

Evaluating the Aviation Drug-Trafficking Control Act of 1984: A Lesson on the Complexity and Importance of Implementation Processes

David Clark
Department of Political Science
Truman State University
100 East Normal Avenue
Kirksville, MO 63501 USA

Faculty Advisor: Dr. Candy Young

Abstract

In the 1980s a remarkable number of agencies became involved in the war on drugs; however, many of these programs have been deemed ineffective. Could the Aviation Drug-Trafficking Control Act of 1984 produce effective results by increasing the Federal Aviation Administration's power to revoke pilot licenses and aircraft registrations in instances of suspected illegal drug smuggling? Through archival research of government documents, this paper evaluates the act's implementation and effectiveness. Its journey through a number of environments with different actors, perceptions, public sentiment, and governmental involvement allows it to evolve from an example of ineffective policy into an important resource for law enforcement officials. Evaluative standards developed by political academics Daniel Mazmanian and Paul Sabatier as well as Richard Matland's ambiguity-conflict model are used to argue that the bill made a significant impact only after several revisions and agency implementation strategies. Each stage in the implementation process shows how detailed archival research can provide insightful information into the nature of the policy process in the United States.

Keywords: Public Policy, Implementation, Drug-Trafficking

1. Introduction

The problem of drug abuse and illegal trafficking has a long history in the United States. In the 1980s, significant action was taken at the national level to fight drug use. Part of this increase in government action came from a rise in the supply of drugs coming into the United States, mainly from Colombia. Drug traffickers and major crime organizations saw increased influence in the United States around this time.¹ President Reagan, starting in 1981, made it clear that his administration would strengthen executive action under the powers federal agencies had to combat drug smugglers. His strategy included cracking down on drug-trafficking through aircraft. Programs like Operation Greenback and Operation Florida were initiated to halt this growing method of transporting drugs into the United States and the number of agencies involved in the drug battle proliferated.^{2,3} The Federal Bureau of Investigation, local law enforcement, and even the Federal Aviation Administration (FAA) started coordinating with traditional anti-drug powers such as the Drug Enforcement Administration and United States Customs Service.

Despite new authorizations, the FAA initially remained on the fringe of the anti-drug effort. Created in 1958, the FAA was the nation's leading aviation regulatory agency and had a primary mission focused on safety. Since then, its powers and responsibilities have centered on keeping the national airspace safe and efficient, especially for the commercial industry. However, for the general aviation industry, the FAA primarily dealt with registration and certification for pilots, owners, and aircraft. This is the context within which the FAA assumed additional responsibilities in the anti-drug effort from the President and Congress.

At the start of the decade, the agency's authority only extended to revoking an airman's certificate following a

drug-related conviction.⁴ Smugglers had an advantage as securing convictions in drug-trafficking cases was difficult and expensive, which led to few convictions from using private planes to smuggle drugs. Airmen, then, were often able to keep their airman certification and continue to make a living flying even when tied to illegal drug activity. As a result, airmen involved in drug-trafficking had a much higher reward than potential cost. This was evidenced in intelligence from the El Paso Intelligence Center reporting that around half of all aircraft thefts from 1980-1982 were due to drug related reasons. During the same period, over 400 planes crashed due to smugglers attempting to avoid detection by engaging in risky flight behaviors.⁵ Owners, even if intentionally involved in the illegal trade, could generally claim insurance money on aircrafts seized by other governments for drug-trafficking. From a business perspective, aircraft insurance groups argued they were incurring unjustified costs. They paid owners for aircrafts lost, stolen, or damaged as a result of drug smuggling, and they had to increase rates for law-abiding customers. This was exacerbated by the fact that the FAA had no authority to gather or disseminate ownership information when United States registered aircraft were involved in drug smuggling.⁶ The federal anti-drug effort suffered from these circumstances, setting the stage for the rise of Public Law 499: The Aviation Drug-Trafficking Act of 1984. It amended the 1958 Federal Aviation Act to give the FAA more power to revoke airman and owner certificates and prevent forged documentation for purposes of illegal drug-trafficking.⁷ Revocations could now result from an Administrator determination absent of a conviction. It also increased the penalties for those airmen and owners convicted of drug smuggling or involved in the sale of fraudulent certificates.

The Aviation Drug-Trafficking Control Act passed with an overwhelming majority in Congress as well as support from the presidential administration in 1984.⁸ Notwithstanding the minor concerns brought up during its formulation, the supporters of the bill seemed to have great confidence in its ability to help the drug smuggling problem in America. However, its passage did not automatically translate into effective implementation. Implementation literature has shown that this is a common trend among bills; effective implementation takes far more than the moment of support present at passage. New problems inevitably arise, and there must be committed implementers to solve them.^{9,10,11}

The path of the 1984 bill is characterized by this trend. It was subject to a legislative oversight hearing in 1988, which ended in a new formulation intended to address the deficiencies of the original legislation. Another hearing was held in 1991 to assess the progress of the 1988 directives. Even though that was the last formal congressional action, the act has faced a number of rulemaking attempts and indirect implementation strategies since then.

2. Literature On Implementation

Deciding how to evaluate implementation has been a contentious issue among policy researchers. Throughout the 1970s and 1980s, a debate was developing between top-down and bottom-up approaches. The former focuses on the skill and power of the legislators to craft good bills and dutiful agency heads to implement them. The theory predicts that things such as clear and consistent goals, a structured implementing process, and committed implementers are vital to achieving effective implementation.^{12, 13} The latter theory argues that those at the bottom of the implementation hierarchy are much more important. The nature of street-level bureaucrats is one of high levels of discretion and adaptation to the local environment. This enhances the researcher's need to analyze the flexibility of the policy, skill of the local implementers, and problematic contextual factors.^{14,15,16} While debate continues, most academics have agreed some combination of these approaches is necessary.¹⁷ Often times, different types of bills and policies call for different measures, which makes developing predictive, consistent variables difficult.

To account for this problem, Richard Matland develops a heuristic for evaluating policy implementation based on the idea of policy conflict and ambiguity. Policy conflict exists when organizations are required to coordinate efforts, but either dispute the goals of the policy or the proposed means to achieve them. The actors must be interdependent and essentially perceive the situation as zero-sum. When in conflict, each actor believes that giving credence to another organization's interests will negatively impact their own position. Ambiguity exists when the goals and specifications of a policy are unclear, including a lack of goal clarity and a complex environment with uncertainty in agency authority and roles.¹⁸ The interplay between the level of conflict and degree of ambiguity among the agencies dictates which variables should be examined in implementation evaluation. Matland outlines four different scenarios based on these dimensions, pictured below.¹⁹

		CONFLICT	
		Low	High
AMBIGUITY	Low	<i>Administrative Implementation</i> Resources Example: Smallpox eradication	<i>Political Implementation</i> Power Example: Busing
	High	<i>Experimental Implementation</i> Contextual Conditions Example: Headstart	<i>Symbolic Implementation</i> Coalition Strength Example: Community action agencies

Figure 1. Matland's ambiguity-conflict matrix

The policy under investigation fits the high conflict low ambiguity perspective for most of its journey, with only a slight shift towards low ambiguity and conflict at the end. The original statute had explicit goals and means to achieve the directives, but the FAA had conflict and friction with legislators, the larger aviation community, and law enforcement officials. Each of these cooperative relations was necessary to carry out the policy. A statute unambiguously laid out requires the implementing agency to secure the compliance of relevant groups to carry out the policy in a specific manner. When these organizations have incompatible views, bargaining occurs. Inherent in a bargaining process is the issue of power, which is pictured in Figure 1. The process will be dominated by those possessing the most power since they are able to dictate the terms of the implementation. Tracking the power relationships in implementation is, per Matland's advice, done by utilizing mainly variables from the top-down approach, with the addition of several political factors.²⁰ They capture the political struggle characterizing this type of implementation.

This case study seeks an increased understanding of how difficult it is to reach effective implementation of public policy. Archival research of government documents and application of factors from Mazmanian and Sabatier's implementation model will be the basis for analysis and explanation of the important process of implementing public policy. This paper evaluates a number of Mazmanian and Sabatier's key implementation factors: tractability of the problem, ability of the statute to structure the implementing process, and non-statutory, external variables including support from constituencies and changing socioeconomic conditions. These are all viewed in light of the overall goals of the legislation, to make the FAA an important part of the federal anti-drug effort. The statute aimed to deter airmen from entering the drug smuggling business through increasing their risks and costs as well as increasing the authority and resources of the FAA and law enforcement.

3. Evaluation Results

The bill's path is characterized by specific stages in the implementation process. It started at high support in 1984, then sunk to low effectiveness until a new hearing in 1988 that increased the authority and resources of the FAA. These new powers were again evaluated in 1991, and legislators issued new directives stemming from the findings. The bill then received little attention until the agency issued regulatory changes in 2002, signaling a renewed interest in the original intent of the 1984 legislation. This researcher's evaluations, based on analysis of congressional and FAA government documents are recorded in the table below, along with rankings for each stage of the anti-drug-trafficking act.

Table 1. grades for implementation variables

Condition		FAA Implementation 1984 Act	Legislative Oversight and Drug Enforcement Act 1988	Oversight 1991 and Subsequent Implementation: 1991-2013
Tractability of Problem		Low	Medium	Medium to High
Structured Implementing Process				
A	Assignment to sympathetic agency	Low	Medium	Medium to High
B	Hierarchical integration	Low	Low	Low to Medium
C	Resources	Low	Low	Medium
D	Established SOPs	Low	Low	Medium
Non-Statutory Factors				
E	Support from constituencies	Low	Low	Medium
F	Changing socioeconomic conditions	Low	High	Medium to High

3.1. Initial Implementation Of Anti-Drug Act: 1984–1988

Though the law passed rather easily in 1984, it received little attention until a hearing reviewing the FAA's role in assisting law enforcement for drug smuggling operations. Culminating a major congressional investigation into the effectiveness of the 1984 drug act and a separate drug act passed in 1986, the 1988 hearing's main theme was that the FAA had not used the authority it was given in the aforementioned drug acts.²¹ There was disagreement between top officials in the FAA and the legislators who passed the bill over what exactly the FAA's role was in the anti-drug effort. In addition, several key problems with the FAA's system of registering aircrafts and certifying airmen were being exploited by drug traffickers. Since the 1984 legislation was intended to deter citizens from engaging in drug-trafficking, the legislators were concerned that this was not happening.²²

First, the amount of cocaine and marijuana seized from aircraft as a percentage of the total volume of drug seized was 69 percent in 1984, 52 percent in 1986, and 64 percent in 1987. Further, in 1987, the drug-trafficking industry expanded to \$180 billion per year.²³ While these numbers spoke to the more general aviation drug landscape, legislators also presented statistics specifically related to the FAA. It had only issued six airmen certificate revocations and three aircraft revocations since 1984, and the aircraft all belonged to the same owner.²⁴ Congress concluded that the FAA had been unwilling to use the power the 1984 law provided. Low levels of effectiveness is consistent with Mazmanian and Sabatier's evaluative model presented in Table 1. Evidence for the lack of a tractable problem, the inability of the statute to structure the implementing process, and low support from non-statutory factors can be gleaned from the 1988 hearing. The legislators brought testimony by several agents and officers from various law enforcement agencies, top officials in the FAA, and representatives for the general aviation community. However, the most important testimony came from a confidential informant, who was a lead witness in an upcoming federal case against a major drug smuggling ring. He described the various opportunities to exploit the FAA's system.

Growing concerns within the law enforcement community were the first source of complaints and one of the main reasons for the trial. Agents felt that their efforts in the fight against illegal drug smuggling were being undermined due to a lack of support from the FAA. The FAA's system for registering aircraft and certifying airmen was being consistently exploited because the 1984 statute only created new authority, rather than new mechanisms, for acting pursuant to it. The behavior change required in the law was too great for the FAA to adapt to, lessening the overall tractability of the problem. This stemmed from two areas. First, there was a lack of communication between the law enforcement community and the FAA related to the sharing of information on owners and pilots implicated in drug-trafficking. An absence of formal structures for this type of communication caused a deficiency in sharing relevant cases among agencies. Next, there was a lack of communication between the top officials in the FAA and the rest of the organization. The policy directives it was to be implementing were being contested. The legislators at the 1984

trial had made a clear point indicating that the FAA was primarily an aviation safety organization, not a law enforcement agency. The top officials in the FAA followed a strict adherence to this attitude through 1988; they testified they did not feel they had sufficient jurisdiction to assist law enforcement agencies and were concerned it would compromise their agency's primary mission to enhance air safety.²⁵

While the FAA welcomed the new authority, it seemed unenthusiastic in implementing it. Going after revocations would often bring appeals, long court battles, and drain agency resources.²⁶ Even investigating certain pilots and owners would require more manpower diverted away from other agency priorities. Because of this, the agency did not integrate the act down the hierarchy. This is consistent with the findings of research on bureaucratic politics by scholars such as Graham Allison and Morton Halperin.^{27,28} The FAA did not have a formal unit dedicated to assistance in the drug fight until around a week before the hearing occurred. Problems discussed at the trial, for instance the flaws in the registration system, were not mentioned during the passage of the 1984 drug act. As such, the agency had no rules in place to deal with the new issues, so the system was continually exploited. The 1988 hearing ended by passing the FAA Drug Enforcement Assistance Act, which called for the FAA to develop and publish rule-making in the problem areas.²⁹ As discussed previously, the main implementer of the 1984 statute, the FAA, was not invested in using its new authority. Despite this, there was a scarcity of concern in constituencies aside from law enforcement. The insurance groups, who were major proponents of passing the bill, seemed to disappear. Without their continued interest and pressure, there were few checks on the progress of the law.

3.2. Legislative Oversight: 1988–1991

Starting in 1988 with the FAA Drug Enforcement Assistance Act, there was a renewed congressional interest in the propositions set forth by the 1984 Aviation Drug-Trafficking Control Act. These are highlighted in both the 1988 hearing leading to the passage of the 1988 act as well as the 1991 hearing reviewing its implementation. The attention on the bill was sparked from two areas: high levels of public interest and major anti-drug legislation at the time. First, the late 1980s saw the peak of public support for federal anti-drug efforts. Throughout 1985, polls showed around two to six percent of people mentioning drug abuse as the nation's top problem. But, by September 1989, this number had reached 64 percent of polling respondents, a monumental number for any one issue.³⁰ A constant barrage of news coverage on the drug problem enhanced this trend.

The media is able to direct attention between differing aspects of the same issues, which is reinforced through the idea of priming. This says the media sets the tone for judgment of the political environment.³¹ The public will place more importance on the issues covered by the media, even if the positions advocated do not persuade them. Coverage drastically increased, with 133 articles on drug-related issues published in national magazines in 1988.³² In 1989, 222 articles were published, indicating a general trend. This is in contrast with 1980-1984 when that number never exceeded 100 for any single year, though 1985 received a high number of published articles. President Reagan had also been committed to reducing drug abuse for his entire administration, and he was still giving periodic radio updates on the state of the nation's fight against drugs.^{33,34} President George H. W. Bush picked up where President Reagan left off in 1988, citing a continued fight in the war on drugs.³⁵ Each part worked with one another to create a very unique environment for anti-drug efforts. Legislators had a major avenue for gaining support by developing new legislation or investigating and modifying previous laws.

One of the most comprehensive drug bills to date, the Anti-Drug Abuse act, passed in 1988. In the work leading up to it, congressmen had a chance to reap benefits from identifying and inspecting failures of agencies to do their part in the war on drugs. Legislators recognized that growing complaints against the FAA from both the law enforcement and general aviation communities provided an opportunity for valuable oversight.³⁶ Organized complaints prompting legislative action in 1991 highlights the fire-alarm oversight Congress prefers.³⁷ Legislative oversight commonly happens only after opposition to a certain statute or program organizes in large interest groups, as they represent a threat to the legislators' support. As for the 1988 act, it directed the FAA to publish rulemaking on the deficiencies discussed in the 1988 hearing, including the airmen certification, aircraft registration, and communication with law enforcement systems.³⁸ The period from the passage of the 1988 act until the 1991 hearing represents a second wave for attempting to implement the original intent of the 1984 law. This period experienced a definite increase in enforcement efforts, though it was far from ideal.

The FAA created the Drug Interdiction Support Unit (DISU) in 1988 and charged it with addressing the efforts to help law enforcement agencies in the drug fight.³⁹ The new agents hired were part of personnel change that led to a higher interest in implementation because they each had investigative backgrounds and desired to utilize these skills. Several agents testified at the hearing in 1991 as to the state of the program and the support it was receiving. However, looking at the implementation effectiveness criteria in relation to this program will reveal why there was still lackluster performance for implementation. DISU agents expressed great dissatisfaction with the amount of

support from the upper management at the FAA. The agents felt that their investigative backgrounds were not being utilized, and they were receiving mixed signals from top officials.⁴⁰ The top of the FAA was still committed to its safety mission, not the role in stopping drug-trafficking. This was in the wake of repeated congressional directives to increase assistance to law enforcement agencies. Congress had given clear directives demonstrating that the FAA had the authority to assist in drug interdiction efforts and linked its increased power to serving an important function for law enforcement agencies. Personnel changes in the late 1980s and early 1990s did contribute to an increased emphasis at the FAA in helping the war on drugs. Even so, it took an extended time for that emphasis to be felt throughout the agency.

The new FAA agents were all capable and determined to help law enforcement. Though they encountered resistance in supporting this pursuit from the upper offices of the FAA, revocations directly related to illegal drug-trafficking increased from 1988-1991 versus 1984-1988: 74 compared to six.⁴¹ There were only seven, compared to the previous stage's three, dealing with aircraft registrations, though many more warnings were issued relating to pink slip violations. The reason cited for the low number is the FAA had established the practice of not pursuing legal action on the vast majority of potential cases brought from the DISU.⁴² This helps illustrate the clear divide between the top officials and those in the field, resulting from a lack of integration of policy directives throughout the agency. It also shows why using a top-down method is useful, but not determinant as long as differences exist between the views of those at various levels in the process. Despite the pro-drug-interdiction attitude of local implementers, the DISU agents, revocations occurred relatively infrequently. However, the same result is likely to happen when officials at the top of the agency are in favor of an initiative and those at the bottom are not.

At the time of the trial, the agency still did not have any final rules to support its legislative mandates. It published a notice of proposed rulemaking (NPRM) in the Federal Register in 1990, along with a standard 90 day comment period. By 1991, it still did not have a final rule issued and had only extended the comment period. The final rule was more than two years behind the schedule set forth in the 1988 hearing. Top FAA officials testified in 1991 to the cause of the delay, saying the agency had received over 370 public comments. Many of the comments were alarmed by the changes the FAA was attempting. Representatives from the greater aviation community testified to the same effect. They believed the current FAA system for registration and certification was fine; criminals would break the rules no matter what was put in place.⁴³ These groups were highly opposed to imposing changes that would inconvenience the law-abiding portion of the aviation community. Many of the changes proposed in the hearing – increased user fees, more frequent re-registration, and having to appear in person when being certified or registering an aircraft – would serve to burden many citizens. Lack of support from its primary mission constituencies, law abiding pilots and owners, represented one of the largest barriers to the FAA implementing changes. These constituencies had increased the power and clout to their opposition by speaking through large interest groups such as the Aircraft Owners and Pilots Association (AOPA) and National Business Aircraft Association.

As for resources, the FAA had not requested additional funds. This, however, is explained by its reluctance to act using the added authority. The problem requiring resources in terms of personnel occurred between 1988 and 1991. It only had 14 positions for the entire drug interdiction support program, which covered the entire nation. Additionally, five of these positions were vacant. Four agents had left due to frustration from a lack of upper level support.⁴⁴ Perhaps the most telling vacancy was at the top; the program manager position had been empty since January of 1990. This added to the complications of unclear standard operating procedures (SOPs). The agents testified at the hearing that the SOPs were not clear on guidelines for what should be a priority in their work, investigations or administrative work. Consistent SOPs are critical for being able to implement policy directives. Allison describes in the organizational processes model that an agency can only make some change in the future if it is related to what it is already doing in terms of its SOPs.⁴⁵ While the non-statutory variables were high in effectiveness and the problem was more tractable, the lack of the statute being able to effectively structure the implementing process hindered the progress of the law.

3.3. Additional Oversight And Subsequent Implementation: 1991–present

The 1991 hearing gave more direction to the FAA in terms of following through on its drug support mandates. However, there was still a lack of action for many years. Continued disagreement over the exact specifications of the FAA's proposed rules contributed to the standstill. A report to the House Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation made by the U.S. Government Accountability Office outlined that law enforcement agencies and the FAA had been unable to reach an agreement on the length of time for re-registration of aircraft. Law enforcement preferred an annual process whereas the FAA pushed for a

minimum three-year window.⁴⁶ The FAA was backed by the aviation business community who felt annual registration was too great a burden for a small potential benefit. This power clash between interested groups is consistent with Matland's framework, as a high conflict low ambiguity situation becomes a political struggle.⁴⁷ While bargaining persisted, the general public was losing interest in the overall fight on drugs. By the early 1990s, poll figures had the number of people who thought drug abuse was the top issue facing the country back below 10 percent.⁴⁸ The public had moved on to other issues, and a new Clinton administration in 1992 did not have the drive to push strict anti-drug measures. Changes in public focus were met by a shift within the FAA as well. Several major crashes occurred in the late 1980s and early 1990s, along with a rise in overall commuter and regional accidents.⁴⁹ These failures called for increased focus on airline safety and standards, further distancing the FAA from the goals of law enforcement and the 1984 legislation.

The next major action on the issue did not happen until 2002, when the FAA published a new final rule adding the requirement of photo identification on pilot certificates.⁵⁰ This was an issue proposed by the initial 1984 bill and part of the debate between the FAA and aviation community in the early 1990s. From 2002 on, there were several more improvements and rulemaking publications directly relevant to the goals of the 1984 legislation. Before looking at those actions, the question of what prompted the sudden action needs to be answered. To shed light on why major change in organizations happens, the model being utilized predicts that both changing socioeconomic conditions and an agency personnel shift play a major role.⁵¹ America suffered a very unique event – the hijackings of 9/11 – which rattled every aspect of American life. Because of the hijackings, airline safety vaulted to the forefront of governmental priority. It also pushed public opinion in favor of making changes to ensure safety, even if they imposed some burdens on the larger community. The Aviation and Transportation Security Act, passed only a month after 9/11, called for changes from the FAA. One aspect encouraged the agency to add some type of photo identification requirement to certification. This concept was originally brought in a petition by the AOPA, a civil aviation organization opposed to photo identification requirements in the early 1990s.⁵² It may have seen the opportunity to push the policy change most favorable to them. The law also added the designation of preventing terrorism to the goals of the airmen certification system.⁵³ Its new charge helps explain the amount of change in the system that happened in the subsequent years.

In 2005, the FAA withdrew its 1990 NPRM, citing that the essential parts of the rulemaking had already been implemented. A review of the FAA's action leading to 2005 reveals several major improvements in the way the FAA handled and shared its information. The most significant change was the improvement and updating of the Registry the FAA maintains. It started tracking the N numbers assigned to planes, allowing tracking of unusual registration patterns.⁵⁴ Moreover, all of its Registry information and millions of other documents became available to other law enforcement agencies through an online database. This was coordinated through EPIC, where the FAA also had an agent present. The proliferation of the Law Enforcement Assistance Program (LEAP) helped ensure that information was kept up to date and accessible to other agencies. These improvements were more multi-purpose in nature and relied on advancing technology, a common catalyst for change. The fact that these efforts were not specifically targeted at drug-trafficking, but were also useful in other fields such as counter-terrorism helps explain their occurrence and lack of direct connection with the 1984 legislation.

Other aspects the FAA addressed attempted to ensure that its systems were harder to exploit. In doing so, the 2005 notice and subsequent publishing finally addressed two of the major issues from 1984 – airmen certifications and aircraft registrations. The agency started requiring photo identification on certifications, checking and giving information to the DISU on potential fakes in the airmen registry, and started issuing new certifications with greater security features.⁵⁵ The security features for new certificates were aimed at reducing fraudulent and counterfeit use, something advocated in the 1984 trial. The agency issued a final rule in 2008 to guarantee the upgrade of information. It gave deadlines of two and five years for anyone associated with the aviation industry to start using the new counterfeit-resistant certificates.⁵⁶ Additionally, participants in aircraft sales only have 21 days to notify the FAA of the sale of an aircraft, and the applicants for new registrations must include a printed name. These were aimed at giving the Registry and law enforcement updated and accurate information.

The agency issued another rule in 2010 adding the requirement of re-registering aircraft every three years. Before issuing this rule, the FAA estimated that a third of its database was outdated and inaccurate, directly attributed to voluntary requirements being in place. The agency calculated the re-registration would reduce the error rate from 36.5% to 5.7% over 20 years.⁵⁷ A prime example of the negative aspects of an outdated Registry happened in 2010, when prominent members of the aviation community John and Martha King were flying a small plane to Santa Barbara. When they landed they were immediately stormed and detained at gunpoint by the Santa Barbara Police department. The plane's N-number on their flight plan was flagged by law enforcement as stolen. The Kings had actually been reassigned a new N-number back in 2009, but this was not effectively communicated among enforcement agencies, leading to an undesirable situation.⁵⁸ In response, the National Business Aviation Association

called for a review of the way the government collected and shared registration information. That signaled a change in the attitude of the aviation community, who had previously been opposed to imposing any burdensome changes to law-abiding citizens. Stemming from these problems, the FAA made communication with other agencies a priority.

All of these changes suggested an increase in the effectiveness of the implementation process. This is supported by performance reviews of the FAA done by the Office of the Inspector General for 2011, 2012, and 2013. The 2011 LEAP met its goal of initiating investigations on at least 95% of airmen connected to the sale or distribution of illegal drugs. Even further, the FAA took regulatory action against 63% of the airmen being investigated, and 34% of cases resulted in a certificate revocation. For 2012 the LEAP initiated investigations on a full 100% of suspected airmen, with the FAA eventually handing down revocations in 40% of cases. Again in 2013, a full 100% of cases were investigated, and the agency has taken significant regulatory action against 75% of the airmen.⁵⁹ It has been nearly a thirty year process, but the intent of the Aviation Drug-Trafficking Control Act of 1984 is finally being effectively implemented.

4. Conclusion

As pictured in Table 1, each criterion – tractability of the problem, the ability of the statute to structure the implementing process, and non-statutory, external factors – received a higher score as time passed. This lends support to Matland's framework as well as the variables proposed by Mazmanian and Sabatier. Most factors are explained in the analysis in each section, but ones that played a major impact in the anti-drug efforts are worth highlighting. Communication made a major improvement, both in integrating within the FAA and the FAA's ability to support law enforcement. The FAA made significant steps in the 1990s and 2000s to improve the technology it used to share information, especially its accuracy. The agency was improving its systems and attempting to help law enforcement without reference to the specific mandates of the 1984 or 1988 bills. The other major change that occurred was the disposition of implementers. The FAA started as completely unwilling to implement changes. New agency personnel, including administrators, allowed the FAA to become committed to implementing anti-drug strategies by the 2000s. Even if it was riding the anti-terrorism wave, the agency's changed disposition permeated the organization; it allowed for clearer SOPs in instructions for investigations, better hierarchical integration from agents to administrators, and a better chance to respond when the favorable socioeconomic conditions presented themselves. Based on this analysis, the tractability of any problem sets the stage for effective implementation; it provides a minimum standard that must be achieved. Non-statutory context can provide a quick boost and support to get the implementation started. But, effectiveness relies on the statute's ability to structure the implementation process. These results give added credibility to the framework developed by Matland, and offer guidance for future research in terms of classifying types of public policies.

One additional question the research raises is the exact impact of managerial change. The FAA received a new administrator every one to two years from the mid-1980s to the mid-1990s, something lamented in many of the confirmation hearings. This could have contributed to the lack of direction of the agency and the inability to focus on new responsibilities. With frequent turnover, each new administrator was unable to make major structural changes to the FAA. Legislators at the hearings also called for a restoration of public confidence in the agency, which may have led to the increased focus on the safety of the commercial sector where the impacts were felt by the public. Longer tenures could have created the potential to develop more complex programs, though more research is needed.

5. Acknowledgements

The author wishes to express his appreciation to Dr. Candy Young, faculty advisor from the department of Political Science at Truman State University, for all of her guidance in the research project. Her numerous consultations on both the nature of the political process in the United States and constructive editing were instrumental. In addition, he wishes to express appreciation to Truman State University for its overall institutional support for the research.

6. Works Cited

1. Manuel Gonzales, et al., *America's Habit: Drug Abuse, Drug Trafficking, and Organized Crime: President's Commission on Organized Crime* (Darby, PA: DIANE Publishing, 1986), 72.
2. Ibid., 287-288.
3. Ronald Reagan, "Remarks Announcing Federal Initiatives Against Drug Trafficking and Organized Crime," *The American Presidency Project*, October 14, 1982, <http://www.presidency.ucsb.edu/ws/?pid=43127>.
4. U.S. Congress, House, Committee on Public Works and Transportation, *Hearing on H.R. 1580: Aviation Drug-Trafficking Control Act*, 98th Cong., 1st sess., 1983, 103-104.
5. Ibid., 79-80.
6. Ibid., 122-123.
7. U.S. Cong., House, Conference Committee, *Conference Report on Aviation Drug-Trafficking Control Act*, 98th Cong., 2nd sess., 1984, 1-13.
8. Ronald Reagan, "Statement on Signing the Aviation Drug-Trafficking Control Act," *The American Presidency Project*, October 19, 1984, <http://presidency.ucsb.edu/ws/?pid=39283>.
9. Giandomenico Majone and Aaron Wildavsky, "Implementation as Evolution," in *Public Policy*, eds. Stella Theodoulou and Matthew Cahn (Upper Saddle, NJ: Prentice Hall, 1995), 140-152.
10. Daniel Mazmanian and Paul Sabatier, *Implementation and Public Policy* (Glencoe, IL: Scott Foresman & Company, 1983).
11. Morton Halperin and Priscilla Clapp, *Bureaucratic Politics and Foreign Policy* (Washington, D.C.: The Brookings Institute, 2006).
12. Richard Matland, "Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation," *Journal of Public Administration Research* 5, no. 2 (1995): 146-147.
13. Paul Sabatier, "Top-Down and Bottom-Up Approaches to Implementation Research: a Critical Analysis and Suggested Synthesis," *Journal of Public Policy* 6 (1986): 21-48.
14. Philip Selznick, *TVA and the Grass Roots: A Study of Politics and Organization* (Berkeley: University of California Press, 1949), 6.
15. Richard Elmore, "Backward Mapping: Implementation Research and Public Policy," *Political Science Quarterly*, 94, no. 4 (1980): 604-605.
16. Milbrey McLaughlin, "Learning from Experience: Lessons from Policy Implementation," *Educational Evaluation and Policy Analysis* 9, no. 2 (1987): 172-173.
17. Matland, "Ambiguity-Conflict Model," 150-153.
18. Ibid., 155-159.
19. Ibid., 160.
20. Ibid., 165.
21. U.S. Congress, House, Committee on Public Works and Transportation, *Hearing on FAA's Role in Aviation Drug Enforcement*, 100th Cong., 2nd sess., 1988, 27-28.
22. U.S. Congress, House, Committee on Public Works and Transportation, *Report on Federal Aviation Administration Drug Enforcement Assistance Act of 1988*, 100th Cong., 2nd sess., 1988, 2-11.
23. Ibid., 1-2.
24. Ibid., 12-13.
25. Ibid., 3.
26. U.S. Congress, House, Committee on Public Works and Transportation, *Hearing on Implementation of the FAA Drug Enforcement Assistance Act of 1988*, 102nd Cong., 1st sess., 1991, XIII.
27. Graham Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis* (New York: Addison-Wesley Educational Publishers, 1999).
28. Halperin and Clapp, *Bureaucratic Politics and Foreign Policy*.
29. U.S. Congress, House, Committee, *Report on FAA's Role 1988*, 4-27.
30. Erich Goode and Nachman Ben-Yehuda, *Moral Panics: The Social Construction of Deviance*, (Malden, MA: Blackwell Publishing, 1994), 206-207.
31. Shanto Iyengar and Donald Kinder, "Issue Networks and the Executive Establishment," in *Public Policy*, eds.

-
- Stella Theodoulou and Matthew Cahn (Upper Saddle, NJ: Prentice Hall, 1995), 297-299.
32. Goode and Ben-Yehuda, *Moral Panics*, 207-209.
 33. Ronald Reagan, "Radio Address on Drug Abuse and Trafficking," *The American Presidency Project*, May 30, 1987, <http://www.presidency.ucsb.edu/ws/index.php?pid=34347>.
 34. Ronald Reagan, "Radio Address to the Nation on the Fight Against Illegal Drugs," *The American Presidency Project*, June 25, 1988, <http://www.presidency.ucsb.edu/ws/index.php?pid=36037>.
 35. Goode and Ben-Yehuda, *Moral Panics*, 207.
 36. U.S. Congress, House, Committee, *Drug Enforcement Assistance Act of 1988*, VIII-XIV, 85-99.
 37. Mathew McCubbins and Thomas Schwartz, "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms," *American Journal of Political Science* 28, no. 1 (1984): 168.
 38. U.S. Congress, House, Committee, *Drug Enforcement Assistance Act of 1988*, 15-25.
 39. U.S. Congress, House, Committee, *Hearing on FAA's Role 1988*, 174.
 40. U.S. Congress, House, Committee, *Hearing on Implementation 1991*, X-XII, 18.
 41. *Ibid.*, XIV.
 42. *Ibid.*, XV.
 43. FAA, Withdraw of Notice of Proposed Rulemaking, "Drug Enforcement Assistance," *Federal Register* 70, no. 232 (December 5, 2005): 72403, <http://www.gpo.gov/fdsys/pkg/FR-2005-12-05/html/E5-6791.htm>.
 44. U.S. Congress, House, Committee, *Hearing on Implementation 1991*, X-XI.
 45. Allison and Zelikow, *Essence of Decision*, 169-170.
 46. U.S. General Accounting Office, *Aviation Safety: Unresolved Issues Involving U.S.-Registered Aircraft* (Washington, D.C.: GAO, 1993), 8-9, <http://www.gao.gov/assets/220/218135.pdf>.
 47. Matland, "Ambiguity-Conflict Model," 163.
 48. Goode and Ben-Yehuda, *Moral Panics*, 207.
 49. "Timeline: The FAA and Airlines," PBS, accessed February 15, 2014, <http://www.pbs.org/wgbh/pages/frontline/flyingcheap/etc/cronfaa.html>.
 50. "FAA Approves AOPA-suggested Photo ID Rule," AOPA, last modified October 24, 2002, <http://www.aopa.org/News-and-Video/All-News/2002/October/24/FAA-approves-AOPA-suggested-photo-ID-rule>.
 51. Sabatier, "Top-Down and Bottom-Up Approaches," 40-42.
 52. "FAA Approves AOPA-suggested Photo ID Rule."
 53. S.1147, 107th Cong., 1st sess., <https://www.govtrack.us/congress/bills/107/s1447/text>, sec. 129.
 54. FAA, Withdraw, Drug Enforcement Assistance, 72405.
 55. FAA, Withdraw, Drug Enforcement Assistance, 72404-72406.
 56. FAA, Final Rule, "Drug Enforcement Assistance," *Federal Register* 73, no. 040 (February 28, 2002), 10662, <https://www.federalregister.gov/articles/2008/02/28/E8-3827/drug-enforcement-assistance>.
 57. FAA, Final Rule, "Re-Registration and Renewal of Aircraft Registration," *Federal Register* 75, no. 138 (September 24, 2010), 41969, <https://www.federalregister.gov/articles/2010/09/24/2010-23964/re-registration-and-renewal-of-aircraft-registration-omb-approval-of-information-collection>.
 58. Daniel Baxter, "John and Martha King Held By Gunpoint Over Aircraft Tail Number," AvStop.com, last modified August 31, 2010, http://avstop.com/news_august_2010/john_and_martha_king_held_by_gunpoint_over_aircraft_tail_number.htm.
 59. Office of Inspector General, "Inspector General Review of Fiscal Year 2013 Drug Control Funds and Performance Summary Reporting," Report no. FI – 2014 – 028, (Washington D.C.: U.S. Department of Transportation, 2014), <http://www.oig.dot.gov/sites/dot/files/FY%202013%20FAA%20Accounting%20for%20Drug%20Control%20Funds%20Report%201-31-14.pdf>.