

Intercurrence in the Green State

The American green state is defined by three layers which have been laid down since the mid-nineteenth century: economic liberalism, conservation, environmentalism and preservation. The construction of the green state, rather than proceeding orderly and logically, with new legislation and institutions overriding the old, has instead produced conflict between earlier and later layers (and, conflict within layers).

The political scientists Karen Orren and Stephen Skowronek make the claim that this process is common in American politics: in their view, “all political change, even at critical junctures, is accompanied by the accumulation and persistence of competing controls within the institutions of government[;] the normal condition of the polity will be that of multiple, incongruous authorities operating simultaneously.” Klyza and Sousa argue this is especially important in the case of American environmental politics. (See page 9 of Klyza and Sousa.)

The assignment is to identify an example of intercurrency in the green state and to hypothesize about how environmentalists and their opponents could exploit that conflict to advance their political goals. First, identify an instance of intercurrency in the green state (between federal laws or institutions). This will require some creative research on your part; see the sources below for leads. Second, briefly explain the purposes of each law. Third, explain the potential for conflict between the laws. Fourth, explain how stakeholders with divergent goals might exploit the conflict to further their aims. Your final assignment should be 1 1/2 pages, 1-1/2 spaced in length.

If you are stuck, feel free to ask me for advice on this assignment. I'll help point you in the right direction!

To complete this assignment, you'll need to learn enough about existing environmental laws and institutions to find conflict between them. I'd begin by reviewing the table on page 36-37 of Klyza and Sousa, which assigns institutions and laws to different layers of the green state. You can then use these websites to research the laws:

The Environmental Protection Agency explain laws relevant to the agency:

<http://www.epa.gov/lawsregs/laws/index.html>

University of New Mexico has a useful website explaining numerous environmental laws:

http://wildlifelaw.unm.edu/fedbook/statute_frame.htm

The Senate's Environment and Public Works Committee maintains an excellent listing of the complete text of most environmental laws:

http://epw.senate.gov/environmental_laws.htm

The Congressional Research Service's reports provide detailed reports on numerous environmental issues and relevant laws and policy issues.

<http://www.cnire.org/NLE/CRS/#advanced>

A very brief example: In 2005, President Bush signed into law the Energy Policy Act of 2005. The legislation was a sprawling package, including government support for the petroleum industry, clean coal technology, and alternative energy sources all meant to increase domestic energy production. One of the issues most important to environmentalists were extended credits for renewable electricity production, including wind energy. Therefore, one of the specific goals of the legislation was to expand domestic energy production from wind turbines. That policy, however, creates a conflict with the National Environmental Policy Act of 1970, which requires environmental impact statements for all federally authorized projects, which would be the case for a wind farm subsidized with federal funds. Since wind farms can have environmental impacts, a full environmental impact review is necessary before a wind farm can be permitted. Environmental groups, who have emphasized the need for immediate development of renewable energy sources, could appeal to the Energy Policy Act of 2005 to argue for the need to expedite such projects. Opposing groups, at the local level who don't want a wind farm in their backyard could appeal to the National Environmental Policy Act to call for a full environmental review before any such projects were permitted. To write up this brief example, I drew on a Congressional Research Service brief on the Energy Policy Act of 2005 (#RL33302) and the EPA's summary of NEPA.