered species, and how public policy seeks to balance those interests.

The Taxonomy of Wolves

Wolves in North America are divided into two species, the red wolf (Canis rufus) and the gray wolf (Canis lupus). The distinctness of the red wolf as a species is in contention. Originally occurring from Florida to Texas and as far north as southern Illinois and Missouri, the red wolf was widely thought to be abundant throughout the western one-third of its range as recently as the 1960’s. More recent studies indicate that the coyote has replaced the red wolf through displacement and inbreeding through most of its range. As of 1989, the wild red wolf population, entirely composed of mixed blood animals, was confined to the upper Texas Gulf Coast and extreme southwest Louisiana, and central North Carolina. Two more pair of red wolves are involved in propagation efforts in Mississippi and South Carolina.

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The gray wolf is the species that once inhabited the Rocky Mountains and the greater Yellowstone region. Eight gray wolf subspecies are recognized in Eurasia and twenty-four are known in North America. Subspecies distinctions are often very fine; for purposes of this discussion, a simple division between the eastern and western gray wolf is sufficient.  

**The Gray Wolf in Yellowstone**

During the 1800’s the habitat of the gray wolf included most of the Rocky Mountains. Early explorers of the Yellowstone region reported seeing and hearing wolves in the area. Among the notable parties that reported wolves in the Yellowstone region were the Lewis and Clark Expedition of 1804 – 1806, the Doane Party of 1868, and the Washburn Party of 1870. Wild rumors had long been circulated by mountain men such as John Colter and Kit Carson concerning the fantastic sights to be seen in the Yellowstone region; these same mountain men also brought back stories of the aggressiveness and savagery of wolves. People in the East tended to believe the wolf stories and discount the stories of boiling fountains and mud volcanoes.

Park management from its establishment in 1872 to 1916 was inadequate at best. The park had a director, appointed by the president, but he was woefully underpaid and had scant resources to carry out his duties. In 1916, the National Park Service was established, and park management moved to a higher level. Unfortunately for the gray wolf, one of the first programs involved wolf management, and under early park management wolf management meant wolf eradication. The animals were seen as vermin and as a threat to the park’s more glamorous animals. In

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4 Ibid., 2.
a misguided effort to save the bison and other ungulate (hooved) animals,

Yellowstone’s population of gray wolves was all but wiped out by 1924. After that, there were only sporadic sightings of wolves; the gray wolf was effectively removed from the ecology of the park.6

Status of the Gray Wolf Prior to Reintroduction

Prior to reintroduction, the gray wolf was thriving in several parts of North America. Canada had by far the largest population, with an estimated 40,000 to 50,000 animals, or about 90% of the North American population. Protection status of wolves in Canada varied from province to province, with each having some sort of hunting and trapping restrictions. Wolves were also plentiful in Alaska, with a population of between 5,200 and 6,500 animals inhabiting about 84% of the state. Restricted hunting and trapping of wolves was allowed as of 1989.7

As of 1989, gray wolves occupied two regions of the 48 contiguous states: the Lake Superior region and the northern Rocky Mountain region. In the Lake Superior region, the main population of 1,200 wolves occupied an area of about 24,000 square miles. Most of that population lived in northern Minnesota, but some had migrated into northern Wisconsin and the upper peninsula of Michigan. At Isle Royale National Park in Lake Superior, a park long known for its wolf population, the population had fallen to all-time low of eleven animals.8 In the northern Rocky Mountain region, wolves from Canada had colonized the western part of Glacier National Park along the north fork of the Flathead River. First reported in 1979, that

7 Reintroduction of Wolves in North America, 4 – 6.
population numbered 24 animals as of 1989. Wolf packs also occupied the Blackfoot Indian Reservation east of Glacier National Park and the federal wilderness areas in central Idaho. Due to livestock predation, the Blackfoot pack was reduced in 1987. Wolves in the Rocky Mountain region were classified as “endangered” as of 1989 and were given maximum federal protection, while the Lake Superior population was classified as “threatened”, allowing hunting and trapping under some circumstances.9

Reintroduction of the Gray Wolf

Due to the absence of the gray wolf from the Yellowstone ecosystem, many environmentalists pushed for its reintroduction in the 1980’s. With impetus from the Endangered Species Act, which requires that animals and plants classified as “endangered” be reintroduced into their natural range, the National Park Service produced the Northern Rocky Mountain Wolf Recovery Plan in 1987. In order to get a balanced view from all sides of the potentially volatile issue, the plan set up a “recovery team” composed of representatives from the National Park Service, the U.S. Fish and Wildlife Service, the National Forest Service, state wildlife agencies, livestock producers, and conservation interests.

The National Park Service’s Wolf Recovery Plan was not a decision-making document. It only outlined strategies for wolf recovery in northwestern Montana, central Idaho, and the greater Yellowstone region. Wolves were already naturally colonizing the first two regions, leaving Yellowstone as the only area without a wolf population. The actual reintroduction of wolves would not be difficult; the plan was mainly concerned with providing suitable habitat for the animals. Wolf habitat

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9 Ibid., 3 - 4.
9 Ibid., 4.
components would include an adequate population of large prey animals, suitable
denning and rendezvous sites, and adequately protected travel corridors. As for the
actual reintroduction, the plan proposed the creation of ten wolf packs of between ten
and sixteen animals each. The wolves would be imported from deep in the Canadian
wilderness to ensure that none of the wolves had an acquired taste for domestic
livestock. The packs would be placed in the northern and southern ends of the park, in
proximity to large elk herds that would become their primary prey. Once the wolf
dpacks were in place, they would be managed according to three Wolf Management
Zones:

Zone 1: Yellowstone National Park. In the park proper, wolves would enjoy
the same protection as all other animals.
Zone 2: Wilderness areas surrounding Yellowstone. In this zone, wolves
would be protected as long as they did not kill livestock on a regular basis.
Zone 3: Other areas surrounding Yellowstone National Park. Ranching and
other commercial interests would have priority.

The Rocky Mountain Wolf Recovery Plan set off a storm on controversy
among state wildlife agencies and their hunting and ranching constituencies. The
controversy expanded with the introduction of HR 2786 by Representative Wayne
Owens (D – Utah). HR 2786 would require the Secretary of the Interior to prepare an
environmental impact statement to determine the ecological and economic effects of
the reintroduction of gray wolves into the greater Yellowstone ecosystem. The
tangible effect of this proposed environmental impact statement would be to expedite
the implementation of the Rocky Mountain Wolf Recovery Plan and bring actual
reintroduction of the gray wolf closer to reality.

Testimony of Jeff M. Sirmon, Deputy Chief, Forest Service, United States Department of
Agriculture, before the House Subcommittee on National Parks and Public Lands, July 20, 1989.
The Case for Wolf Reintroduction

It should come as no surprise that every prominent environmental organization in the West endorsed wolf reintroduction. Notable among the groups that were vocal in their support were the Sierra Club, the National Wildlife Federation, Defenders of Wildlife, the National Audubon Society, the Wildlife Society, and the National Parks and Conservation Association.

The primary opposition to Yellowstone wolf recovery came from the livestock industry. The livestock industry is economically important to the region, and had the ear of the area’s representatives in Washington and in the Governors’ Mansions. The concerns of the livestock industry were not imaginary; it is an undeniable fact that wolves are predators. Representatives of Defenders of Wildlife presented the following points in favor of wolf reintroduction and to counter the concerns of livestock interests:

1. Wolves prey primarily on wild ungulates such as elk and deer, and the incidence of livestock predation by wolves in Minnesota and Canada is remarkably low. In Minnesota, wolves are responsible for killing less than one-tenth of one percent of the state’s livestock. According to the U.S. Fish and Wildlife Service, livestock losses in Minnesota, with a population of 1,200 wolves, average about five cows per every 10,000 grazed and twelve sheep per every 10,000 grazed.

2. Yellowstone was chosen as a wolf recovery area due to its low livestock density and its remoteness. There are less than fifty individual producers raising livestock in the Yellowstone wolf recovery area. In Minnesota, there are approximately 234,000 cows and 91,000 sheep in the wolf range; in the Yellowstone recovery area, there are only 15,000 cows and 10,000 sheep.
3. Defenders of Wildlife and other conservation organizations support the control of wolves that kill livestock. Even though the wolf is a federally designated “threatened” species in Minnesota, wolves are routinely killed when livestock depredation occurs. Yellowstone’s experimental population of wolves could be as flexibly managed as Minnesota’s natural, threatened population.

4. Restoring the wolf to Yellowstone is the right thing to do. Man eradicated the wolf from that part of its natural range and has a moral responsibility, as well as a legal one under the Endangered Species Act, to reestablish it. Recent polls show that the vast majority of Yellowstone visitors from all over the country and the world want to see the wolf restored there. More Wyoming residents support wolf reintroduction than oppose it.

5. Restoring the wolf to Yellowstone will help restore the natural balance of the food chain. Without the wolf as a natural predator, the ungulate population tends to outgrow its food supply, resulting in mass starvation. In 1985, the National Park Service conducted a reduction of the elk population to more normal levels. It is better to allow a population of wolves to perform that function naturally rather than have rangers shoot them.

6. Restoring the wolf to Yellowstone is the law. The Endangered Species Act requires that all endangered species of plants and animals be restored to their natural range. Environmental groups in favor of wolf reintroduction contended that they were not insensitive to the needs of the ranching and hunting communities. They stated that they only wanted to see that the interests of the wolf were properly represented as well. Ranchers and hunters vote; wolves do not.

Defenders of Wildlife also took the lead in countering the economic concerns of ranching interests. In 1988, Defenders of Wildlife formed a long-term compensation fund for livestock losses to wolves in the northern Rockies. The goal of the fund was to raise and maintain a pool of $100,000 to compensate ranchers for verified livestock losses. Ranchers with reasonable proof of lost livestock would be

eligible to draw from the fund. The loss fund eased the fears of some ranchers, but others argued that proving wolf kills would prove difficult because they leave so little. Nevertheless, the establishment of the loss fund was a major step toward easing ranching opposition to wolf reintroduction. Defenders of Wildlife officials labeled this approach “supply-side environmentalism” and hailed it as a progressive measure in which conservation groups took the initiative instead of counting on the public sector to solve problems.

Opposition to Wolf Recovery

The wolf has always been an animal that inspires strong emotion. The dominant emotion is usually one of fear, as witnessed by children’s stories such as The Three Little Pigs and Little Red Riding Hood. The questions of food chains, ecosystems, and predator/prey relationships aside, the wolf is a creature with a very bad public image.

Opponents of the reintroduction of gray wolves had some very reasonable and tangible reasons for their opposition. Opponents claimed that environmental groups wrongfully glorified the wolf as a noble creature that serves as a good natural check on the ungulate population. A leading opponent of wolf reintroduction, T.R. Mader of the Common Man Institute in Gillette, Wyoming, asserted that wolf proponents were spreading numerous misconceptions about wolves.

Among the misconceptions Mader noted are that wolves are no threat to human beings. Mader recounted numerous instances of wolf attacks, both in North America and in Europe and Asia. Mader also pointed out that wolves can carry

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dangerous diseases such as rabies and the deadly (to canines) canine parvovirus. Another misconception Mader claimed was being spread is the notion that wolves were needed to control the ungulate population. Mader argued that wolves would eventually overwhelm the deer, elk, and moose populations then look elsewhere for food. This led to another misconception, that wolf predation on domestic animals outside Yellowstone National Park would be inconsequential. As evidence, Mader cited a single winter in Minnesota in which forty-two domestic dogs were killed by wolves. Mader also challenged the belief that wolves serve the ecosystem by only preying on sick, diseased, and old animals. Mader argued that wolves, attacking in packs, killed as many animals as possible for later consumption and were particularly fond of pregnant females, either due to their taste or their vulnerability. Finally, Mader challenged the conception of man as a disruption to nature. Mader drew a distinction between conservation and environmentalism, seeing environmentalism as the "Nature is God" approach in which man should leave the environment alone. Conservationism is Mader's preferred approach, in which man intelligently regulates and utilizes the resources of the environment. Mader claimed that these misconceptions, while generally accepted as fact by the general public and more than a few less knowledgeable bureaucrats, were potentially very damaging. Mader also contended that a wolf reintroduction was irreversible, and that if the experiment failed, the wolves would prove very difficult to eradicate.

Ranching and hunting interests in Wyoming, Idaho, and Montana had a great deal to lose if Mader proved correct about wolf predation on domestic animals. They feared the damage that wolves might do if they strayed outside the boundaries of the park. The Wyoming Wool Growers Association stated, “Wyoming’s agricultural community adamantly opposed to this bill (HR 2786). The reintroduction of wolves into Yellowstone National Park is a poorly thought out experiment that could have grave repercussions on Wyoming and the surrounding states.” Hunting groups viewed wolf reintroduction as a zero-sum game; for every deer or elk killed by wolves, there would be one less to be killed by a hunter. State game officials expressed concern over the possibility of lost hunting license revenue and related lost revenue due to less hunting. Federal officials estimated that the proposed ten wolf packs would kill about 10,000 elk annually. Wyoming Fish and Game Department figures showed that income per elk hunter is $367 per resident and $1,221 per nonresident. If elk were harvested equally by residents and nonresident hunters, Wyoming stood to lose about $800,000 annually on elk hunting alone. Wyoming officials estimated that wolf predation would decrease animal populations by about 10% overall. Adding in losses from hunting of other big game animals such as deer, antelope, bighorn sheep, moose, and mountain goat, Wyoming stood to lose about $4.3 million per year if the 10% animal reduction figure proved correct. State officials pointed out that the climate in Washington was toward less revenue sharing with states, and that the loss of $4.3 million to a state with Wyoming’s tiny population

would be a serious financial blow. Officials also noted that these were only the tangible, measurable losses; the estimates did not take into account the multiplier effect, so the real revenue loss to Wyoming and other affected states might be much higher.

**National Forest Service and National Park Service Positions**

The National Forest Service, a division of the Department of Agriculture, supported the Northern Rocky Mountain Wolf Recovery Plan but did so cautiously. The Forest Service made it clear that the plan was acceptable, but also stressed that it was not the job of the Forest Service to administer it. The six national forests adjacent to Yellowstone National Park all had existing Forest Plans, which were supportive but purposefully vague toward actual implementation of wolf reintroduction. Forest Service officials pledged that if any adjustments to the Forest Plans became necessary to comply with the Rocky Mountain Wolf Recovery Plan, those adjustments would be made.19

The National Park Service position on reintroduction of the gray wolf was ambiguous. The National Park Service created and supported the Rocky Mountain Wolf Recovery Plan, but opposed HR 2786, which would expedite its implementation. The Park Service argued that passage of HR 2786 would push the process forward too quickly. The Park Service position, as stated by Director James M. Ridenour, was that “We are committed to see that this process proceeds expeditiously, but not without due consideration of the impacts on both human populations and domestic livestock and wildlife populations, and not without consultation with and substantive input from

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affected state wildlife management agencies, state elected officials and Members of Congress." In short, Ridenour argued that the studies leading to a proper reintroduction of the gray wolf to Yellowstone were under way, but that HR 2786 would move the process along too quickly. HR 2786 was approved without a recorded vote on September 18, 1991, authorizing the necessary environmental impact statement on wolf reintroduction.

The Land Swap

As first outlined in the Endangered Species Act of 1973, species protection involves more than just preventing the actual killing of a plant or animal. It also involves protection of the critical habitat of the endangered species. It is with critical habitat in mind that Representative Pat Williams (D - MT) proposed HR 873 in early 1993. This bill proposed to exchange some 80,000 acres of prime habitat north of Yellowstone National Park. Entitled the Gallatin Range Consolidation and Protection Act of 1993, the bill involved a land exchange with private landowners, by far the largest of which was Big Sky Lumber Company. Officials of Big Sky Lumber Company were in favor of the exchange, as the company would receive land of equal or slightly greater value for their 80,000 acres north of Yellowstone National Park.

Proponents of the land swap pointed out several advantages to the move. Bruce Vento (D - MN), spoke in favor of the bill: “Although these Gallatin Range lands are currently privately owned, they have remained unroaded and wild. However, if this legislation is not enacted, it is quite likely that the Big Sky Lumber Company will road, log, and develop their Gallatin Range holdings.” Vento argued

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20 Testimony of James M. Ridenour, Director, National Park Service, before the House Subcommittee on National Parks and Public Lands, July 20, 1989.
that the land swap was a last opportunity to provide federal protection to a crucial part of the Yellowstone ecosystem and critical habitat for the gray wolf and its prey.21 Williams added urgency to the debate, arguing that, "We are facing a land disaster just north of Yellowstone Park. We either pass this bill and have it signed into law or the bulldozers will start, the land will be roaded, the land will be harvested, the land will be developed and lost forever as a critical migratory route for some of the nation’s great large land mammals."22 The bill’s author also cited protection of the Yellowstone ecosystem as well as the simple efficiency aspect of the exchange. Williams noted the “checkerboard” nature of the region, with hundreds of tracts of federal and private land adjoining each other. Williams argued that it was a win-win situation, with the federal government, the Yellowstone ecosystem, and the Big Sky Lumber Company all benefiting from the exchange.23

Dan Burton (R – IN) presented opposition to the exchange. Burton argued that the proposal was not an exchange at all, but amounted to a huge land purchase. Burton noted that the land being given to the Big Sky Lumber Company was worth about $20,000,000 more than the land in the Gallatin Range. Burton also noted the large size of Yellowstone National Park: “Do you have any idea how big Yellowstone National Park is? It is three times the size of Rhode Island. It is 2.2 million acres, and yet they want to buy 70,000 acres to protect some lumber up there and keep that area from being developed.” Burton downplayed the idea of protecting so much land, suggesting that environmentalists were creating a crisis atmosphere where none was warranted. Tom DeLay (R – TX) echoed Burton’s sentiments, arguing, “For crying

21 Congressional Record, May 20, 1993, 10546.
22 Congressional Record, May 20, 1993, 10555.
out loud, they’ve got 2.2 million acres, and if my colleagues think the bear, and elk
and everybody else is going to die because of 70,000 acres, there is something
wrong."24

The Gallatin Range Consolidation and Protection Act of 1993 was approved by
the House on May 20, 1993. The vote was 317 in favor and 101 against passage. A
statistical analysis of the House vote will follow.

Statistical Analysis

A logistic analysis was performed on the Gallatin Range Consolidation and
Protection Act with the House vote as the dependent variable. The independent
variables were Party Identification, Ideology, Gender, and Region. As with the other
cases, Region was divided into East, South, Midwest, and West according to U.S.
Census designations. Ideology once again proved highly significant. Party
Identification was also significant, although not as strongly as Ideology. None of the
other variables proved significant. A more detailed analysis, including regression
result tables, will follow in Chapter Nine.

Epilogue

Gray wolves were released in Yellowstone National Park on March 21, 1995.
As of July 14, 1999, twelve wolf packs comprising 157 animals were living in the
greater Yellowstone ecosystem. Nine of the packs denned in within the borders of the
park.25 Incidences of wolf predation on domestic livestock have proven rare, and no
injuries to park visitors or residents of the area have been reported.

23 Congressional Record, May 20, 1993, 10547.
24 Congressional Record, May 20, 1993, 10548.
25 Debra Guernsey, Wolf Recovery Coordinator, Yellowstone National Park, telephone
interview by author, July 30, 1999.
CHAPTER NINE
STATISTICAL ANALYSIS

The purpose of this dissertation is to explore the factors that influence a House member's voting decision on environmental issues and determine which are the strongest in determining roll call voting. The variables that were chosen for analysis were the House members' Party, their Ideology according to ADA score, their gender, and the region of the country they represent. In order to do this, a series of eight regression analyses were performed on the five House votes. First, all five votes were aggregated and analyzed together. This was done in order to examine the overall effect of the variables on the House roll call votes. Second, an analysis was performed on the three votes that have the potential to affect property rights; those were the votes on passage of the National Biological Survey, the Taylor Amendment to the NBS, and the Gallatin Range land exchange. Third, an analysis was performed only on the two votes in which private property rights were not deemed to be a factor. These were the votes on the Tellico Dam and the vote on increasing livestock grazing fees. The property rights and non-property rights analyses were performed in order to examine the differences between issues in which property rights were potentially at stake and those in which property rights were not involved. The three composite analyses were performed using Ordinary Least Squares regression, as the variables were not of a discrete nature. Each regression analysis will be examined in detail; regression tables are provided to illustrate the analysis. Finally, each of the five votes were analyzed individually in order to see if characteristics exhibited by the variables in the aggregate analyses are consistent from vote to vote. Logistic regression was used in the individual analyses due to the discrete nature of several of the variables.
Coding of Variables

Each of the variables in the regression analyses was coded as either 0 or 1 with the exception of the Ideology/ADA score. The House vote being examined was coded as 0 for a pro-environment vote and 1 for a pro-business vote. Party was coded as 0 for Democrat and 1 for Republican. Bernie Sanders (I – VT), Vermont’s at-large representative, is the only independent in the House. Sanders was coded as a Democrat, as he consistently votes with the Democratic members. Gender was coded as 0 for male and 1 for female. The Region variables were coded as 0 if the member does not represent a state in the region and 1 if the member represents a state in the region. The Ideology variable is determined by the rating of Americans for Democratic Action (ADA). This variable ranges from 0 for extremely conservative to 100 for extremely liberal.

Expectations

Each of the variables is expected to exhibit certain characteristics. Beginning with the Party variable, Democrats are expected to vote pro-environment while Republicans are expected to vote pro-business. Coefficients for Party should be positive, indicating a direct correlation between Democratic party membership and pro-environment voting. The Ideology variable, as determined by ADA score, should show liberals voting pro-environment and conservatives voting pro-business. Coefficients for Ideology are expected to be negative. Women are expected to vote pro-environment with men taking a pro-business stance. Coefficients for Gender should also be negative. Expectations on Region are more difficult, however. Based on the observed environmental consciousness shown by the regions of the country,
expectations are that the East will be the most consistently pro-environmental and produce coefficients that are positive. The South and Midwest are expected to show a pro-business slant, with negative coefficients. The West should be fairly evenly divided; expectations are that coefficients for the West will vary. The West holds some of the strongest beliefs on both the pro-business and pro-environment side; the emotionally charged battle between environmentalists and loggers over the endangered northern spotted owl is an example of the conflict. However, even with strong views on both sides, neither environmentalists nor pro-business forces are expected to hold a distinct advantage in the West.

**Analysis of All Votes**

An Ordinary Least Squares regression was performed on the five votes collectively. OLS regression can be used in this and the other two collective analyses because there are no dichotomous variables. The regression results are shown in Table 9.1. At the 95% level of significance, a T-value of 1.96 is the threshold. Unless otherwise noted, the 95% level will be the standard for statistical significance in these analyses.

The N value for this analysis is considerably smaller than the sample sizes for the other votes. This is due to the fact that this analysis includes votes from the 96th, 102nd, and 103rd Congresses. Only those members who were in the House in both 1979, 1991, and 1993 were included in this analysis; even with notoriously high rates of re-election, only 82 members served in all three congresses and were therefore included in this analysis.
TABLE 9.1
REGRESSION ANALYSIS OF ALL VOTES

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>T-VALUE</th>
<th>PR &gt; T-VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>5.1121</td>
<td>0.4905</td>
<td>10.422</td>
<td>0.0001</td>
</tr>
<tr>
<td>PARTY</td>
<td>-0.6549</td>
<td>0.4096</td>
<td>-1.599</td>
<td>0.1140</td>
</tr>
<tr>
<td>IDEOLOGY</td>
<td>-0.0474</td>
<td>0.0057</td>
<td>-8.284</td>
<td>0.0001</td>
</tr>
<tr>
<td>GENDER</td>
<td>0.0025</td>
<td>0.4288</td>
<td>0.006</td>
<td>0.9954</td>
</tr>
<tr>
<td>EAST</td>
<td>-0.6180</td>
<td>0.2678</td>
<td>-2.308</td>
<td>0.0237</td>
</tr>
<tr>
<td>SOUTH</td>
<td>-0.0594</td>
<td>0.2729</td>
<td>-0.218</td>
<td>0.8281</td>
</tr>
<tr>
<td>WEST</td>
<td>0.0073</td>
<td>0.2539</td>
<td>0.029</td>
<td>0.9770</td>
</tr>
</tbody>
</table>

N: 82
R-SQUARE: 0.7555
ADJUSTED R-SQUARE: 0.7362

Ideology is highly significant in this analysis. It is even more significant in this analysis than in any of the individual vote analyses. Following the pattern seen in the individual vote analyses, the East region was also significant, though marginally so. None of the other regions proved significant, and neither did Party nor Gender. As was the case with the NBS vote and the Taylor Amendment to the NBS (Tables 9.3 and 9.4), Gender showed an unexpected positive correlation to pro-business voting. Party also provided an unexpected result; although not reaching the threshold for significance, its coefficient was in the unexpected direction, indicating Republicans and Democrats voting pro-environment and pro-business, respectively.

The R-square values for the composite analysis of all votes were quite high. Of the eight analyses, this one produced the greatest predictive value. The regression model explains over 73 percent of the variation in roll call voting.

Property Rights Votes

An OLS regression was performed on the two National Biological Survey vote, the Taylor Amendment vote, and the Gallatin Range land exchange together.
These three votes were the ones that were deemed to have a possible effect on private property rights. Results of the regression analysis are shown in Table 9.2:

TABLE 9.2
REGRESSION ANALYSIS OF PROPERTY RIGHTS VOTES

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
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<th>PR &gt; T-VALUE</th>
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</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>1.5995</td>
<td>0.2631</td>
<td>6.079</td>
<td>0.0001</td>
</tr>
<tr>
<td>PARTY</td>
<td>0.0475</td>
<td>0.2116</td>
<td>0.225</td>
<td>0.8226</td>
</tr>
<tr>
<td>IDEOLOGY</td>
<td>-0.0125</td>
<td>0.0031</td>
<td>-4.068</td>
<td>0.0001</td>
</tr>
<tr>
<td>GENDER</td>
<td>-0.4141</td>
<td>0.2738</td>
<td>-1.512</td>
<td>0.1326</td>
</tr>
<tr>
<td>EAST</td>
<td>-0.1775</td>
<td>0.1457</td>
<td>-1.218</td>
<td>0.2251</td>
</tr>
<tr>
<td>SOUTH</td>
<td>0.3370</td>
<td>0.1562</td>
<td>2.157</td>
<td>0.0326</td>
</tr>
<tr>
<td>WEST</td>
<td>0.1650</td>
<td>0.1613</td>
<td>1.023</td>
<td>0.3080</td>
</tr>
</tbody>
</table>

N: 386
R-SQUARE: 0.3834
ADJUSTED R-SQUARE: 0.3583

Sample size in this analysis is slightly lower than the sample sizes for the single vote analyses, but is much higher than those for Analysis of All Votes and the non-property rights votes. This analysis includes members who voted in the 103rd Congress. Three hundred eighty-six members participated in all three votes, and were therefore included in this analysis.

Ideology once again shows significance, but not as strongly as in the other votes. In this analysis, the South region showed marginal significance while the other regions were not significant. Southerners, in this instance, acted in the pro-business way that was expected. This is the only time the South showed significance, and it is not coincidental that it did so in the analysis of property rights votes. Intuitively, the South is the region that is most predisposed to favor property rights over collective public interest. This is explained further in the section on additional analysis of variables. Gender and Party once again showed no statistical significance, and neither
was especially close to the threshold for significance. Each variable’s coefficient, whether significant or not, was in line with expectations as far as pro-environment or pro-business is concerned. The R-square values for the property rights votes were not as strong as those for the analysis of all votes.

Non-Property Rights Votes

An OLS regression was performed on the Tellico Dam vote and the grazing fees vote together. These are the two issues that were deemed to have no effect on property rights. Results of the regression are shown in Table 9.3:

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>T-VALUE</th>
<th>T-VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>2.5132</td>
<td>0.1557</td>
<td>16.144</td>
<td>0.0001</td>
</tr>
<tr>
<td>PARTY</td>
<td>0.1637</td>
<td>0.1294</td>
<td>1.265</td>
<td>0.2066</td>
</tr>
<tr>
<td>IDEOLOGY</td>
<td>-0.0224</td>
<td>0.0019</td>
<td>-12.092</td>
<td>0.0001</td>
</tr>
<tr>
<td>GENDER</td>
<td>-0.0283</td>
<td>0.1030</td>
<td>-0.275</td>
<td>0.7835</td>
</tr>
<tr>
<td>EAST</td>
<td>-0.3307</td>
<td>0.0977</td>
<td>-3.383</td>
<td>0.0008</td>
</tr>
<tr>
<td>SOUTH</td>
<td>-0.0344</td>
<td>0.0872</td>
<td>-0.395</td>
<td>0.6934</td>
</tr>
<tr>
<td>WEST</td>
<td>-0.0821</td>
<td>0.0961</td>
<td>-0.854</td>
<td>0.3935</td>
</tr>
</tbody>
</table>

N: 153
R-SQUARE: 0.6770
ADJUSTED R-SQUARE: 0.6716

The sample size, indicated by N, is once again considerably smaller than in the single vote analysis shown in Tables 9.4 through 9.8. As with the Analysis of All Votes (Table 9.1), this is due to the inclusion of House members from the 96th and 102nd Congresses. Only those members who voted in both congresses are included in this analysis.

Ideology again showed strong statistical significance. The East region was also significant in the direction of pro-environment voting. None of the other regions were significant, and neither were Gender or Party. The coefficients of both Gender
and Party indicated voting as expected with respect to business and the environment. The South exhibited a slight pro-environment tendency, which was different from the expectation of pro-business voting by Southern representatives. All other variables had coefficients indicating voting in the expected direction.

The predictive value of this analysis is high, as indicated by over 67 percent of the variation in voting being explained. The R-square values for the non-property rights votes were nearly as strong as those for the analysis of all votes shown in Table 9.1.

**The Tellico Dam**

A final attempt to delay completion of the Tennessee Valley Authority’s Tellico Dam failed by a vote of 156 - 258. Votes in favor of halting construction on the dam are considered pro-environment votes while those opposed are considered pro-business votes. Five House members are not included in the analysis, as they were first year members who had not served long enough to be given an Ideology score by ADA. The regression analysis was actually performed on 154 pro-environment votes and 255 pro-business votes. Results of the analysis are shown in Table 9.4.

Surprisingly, Party was found to be both significant and negatively correlated. This differs from the expectation of a positive correlation between Party and environmental voting, as both Democrats and pro-environment votes are coded as 0. Democratic pro-environment voting was not nearly as strong as Republican pro-environment support in this instance. The strongly significant ADA score may explain this anomaly. The Tellico Dam vote was taken in 1979, and at that time the Southern
TABLE 9.4
REGRESSION ANALYSIS OF THE TELLICO DAM VOTE

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>WALD CHI-SQUARE</th>
<th>PR &gt; CHI-SQUARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>3.7388</td>
<td>0.5662</td>
<td>43.5974</td>
<td>0.0001</td>
</tr>
<tr>
<td>PARTY</td>
<td>-1.3057</td>
<td>0.4460</td>
<td>8.5716</td>
<td>0.0034</td>
</tr>
<tr>
<td>IDEOLOGY</td>
<td>-0.0531</td>
<td>0.0069</td>
<td>58.1623</td>
<td>0.0001</td>
</tr>
<tr>
<td>GENDER</td>
<td>-0.2750</td>
<td>0.6588</td>
<td>0.1743</td>
<td>0.6763</td>
</tr>
<tr>
<td>EAST</td>
<td>-0.6966</td>
<td>0.3329</td>
<td>4.3779</td>
<td>0.0364</td>
</tr>
<tr>
<td>SOUTH</td>
<td>-0.1187</td>
<td>0.3550</td>
<td>0.1118</td>
<td>0.7381</td>
</tr>
<tr>
<td>WEST</td>
<td>0.3470</td>
<td>0.3779</td>
<td>0.8432</td>
<td>0.3585</td>
</tr>
</tbody>
</table>

N = 409  
Pseudo R-Square: .263

congressional delegation was still heavily Democratic. That is not to say that it was liberal, however. It may be the case that the conservatism of the Southern Democrats outweighed party loyalty in this instance. The importance of economics must also be considered in this case. The completion of the Tellico Dam meant more jobs for the region, and this pork-barrel aspect may have swayed some Southern Democratic votes to the pro-business side. This possibility will be explored in subsequent analyses. It is plausible that had this not been a Southern issue, then the South region would have been significant on the pro-environment side; as it stands, the regional aspect seems to have split the region’s delegation.

The East region was the only other variable that proved significant, revealing the anticipated strong pro-environment support in this region. Eastern environmentalism at it relates to the lack of economic impact on the East will be explored in the section on grazing fees, which holds the potential to be detrimental to the ranching economy of the West.
Grazing Fees

The bill to raising livestock grazing fees on public lands to levels similar to those on private property was approved by a vote of 232 – 192. Once again, several members were not included in the analysis, as they were first year members who had not yet been assigned an ADA score. The analysis was performed on 228 pro-environment votes and 191 pro-business votes. The results are seen in Table 9.5:

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>WALD CHI-SQUARE</th>
<th>PR &gt; CHI-SQUARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>1.6209</td>
<td>0.5617</td>
<td>8.3276</td>
<td>0.0039</td>
</tr>
<tr>
<td>PARTY</td>
<td>-0.0581</td>
<td>0.4476</td>
<td>0.0168</td>
<td>0.8967</td>
</tr>
<tr>
<td>IDEOLOGY</td>
<td>-0.0375</td>
<td>0.0699</td>
<td>28.7959</td>
<td>0.0001</td>
</tr>
<tr>
<td>GENDER</td>
<td>-0.9787</td>
<td>0.5322</td>
<td>3.3815</td>
<td>0.0659</td>
</tr>
<tr>
<td>EAST</td>
<td>-0.8113</td>
<td>0.3724</td>
<td>4.7445</td>
<td>0.0294</td>
</tr>
<tr>
<td>SOUTH</td>
<td>0.0777</td>
<td>0.3323</td>
<td>0.0547</td>
<td>0.8151</td>
</tr>
<tr>
<td>WEST</td>
<td>1.0666</td>
<td>0.3711</td>
<td>8.2622</td>
<td>0.0040</td>
</tr>
</tbody>
</table>

N = 419
Pseudo R-Square: .265

As is the case in every vote, Ideology is highly significant. Neither Party nor Gender proved significant, but Gender was very nearly so, nearly reaching the threshold for significance at the 95% level on the expected pro-environment side. In a one-tailed test of significance, Gender reaches the threshold of significance.

Regionally, the South was not significant, but the East and West regions did prove significant. The West region is significant in its pro-business stance. This is explainable when one takes into account that the vast majority of those affected by this legislation are in Western states. The majority of land owned by the federal government and managed by either the National Forest Service or the Bureau of Land Management is in western states. Ranching interests are powerful in these states, and
Western legislators responded to the economic concerns of their ranching constituents by voting strongly on the pro-business side. The East is significant again, with its members voting the pro-environment stance. The lack of direct economic concern felt by eastern lawmakers allowed these members to vote pro-environment even though an economic hardship might result in the West. Eastern lawmakers seem to have taken the stance of what is best for the nation, while western members voted the economic interests of those in their states. The constituents would in no way be directly affected in the East but would be in the West.

**National Biological Survey**

The National Biological Survey was approved by the House by a vote of 251 - 165. Due to some members not yet having ADA scores, the regression analysis was performed on 249 pro-environment votes and 163 pro-business votes. The regression results are shown in Table 9.6.

Ideology once again proved highly significant. It is consistently so throughout the analyses. The only other variable that showed statistical significance in the pro-environment direction was the East region. The National Biological Survey

<table>
<thead>
<tr>
<th>TABLE 9.6</th>
</tr>
</thead>
<tbody>
<tr>
<td>REGRESSION ANALYSIS OF THE NBS VOTE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>WALD CHI-SQUARE</th>
<th>PR &gt; CHI-SQUARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>3.8151</td>
<td>0.7748</td>
<td>24.2462</td>
<td>0.0001</td>
</tr>
<tr>
<td>PARTY</td>
<td>-0.8569</td>
<td>0.5701</td>
<td>22596</td>
<td>0.1328</td>
</tr>
<tr>
<td>IDEOLOGY</td>
<td>-0.0833</td>
<td>0.0111</td>
<td>55.9348</td>
<td>0.0001</td>
</tr>
<tr>
<td>GENDER</td>
<td>0.1028</td>
<td>0.6020</td>
<td>0.0291</td>
<td>0.8644</td>
</tr>
<tr>
<td>EAST</td>
<td>-1.1108</td>
<td>0.4976</td>
<td>4.9835</td>
<td>0.0256</td>
</tr>
<tr>
<td>SOUTH</td>
<td>-0.6757</td>
<td>0.4316</td>
<td>2.4517</td>
<td>0.1174</td>
</tr>
<tr>
<td>WEST</td>
<td>-0.0046</td>
<td>0.5553</td>
<td>0.0001</td>
<td>0.9934</td>
</tr>
</tbody>
</table>

N = 412
Pseudo R-Square: .411
was a national issue, unlike grazing fees, which were mainly a Western concern.

Eastern concern for the environment seems to have overcome business concerns about the National Biological Survey’s possible detrimental effects on the economy due to restrictions on property for protection of endangered species. Party and Gender did not prove significant; the West also showed no significance. The South also showed no significance, but its coefficient was in the unexpected pro-environment direction.

Gender did not prove significant in this analysis, but female support on this issue shifted in the pro-business direction. This runs contrary to the expectation of pro-environment voting by women.

Taylor Amendment to the National Biological Survey

This amendment was presented by Charles Taylor (R – NC). This amendment to the National Biological Survey required that survey workers obtain written permission from landowners prior to conducting research on private property. The Taylor Amendment also gave landowners the right to receive information on the results of research performed on their property during the National Biological Survey. The Taylor Amendment was approved by a vote of 309 – 111. Due to missing ADA scores, the regression analysis was performed on 303 pro-business votes and 109 pro-environment votes. The results of the regression analysis are shown in Table 9.7.

Ideology was once again strongly significant. Party and Gender mirrored the vote on the National Biological Survey by proving to be not significant. Party, although not significant, once again showed a negative correlation to pro-environment voting. Gender, although once again not significant, did not follow the expectation of
TABLE 9.7
REGRESSION ANALYSIS OF THE TAYLOR AMENDMENT

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>WALD CHI-SQUARE</th>
<th>PR &gt; CHI-SQUARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>6.5225</td>
<td>0.9609</td>
<td>46.0713</td>
<td>0.0001</td>
</tr>
<tr>
<td>PARTY</td>
<td>-0.2731</td>
<td>0.7922</td>
<td>0.1188</td>
<td>0.7303</td>
</tr>
<tr>
<td>IDEOLOGY</td>
<td>-0.0713</td>
<td>0.0108</td>
<td>43.8745</td>
<td>0.0001</td>
</tr>
<tr>
<td>GENDER</td>
<td>0.1910</td>
<td>0.4416</td>
<td>0.1871</td>
<td>0.6654</td>
</tr>
<tr>
<td>EAST</td>
<td>-1.4491</td>
<td>0.4587</td>
<td>9.9780</td>
<td>0.0016</td>
</tr>
<tr>
<td>SOUTH</td>
<td>-0.4126</td>
<td>0.4443</td>
<td>0.8626</td>
<td>0.3530</td>
</tr>
<tr>
<td>WEST</td>
<td>-1.0349</td>
<td>0.4458</td>
<td>5.3888</td>
<td>0.0203</td>
</tr>
</tbody>
</table>

N = 412
Pseudo R-Square: .342

pro-environment voting by female members. As in the previous three votes, the East region was significant; in this vote, its significance was considerably stronger. The West region also showed significance, this time with the coefficient in the negative or pro-environment direction. As was stated earlier, the West is a region of extremely strong beliefs on both sides of this debate; in this instance, the pro-environment stance prevailed. The South once again showed no significance, and the coefficient was also negative.

As in the vote on the National Biological Survey, Gender did not follow the expectation of pro-environment voting by women. While female support for the Taylor Amendment was not statistically significant, what support there was tended toward the pro-business position. This changing of signs by the coefficient lends credence to the belief that Gender is a poor predictor of voting on environmental issues.

Gallatin Range Land Exchange

The Gallatin Range land exchange bill involved the transfer of a large tract of land adjacent to Yellowstone National Park from the Big Sky Lumber Company to the
federal government in exchange for other tracts of land in a less environmentally sensitive area. The land was considered important due to its critical habitat status for the newly reintroduced gray wolf and other migrating animals residing in Yellowstone National Park. The Gallatin Range land exchange was approved by a vote of 317 – 101. As with the other four votes, several House members were not included in the analysis due to missing ADA scores. The regression analysis was performed on 312 pro-environment votes and 101 pro-business votes. Results of the regression analysis are shown in Table 9.8:

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>WALD CHI-SQUARE</th>
<th>PR &gt; CHI-SQUARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>-0.5159</td>
<td>0.7975</td>
<td>0.4186</td>
<td>0.5176</td>
</tr>
<tr>
<td>PARTY</td>
<td>1.4479</td>
<td>0.6257</td>
<td>5.3549</td>
<td>0.0207</td>
</tr>
<tr>
<td>IDEOLOGY</td>
<td>-0.0542</td>
<td>0.0128</td>
<td>17.9046</td>
<td>0.0001</td>
</tr>
<tr>
<td>GENDER</td>
<td>-0.6172</td>
<td>0.6631</td>
<td>0.8663</td>
<td>0.3520</td>
</tr>
<tr>
<td>EAST</td>
<td>-0.4179</td>
<td>0.4940</td>
<td>0.7157</td>
<td>0.3975</td>
</tr>
<tr>
<td>SOUTH</td>
<td>0.3567</td>
<td>0.4226</td>
<td>0.7125</td>
<td>0.3986</td>
</tr>
<tr>
<td>WEST</td>
<td>0.0279</td>
<td>0.4673</td>
<td>0.0036</td>
<td>0.9524</td>
</tr>
</tbody>
</table>

N = 413
Pseudo R-Square: .329

Ideology was significant, but not as strongly as in the other four votes. A possible explanation for this slightly reduced significance is that proponents of the legislation put forth some strong pro-business arguments for supporting the exchange of land. Some members who generally vote pro-business may have been swayed by these arguments. Party proved significant for only the second time in the first five analyses, and for the first time its coefficient was positive, as was expected. This lack of consistent significance and direction is conclusive of Party’s poor performance as a predictor of environmental voting. Gender was once again not significant. None of
the regional variables showed significance. It is somewhat surprising that the West was not significant since this is a Western issue. A possible explanation of the lack of significance is the isolated nature of the land exchange. It directly involved only Montana and Wyoming, and these states have only one House member each.

The first four analyses showed Party with an unexpected tendency toward pro-environment voting by Republicans and pro-business voting by Democrats. In the Gallatin Range vote, the sign shifts, indicating a pro-environment turn by Democrats. In this instance, Party is significant and signed in the direction one might expect, with Democrats voting pro-environment and Republicans voting pro-business. A possible explanation for this shift to the expected is party leadership. This may have been an important vote for the House leadership, and party leaders may have made an especially strong effort to encourage members to vote with the leadership. House minority whip Tom DeLay (R – TX) took the floor to speak against the land exchange, indicating strong interest by the Republican leadership.

Results of the Analyses

Results of the regressions revealed that many of the expected results were, in fact, significant and that most followed their expected course. Ideology always proved to be significant, and was easily the variable with the strongest predictive power. Liberals, as defined by ADA scores, voted strongly in favor of environmental protection while conservatives consistently voted in line with business interests. By a wide margin, Ideology was the variable that showed the strongest significance and consistency of direction of the coefficients.
Some results proved to be other than those expected. In one case, a variable proved to be significant in the opposite direction from what was expected. That was Party in the Tellico Dam analysis. The regression results indicated a reversal of the expected, with Republicans voting pro-environment and Democrats voting pro-business. A possible regional explanation of this phenomenon is provided in the discussion of the Tellico Dam regression table (Table 9.4).

In addition, Party proved to be significant in the expected direction in only one of the eight analyses, the Gallatin Range Land Exchange. Those who advocate a third party in the United States argue that there is really little substantive difference between Democrats and Republicans; the lack of a strongly defined trend in party voting would seem to lend credence to this view. Intuitively, Party does seem to matter. It seems implausible that Democrats are not generally pro-environment and Republicans are not generally pro-business. In order to isolate and explain the unexpected results, two interaction variables were created. One was between Party and Ideology and the other was between Party and the South region. These interaction variables are designed to explore two possibilities. One is that Ideology really does matter much more than Party; the other is that the effect of Party depends on other factors such as region and ideology. Including the two interaction variables in the model resulted in a correction of the anomaly. These will be discussed more completely in the section on additional analysis of variables.

The Party variable exhibited an unexpected characteristic in the Tellico Dam analysis and bears closer inspection. Party is a commonly used variable, and simple observation leads one to believe that Democrats should vote predominantly pro-
environment and Republicans should vote strongly pro-business. In many of the analyses, party fails to show any significance, and in the Tellico Dam analysis actually is significant in the wrong direction, indicating pro-environment voting by Republicans and pro-business voting by Democrats. In order to explore the causes of this anomaly, a second series of regressions was performed including an interaction variable between Party and Ideology. This is designed to capture any statistical significance that is being drained from Party by the consistently strong Ideology variable.

Gender also proved to be a poor predictive variable. Women were expected to vote pro-environment with men tending toward business, but the results were inconclusive. Gender was significant in only one of the eight analyses, the grazing fees vote (Table 9.7), and only then using a one-tailed test.

Results from the Region variables were mixed. The East, expected to be strongly environmentally oriented, proved to be so. Eastern legislators voted strongly enough to result in the East region being significant in the environmental direction in six of the eight analyses. Since none of the five votes involve legislation that target the East specifically, a possible explanation is an economic one. Eastern legislators, whose constituents are not directly affected by possible negative economic effects of environmental legislation, may find themselves free to vote their conscience rather than the constituents’ pocketbooks.

The West region also performed as expected. The West was expected to be a battleground between strong views on both sides, and it proved to be just that. The West proved significant in only two of the eight analyses, and its significance was pro-
business in one case (grazing fees) and pro-environment in the other (Taylor Amendment to the NBS). The strong ranching constituency found in Western states is a possible explanation for the grazing fees vote. A sharp increase in grazing fees on public lands would have a detrimental effect on ranchers, and Western legislators appear to have voted the pocketbooks of this strong constituency.

The South region did not perform as expected. The South showed the anticipated pro-business stance in only one of the eight analyses, the property rights votes analysis (Table 9.2). The South's strong tradition of favoring private property rights over public interest is the likely reason; this is explored further in the section on additional analysis of variables. The South showed no significance in the other seven analyses, and showed a slight pro-environment tendency in five of the seven.

Additional Analysis of Variables

Table 9.9 is provided in order to allow the reader to view each variable's significance and the sign of its coefficient simultaneously. One result was both statistically significant and not of the expected sign, and is shown in Table 9.9 in italics. That variable was Party in Table 9.1, the Tellico Dam vote. Possible causes of this unexpected result are discussed in the previous section on the Tellico Dam. The regression analyses revealed several issues that are relevant. First is the consistent significance of Ideology. Ideology proved significant in each of the five individual votes, and it also proved significant in the three composite votes. This consistent significance is especially interesting when compared with the relative lack of significance of Party.
The lack of significance of Gender is also of note. Gender failed to show significance in any of the eight analyses, although it was nearly significant in the grazing fees vote and the property rights vote analysis. Impressions of female members as more environmentally oriented and as nurturers of the environment are not supported by these analyses. A popular bumper sticker with an image of the Earth implores the reader to “Love Your Mother.” These analyses suggest that women do not “mother” the earth any better than do men.

**TABLE 9.9**

**SIGNIFICANCE OF VARIABLES**

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>9.1</th>
<th>9.2</th>
<th>9.3</th>
<th>9.4</th>
<th>9.5</th>
<th>9.6</th>
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<th>9.8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party</td>
<td>+/-</td>
<td>-NS</td>
<td>+NS</td>
<td>+NS</td>
<td>-S</td>
<td>-NS</td>
<td>-NS</td>
<td>+S</td>
</tr>
<tr>
<td>Ideology</td>
<td>-</td>
<td>-S</td>
<td>-S</td>
<td>-S</td>
<td>-S</td>
<td>-S</td>
<td>-S</td>
<td>-S</td>
</tr>
<tr>
<td>Gender</td>
<td>-</td>
<td>+NS</td>
<td>-NS</td>
<td>-NS</td>
<td>-NS</td>
<td>+NS</td>
<td>+NS</td>
<td>-NS</td>
</tr>
<tr>
<td>East</td>
<td>-</td>
<td>-S</td>
<td>-NS</td>
<td>-S</td>
<td>-S</td>
<td>-S</td>
<td>-S</td>
<td>-NS</td>
</tr>
<tr>
<td>South</td>
<td>+</td>
<td>-NS</td>
<td>+S</td>
<td>-NS</td>
<td>-NS</td>
<td>+NS</td>
<td>-NS</td>
<td>+NS</td>
</tr>
<tr>
<td>West</td>
<td>+/-</td>
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<td>=NS</td>
<td>-NS</td>
<td>+NS</td>
<td>+S</td>
<td>-NS</td>
<td>-S</td>
</tr>
</tbody>
</table>

**KEY:**

- **+S** = positive relationship and statistically significant
- **-S** = negative relationship and statistically significant
- **+NS** = positive relationship and not statistically significant
- **-NS** = negative relationship and not statistically significant

The Votes

- **9.1** = Analysis of All Votes
- **9.2** = Analysis of Property Rights Votes
- **9.3** = Analysis of Non-Property Rights Votes
- **9.4** = Tellico Dam
- **9.5** = Grazing Fees
- **9.6** = National Biological Survey
- **9.7** = Taylor Amendment to the National Biological Survey
- **9.8** = Gallatin Range Land Exchange

The regional variables revealed that the East seems to be the most environmentally conscious region. The East proved significant in four of the five individual votes and two of the three composite analyses. No other region came close to that level of significance. The West showed significance in two of the eight
analyses, while the South was significant in only one, the Property Rights analysis (Table 9.2).

A possible explanation of the lack of significance by the South in all but the property rights analysis is that the South is the strongest region in the defense of private property. This fierce defense of property rights can be seen in Southern resistance to regulations such as zoning. Zoning regulations, which have the effect of restricting how property can be used, are generally weaker in the South than in the rest of the nation. These restrictions are seen in much of the nation as a needed protection for the property owner, guarding a neighborhood from undesirable land uses that might reduce property values. In the South, however, zoning is often resisted as an unnecessary burden on the property owner, sometimes even being characterized as “un-American.” The result may be more freedom for the property owner but less order in the community. Even today, Houston has no zoning at all. Property rights are strongly defended in the South, perhaps at the expense of other values such as environmental protection and good community planning.

A comparison of the two composite analyses on property rights votes and non-property rights votes revealed surprisingly little. The only differences in the analyses were in the regions: the East was significant in the non-property rights votes while the South proved significant in the property rights analysis. All other variables remained either significant or not significant in both analyses.

Party's Lack of Significance

As was explained earlier, an unexpected result occurred in the original analyses that requires further exploration. In the Tellico Dam analysis (Table 9.4),
Party was significant but in the unexpected direction. As it seems implausible that Republicans would vote strongly pro-environment while Democrats would vote heavily pro-business, additional analysis is necessary. This unexpected result was analyzed two ways: first, the regressions were performed again with Ideology removed from the equation. The expectation for these analyses was that with the consistently strong Ideology variable removed, Party would prove significant in the expected direction. This proved true in each of the eight analyses; tables for these analyses are provided in Appendix A.

The unexpected lack of significance of Party was also analyzed through the inclusion of two interaction variables. The two interaction variables were between Party and South and Party and Ideology. These were chosen because the unexpected Party result occurred in the Tellico Dam vote, a Southern issue, and because Democrats in the South tend to be more conservative than their colleagues from the rest of the nation.

Interaction variables are included in an analysis because of the possibility that the effect of one variable may depend on another variable. In this case, it is thought that the effect of Party may depend on whether the member is a Southerner and also on the Ideology of the member. If the interaction variable, either Party X South or Party X Ideology, proves to be significant, then Party is indeed being affected by the Southern effect and by the strength of Ideology.

The diversity of Ideology in the Democratic Party is represented in Table 9.11, which includes all Democratic House members from the three congresses involved in these analyses. This table indicates that while there is a correlation between Ideology
and Party, the correlation is not especially strong. A considerable number of Democrats do indeed fall within the moderate to conservative Ideology categories. It is these moderate to conservative Democrats that may be affecting the Tellico Dam vote and perhaps causing Party to lack significance in many of the other analyses.

### TABLE 9.11
IDEOLOGY OF DEMOCRATIC HOUSE MEMBERS

<table>
<thead>
<tr>
<th>ADA SCORE</th>
<th>FREQUENCY</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 20</td>
<td>39</td>
<td>7.9</td>
</tr>
<tr>
<td>21 - 40</td>
<td>47</td>
<td>9.6</td>
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<tr>
<td>41 - 60</td>
<td>88</td>
<td>17.9</td>
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<tr>
<td>61 - 80</td>
<td>135</td>
<td>27.5</td>
</tr>
<tr>
<td>81 - 100</td>
<td>182</td>
<td>37.1</td>
</tr>
</tbody>
</table>

N = 491

It is theorized that the strength of the Ideology variable is drawing significance away from Party, a correlated variable. An interaction variable was created between Party and Ideology in the hope that this new variable would capture any significance being drawn from Party. The results are shown in Table 9.12.

### TABLE 9.12
TELLICO DAM WITH PARTY/IDEOLOGY VARIABLE

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>WALD CHI-SQUARE</th>
<th>PR&gt; CHI-SQUARE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>3.5602</td>
<td>0.6207</td>
<td>32.8992</td>
<td>0.0001</td>
</tr>
<tr>
<td>PARTY</td>
<td>-0.9906</td>
<td>0.6547</td>
<td>22894</td>
<td>0.1303</td>
</tr>
<tr>
<td>IDEOLOGY</td>
<td>-0.0507</td>
<td>0.0078</td>
<td>42.8271</td>
<td>0.0001</td>
</tr>
<tr>
<td>GENDER</td>
<td>-0.2387</td>
<td>0.6656</td>
<td>0.1286</td>
<td>0.7199</td>
</tr>
<tr>
<td>EAST</td>
<td>-0.6652</td>
<td>0.3366</td>
<td>3.9043</td>
<td>0.0482</td>
</tr>
<tr>
<td>SOUTH</td>
<td>-0.0992</td>
<td>0.3569</td>
<td>0.0773</td>
<td>0.7810</td>
</tr>
<tr>
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<td>0.3429</td>
<td>0.3782</td>
<td>0.8221</td>
<td>0.3646</td>
</tr>
<tr>
<td>PXI</td>
<td>-0.0103</td>
<td>0.0160</td>
<td>0.4117</td>
<td>0.5211</td>
</tr>
</tbody>
</table>

N = 409

R-SQUARE: .3728
ADJUSTED R-SQUARE: .3356
Inclusion of the interaction variable PXI did not result in Party becoming statistically significant, but it did result in Party becoming not significant and no longer significant in the unexpected direction. Party still exhibits a coefficient that is in the unexpected direction, but this might be explained by the conservative Southern Democrat idea presented in the Tellico Dam analysis. Other variables remained as they were in the original analysis, with East being significant in its pro-environment stance, Ideology being strongly significant in the expected direction, and Gender, South, and West remaining not significant. The interaction term itself also failed to show significance.

Regressions using the PXI interaction variable were also performed on each of the votes. Tables for the other regressions are included in Appendix B. Inclusion of the PXI interaction variable did result in changes in most of the other analyses. Some involved changes in signs of coefficients and a few resulted in changes in significance status. Only the results of the grazing fees analysis (Table 9.5) remained unchanged as far as signs of coefficients and significance are concerned. In the National Biological Survey analysis (Table 9.6), the inclusion of PXI caused a change in the sign of Party’s coefficient to the unexpected negative. Party almost reached the threshold of significance, East lost its significance, and the PXI variable itself proved significant and negative. In the Taylor Amendment analysis (Table 9.7), Party changed signs to the expected positive, while in the Gallatin Range analysis (Table 9.8), Party moved from significant to not significant. The PXI variable caused West to change from negative to positive in the Analysis of All Votes (Table 9.1), while Party changed from positive to the unexpected negative in the Property Rights analysis.
Whereas Party lost its significance in the Gallatin Range analysis, it went from not significant to significant in the analysis of votes not involving property rights (Table 9.3). The interaction variable also showed significance in this final regression. Inclusion of the interaction variable PXI was intended to reveal the true significance of Party in the model. It was marginally successful. Party gained significance status in two analyses and lost significance in two analyses; however, one of those in which significance was lost was the Tellico Dam, in which Party showed significance in the wrong direction. Considering that insignificance is an improvement over significance in the unexpected direction, inclusion of the PXI variable was successful in finding additional significance in Party.

An interaction variable was also created between Party and South (PXS). This new variable is designed to test whether the unexpected Party result is predominantly a result of Southern members. Results of the regressions indicate that this is not the case, as inclusion of the PXS variable resulted in only minor changes from the original regressions. Results of the regressions including the PXS variable are shown in Appendix C.

Inclusion of the PXS variable actually seems to have made the Party variable less reliable. Party remained significant in the unexpected direction in the Tellico Dam case (Table 9.4), and lost significance in the Gallatin Range land exchange (Table 9.8). In addition, inclusion of the PXS variable resulted in South becoming significant in the wrong direction in the NBS case (Table 9.6), once again indicating Southerners voting unexpectedly pro-environment. Party changed sign to the unexpected negative direction in two instances and switched to the expected positive
direction in two others; in each of these cases, no significance was displayed. The PXS interaction variable itself showed significance at the 95% level in three cases and at the 90% level in one other.

In a third set of analyses, both the PXS and PXI interaction variables were included. Results of these analyses are included in Appendix D. As with inclusion of a single interaction variable, the results were mixed. Inclusion of both interaction variables caused Party to become significant in the expected direction in the analysis of votes not involving property rights (Table 9.3). Party no longer proved significant in the unexpected direction in the Tellico Dam case (Table 9.4); instead, Party was not significant but the coefficient was still in the unexpected negative direction. Party also changed sign to the expected positive direction in the grazing fees vote (Table 9.2) and the Taylor Amendment vote (Table 9.4). However, Party lost significance in the Gallatin Range case and displayed a coefficient in the unexpected direction. In addition, South again showed significance in the unexpected pro-environment direction.

The interaction variables were included in the hope that they would allow variables that intuitively should be significant to reveal themselves as such. The results were disappointing in that for every gain that was made, another variable seems to have lost significance that it had in the original analyses. The expected demarcation between Democrats and Republicans did not materialize with the inclusion of the interaction variables as strongly as it did when Ideology was removed from the equation. Results were also mixed in the Gender and Region variables; the East
remained relatively strongly pro-environment, but females never did exhibit the
expectedly solid pro-environment voting.

**Explaining Party’s Lack of Significance**

Party was expected to be significant in these analyses, with Democrats voting
pro-environment and Republicans backing the business perspective. Party instead
proved to be an unreliable variable. Inclusion of the PXI variable resulted in statistical
significance for the interaction variable in only two of the eight cases, as shown in
Appendix 5. This indicates that Party’s effect does not depend on ideology or region.
Party did not prove to be a strong variable in the original analyses, and inclusion of the
interaction variable PXI did little to change this result. This indicates that the original
conclusion, that Party is not a very important factor in environmental issues, is correct.

One possible explanation of Party’s lack of significance is the relatively weak
party system in the United States. No strict rules exist in Congress to discipline
members who do not follow the dictates of the party leadership, so members are free
to cast their votes on other bases, such as Ideology or economic interests of their
constituents. Unlike in Great Britain, where a wayward member can be harshly
disciplined, even to the point of being forced to relinquish his seat, there is little the
party leadership can do if a member chooses to defect to the opposing party on a
particular issue or series of issues.

A second possible explanation also involves the party leadership. Party leaders
have a great variety of duties, and their time is at a premium. Even if they so desired,
party leaders cannot get directly involved in each and every issue that comes to the
House floor. It follows that party cohesion will be stronger on issues on which the
leadership does choose to get directly involved. This explanation is supported by 
Party's significance in the Gallatin Range Land Exchange vote. Party was not 
significant in many cases, but it was in the Gallatin Range instance. Minority Whip 
Tom DeLay (R - TX) took the time to speak on the floor on this issue, which may 
have had the effect of coalescing support along party lines.

Predictive Value of the Model

The model for predicting House voting on environmental issues had varying 
success with each analysis. R-Square values ranged from a high of .7362 in the 
Analysis of All Votes (Table 9.1) to .263 in the Tellico Dam vote (Table 9.4). Note 
that in the five individual votes that were performed using logistic regression the R-
Square value is replaced by a Pseudo R-square. Individual R-square values will be 
discussed in the context of each regression analysis.

Overall, the model does seem to have some predictive value in determining roll 
call votes on environmental issues. The high Adjusted R-Square found in the Analysis 
of All Votes (Table 9.1) bears out the model's predictive capability.
CHAPTER TEN
CONCLUSION

America prides itself on being a nation of diversity, and with that diversity comes diverse values. Americans value both private property rights and their precious natural resources. These values have the potential to come into conflict, and as long as America remains a diverse nation with diverse values, Congress will be called upon to make decisions concerning the two issues. This is not a policy issue given to absolutes; while protecting the environment is important, so is protecting the economic well-being of the citizenry. This study seeks to explore why congressmen place more importance on one side of this delicate balance than on the other.

Findings

This study indicates that concern for property rights and concern for environmental protection both have broad-based support across most of the categories that were studied. The lack of consistent statistical significance in most of the variables is proof of that. One finds support for environmental protection and for defense of property rights in Democrats as well as Republicans, in men as well as women, and in every region of the country. Abortion is often cited as America’s most intractable political issue; the battle between property rights and environmental protection appears to be one as well. This is not a debate that will ever truly be resolved; no matter whether protection of the environment or defense of property rights holds the upper hand at a particular time, supporters of the opposing view will be dissatisfied and continue to press for more favorable legislation.
What are the characteristics of a typical pro-environment or pro-property rights congressman? Analysis of the data indicates that the typical pro-environment member is a liberal Eastern Democrat. According to the data, the congressman is very likely to be liberal, likely but less so to be an Easterner, and also somewhat likely to be a Democrat. A pro-property rights member, not surprisingly, exhibits different and generally opposite traits. The pro-property rights member is a conservative Republican Southerner, with the likelihood of each in that order. In neither case was there sufficient evidence to declare that the gender of the member was a factor. With the exception of the indecisive gender variable, these findings were close to the expectations set forth in the model.

The most important finding of this study concerns the Party and Ideology variables. Both are considered crucial factors in American politics, but there is no doubt which proved more important with respect to issues of environmental protection and property rights. Ideology proved to be consistently significant with liberals voting strongly for the environment and conservatives opting to protect private property rights. Party, on the other hand, was far less reliable, showing significance only sporadically when both variables were included. Party did prove significant when Ideology was removed, which reveals the close relationship between the two variables. This study certainly does not invalidate the work of such authors as Aage Clausen, Richard Fenno, and Morris Fiorina, who stressed the importance of both Party and Ideology in congressional voting.
What this study does is leave no doubt which is the more important factor in this particular issue.

Another finding of this study concerns the conservative nature of American public policy. The slow, incremental nature of public policy in America is illustrated by the results of the National Biological Survey vote and the accompanying Taylor Amendment to the NBS. Passage of the National Biological Survey was a triumph for environmentalists; such an inventory of the flora and fauna of the United States had been discussed for many years, and unlike many issues it was approved in its first trip through the congressional process. Many environmentalists, such as the future Secretary of the Interior Bruce Babbitt, saw the NBS as a way to stress biodiversity protection over property rights. But the accompanying Taylor Amendment proved to be a great disappointment to environmentalists and a victory for their opponents. The Taylor Amendment, which required officials working on the NBS to obtain written permission before entering private property, essentially reaffirmed the primacy of private property rights. Environmentalists complained that it emasculated the National Biological Survey. In short, Congress decided to do something in this particular field, but as is often the case, it ended up not doing very much. The pluralist model is thereby reaffirmed, as each group got some of what they wanted but neither was entirely satisfied.

Implications of this Study

The issues of environmental protection and property rights are inextricably locked together. In every instance, the possibility exists, or will be perceived to
exist, for one viewpoint to suffer if the other is to advance. Many argue that this is not a zero-sum game. They insist that the environment can be adequately protected while not trampling on the rights of private property owners. Policies that do both may be possible in at least some instances, but that perception will continue to exist. Therefore, these are not issues that are likely to ever disappear completely from the policy agenda. Environmental awareness is here to stay, and proposals by environmentally conscious congressmen will understandably attract the attention and consternation of those who value property rights. The reverse will also be true. Proposals to protect property rights will often result in strong opposition from environmentalists and their allies in Congress. The two issues have a symbiotic relationship, and will continue to feed off each other.

The environmentalism versus private property rights debate will also be stimulated by the executive branch. It is noteworthy that none of the five votes studied in this dissertation took place under the Reagan Administration. Reagan was never known as a president who championed the environment, and while he would probably have positioned himself as a champion of property rights, that issue had not yet really reached the policy agenda as it did in the 1990’s. George Bush, on the other hand, touted himself as the “environmental president,” and while Bill Clinton has been a mixed bag as far as environmentalists are concerned, they have a stalwart ally in Al Gore, the sitting Vice President and likely presidential nominee of the Democratic Party in 2000. One of the roles of the president is in proposing legislation, and as long as presidents continue to
show environmental concern and stress environmental issues, the debate in Congress and in the public policy arena will rage on.

The methodology of this study holds out the possibility that it might be used to study other areas of the policy arena. The combination of variables used in this study showed that Ideology is more significant than Party in the area of environmental protection versus property rights. That may or may not be the case when other issues are involved. The possibility exists that in some other area, such as education or foreign policy, that Party may be the dominant variable over Ideology. In other policy fields, the gender and region variables that were not especially significant might also prove themselves to be more important. Only other studies using this methodology can determine whether that is the case.

This study of voting on environmental issues and congressional behavior shows the importance of a careful and extensive analysis of congressional behavior. The analysis of five individual votes leads to a greater understanding of congressional behavior than a larger, less focused study. It is hoped that this study has added to the literature on why congressmen behave the way they do, at least in the confines of environmental issues.

This battle of conflicting values that was explained in the opening chapter will continue. It will continue because it is highly unlikely that the nation will shift radically and permanently toward one side of the ideological spectrum or the other. Public policy on this volatile issue will continue to vary depending on who happens to control the institutions of government. America can look
forward to a continuing lively debate between those who treasure private property as “the guardian of every other right” and those who see environmental protection as the greatest of all goods.
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Supreme Court Reporter 98, Tennessee Valley Authority v. Hill


### APPENDIX A

#### REGRESSION ANALYSES WITHOUT IDEOLOGY

### ANALYSIS OF ALL VOTES

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>T-VALUE</th>
<th>PR &gt; T-VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERCEPT</td>
<td>1.2913</td>
<td>0.2263</td>
<td>5.707</td>
<td>0.0001</td>
</tr>
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<td>PARTY</td>
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<td>0.2656</td>
<td>8.736</td>
<td>0.0001</td>
</tr>
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<td>GENDER</td>
<td>-0.3295</td>
<td>0.5824</td>
<td>-0.566</td>
<td>0.5732</td>
</tr>
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<td>-0.5734</td>
<td>0.3652</td>
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<tr>
<td>SOUTH</td>
<td>1.1178</td>
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</tr>
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N = 82
R-SQUARE: 0.5342
ADJUSTED R-SQUARE: 0.5043

### PROPERTY RIGHTS VOTES

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<thead>
<tr>
<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
<th>T-VALUE</th>
<th>PR &gt; T-VALUE</th>
</tr>
</thead>
<tbody>
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<td>0.1693</td>
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N = 386
R-SQUARE: 0.3215
ADJUSTED R-SQUARE: 0.2991

### NON-PROPERTY RIGHTS VOTES

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<th>PARAMETER ESTIMATE</th>
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<th>T-VALUE</th>
<th>PR &gt; T-VALUE</th>
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</thead>
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</tr>
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N = 153
R-SQUARE: 0.5548
ADJUSTED R-SQUARE: 0.5490
### TELlico Dam Vote

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<th>VARIABLE</th>
<th>PARAMETER ESTIMATE</th>
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<th>WALD CHI-SQUARE</th>
<th>PR &gt; CHI-SQUARE</th>
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</thead>
<tbody>
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N = 414
PSEUDO R-SQUARE: 0.143

### Grazing Fees Vote

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<th>PARAMETER ESTIMATE</th>
<th>STANDARD ERROR</th>
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<th>PR &gt; CHI-SQUARE</th>
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</thead>
<tbody>
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N = 424
PSEUDO R-SQUARE: 0.219

### National Biological Survey Vote

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N = 424
PSEUDO R-SQUARE: 0.330
### Taylor Amendment Vote

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N = 419  
Pseudo R-Square: 0.274

### Gallatin Range Vote

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N = 417  
Pseudo R-Square: 0.303
# APPENDIX B

## REGRESSIONS WITH PARTY X IDEOLOGY VARIABLE

### ANALYSIS OF ALL VOTES

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R-SQUARE: 0.7601  
ADJUSTED R-SQUARE: 0.7377

### PROPERTY RIGHTS VOTES

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R-SQUARE: 0.3859  
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R-SQUARE: 0.6899
ADJUSTED R-SQUARE: 0.6841

### TELLICO DAM

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PSEUDO R-SQUARE: .264

### GRAZING FEES

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PSEUDO R-SQUARE: .265
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N = 412
PSEUDO R-SQUARE: .425

### TAYLOR AMENDMENT

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N = 412
PSEUDO R-SQUARE: .343

### GALLATIN RANGE LAND EXCHANGE

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PSEUDO R-SQUARE: .328
### APPENDIX C
#### REGRESSIONS WITH PARTY X SOUTH VARIABLE

#### ANALYSIS OF ALL VOTES

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#### PROPERTY RIGHTS VOTES

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R-SQUARE: 0.3982  
ADJUSTED R-SQUARE: 0.3693
### NON-PROPERTY RIGHTS VOTES

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### TELLICO DAM

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PSEUDO R-SQUARE: .264

### GRAZING FEES

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PSEUDO R-SQUARE: .266

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### NATIONAL BIOLOGICAL SURVEY

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PSEUDO R-SQUARE: .416

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PSEUDO R-SQUARE: .346

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PSEUDO R-SQUARE: .336
## APPENDIX D
### REGRESSIONS WITH PARTY X SOUTH AND PARTY X IDEOLOGY

#### ANALYSIS OF ALL VOTES

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ADJUSTED R-SQUARE: 0.7390

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ADJUSTED R-SQUARE: 0.3650
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R-SQUARE: 0.6911  
ADJUSTED R-SQUARE: 0.6845

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PSEUDO R-SQUARE: .264

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PSEUDO R-SQUARE: .266
### NATIONAL BIOLOGICAL SURVEY

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PSEUDO R-SQUARE: .426

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N = 412  
PSEUDO R-SQUARE: .348

### GALLATIN RANGE LAND EXCHANGE

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N = 413  
PSEUDO R-SQUARE: .339

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VITA

John Christopher Howell was born in Alexandria, Louisiana, on July 22, 1960, to James Edwin Howell and Rosemary Leatherman Howell. He has one older brother, James Edwin Howell, Jr. He spent a portion of his youth in Colorado, Illinois, and Georgia, but returned to Louisiana at age eleven. He graduated from Pineville High School in 1978 and from Louisiana College, also in Pineville, in 1983.

Howell served as a staff member of the Rapides Area Planning Commission in Alexandria from 1984 through 1988, acquiring skills and curiosity about the workings of government and its effect on people’s lives. He was also active in numerous political campaigns. Due to his interest in government and politics, Howell enrolled at the Lyndon B. Johnson School of Public Affairs in Austin, Texas. He received the degree of Master of Public Policy in 1990.

After another short stint in local government, Howell's interest in government and politics led him to pursue a doctorate in political science at Louisiana State University. While pursuing his doctorate, he taught a number of classes at Louisiana State University and Southeastern Louisiana University, and is presently employed as an adjunct professor and National Science Foundation researcher at Southern University in Baton Rouge, Louisiana.
DOCTORAL EXAMINATION AND DISSERTATION REPORT

Candidate: John Christopher Howell

Major Field: Political Science

Title of Dissertation: Environmental Voting in Congress

Approved:

[Signatures]

Major Professor and Chairman

Dean of the Graduate School

EXAMINING COMMITTEE:

[Signatures]

Date of Examination:

December 7, 1999

[Signature]