

# Reaching No Fear: Policy Entrepreneurship in New Policy Strategies for Public Sector Accountability

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*This case study examines the concept of the “policy entrepreneur” as it applies to events leading up to passage of legislation designed to increase Congressional oversight of federal agencies in employee civil rights. The purpose of advocacy was to achieve work environments free from harassment, hostility, whistleblower retaliation, and other unfair administrative actions. Signed into law by President George W. Bush on May 15, 2002, the No Fear Act, which has been lauded as one of the most important pieces of civil rights legislation of this century, is in large part a result of the actions of one agency bureaucrat. The Act itself represents a significant effort in federal government responsiveness to employee claims through agency reporting and notification. It also increases agency accountability through more stringent consequences for civil rights violations. This article examines the case of the No Fear Act of 2002 in the context of the five stages of public policymaking and the characteristics and skills used by policy entrepreneurs to effect change. Case explication illustrates how the protagonist influenced the policy’s elevation to the public policy agenda and its passage into law. In the analysis, it becomes clear that the protagonist’s behavior is indicative of policy entrepreneurship, and that juxtaposing stages of policymaking with functions and skills of entrepreneurship drawn from the literature enriches understanding and provides new areas of inquiry into the policy entrepreneurship role.*

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On May 15, 2002, President George W. Bush signed the No Fear (Notification and Federal Employee Anti-discrimination and Retaliation) Act of 2002 that was lauded as “the first new civil rights law of the 21st century” (Lungren & Shawn, 2002). The leg-

islation was a significant effort to increase federal government accountability through more stringent agency consequences for civil rights and whistleblower retaliation violations, as well as strengthening government responsiveness through increased reporting and notification.

Accountability and social equity are important social goals that have posed special challenges for federal agencies. While Title VII of the Civil Rights Act of 1964 and several whistleblower protection laws were passed to ensure protection of rights for civil servants, problems remained for many choosing to exercise their rights under these laws. Growing diversity of the federal workforce in recent years has made these issues increasingly important to address (Bailey, 2002; Johnston, 1988; Robinson, 2005). According to the Office of Personnel Management, just under one third (31%) of 1.8 million federal employees were minorities, and women made up over 44% of the workforce in 2004 (U.S. OPM, 2004). In spite of these increases, gaps remain in implementation of existing laws in federal workplaces and in the laws themselves to ensure that federal organizations are sensitive to the full range of issues resulting from diversity.

Minorities and whistleblowers in the federal government have expressed concerns about the fairness of the federal system (Zorn, 2001; U.S Merit System Protection Board, 2003). Reaching a workplace free from retaliation against workers choosing to lodge formal complaints about bias or misconduct involves multifaceted strategies because institutional cultures and behavioral norms often overlook racism or subtle patterns of retribution against those who expose internal agency problems. Although measures such as the Civil Service Reform Act (CSRA) of 1978 and Whistleblower Protection Act of 1989 expanded protections for government workers by prohibiting retaliatory use of adverse personnel practices (such as termination, demotion, failure to hire or promote) and reinforcing principles of equitable treatment, many government employees and managers still suffer from the consequences of abuses in the system (Miethe, 1999, 107; Merit System Protection Board, 2003).

This case study examines the role of one woman, Dr. Marsha Coleman-Adebayo, in the evolution of federal legislation to address fairness concerns, specifically the No Fear Act of 2002. Whether the actions constitute policy entrepreneurship is the central issue of this paper. Examining this case through the lens of policy entrepreneurship literature provides an opportunity to judge one person's actions, but also to better understand the nature of policy entrepreneurship in public sector change. Applying key characteristics found in the literature to this potential act of entrepreneurship yields a judgment about the individual, new areas for closer examination (additional characteristics of entrepreneurship), and thoughts about the nature and study of the policy entrepreneurship role. It is notable that the case derives from a place where policy is implemented, an area not generally associated with policy entrepreneurship. Further, the case begins with a successful personal claim of discrimination and hostile environment. Many such cases are brought and are won, but few yield new federal laws.

## **Literature Review**

The influence of entrepreneurs as significant agents of change is well recognized in business theory. We are familiar with those innovative individuals who launch business

enterprises, going out on a limb to prove their ideas. Their success makes their economic dreams a reality. The word “entrepreneur” is derived from the French root word *entreprendre*, “To undertake,” and entrepreneur is formally defined as one who “organizes and assumes the risk of a business or enterprise” (Merriam-Webster, 2007). Gartner’s (1985) definition focuses on the entrepreneur as initiator, stating that entrepreneurs are creative individuals who start a new venture where none previously existed. This involves being willing to make fundamental change as personal vision is transformed into reality (Collins & Moore, 1964; Hebert & Link, 1988).

A complex body of theory has evolved, with various disciplines bringing unique perspectives to the concept (Garner, 2001). For example, Mintrom, Schneider, and Teske (1995) focus on comparisons between entrepreneurs in the public and private sector. They define “public entrepreneur” and pinpoint three essential functions: identification of new opportunities and needs, openness to risk, and capacity to organize teams and networks of people to help move an issue forward (Mintrom, Schneider, and Teske, 1995). Refinement of this concept led to “policy entrepreneur” as one initiating important policy changes in contrast to a business entrepreneur who brings new products to the market. Later, policy entrepreneurship (Mintrom and Vergari, 1996; Mintrom, 1997) came to incorporate other activities such as problem identification, shaping debates, networking in policy circles, and developing coalitions. Friedman (2003) identifies five stages of public policy development: issue identification, policy development, policy implementation, policy evaluation and policy modification.

Other scholars note that a policy entrepreneur plays a central role in engaging people as a problem is defined, often by making issues interesting to powerful people with enough authority to initiate change. Personal influence plays a crucial role in these early stages, and the policy entrepreneur must be an articulate communicator, able to strategically link issues to the values and needs of these central authority figures. This involves an ability to discuss concepts in ways that help focus attention and frame solutions (Kingdon, 1984; Majone, 1988; Polsby, 1984). This also necessitates “salesmanship” that brings movement to a public agenda item so, as some have suggested, elevation occurs from a problem to an “issue” (Peters, 2004, 55; Palumbo, 1988; Cobb & Elder, 1972).

A great deal of energy must be expended as the discussion is shaped. As alternatives are considered, the entrepreneur remains actively involved playing a ‘hands on’ role. They are crucial to the early stages of the “softening up process”, putting time and entry into getting people to comment on ideas, writing, formulating and circulating proposals and meeting frequently with varied people (Kingdon, 1995, 112). Networking and coalition building have been identified as central forms of influence for the policy entrepreneur (Eyestone, 1978, Smith 1991, Mintrom and Vergari, 1996). This involves being good at spotting and mobilizing individuals with a stake in the outcome of the policy discussions (Skok, 1995).

Risk is generally recognized as an essential challenge for an entrepreneur. This involves exposure to a wide range of possible consequences (including injury or harm) that may result from actions taken in a process of initiating change (MacCrimmon & Wehrung, 1986; March & Shapira, 1987). In the private sector, consequences are generally considered

to be financial, and in the public sector emotional well-being or impacts to future career and reputation have been identified (Liles, 1974). Clearly, however, private sector entrepreneurs risk well-being, career, and reputation as well, and public sector entrepreneurs face financial risks. Entrepreneurial activity carries the risk of failure as well, although the possibility of success is generally the driving force (Timmons, 1986).

In summary, literature on policy entrepreneurship provides a set of actions that entrepreneurs perform and a set of skills they use to perform them. Further, the literature makes clear that the actions and skills are accomplished in an environment of challenge and risk, that is, in extraordinary circumstances. These three elements, then, can be used to judge phenomena of entrepreneurship in a specific case. The study herein applies these elements to a particular case of public policymaking to determine if the case fits this qualitative definition of 'policy entrepreneurship,' and if 'yes,' what do we learn about policy entrepreneurship or policy entrepreneurs, or both? To answer these questions, we analyze the story in the context of the literature and comment on the results in relation to the case, to the literature, and to further study of entrepreneurship.

## **Methodology**

The methodology of this study is exploratory and qualitative, and characterized by questions that evolved with our deepening understanding of the processes of policy entrepreneurship (Bamberger, Rugh, Mabry, 2006, p. 301). The methodology follows an exploratory case study approach that includes multiple sources of data such as case notes, documents, in-depth interviews, policy entrepreneurship literature, and media reports. Data retrieved from these sources is arrayed and reported by the authors to highlight salient details of the story. Review and analysis relies on validation of data accuracy and fairness of interpretation by seeking convergence among multiple data sources (Yin, 2003). The case description constitutes a report of such convergences.

This methodology is exploratory in the sense that a single case of policy entrepreneurship is the basis for developing potential insights on other cases of policy entrepreneurship and public policymaking processes in general. We acknowledge that one case is insufficient to yield reliable conclusions, but argue that one case is sufficient to illuminate complexities of policy entrepreneurship (Yin, 2003) and to suggest productive areas of inquiry about policy entrepreneurship and its outcomes. In the case addressed herein, a review of data from various sources shows there is sufficient convergence and corroboration to establish credibility (internal validity), and we make no claim of external validity.

The case analysis seeks insights by matching case activities to characteristics and skills compiled from policy and entrepreneurship literature based on a review of 37 articles in the Questia ([www.http://questia.com](http://questia.com)) database using the search term "policy entrepreneur," and Friedman's (2003) five stages of policymaking (issue identification, policy development, policy implementation, policy evaluation and policy modification). Entrepreneurship characteristics and skills identified in the Questia search are shown in Table 1.

**Table 1. Functions and Skills of Policy Entrepreneurs**

<b>Functions</b>	<b>Definition</b>	<b>Source</b>
ID policy needs, opportunities	Persuasive ideas to achieve dynamic policy changes	Mintrom, Schneider, and Teske (1995); Mintrom, 2000
Risk-Capacity	Endure reputational, emotional, and financial risks of action	Mintrom, Schneider, and Teske (1995); Mintrom, 2000
Organizing Capacity	Assemble and coordinate networks, talents, and resources to achieve change	Mintrom, Schneider, and Teske (1995)
<b>Social Skills</b>		
Social perceptiveness	Able to link elements into a pattern or logical frame	Mintrom, 2000; Sherradan, 2000
Social dexterity	Able to engage people with different goals	Mintrom 2000
Team builder	Able to get people to work together toward a goal	Mintrom, 2000; Marschall & Shah, 2005
Coalition builder	Able to get organizations to support a common goal	Sato, 1999; Marschall & Shah, 2005; Peake, 2002
Political dexterity	Able to define issues for political stakeholders to gain support	Skok, 1955; Kingdon, 1984; Sato, 1999
<b>Intellectual</b>		
Issue knowledge	Understand issues and situations that may affect the issue of concern	Scheberle, 1994
Strategic thinking	Able to focus on the long term goal, guide short term tactics toward goal	Mintrom, 2000
Insight	Recognition of actions to facilitate progress	Mintrom, 2000
Creativity	Ability to combine elements in new or novel ways	Mintrom, 2000
Innovation	Ability to newness and novelty to forge ahead	King & Robinson, 1987; Morris & Jones, 1999 Mintrom, 2000
Problem definer	Figuring out what barriers exist	Marschall & Shah, 2005
Problem solver	Figuring out how to remove barriers	Cobb & Elder, 1972; Palumbo, 1988; Marschall & Shah, 2005;
Moral reasoning	Conscious of reasonable boundaries and able to avoid transgressions	Wessner, 1996; Hart, 2004

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<b>Organization</b>		
Managerial skills	Ability to motivate others to achieve organization goals	Morris & Jones, 1999 Marschall & Shah, 2005
Organization skills	Ability to combine resources into efficient work processes	Miller, 1983; Huefner & Hunt, 1994
Leadership	Ability to inspire loyal followership toward uncertain outcomes	Mintrom, 2000
Persuasiveness	Ability to convince	Zundel, 1995; Mintrom, 2000;
Vision	Future orientation, focused on goals orientation, able to articulate the future	Kingdon, 1995; Weissert & Goggin, 2002
<b>Personal</b>		
Pro-activity	Initiating purposeful activity	Cobb & Elder, 1972; Palumbo, 1988; Mintrom 1997; Tomlins, 1999; Morris & Jones, 1999
Drive	Propel purposeful activity forward	Kingdon, 1984; Shibuya, 1986;
Risk-taking	Willingness to act in uncertain conditions	Kingdon, 1995; Morris & Jones, 1999
Tenacity	The ability to hold strongly, cohesively	Kingdon, 1995
Self-confidence	Belief in one's judgment, powers	Mintrom, 2000
Self-discipline	Systematic effort to develop and maintain one's capacity to act	Morris & Jones, 1999; Weissert & Goggin, 2002; 2000; Hart 2004
Commitment	Entrusting oneself to the cause, mission	Morris & Jones, 1999; Weissert & Goggin, 2002; Hart 2004

One additional methodological specification is required. If we seek to judge a protagonist's fit to characteristics of policy entrepreneurship, it is essential to define judgment criteria for making the degree of fit decision so that readers can judge whether we have made our case effectively. Table 1 provides the framework for evaluative criteria. Our qualitative standard for judgment is the degree to which the protagonist carries out the identified three functions of including identifying new policy needs and opportunities, risk-capacity and engaging in organizing and networking to achieve policy goals. We also probe the protagonist's perception of use of the identified skills associated with policy entrepreneurship to achieve a desired end. The analysis proceeds as follows: first, the case outcome is presented. The case outcome serves both as problem background and documents a successful outcome of activities described in the case. Second, Dr. Coleman-Adebayo's story is reported chronologically to illuminate her roles in the case outcome. Third, case

actions are matched to literature characteristics to determine if entrepreneurship occurred and what insights it yields. Fourth, analytical questions are answered and discussed. Fifth, insights on policy entrepreneurship and policy entrepreneurs are provided.

### **Case Outcome and Issue Identification**

The outcome of the case described and analyzed herein is derived from the Civil Rights Act of 1964, which, with subsequent amendments, outlaws discrimination in employment based on race, color, sex, religion, national origin, age, and veteran status. The Equal Employment Opportunity Commission (EEOC) established by the law was given responsibility for promulgating regulations and administrative rules pursuant to the law, and for monitoring compliance. Protections for employees exercising their rights were incorporated into Title VII as well as the Civil Service Reform Act of 1978. EEOC guidelines indicate that Title VII also prohibits a hostile work environment characterized by, for example, racially charged jokes and comments.

A time-consuming, multilayered complaint process was put in place for federal workers claiming discrimination, with initial efforts to resolve problems involving informal resolution through counseling and alternative dispute resolution, followed by a formal complaint process and investigation within 180 days of initial complaint. At that point, a complainant may either seek a final decision or hearing by an EEOC judge, or move the case to federal district court (Zorn, 2001). Employees are also protected against retaliation under 5 U.S.C. 2302(b) (8) (U.S. OPM, 2005).

Indicators show the inadequacy of systems and resources in place to manage federal workplace discrimination and retaliation complaints (U.S. OPM, 2005). For example, in testimony to Congress in 2001 and in agency reports, the General Accounting Office (GAO) reports huge increases in discrimination complaint, hearing, and appeals inventories. In fact, complaints were almost 40% greater in 2000 than in 1991 (GAO, 1998, Mihm, 2002). EEOC hearing requests grew by 300% over the same period, in spite of declines in the federal workforce (Zorn, 2001). The GAO also recorded that, by 1999, a total of 27,000 people had filed formal EEOC complaints (Brostek, 2000).

In addition, reprisals against federal workers choosing to use the EEO system also were increasing. Reprisal is one of the most frequent complaints filed, with rates as high as 22.5% of all claims in the late 1990's (Zorn, 2001). In 2002, the GAO also reported difficulties gathering accurate information about correct numbers of reprisals occurring against federal workers engaged in whistle-blowing or discrimination cases (Mihm, 2001). Clearly, existing laws were insufficient to resolve discrimination complaints.

The No Fear Act of 2002 (Public Law 107-174), the outcome of the case addressed, puts into place stronger sanctions for federal agencies found in violation of discrimination laws. Federal agencies judged guilty of discrimination must pay for the costs associated with court settlements, attorney fees, and compensatory damages directly from agency budgets rather than from the general "Judgment Fund" residing in the Treasury Department (U.S. Senate Report, 2002). Under the No Fear Act, federal agencies must reimburse the Judgment Fund for settlements paid, modeling a system followed in the Contracts Disputes Act of 1978 (U.S. GAO, 2004).

The No Fear Act also establishes more stringent reporting. Agencies must file annual reports to Congress on both the number of employees disciplined for discrimination, harassment, and retaliation, and on agency policy with respect to managers found to engage in these problematic practices (Public Law 107-174). The bill also calls for the Executive Branch to conduct a comprehensive study of “best practice” responses in an effort to improve management (Mihm, 2001). Agencies are required to report to Congress dispositions of discrimination cases and amounts reimbursed to the Judgment Fund. Such transparency should help to identify persistent violators as well as effective managers who change the culture of fear to one of fairness.

The implemented No Fear Law also increases formal notification to federal workers of their rights and responsibilities, and training about rights, protections, and remedies. Finally, dissemination of agency data on EEO cases, action response times, and resolution must be accessible on Agency web sites (No Fear Act, 2002). The underlying assumption for these requirements is that more informed employees, accessible data, and transparent reporting will reduce unfair workplace treatment over time. While it is not possible to say that the new law will succeed where previous laws have failed, it is clear that claimants’ ability to seek and receive redress has been strengthened by the No Fear Act. We turn now to the entrepreneurial process that generated these improvements.

### **Case Process**

The protagonist in this case is Marsha Coleman-Adebayo, a career public administrator with 17 years of federal government experience and nearly ten years of university teaching and experience with the Congressional Black Caucus Foundation, United Nations, and World Wildlife Fund. Dr. Coleman-Adebayo received her doctorate from Massachusetts Institute of Technology in political science. The case begins with a personal grievance. Dr. Coleman-Adebayo’s story is drawn from interviews carried out from November 2005 to March, 2007.

Dr. Coleman-Adebayo filed her first informal complaint against the U.S Environmental Protection Agency (EPA) in late 1995. This filing, citing discrimination based on race, color, sex, and also existence of a hostile work environment, occurred when Dr. Coleman-Adebayo’s manager failed to grant a high performance rating or relatively pro forma bonus, despite letters of commendation during the period evaluated from then-EPA administrator Carol Browner and then-First Lady Hillary Clinton for work organizing the 1995 World Conference on Women in Beijing, China (*Time Magazine*, Feb. 23, 2001). Dr. Coleman-Adebayo cited the lower performance rating despite high praise, and the timing, as the rating was assigned after non-competitive promotion of a less-qualified white colleague to become her supervisor, during Dr. Coleman-Adebayo’s maternity leave. In challenging the promotion and rating, agency officials responded with sexist comments about her decision to take leave, so gender discrimination was claimed as well.

Additional complaints resulted from recurring public references to Dr. Coleman-Adebayo by other managers as ‘uppity’, and ‘an honorary white man’ (Council of Federal EEO and Civil Rights Executives, 2006; *Washington Post*, July 6, 2006; *New York Times*, May 7, 2002). Dr. Coleman-Adebayo’s personal appeals to higher level EPA officials brought no response, creating personal feelings that she was in an unsupportive (hostile) work environment. In subsequent filings between 1995 and 2000, Dr. Coleman-Adebayo added agency retaliation to her civil

rights cases, including inappropriate job assignments, transfers, artificially low ratings, and arbitrary letters in her employee file. By 1999, Dr. Coleman-Adebayo had completed procedural steps and the case went to trial in federal district court, as permitted by then-existing legislation.

During this four year period, numerous other workers at EPA were expressing concerns about racial discrimination, and in 1999 then agency administrator Carol Browner organized an agency-wide meeting to discuss issues. Dr. Coleman-Adebayo spoke up passionately at the meeting and soon other agency workers approached her asking for leadership in organizing about their grievances. Follow up discussions among aggrieved workers evolved into weekly meetings at which incidents of internal racial discrimination, hostile environments, and whistleblower reprisals were shared and documented. By 2000, meetings had expanded to include large numbers of employees, and the May 2002 official newsletter for the National Treasury Employees Union (NTEU) notes that the group began to call itself, "Victims Against Racial Discrimination (VARD) (Inside The Fishbowl, NTEU 280, May 2002, (18:3).

To bolster her federal court case while at the same time pushing the larger issues, Dr. Coleman-Adebayo also asked her Congressional contacts for letters of support to use as court testimony. In less than a year (August 2000), she won her case when the U.S. Federal Court found the EPA (*Coleman-Adebayo vs. Browner*) culpable on race and sex discrimination and creation of a hostile work environment, granting a \$600,000 award for compensatory damages (Council of Federal EEO and Civil Rights Executives, 2006).

A month after her court victory, Dr. Coleman-Adebayo joined in a press conference with VARD, the advocacy group resulting from her leadership. VARD charged that EPA behavior went far beyond this single incident, that EPA had a problematic internal "culture" (Council of Federal and Civil Rights Executives, 2006). The successful court case and extensive media coverage, along with Dr. Coleman-Adebayo's persistent efforts to keep her Congressional contacts involved, provided legal and political reasons for Congressional hearings. Hearings were held two months after the court verdict, in October 2000, and a year later, in November 2001, in the House Science and Judiciary Committees.

Dr. Coleman-Adebayo was a leading witness in the hearings, but was joined by the NAACP and others emboldened by her court success. Moving testimony about a pattern of violations at EPA and elsewhere in the federal bureaucracy at these hearings, combined with relentless networking, proposal drafting, and publicity seeking, led to shaping of the No Fear Act, which was introduced as H.R. 169 by Congressman F. James Sensenbrenner (R-WI) and 26 co-sponsors in the House on January 3, 2001 and by Senator John Warner (R-Va) and three co-sponsors in the Senate as S. 201 January 29, 2001 (U.S. Senate Report 107-143).

Actions taken by Dr. Coleman-Adebayo yielded consequences. Harassment, discrimination, retaliation, and hostility escalated as first the informal complaint, and then the court case, crept through the agency and then the courts. In addition to the job related emotional pressures of an increasingly high visibility case as an employee of EPA Dr. Coleman suffered concerns about her career and reputation, and was experiencing severe, potentially debilitating, stress-related health conditions. During this period, press releases by the No Fear Coalition document that she also received threatening phone calls, which she formally reported to EPA. The consequences did not abate. Nor did Dr. Coleman-Adebayo's efforts to push the No Fear proposal abate.

As the No Fear proposal inched forward, Dr. Coleman Adebayo continued advocating, reaching out to informal groups in other federal agencies focusing on problems of discrimination and retaliation, and moving to form a larger, more powerful coalition in support of the proposed law. In addition to the EPA VARD group, this coalition grew to include groups at the U.S. Departments of Commerce, Health and Human Services, Defense, and Customs. The expanding coalition reached out to community organizations and networks supporting racial justice, including Blacks in Government, Government Bigots with Badges, the African American Environmental Association and the Southern Christian Leadership Conference. Soon, organizations and networks that worked with whistleblowers and whistleblower retaliation were also supporting the proposed law, including the Government Accountability Project and National Whistleblowers Center (<http://groups.msn.com/NoFearCoalition/taxactpress.msnw>).

Dr. Coleman-Adebayo was also instrumental in mobilizing silent stand-in protests by coalition members in Government Affairs Committee hearing rooms, rallies of over 400 federal workers, and “freedom” buses arriving in Washington (Rothstein, *Hill Newspaper*, March 21, 2002). Stephen Barr, (*Washington Post*, May 16, 2002) writes that these tactics eventually led to House passage of the No Fear Act by a 420-0 margin on Oct. 2, 2001, followed by Senate approval on April 23, 2002, after only a few small changes. The legislation was signed into law by President Bush on May 15, 2002 in a White House oval office ceremony, with Dr. Coleman-Adebayo joining then U.S. Attorney General John Ashcroft, EEOC Commissioner Cari Dominguez, and congressional leaders who championed the bill. (*Jet Magazine*, June 10, 2002). Elapsed time from the court case success in August 2000 to signed federal legislation in May 2002 was less than two years.

Since passage of the legislation, Dr Coleman-Adebayo has continued mobilizing the No Fear Coalition, which has created an independent nonprofit organization, The No Fear Institute. The Institute’s mission is to provide training and education about the No Fear Act and to defend victims of employer discrimination (No Fear Institute, 2005). Representing the Institute, Dr. Coleman-Adebayo also responded to requests by the OPM and the EEOC for comments on regulations related to the law and hosting town hall meetings on Capital Hill in 2006 to comment on regulatory changes associated with the No Fear Act (Kaufman, *USA Today*, September 29, 2003).

The *Federal HR Edge* (September 7, 2004) notes the No Fear Coalition’s Institute launch of “Whistle Awards” to spotlight federal agencies with the worst problems of race, sex, color, disability/age discrimination, and whistleblower retaliation. These “awards of shame” seek to increase public awareness and scrutiny of on-going problems, with Labor Day of each year being the date for announcement of award ‘winners’.

The No Fear Coalition and Institute also grade federal agencies’ No Fear Act compliance in a series of “Report Cards” based on the Act’s required data postings on agency websites. Three agency evaluation categories are: 1) total case closure processing times, 2) length of EEO case investigations, and 3) disciplinary actions against offenders. The first report card, issued in 2004, measured five federal entities: the EPA and Departments of Labor, Agriculture, Justice, Commerce, and Health and Human Services. The report card critiques agencies’ non-compliance with the law, particularly inaccessibility measured as in-

appropriate web sites, difficult to navigate sites, and sites where posted data cannot be downloaded ([www.nofearcoalition.org](http://www.nofearcoalition.org), retrieved Oct. 1, 2007).

More recently, in 2007, working in conjunction with 45 public interest groups, Dr. Coleman-Adebayo and the No Fear Coalition and Institute organized a Whistleblowers Week on Capitol Hill, which was attended by over 500 participants. The event showcased prominent whistleblowers from across the U. S. and received national media coverage. The event commemorated the anniversary of passage of the original No Fear Act (Shane, *New York Times*, May 18, 2007). The week was also designed to help lay groundwork for follow up legislation.

Currently, several pieces of legislation to strengthen weaknesses in the original act are under development with the support of Rep Sheila Jackson Lee (D., Texas) (2004). New legislative moves under consideration include proposals to make Title VII plaintiffs' compensatory damages non-taxable, offer greater protections against retaliation for federal employees who provide information to Congress, and require stricter definitions of the disciplinary actions to be taken against managers found guilty of discrimination.

If adopted, none of these additional safeguards will help Dr. Coleman-Adebayo directly; her personal grievance's favorable court verdict and judgment against EPA have given way to advocacy for the benefit of others. It is important to note that the court judgment did not end retribution for reporting wrongdoing and pursuing her case. Consequences include remaining in a state of limbo, without pay, as legal battles continue with EPA over the status of her employment and position. Dr. Coleman-Adebayo faces uncertainty about her future career and retirement, and stress related health problems continue to pose limits. Although continued advocacy provides purpose and sustains her, she carries the burdens of lack of employment income and opportunity.

What we report here is the story of one individual's self-transformation from an upwardly mobile public administrator to a successful complainant and whistleblower turned policy advocate and agenda-framer who accomplished national policy change. The analytical questions are whether this story represents a case of policy entrepreneurship, and if it does, what does it contribute to our understanding of policy entrepreneurship theory and of policy entrepreneurs in action? To answer these questions, we examine the story in light of the literature.

### **Complexities of the Entrepreneurship Phenomenon**

As noted in the methodology, case analysis seeks insights by matching case activities to elements drawn from the policy entrepreneurship literature. Table 2 juxtaposes characteristics described in Table 1 with Friedman's (2003) stages of policymaking (issue identification, policy development, policy implementation, policy evaluation and policy modification). Table cells contain assignment of activities to the stages of policymaking and a ranking of skills employed at different stages of policymaking. These assignments were made by the authors with input from the protagonist because the intent is to shed greater light on the nature of entrepreneurship, and for that, the views of the entrepreneur are an important ingredient. The assignment of key actions and skills at various stages helps in evaluation by answering two questions. First, do the characteristics of actions taken and skills employed rise to the level of policy entrepreneurship as that phenomenon is described in the literature? If the answer is yes, then the case is an example of policy entrepreneur-

ship and the protagonist is fairly called a policy entrepreneur. Second, if this is a case of policy entrepreneurship, what does this case say about the phenomenon of policy entrepreneurship? Are there characteristics of the phenomenon not captured by the literature or nuances that need closer examination?

**Table 2. Policy Entrepreneurship Functions and Skills at Stages of Policymaking**

Stages of Policymaking					
Functions	(1) Identify	(2) Develop	(3) Implement	(4) Evaluate	(5) Modify
<b>Challenges</b>	Recognize links personal case to many others	Engage Congress, gain support in bill passage	Monitor compliance, Launch No Fear Institute	Choose monitoring actions, seek accountability	ID law's weaknesses, repeat Step 2
<b>Risk Capacity</b>	Pursue personal case, endure threats to job, health, mental health, reputation, finances, potential failure	Seek visibility, publicity, loss of privacy, negativism, notoriety, potential failure,	Focus on monitoring limits career, adds new financial risks, increased vulnerability as the cameras disappear		
<b>Organizing capacity</b>	Catalyze, grow VARD Support Group	Build No Fear Coalition, Propose, comment on, circulate, propose compromises for legislative language	Establishes No Fear Institute, seek resources, ID evaluation tools	Gain agreement, launch Report Card, Whistle Awards, publicize, sustain momentum	Organize Whistleblower Week; Re-energize development process for amendments to law (re-do policy ID stage)
<b>Identified Skills</b>					
Social	Social dexterity	Coalition building, Political dexterity, Persuasion			
Intellectual		Knowledge of Issues, Strategic Thinking	Insight Knowledge of Issues	Strategic Thinking Innovation	Vision
Organizing Personal	Leadership Proactivity		Managerial	Organizational skills	Tenacity

Beginning in the upper left corner of Table 2, an important challenge in the policy identification stage for Dr. Coleman-Adebayo was to recognize that her personal grievance had implications far beyond her individual case. She could have sought to redress her personal grievance alone. Instead, Dr. Coleman-Adebayo recognized that what was happening to her was also happening to others, and most had not even complained, let alone filed a court case. Dr. Coleman-Adebayo's initiative motivated others to talk about their grievances to her, and motivated her to draw them together in mutual support. The scope of concerns led the protagonist to recognize the problem as systemic and the solution as requiring change beyond agencies. VARD thus was launched as a vehicle to cause policy change far beyond a single case.

Primary risks at this stage involved the choice to file a grievance and then a court case. This action required Dr. Coleman-Adebayo to face fears of losing her job and income, damage to her reputation, branding as a whistleblower, retaliation by superiors, continued harassment, and most of all, the potential of failure. These risks likely prevented many others who suffered similar grievances to remain silent. Dr. Coleman-Adebayo, however, continued her case despite these consequences and at the same time continued activism on the broader policy initiative. Her personal grievance turned into a cause, a mission. Rather than retreat in fear, she pursued systematic action toward a broader, important goal. We call this entrepreneurship.

The primary skills important at this stage were leadership, social dexterity and pro-activity. Dr. Coleman-Adebayo was not dissuaded by the reluctance of the others to speak out, but rather used her leadership and pro-activity to develop support for her case in the context of needed federal policy change. She used social dexterity to develop a communal voice by energizing VARD to become a foundation for moving the policy forward in the form of the No Fear policy coalition.

In the second stage of policy development, Dr. Coleman-Adebayo faced challenges that were different in scope. Catalyzing, facilitating, and pushing federal policy initiatives to a successful conclusion are not for the meek. Dr. Coleman-Adebayo scanned the environment for ways to mobilize political support, collected data, developed evidence summaries for supportive legislators, commented on proposals, proposed legislative language, and lobbied members in both houses of Congress while at the same time keeping the advocacy coalition energized, growing, and actively lobbying.

Key skills at this stage are coalition building, political dexterity in the sense of keeping varied stakeholders focused on the goal and reinforcing their senses of purpose and commitment, and persuading additional stakeholders to become supporters of policy change. For these tasks, intellectual skills of issue knowledge and strategic thinking play essential roles. Here, Dr. Coleman-Adebayo's intimate understanding of government agencies from her insider status and of civil rights issues from her professional qualifications provided the unique focus that led to the use of Congressional oversight and transparency as tools of change rather than the many other choices that could have been made.

In the third stage of implementation after the No Fear Act became law, one might expect that Dr. Coleman-Adebayo would claim this second victory and seek personal comfort, perhaps by negotiating a position somewhere in the federal implementation of the new law,

far from the settings that launched this case. With clear and unambiguous credentials in achieving public policy success and both legal and technical public policy qualifications, Dr. Coleman-Adebayo would be a valuable participant in implementation, and such a choice would put her back on a forward career trajectory. But conflicts with her agency continued over stress and health related issues of a hostile work environment, creating barriers to being formally allowed to work from home or detailed to a Congressional post or position that would facilitate these activities (*Washington Post*, July 10, 2006.)

Undaunted, Dr. Coleman-Adebayo took a lead role outside of direct implementation, using her insight and knowledge to plan external monitoring activities for No Fear Coalition to ensure that agency implementation performance would be visible, if not accountable. This choice meant starting an organization to monitor, much as a for-profit sector entrepreneur starts a business. Key managerial skills were essential for the tasks of defining the mission, identifying the programs and actions for carrying out the mission, and launching and planning methods for sustaining the organization, called the No Fear Institute.

We leave our protagonist in the final stages of policy evaluation and modification, fully engaged in the process of organization building, and without knowing the degree of success that will occur. We can say that the organization has selected some strategies for holding federal agencies accountable (agency compliance report cards) and No Fear Whistle awards for publicizing agencies with negative working environments for minorities, women and whistleblowers. There have been events to publicize the law's requirements to federal employees. There have been discussions about needed modifications to the law. Money is still scarce and there have been no "angel investors" providing start-up capital or operating funds.

Dr. Coleman-Adebayo's skills are now focused on making this shoestring organization into a viable advocate for fair and transparent workplaces in the federal government. It is our judgment that Dr. Coleman-Adebayo will face even greater challenges and risks in this venture than she endured in earlier ones, and that she will need all her entrepreneurial skills to succeed. These skills will be required in ways similar to the policy stages already described, but the environment and status of the advocates are likely to be different, at least to the degree that participant roles are different. In what ways the differences will affect the dynamics and outcomes it is not possible to know. So, despite two important successes thus far (winning her case and passage of the No Fear Act), we cannot predict a third success for Dr. Coleman-Adebayo with any certainty.

### **Conclusions Regarding Complexities of Policy Entrepreneurship**

In terms of our evaluative questions, entrepreneurship exists in this case, we believe, because Dr. Coleman-Adebayo did *not* just win a case, take her court award, and exit the limelight. Instead, she elected to lead her supporters further, by taking on new personal uncertainties and incurring even greater risk. This clearly was a turning point. Pursuing a grievance into a court case and marshalling the resources to win it may not be considered entrepreneurship, but it is difficult *not* to acknowledge as entrepreneurial the increased uncertainties and risks associated with venturing into the highly visible and intensely political terrain of federal public policy development and implementation

This dynamic, multi-faceted situation demonstrated involved self identified skills of knowledge of the issues, strategic thinking, political dexterity and persuasiveness necessary to influence new policy initiatives and push them through legislative processes in both houses. As already noted, the policy development stage yielded successful passage of the No Fear Act of 2002, the definitive act of policy entrepreneurship in this case.

The first conclusion that we draw from this case, then, is that the protagonist, Dr. Marsha Coleman-Adebayo, is a policy entrepreneur. She clearly acted beyond what others in her situation did, in fact, becoming a leader among those individuals and expanding the scope of action to federal policy in the issue area. In combining individual grievances and contributing to policy solutions using the strategies and skills known as indicative of entrepreneurship, Dr. Coleman-Adebayo ensured collective solutions reaching far beyond original settings. Winning her personal case and catalyzing passage of the No Fear Act are confirmations of policy entrepreneurship.

A second conclusion that we draw from this case is that there are other characteristics of policy entrepreneurship not explicitly recognized in the literature. We note three. First, policy entrepreneurship is not necessarily a conscious choice or planned trajectory. In this case, it began as a perceived solution to a personal grievance. When her personal grievance was successfully resolved, Dr. Coleman-Adebayo consciously chose to pursue collective advocacy toward a policy level solution. This raises questions about policy entrepreneurship and perhaps about entrepreneurship in general. Did Dr. Coleman-Adebayo's successful personal case make her an entrepreneur? Or was it when she took on the collective goal that she became an entrepreneur? Clearly, skills associated with entrepreneurship were applied in both situations, and continue to be applied in the current situation, although the requisite successful outcome is not yet apparent.

Second, this exploration of an internal policy entrepreneur shows special challenges and risks that these individuals face. The spheres of civil rights, employment law and whistle blowing legislation lend themselves to the emergence of individuals inside the system with special expertise because of the situations they have faced. Although they are uniquely positioned to articulate and guide important change, they generally pose threats to the bureaucratic status quo. Is it always necessary for individuals to leave one career path and enter an entirely different career path when becoming a policy entrepreneur? Under what conditions does career changing behavior occur? Or is there the possibility of developing a process of working more creatively with the policy advocate and entrepreneur within their agency such that they become more effective internal change agents, helping bureaucratic systems evolve?

Third, if this case is typical of policy entrepreneurship dynamics, its nuances show that literature-identified characteristics and skills are incomplete and insufficiently nuanced. Potentially central elements of entrepreneurship are not discernible from quantitative studies, for example. The existence of challenges and risks, and the use of specific skills, are insufficient to understand policy entrepreneurship. Work needs to be done to identify elements of the environment that may mean the difference between good people doing good work and entrepreneurs who rise above doing good work to catalyze and mentor policy change.

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