

Tenth Anniversary Issue

Oklahoma Politics



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OKLAHOMA POLITICS

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OKLAHOMA POLITICS, TEN YEARS ON

Anniversaries are arbitrary interruptions in the flow of time, and yet their undeniable meaning derives from the significance of the milestones they commemorate. It has been ten years since the Oklahoma Political Science Association (OPSA) launched *Oklahoma Politics* as an exclusive outlet for political science research about the Sooner State. Like so many other initiatives in Oklahoma higher education, this one operates on a shoestring. Its sheer persistence testifies to OPSA's commitment to sustaining a community of Oklahoma scholars. For editorial leadership, it has relied over the years upon the dedication of particular individuals such as Bob Darcy and Greg Scott. Yet if it is possible for a journal to have a beating "heart," then this would have to take the form of Sandra Mace, *Oklahoma Politics*' business manager. The reliability and skill with which she has shepherded issues to their completion has also served to unite us all.

But above all, a journal like *Oklahoma Politics* exists only through the loyalty of its readers and the dedication of its contributors, many of whom must take time out from their busy teaching schedules for their research and writing. Turn to the index included with this volume and you will get a glimpse of a scholarly chronicle of Oklahoma politics that appears no where else. This is an important record which deserves to exist. With the continued commitment of both its contributors and readers, this record—and its future commemorations—can only grow in their meaning.

Jan Hardt and Loren Gatch
University of Central Oklahoma

THE CHANGING FACE OF POLITICAL SCIENCE IN OKLAHOMA HIGHER EDUCATION

As a feature of the tenth anniversary edition, *Oklahoma Politics* issued a general invitation to political scientists—particularly the senior faculty—to assess how teaching and researching political science in Oklahoma has changed over time. While the resulting submissions mostly reflect the experience of the larger institutions, they range in character from personal reminiscences to programmatic statements of departmental achievement. They are best appreciated, we think, when read together as a group; each contribution speaks to the others, and sometimes in subtle ways. We hope that the following essays give our readers—especially the younger ones—a better sense of where Oklahoma political science has come from, and where it might be going.

REMINISCING IN OKLAHOMA

HARRY HOLLOWAY

University of Oklahoma, Emeritus

In reminiscing of my time in Oklahoma, I will try to provide lighthearted items while refraining from a pack of lies. I feel like the guy in the TV ad who says he had a life that no one would want to read about.

When I showed up at the University of Oklahoma in 1962 I came in the first instance from the University of Texas, Austin. I had grown up in the Pacific Northwest, mainly Seattle. I spent three years at the University of London, propelled there by a wonderful history professor at the University of Washington. After a three year stint at Cornell (Ph.D. 1958) I got my first job in Texas in 1957 and then left for the University of Oklahoma in 1962.

In 1962 Oklahoma was badly malapportioned and segregated. Even getting a good drink of booze could be tough, although there were lots of helpful bootleggers on hand for those in dire need. As for malapportionment and segregation, federal courts struck these down, at least in law, in due course. But as anyone living in the state could testify, rural conservative interests remained quite pervasive.

Something else that persisted in the state in the 1960s was plenty of corruption. It became a major interest of mine. The corruption was so bad that, according to one story, a local county commissioner won office by promising that he would take no more than the usual 10 percent! The story may be apochryphal but in 1962 there were fertile grounds for suspicions. Thus, during this period of the 1960s the feds caught and convicted some 220 officials, mostly county commissioners, for taking kickbacks. My interest in corruption blossomed into a book (with Frank S. Myers), *Bad Times for Good Ol' Boys: The Oklahoma County Commissioner Scandal* (1993).

Federal officials cleaned up this mess. The pattern of federal intervention occurring to clean up Oklahoma corruption was to be repeated again and again. The most recent example worth citing is the Health Department, with the conviction of a Deputy Commissioner in 2000. As usual the FBI and federal courts are cited. Yet my experience in researching the dark side of Oklahoma politics did not lead me to the view that Oklahoma is uniquely corrupt. It is probably average, just as the state tends to be in the middle range in other respects.

Whatever the state's oddities, it has been enjoyable to live in. Among things that Oklahoma does not lack is lots of good people! Oddly enough, my old home town of Seattle, which used to be an obscure place off in a corner of the country, has come up in the ratings of good places to live. Even so, I don't think I could live there happily now. Apart from the weather, it has become crowded and is today one of the most congested places in the nation. And it is hellishly expensive! Seattle is a nice place to visit, but I wouldn't want to live there. All in all, I think I am quite well off in Oklahoma!

ASSESSING THE LAST TEN YEARS FROM A JUNIOR COLLEGE PERSPECTIVE

JEFFREY BIRDSONG
Northeastern Oklahoma A&M College

Throughout most of the last ten years, Northeastern Oklahoma A & M has tried to transform itself from a rural junior college to a community college. This transition has led to a greater emphasis on distance learning, computer technology, and adjunct faculty, but also a de-emphasis on residence halls, academic programs with limited majors, and student services. While these changes may work well for community colleges in Tulsa and Oklahoma City, the results have not been very productive for us. Our experience lets us know the old adage "Know thyself" is important to remember not only for individuals but also for institutions.

Not all changes have been detrimental to the college. Distance learning and Internet courses are here to stay for my college as I am sure they are for colleges around the state. Many students who could not have gone to college can now attend, thanks to these new technologies. I am now teaching a distance-learning class in government for the Thunderbird Youth Academy, an alternative school for troubled youth, which is roughly sixty miles from campus. Both distance learning and Internet technologies provide new opportunities, but they also limit

spontaneity, which is so vital to political science classes. Certainly Internet chat rooms give some students more opportunities for expression, but these same students miss the experience of witnessing firsthand through classroom discussions why people have political differences. Perhaps future technologies will give us an ability to have the classroom experience while learning from a distance, but we are not there yet.

The use of adjuncts also has increased during this past decade. I am sure the contributions adjuncts make in the classroom are beneficial to the students and the college. However, my concern is that adjuncts will diminish job openings for young faculty members. Our profession will always need young faculty members who grow into the job and make the study of government their lives' work. With adjuncts, a part-time job likely creates a part-time devotion to the profession.

The one way we can make sure that our college or any other colleges are not overwhelmed with technology and adjuncts is to "know ourselves." First we need to know what we are not. Colleges are not businesses. Colleges are institutions that challenge students and faculty to think critically, which must always be our mission. Cost effectiveness can not be disregarded, but when it reigns supreme, the true mission of a college is harmed.

Currently my college is finding a middle ground between the attractiveness of new technologies and the steadiness of the traditional structure found in this rural two-year college. There has been new emphasis on improving the residence halls and providing activities for on-campus students, so they will feel more at home. Providing the complete college experience, academics, activities, and campus life, in a smaller context than the larger universities, is an attractive alternative for many students. This had been our mission, and we are getting back to it.

In the past ten years what has not changed for me and, I am sure, for my colleagues is the tremendous satisfaction one gets in teaching. As our institution goes through transitions, we witness transitions in the lives of our students. Our college can take young people from little towns like Bluejacket, Oklahoma, and make them realize the closeness and complexity of the world as they work on a group project with a classmate from Nairobi, Kenya. This is a valuable benefit for us all.

**POLITICAL SCIENCE AT THE UNIVERSITY OF
OKLAHOMA, 1975-2001**

RONALD M. PETERS, JR.
University of Oklahoma

When I joined the Department of Political Science at the University of Oklahoma in January of 1975 on a one-semester visiting appointment, I was the only non-tenured member of the faculty. A substantial majority of faculty members were tenured full professors. I served on a visiting appointment for a year and a half before obtaining a tenure-track appointment. During that time, the University revised its promotion and tenure requirements to extend the probationary period from four to six years, and the Department substantially enhanced its research expectations.

Thus, I entered the Department on the cusp of its transformation from a teaching-oriented faculty to one that stressed research as well as teaching. While there were at that time a substantial number of faculty members, most hired in the previous ten years, who had active research agendas, from the mid-1970s forward all newly hired members of the faculty were expected to pursue research as well as teach well. A research faculty appropriate to the needs of a comprehensive research institution was in the making.

Of course, the transition was not quick. Those senior faculty members who defined their role primarily in terms of teaching did not turn into avid researchers. Instead, the transition of the Department was accomplished very gradually by attrition, as retiring faculty were replaced by a new generation of research faculty. This process was given impetus in the mid-1980s due to the changes in the Oklahoma Teachers Retirement System, which made retirement more attractive. Still, the process of building a stable research faculty has been slow. Today around one half of the faculty are on tenure-track.

Aside from generational turnover, the other main feature in the evolution of the Department has been institutional development. The Political Science Department at OU has always been entrepreneurial, and the University has fostered a climate in which entrepreneurs could build programs. When I arrived in 1975 the Department had already created the Bureau of Government Research, the Science and Public Policy Program and the Advanced Programs in Public Administration. A program in International Relations had been undertaken but closed down in the 1960s.

Since 1975 the Department has witnessed a continuing ebb and flow in program development. The Advanced Programs in Public Administration has continued to thrive, albeit at reduced levels of deployment. Whereas twenty years ago we offered the MPA degree in Europe, the Pacific, and at various locations in the continental United States, we are now offering courses at a half dozen locations in the United States. Three years ago we lost the Pacific MPA contract but a new round of contract bidding is in the offing and it is possible that we will resume instruction in the Pacific theater. In the meantime, OU has begun offering an interdisciplinary international relations degree in Europe, and a number of our faculty are teaching in that program.

In 1979 the Carl Albert Congressional Research and Studies Center was created, bringing new faculty strength in American institutions. In the mid-1980s the Bureau of Government Research was the victim of the crash in the oil industry and the budgetary crunch that it produced. During the late 1980s and early 1990s the Science and Public Policy Program, under the leadership of Tom James, continued its close relationship with the Department, even though colleagues Jack White, Don Kash, and Steve Ballard had left the university.

In the mid-1990s the Department began a new period of creative growth. The Bureau of Government Research was recreated as the Institute for Public Affairs. The Department severed its last link with Science and Public Policy when Tom James moved over to head up IPA and colleague Rajeev Gowda departed. IPA now conducts over \$400,000 per year in externally funded research.

Under the leadership of President Boren, the International Programs Center was created, led by our colleague Ed Perkins. This produced a number of jointly appointed faculty positions of which four are in Political Science: Suzette Grillot, Mitchell Smith, Eiji Kawabata, and Renee de Nevers. Just this past year, President Boren created a new School of International and Area Studies with departmental status, and appointed our colleague Bob Cox as its first director. The IPC and SIAS are closely related and the Department has strong links to each. Other faculty appointed full-time in the Department in the fields of International Relations and comparative Politics - Steve Sloan, Larry Hill, Charlie Kenney, Greg Russell, and Brian Taylor - add further strength.

Another Boren initiative has been the creation of the University of Oklahoma Public Opinion Learning Laboratory (OUPOLL). This state of the art survey research center has begun to develop clientele among state agencies, media organizations, and private organizations. This year it will conduct nearly \$500,000 of externally funded research. In connection with the development of OUPOLL, the Department has enhanced its faculty resources in political behavior, with Professors Paul Martin and Michele Claibourn joining Gary Copeland and Keith Gaddie in offering expertise in this area.

Even as the Department has diversified it has retained its core strengths in American politics, public administration, and public policy. The Carl Albert Center and its faculty - Director Gary Copeland, Associate Director Cindy Rosenthal, and myself - provide a foundation in American institutions. Tom Keck provides expertise in public law, and Ann Marie Szymanski offers strength in American political institutions, American political thought, religion and politics, and political theory.

The public administration field has experienced considerable turnover among its faculty, and our MPA and undergraduate public affairs and administration degree is now served by a strong group of faculty. These include Larry Hill, Tom James, Cindy Rosenthal, Jos

Raadschelders, Aimee Franklin, and Jill Tao. This year we are seeking to fill two positions in public administration and public policy.

President Boren has helped the Department in this area as well. In 1996 he assigned the Bellmon Chair in public service to the Department. Dave Morgan was named to the Bellmon Chair at the time, and upon his retirement last year, Jos Raadschelder was named to the position. The Bellmon Chair serves the Department, University, and state by offering a linkage between the academy and the world of political and administrative practice. Each year the Bellmon Lecture brings to campus an outstanding scholar or practitioner.

These various institutional developments have helped shape the faculty. The Department has institutional strengths in American politics, public administration/policy, and international relations/comparative politics. Our faculty are now spread relatively evenly across these fields of study. Whereas two decades ago the Department was substantially understaffed in international relations and comparative politics, we now have a solid faculty core in these areas. This has led to intellectual diversity as well. Faculty members pursue behavioral institutional research in American politics, public law, political theory, theoretical and applied policy analysis, historical approaches to American political development and public administration, survey research, public opinion and political psychology, international relations theory and practice, and area studies in Europe, the post-Soviet republics, Latin America, the Pacific Rim, the commonwealth nations, and the global South. I should also mention that political theory is alive and kicking as well. Don Maletz, the primary faculty member in the field, is joined by a number of other faculty members who share strong interests in theory and teach courses from time to time.

Faculty research has reached new levels. Half of the faculty have books that are recently published, in press, or forthcoming in the next two years. Faculty are publishing in the leading journals including the *American Political Science Review*, *World Politics*, *Social Science Quarterly*, *Political Research Quarterly*, *Legislative Studies Quarterly*, *Public Administration Review*, *American Journal of Political Science* and others. Faculty have also been recognized with grants and fellowships to pursue their research including, for example, funding from the Fulbright Fellowship program (Bob Cox and Charlie Kenney), the German Marshal Fund (Bob Cox), the Smith-Richardson

Foundation (Brian Taylor), the Social Science Research Council (Eiji Kawabata), and the Carnegie Endowment (Brian Taylor).

The increased level of faculty research has also led to increased research by our graduate and undergraduate students. Recent graduates of our Ph.D. program have received national and regional awards for their work, including four American Political Science Association dissertation awards. Students are collaborating with faculty in research. The Carl Albert Center and the OU Honors College sponsor research programs that enable outstanding undergraduate students to work with faculty, and several faculty members have participated as mentors and collaborators with undergraduate students.

The emphasis on research has not come at the expense of teaching. Our faculty continues to take teaching very seriously, from our commitment to Political Science 1113, American Federal Government, right on up to our doctoral seminars. A number of our faculty have received multiple teaching awards, including David Ray (who has primary responsibility for 1113 instruction and our teaching development program for graduate students), Don Maletz, Allen Hertzke, Shad Satterthwaite, and myself. Professor Cindy Rosenthal was named outstanding assistant professor in the College of Arts and Sciences, a high honor. I should also mention that President Boren teaches 1113 every semester and was honored by the University's award for excellence in teaching a general education course.

Thus, two key characteristics have marked the Department's development over the past twenty-five years: the transition from a teaching-oriented department to one stressing both teaching and research, and the diversification of the Department across the main fields of the discipline. These changes have created new opportunities for graduate and undergraduate students. At the graduate level, students now have options to pursue major fields in fields other than American politics, public administration, and public policy, the traditional choices. While it remains to be seen how the pattern of doctoral dissertations will evolve, students confront many new possibilities.

At the undergraduate level, the Department has participated in the national trend toward declining enrollments at comprehensive research universities. In 1991 the Department enrolled over 900 majors in three undergraduate degrees (political science, public affairs/administration, and law enforcement administration). Today that number is between

300 and 350. A major reason for the decline was the termination of the Law Enforcement Administration degree upon the retirement of Professor Sam Chapman, who had been responsible for it. On the bright side, the quality of our undergraduate majors has continued to improve as evidenced by their ACT/SAT scores and grade point averages.

One major trend of recent years that cannot go unmentioned is the use of technology in the classroom and in lieu of the classroom. A number of faculty members now utilize computer applications and computer-enhanced presentation techniques. The University is adopting a Blackboard platform for on-line applications. The Department currently is in the planning stages of implementing its first distance learning courses. These things appears pretty daunting to Luddites like me, but many of our newer faculty members take to technology as fish to water.

So, in the year 2001 the Department of Political Science at the University of Oklahoma is a true microcosm of the discipline at large. We have faculty strength and organized institutional presence in every field of the discipline. Some will say that this diversity comes at a price. By covering most bases, we fail to concentrate our strengths in any area. This may be thought to limit the Department's potential to climb in the rankings of graduate research departments. We are not a "theme" department nor have we fought to battle in which a victor claimed the field and banished the defeated. But we are generally a healthy and happy lot, intellectually diverse and interesting, productive and, importantly, at peace.

**POLITICAL SCIENCE AT THE
UNIVERSITY OF CENTRAL OKLAHOMA,
PAST AND PRESENT**

LOUIS FURMANSKI
University of Central Oklahoma

During the past twenty-five years, the University of Central Oklahoma has experienced tremendous growth in the diversity and size of its student population. With these developments have come significant challenges, none greater than the demands brought on by UCO's transformation from a "Normal" school, to a "University", with five colleges and a mission spanning the local-global continuum. The changes in the Political Science Department over this time have responded to these demographic and institutional dynamics

Twenty-five years ago, the Political Science Department at UCO had recently emerged as a self-standing academic department, from what had been a Division of Social Sciences. Its teaching energies were primarily focused on subjects closely associated with American political behavior and public law. Its faculty was of varied credentials, some possessing Masters degrees, some JDs, and some with PhDs in either political science or history. The primary mission of the department was clearly understood to be teaching, with little emphasis on, or support for, research. Gradually, during the 1970s, the department began to expand its course offerings to encompass the other sub-fields of the discipline, notably international and comparative politics.

Beginning in the late 1980s, the department began to experience the foreseeable turnover of its tenured faculty. This "new blood" began to change the character of the department in a number of significant ways. First, they all held PhDs in Political Science, representing the commitment the department made to becoming more professionally oriented to the discipline of political science. Secondly, these new hires brought to the department greater diversity of educational backgrounds and experiences. Rather than the regional credentials of our recently retired colleagues, incoming faculty brought with them degrees from Virginia, Purdue, Washington, Missouri, Maryland, Cornell, Ohio State, and Cincinnati. Not to slight our only in-state PhD granting institution, our most recent hire hails from the University of Oklahoma. The third recent development has been the increased research activity of our faculty. Our faculty has authored several books and journal articles, and presented numerous papers at state, regional, national, and international conferences within the past ten years. These activities have helped to solidify the professional reputation of our faculty, not only in our discipline, but also more broadly within the larger academic community.

Reflecting these changes, the department revised its undergraduate curriculum in the mid-1990s to correspond more closely with the traditional sub-fields of the discipline. Enrollment in the B.A. major has fluctuated between one fifty and two hundred, with the majority of our majors choosing either pre-law or international relations.

Our M.A. program, the largest in the state granting a Master of Arts in Political Science, has experienced stable enrollments. Most of the students in this program select the International Affairs option as their primary field of study, while our recently revised Public Affairs option is experiencing renewed interest. Graduates of our Masters program have gone on to other careers, such as law, major positions in Oklahoma State Government, the private sector, and the military. Some have gone on to pursue PhDs in Political Science (at Denver, OU, Texas, Texas A&M, and Georgetown), and one student recently was elected to the Oklahoma State Legislature.

The department today remains dedicated to the mission of teaching. With strong administrative support, the department continues a commitment to maintaining small classes, and to assigning its entire faculty to teaching lower as well as upper division courses. Our instructional efforts in American National Government have

reemphasized our commitment to improving its civic education objective, paralleling our redirection towards assisting the service-learning component of the institutional mission. An example of our efforts in this area is the recent establishment of the Reherman Internship Program, a joint effort with the City of Edmond honoring Carl Reherman, a long time member of our department who also served for twelve years as the Major of Edmond. We have also, where appropriate, integrated information technologies into the instructional effort, and have redoubled our commitment to writing across our entire curriculum. In the final analysis, the efforts of the department remain committed to assisting our students in developing their critical thinking and communication skills, and preparing them to become contributing citizens in our democracy.

Back in 1998, the department took on the responsibility of becoming the host institution for the Oklahoma Political Science Association. Members of our department are actively engaged in editing the OPSA journal, *Oklahoma Politics*, maintaining its web-site, and supporting its yearly membership efforts. This is a responsibility we welcome, and which has complemented our efforts to promote the Oklahoma League of Political Scientists, and the Oklahoma Policy Research Center and its journal, *Oklahoma Policy Studies Review*, both joint efforts with UCO's Department of Economics.

Like many of the other regional institutions in the state that have undergone these transformations, UCO remains, above all, a gateway to higher education for many Oklahomans. Unlike the two comprehensive universities in our state, UCO serves a much more diverse, and challenging, undergraduate student body. Our "average" undergraduate student is not average. He/she tends to be older than the traditional student, is less prepared for university coursework, and may contend with the concurrent pressures of work and family. One of the other, less well-known, features of our diversity is the large number of foreign students studying at UCO. The number of foreign students enrolled at UCO places it in the top ten of foreign student populations in the United States, in terms of their percentage of the total student body. These factors place a premium on devoting our energies and resources to the teaching effort. This is a mission we knowingly and gladly accept.

I would be remiss, however, if I did not mention the inadequate support our institution, in particular, receives from our state government. Even though UCO's position in the educational architecture of Oklahoma

is unique, its per capita support ranks at the lower end of the scale. This lack of funding has hindered the ability of the department to implement its strategic plan, and to take maximum advantage of the fine faculty it has assembled. Given these limitations, the Political Science Department at the University of Central Oklahoma has come a long way within the past decade. We are professionally stronger, more diverse, more active in the discipline, but still committed to devoting the greater part of our energies to teaching. We pride ourselves in being part of an institution that is striving to provide the best public undergraduate education in the state of Oklahoma.

**HOW THE MISSION OF
THE UNIVERSITY OF OKLAHOMA
DEPARTMENT OF POLITICAL SCIENCE WAS
REORIENTED TOWARD RESEARCH-CIRCA 1968-1975***

LARRY B. HILL
University of Oklahoma

*It is needful to keep the ancient show while we secretly
interpolate the new reality.*

-Walter Bagehot, *The English Constitution* (1867)

When I joined the Political Science faculty at the University of Oklahoma in the Fall of 1968, I became a minor participant in a broad process of social change that was to alter the face of American higher education over the next two or more decades. An important example of successful bureaucratic mission change is the one that occurred during the decades of the 1960s, the 1970s, and the 1980s on the campuses of most state universities. At different times, administrators and some faculty began to attempt to move their institutions' missions from emphasizing undergraduate teaching to emphasizing research and its associated enterprises of graduate teaching and grant getting.

The motivation was to seek increased prestige and an increased revenue stream after the example of most of the "Big Ten" and "Ivy

League" universities. University leaders who moved in concert toward this new mission concept were not exactly involved in a conspiracy, but over time this new vision of what a state university should be about clearly became the dominant one—the one that was reflected, for example, in such trade journals as the *Chronicle of Higher Education*.

I argue that leaders who wish to be successful in altering the mission of such a bureaucracy as a university must make a long-term, sustained, and thoroughgoing commitment to a program of change. A never-fails recipe for successful mission change cannot be given, but the ingredients for success would include such strategies as changing the university's recruitment patterns, changing the messages given when socializing new members and attempting to resocialize old ones, and changing the reward (and punishment) structure. Those who attempted to change higher education during the period under study followed exactly this recipe. And that recipe was followed by those who changed the mission of the OU Department of Political Science

CHANGING FACULTY RECRUITMENT PATTERNS

One of the most important ways for administrators to implement the new mission was to increase their influence over the faculty recruitment process. For example, if a dean felt that departments were not recommending the hiring and retention of the faculty candidates who seemed the most likely to advance the new mission of increased research, publications, and grant getting, then the dean might intervene and insist on hiring and retaining those who seemed to be the most promising researchers.

Long after the fact, I learned that I was hired because I had a record of publication in good outlets—including the *APSR*—as a graduate student and that my future as a researcher seemed promising. My initial participation in the department's reorientation was unwitting because I was unaware that most of its members did little research. In fact, I knew very little about the department because I never interviewed for the job! When it was time for me to seek employment, I was in New Zealand writing my dissertation. My Fulbright had expired, and I was an impecunious Junior Lecturer at the Victoria University in Wellington. At least partially because U.S. universities were not willing to pay the

airfare to interview me, I was not a hot commodity on the job market. In the end, my choices were between Union College in New York and OU. I chose OU primarily because I assumed that a state university would provide more support for my research than would a liberal arts college.

The circumstances of my hiring may provide some insight into the department's norms. Dick Baker, a specialist in Latin American politics, had been visiting at Tulane, where I was a graduate student, during the year before I left for New Zealand. He found the Tulane faculty rather clannish and preferred to have lunch in the university cafeteria rather than at the faculty club. The result was that we often ate together, and I was able to profit from a one-on-one seminar on the topic of the day. Later, I realized that Dick had been interviewing me extensively the entire time and that I evidently had passed muster. As I left New Orleans, he said that OU might soon have a vacancy and that I should write him when I went on the job market. Fortuitously, when I wrote him, a vacancy existed, and he was the acting departmental chair. He used his influence to get me hired without an interview—an unprecedented situation, one that has not since been duplicated. Such was the level of trust in the department that his willingness to vouch for me was all that other members needed to hear.

Much later, I learned that my predecessor had been let go by the college Dean, John Ezell, for failure to complete his dissertation—over the department's vehement protests. The department responded to this shock by deciding to get with the program and embrace the university's new research mission. Sam Kirkpatrick (now the President of Eastern Michigan University) and I were hired in 1968 with the expectation that we would initiate a new chapter in the department's research history. Also in 1968, Vito Vardys, who had an established research record, was hired at the professorial level to run a departmental program at the university's Munich Center for Russian Language and Soviet Area Studies.

1968 was a watershed year: faculty members who were hired as little as one year earlier were not expected to undertake a program of research. In 1969, two faculty members who would make important contributions to the department's new research orientation were hired: Ted Hebert, who remained at OU until 1983 and who most unfortunately died in 2001 as Professor of Political Science at the University of Utah,

and Dave Morgan, who retired from OU in 2000. In addition, Don Kash and Jack White, who already had distinguished research records, were hired to create a Science and Public Policy program in 1970.

As early as 1970, a critical mass of faculty oriented toward research had been created, and there was no turning back from the department's new hiring policies. So far as I can recall, during my tenure the department has not hired anyone who did not seem likely to exceed, or at least meet, the increasingly stringent requirements for research and publication. Furthermore, in the vast majority of its hiring decisions the department has had the wisdom to select the person that I thought the most likely in the long run to be the best researcher and publisher. Of course, despite having the best of intentions, we have made mistakes in recruitment.

IMPLEMENTING THE NEW RESEARCH ORIENTATION

As universities across the country implemented their new research missions, incoming faculty were reminded of their special roles in helping to change their department's orientation. In addition, long-term, non-research-oriented faculty were propagandized about the new mission; for example, they were often encouraged to attend seminars on how to publish articles and get grants. Their involvement with research also was encouraged in other ways; for example, they might be asked to compete for internal grants designated as "seed" money to smooth the way for obtaining larger outside grants. Among the important changes made by administrators implementing the new mission was to alter significantly the motivational structure—that is, the system for deciding whether to retain, promote, and give salary increases to particular faculty members. The message to departments was to devise systems that rewarded faculty for emphasizing publications and grants.

The process of implementing the new research orientation in the OU Political Science Department took several years to complete, but like the change in the recruitment process—it was quickly set in the new direction. John Wood, who was departmental chair (1967-1974) during the crucial reform period, was not himself a researcher, but he understood how universities were changing and believed that the OU department had to adapt to meet the new reality. He shepherded the many individual

decisions and policy changes needed to implement the new changes into being. These processes of reorientation were consolidated by Hugh MacNiven during his chairmanship, 1974-82.

During the early years, many of the important changes were made by the chair and Committee A, the department's personnel committee, which consisted of the chair and two members elected annually from the faculty. I was elected to Committee A—without campaigning for the position—in about 1972 as an untenured Assistant Professor. Although that election was unplanned, much of what those who wanted to reform the department did was planned—even conspired about. The usual conspirators were Hebert, Hill, Kirkpatrick, and Morgan. Kash and White were housed in a separate unit and were not normally involved in the deliberations, which often took place after lunch or late at night; we were proud of the long hours we worked.

Whether the occasion was a faculty meeting or a committee meeting, the reform group usually had devised a strategy. Kash was especially persuasive in faculty meetings, where he was prone to adopt his plain-speaking-Iowa-farm-boy persona—at considerable length. Our central idea was to champion the cause of research among faculty and graduate students and to increase the quality of the graduate program. In pursuing the latter goal, for example, I was placed on the Graduate Committee for many years; my job was to blackball applicants for the Ph.D. program who were not up to snuff, but who would have been admitted under the department's previous orientation. Ted Hebert was put in charge of placing our Ph.D.s and recruiting new graduate students; I followed him in doing that job when he left for Utah.

The venerable Bureau of Government Research played a key role in the department's reorientation after 1969, when Sam Kirkpatrick became the Director and David Morgan became the Associate Director. The Bureau formerly had been a sleepy entity that did descriptive research for state agencies. Under Kirkpatrick and Morgan, however, the mission was changed. Instead of simply writing a monograph to satisfy an agency, they did that and then in as many cases as possible also used the data to publish an article for a scholarly journal. Many of the articles were co-written with the graduate assistants who worked for the Bureau, and the graduate assistants also turned their dissertations into articles and books. When Kirkpatrick left to become Political Science Chair at Texas A & M in 1977, Morgan became Director and retained that job until the

Bureau was killed off in the university administration's foolish response to a budgetary crisis in 1987. The publications of those associated with the Bureau played a major role in putting the OU political science program on the scholarly map. And the Ph.D.s produced by Kirkpatrick and Morgan constitute the vast majority of the department's most talented and most successful graduates.

Similarly, the Science and Public Policy Program (SPP), which began in 1970, was important in strengthening the department's research orientation. The program was created as large amounts of federal money became available to universities through such mechanisms as NSF's RANN (Research Applied to National Needs). In the early years SPP obtained several million dollars worth of federal and private grants to study such subjects as North Sea oil drilling. Although SPP was a multi-disciplinary program having only a loose linkage with the department, Don Kash and Jack White had departmental appointments and participated in departmental meetings and other activities. SPP resources for travel and other research support, which were generously made available to the Department of Political Science by the program leaders, were extremely important in supplementing the department's meager resources. Furthermore, most of the numerous graduate assistants hired in the program's heyday were high-quality political science students, who contributed greatly to the department's development. Although most of the program's output was descriptive reports to funding agencies (some of which were published as university press books), some faculty and graduate student publications were in scholarly journals that enhanced the department's research reputation. And the graduate assistants recruited both by the Bureau and by SPP made important contributions to the department's graduate classes and to the teaching of the required American government course.

A noteworthy event that solidified the department's transformation was the formal revision of the criteria for tenure and promotion in the mid-1970s. The draft the reformers had prepared involved a considerable toughening of the research requirements, and we were very interested to see how they would be received in the faculty meeting. When the faculty came to the part of the proposed requirements that demanded the publication of certain quantities of "scholarly books and articles," one colleague suggested that "scholarly" be struck as redundant. When I responded that this word was central to the new requirements, he said

that I must be mistaken, because that word—if interpreted strictly—would have the effect of not giving credit for textbooks and works of journalism. After I explained that this was precisely the intent, a lively discussion ensued about the role of research in the department's future. In the course of that discussion, some members of the department learned for the first time that the Dean's office (particularly under the leadership of Dean Paige Mulhollan, 1973-1978) had for some years been holding departments to standards reflected in the proposed requirements. And it was also made known that Committee A had for the preceding five years or so informally been implementing standards similar to those in the draft. In the end, the new requirements were adopted by the faculty—but not quite unanimously. Faculty decisions were usually passed by acclamation.

EXPLAINING WHY THE DEPARTMENT'S REORIENTATION CAUSED SO LITTLE CONFLICT

The major reorientation of the OU Political Science Department toward research in terms of personnel, policies and institutions took place between 1968 and the mid-1970s. These changes were consolidated over the next several years as retirements occurred in the non-research faculty (the vacant positions were filled by those whose future as researchers seemed promising) and as new institutions were created whose focus included scholarly research: the Carl Albert Center (1979); the Institute for Public Affairs (1995), which replaced the Bureau of Government Research; the International Programs Center (1996); and the University of Oklahoma Public Opinion Learning Laboratory (1999).

One of the most striking aspects of the department's transition was the relative lack of conflict stimulated by the issue. Although the majority of the department's pre-1968 members were disadvantaged by the new orientation, little rebellion was engendered; nor did these individuals seek to halt the progress toward giving research increased prominence. Such reactions were common at other universities that newly embraced the research mission. Some faculty—especially those who were relatively young at the time the new mission was adopted

and who were strongly oriented toward teaching—were often very unhappy with the new mission and felt betrayed. The feeling of betrayal arose because they felt that the rules for organizational success were changed dramatically after they were hired.

Such reactions did not surface publicly in the OU department until the mid-to-late 1970s. And then they were expressed quite mildly and by only a few individuals. These reactions were precipitated when one of Oklahoma's recurrent budget crises resulted in a general lack of salary increases over a long period, but those in question learned that their colleagues who published research got small salary increases even in such difficult times. Despite the expression of dissatisfaction, the issue was never brought to the point of a reconsideration of the department's reorientation toward research.

The explanation for the Political Science Department's willingness to accede to the new research orientation lies mainly in its culture. Culture is often derided as a mere residual variable that the analyst may turn to when other explanations for a phenomenon have been discarded. But culture may be a valuable independent variable. For example, reorienting the OU Department of History toward research was not necessary in 1968 because that department's culture had long encouraged research and publication. In contrast, the culture of OU's Department of Sociology was so divisive in 1968 that a reorientation toward research was impossible for some years to come.

First, the Political Science Department's culture was not anti-research; the activity was simply not one that appealed to most members. However, Oliver Benson and Dick Baker, among the old-timers, had published significant scholarly studies. (Perhaps they are the two brightest people I have had the good fortune to meet.) And Walt Scheffer, who initiated the Ph.D. program, spearheaded the public administration program, and was department chair from 1962-1967, favored research—as did the aforementioned John Wood. Also, Hugh MacNiven and Harry Holloway had had to meet research requirements at their respective previous appointments: the University of Pittsburgh and the University of Texas. It was a mark of the innate quality of the department's earlier hiring decisions that when the standards changed, such faculty members as Steve Sloan took advantage of the new rules to prosper in their publishing careers.

Second: Oliver Benson's endorsement of the new direction was crucial. Benson was the department's George Lynn Cross Research Professor (departmental chair 1946-1951; 1959-1962), and it would be difficult to overestimate his influence over his colleagues. Benson was widely respected in political science nationally, and, if he had chosen, he could have moved to a much more distinguished university than OU. Although he did not take an active role in the department's transition, he gave it his general approval. The reaction among many of the old-timers was that if Benson said the department should move toward research, then that closed the issue.

Third, the prevailing norms in the department were genuinely collegial and built on trust. As long as the department was housed in Gittinger Hall, everyone went for coffee in the morning and in the afternoon at the Hester Hall cafeteria across the way; that pattern—as well as the easy opportunity for interdisciplinary contact—ended when we moved into the newly completed Dale Hall Tower in the Spring of 1969. On most days nearly the entire department trooped over to the inappropriately named Ming Room in the student union for lunch (this tradition continued through the late 1970s, when the Ming Room and its food were put through one too many reincarnations for us to stomach, so to speak). The result was that a great deal of group cohesion was built up.

The dominant attitude among the old-timers was: "If you young fellas want to do research and move the department in that direction, then that's fine with us." We reformers sometimes may have skirted the borderline of taking advantage of the civility of our older colleagues as we "secretly interpolate[d] the new reality." But we greatly valued the established norms and felt that our ideas were genuinely reforming the department as we gently moved it toward the national norms that focused on scholarly research.

*Of course, this is my personal history. Another observer might write a somewhat different account of the period. I hope that I have not contracted what Harvard's Pitirim Sorokin called a "Columbus Complex." He said that some of the new members of the Department of Social Relations, such as Talcott Parsons, suffered from this affliction because they went around "discovering" things that did not need to be discovered.

EDUCATION IN OKLAHOMA SINCE 1983

GREG SCOTT

University of Central Oklahoma

I returned to Oklahoma in 1983 after an absence of seventeen years. In the eighteen years since my return there has been, in some respects, substantial change, not all for the better. In many ways Oklahoma is a good place to live. The climate, though brutal in August, allows me to ride my motorcycle at least eleven months a year. The state's scenery, though not spectacular, provides a wide variety of enjoyable vignettes. The new canal and Bricktown in general bring vitality and a cosmopolitan aura to the capital city. Arcadia and similar parks are essential oases in an otherwise arid prairie landscape. The Cowboy Hall of Fame, Zoo and some other improved facilities contribute significantly to the quality of life.

In spite of these developments, however, Oklahoma remains an educational and cultural backwater. The state has more churches and teen pregnancies than most other states. Sooners have yet to discover the concept of "public transportation." A larger percentage of gas guzzling four-wheel-drive suburban assault vehicles are found here than in places like Utah where they might actually be useful.

Having described the setting for the primary topic of this essay, the future of education in Oklahoma is not bright. Each year we fall farther behind the leading higher education states like California, Texas, and North Carolina and there is no sign that this trend will not continue. In elementary and secondary education we exhibit a lack of consciousness that education matters at all. Our new teachers leave immediately for Texas, California, Wisconsin, or Massachusetts, and the ones who remain, even in Edmond's supposedly superior schools, are, on average, of poor quality. The following data from the *Chronicle of Higher Education's Almanac* shows the disparity between U.S. and Oklahoma in terms of educational attainment.

Educational attainment of adults (highest level)	State	Nation
8th grade or less	5.6%	6.9%
Some high school, no diploma	14.6%	11.5%
High-school diploma	30.9%	29.5%
Some college, no degree	22.8%	20.5%
Associate degree	5.8%	6.5%
Bachelor's degree	13.9%	16.1%
Graduate or professional degree	6.3%	9.0%

Closer to home, UCO is about to lose the gains it made in the 1990s. During this period the grounds and physical plant were substantially improved. With good salaries and a buyer's job market, the quality of the faculty improved remarkably. Now, however, as the job market improves for candidates and UCO salaries are starting to decline seriously, in the coming decade the gains of the 90s could be lost. The legacy of the 90s is worth maintaining. UCO students have a new sense of school pride. The number of full time residential students has increased, giving the campus more of the feel of a community rather than a part-time, short-time destination. If a new commitment to higher education does not materialize, the ghost of Old Central will rise again.

THE UNIVERSITY OF OKLAHOMA DOCTORAL PROGRAM

DAVID MORGAN

University of Oklahoma, Emeritus

The only Ph.D. program in political science in Oklahoma celebrates its 50th anniversary this year. In 1951, Walter F. Scheffer, a newly arrived assistant professor, prepared the proposal to offer the doctoral degree at the University of Oklahoma. Five years later, the University conferred its first Ph.D. in political science. Over the past 20 or so years, the department has seen an average of four to five doctoral students finish the degree each year. Based on doctoral student placement and the placement rate for its graduates, the program at OU compares well with others from similar institutions.

For a surprisingly long period, the department enrolled around 50 doctoral students in any given year. Only about half of these were taking courses at any one time; the remainder were enrolled in dissertation hours. In the past few years, the average number has declined precipitously; for the fall 2001 semester, the department has only 32 doctoral enrollees. This decline, of course, reflects enrollment trends in doctoral work in political science around the country.

Until about five or six years ago, doctoral committees really piled on the course work for their charges, insisting on broad coverage of the

selected fields. Slowly the faculty began to recognize that our doctoral students were taking too long to finish. So, the department made a conscious decision to reduce the coursework burden. Now doctoral students must complete a minimum of 42 hours of substantive courses beyond the bachelors.

Additionally, each must complete a research tool from several options, including statistics and proficiency in one or more foreign languages. Neither the University nor the department has a minimum requirement for dissertation hours. In all, the average student in recent years has taken about six or seven years after the bachelor's degree to complete the doctorate.

Doctoral students at OU must take three fields of study from a total of six: American politics, comparative politics, international relations, public administration, public policy, and political theory. Over the years, about 60 percent of these doctoral graduates have specialized in American politics; perhaps another 25 percent have chosen public administration as their main field.

Currently, the department and its affiliated units have enough graduate assistantships to support about 24 doctoral students. Some dozen of these are teaching assistants; the others are research assistants. The number of assistantships has risen almost yearly, primarily because of the growing number of research positions. Almost all research posts reside with the department's affiliated units, including: the Institute of Public Affairs, the newly created School of International and Area Studies, the International Studies Center, the OU polling center plus the Carl Albert Congressional Research and Studies Center. The Albert Center also awards one or two fellowships annually to doctoral students recruited from around the country who wish to specialize in the study of Congress and the legislative process. Because of declining enrollments in doctoral study, research units sometimes hire master's level students or those from departments other than political science.

Over the years, the OU doctoral program in political science has furnished newly minted Ph.D.s to some surprisingly good institutions. Beginning in the 1970s, we sent doctoral students to such places as the Universities of Kansas and Missouri, Iowa State, Texas A&M, and Oklahoma State. Some OU Ph.D.s also ended up with political science departments at the Universities of Georgia, South Carolina, Tennessee, and Connecticut along with Arizona State and Cleveland

State. Most of these better placed students were primarily Americanists, but the department had respectable placements for some public administration doctorates as well. To be sure, these placements were the exception. And, this was a time when institutions around the country were engaging in record hires. Still, for a department previously known mostly for its teaching, OU has done better than many might expect.

The primarily reason for OU's placement success, in my opinion, was the interest on the part of a few faculty to publish with their doctoral students. During my tenure of about a dozen years as the department's graduate advisor, I emphasized to prospective and newly enrolled doctoral students the importance of publishing while in graduate school. If the student hoped for a good academic job as an OU Ph.D., I said he or she had better demonstrate a capacity to publish. Ivy League products or even those from the Big 10 might peddle themselves primarily as the student of a certain distinguished mentor. But to be competitive, an OU grad needs to publish before going on the job market.

The OU program has maintained a solid record for placing its doctoral students. The latest departmental tabulation shows a placement rate of about 88 percent. Not surprisingly, a growing number of these grads are taking nonacademic positions. For the years 2000 and 2001, six of the ten doctoral graduates took jobs outside of academe.

In recent years, the job market for doctoral students in political science has weakened noticeably. This tendency certainly has become apparent at OU. In the coming years, this downward trend could reverse as the children of the baby boom move through the public schools and into higher education. Yet, given the increased propensity of colleges and universities to hire part-time faculty, we may see very little growth in tenure track academic positions in the future. In the meantime, doctoral programs in political science must make a greater effort than ever to find nonacademic jobs for their doctoral students. So far, OU has responded well to that trend.

A TEXTBOOK CASE

DANNY ADKISON
Oklahoma State University

If holding a faculty position in a political science department makes one officially a political scientist, I have been one since the Fall of 1976. That is when I joined the Department at Oklahoma State University. I have taught a lot of courses during this time, and since one of them has always been the survey course (with its typically higher enrollment), I have taught a lot of students.

What has changed during this time? Everything and nothing. By that I mean the obvious: everything is different in its own particularized way, and yet there are the enduring concerns, and pleasures. Or, to use a cliché, the more the things change, the more they stay the same.

Anyone who has taught for the past twenty-five years has witnessed the increasing reliance on technology. Everything from replacing the chalkboard with whiteboards to special "media rooms" and the Internet. I use the Internet now to periodically require students to read the New York Times or the Washington Post, but back in the early 1980s my students were reading the New York Times (a real copy) on the same day it came out (shipped, same day, from Dallas).

Now, you can't get a hard copy of that newspaper delivered to Stillwater (why, when you can get it on the Internet). So, things change – invariably – but, as the cliché goes, stay the same.

One could go on endlessly making such comparisons and I'm sure the several contributions to this feature on teaching and political science reminiscences will provide others. The one I wish to highlight is the political science survey course textbook.

One of my favorite endeavors as a political science faculty members is selecting texts for courses. I enjoy reviewing such texts and I have been fortunate enough over the years to make a contribution to many of the textbooks used in the discipline (some still in print). One of the first questions I invariably ask colleagues I meet at conferences is what textbook are you using, followed by what do you like about it?

My favorite textbook of all time is out of print. It was Prewitt and Verba's *An Introduction to American Government*. I don't think any textbook since has approached the scholarship and readability of that text. Furthermore, that text symbolizes to me a significant way in which teaching as a whole has changed.

The watershed year for textbooks came when West Publishing – the publishing house known for its vast publication of books devoted to the legal field – entered the political science textbook market. They hit the field running with several major texts, all with authors, it seemed, who were “connected” in the field. And because their texts were successful, the other publishing houses copied their style.

Their style was slick pages, wide margins, lots of pictures and lots of color – on, and lots of pictures and lots of color. The best way to describe it was political science texts seeking to compete with MTV.

Don't get me wrong. I'm not saying that these texts were bad. In fact, I reviewed some of them and saw my suggestions actually followed. But the overall impression, it seemed to me, was that capturing the students' attention (with quotes, definitions in the margins, pictures, and color) was the best way to get students to read the text. I, on the other hand, found all that stuff distracting while reading the text. These texts and those who imitated them, I call “kitchen sink” texts. They seem to place a great deal of emphasis on how a text is put together with not enough attention placed on how the ideas in the text are expressed in the written word. Under this arrangement, it seems to me, editors are more important than authors.

Furthermore, the underlying assumption with such textbooks is that the best way to get students to read, study, and master material is to make such activity pleasurable. Now, I'm not arguing that learning *shouldn't* be pleasurable; I'm merely pointing out how textbooks have changed during the time I have been a political scientist. The reader, if he or she believes that this change has, in fact, occurred as I have briefly described it, can argue either side (if there are "sides" in this case) of the development.

I have been telling publishers for years now to please give me a book with just words (a few graphs would be acceptable). Words that convey, in an accurate and compelling way, what we know about political science, politics, and government. A kind of text that a student wouldn't be standing in line to sell back ten minutes after they had turned in their final exam. One they might want to keep or pass on to someone else on the recommendation that they must read it. Not because of its slick pages, pictures, or color, but because of what it says and how it says it.

I'm still waiting.

**THE PRESS AND LAURA BOYD:
PRESS COVERAGE IN THE 1998 OKLAHOMA
GUBERNATORIAL CAMPAIGN**

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This paper examines the press coverage of the 1998 Oklahoma gubernatorial campaign. The present research seeks to understand if the press was biased against the Democratic nominee Laura Boyd and whether or not the bias was based on Boyd's gender. The data indicate that Boyd received less coverage than the incumbent Governor Frank Keating. Boyd was unable to raise enough money to spend on paid media while also being unable to attract the free coverage from the newspapers.

In 1998, Oklahoma voters were presented with their first opportunity to elect a woman governor. Laura Boyd, a member of the Oklahoma House of Representatives from Norman, was nominated by the Democratic Party to try to unseat a popular and well-financed incumbent, Republican Frank Keating. How did Boyd's campaign play in the state's newspapers?

This paper examines and analyzes press coverage of the 1998 gubernatorial campaign, focusing specifically on the two major party candidates. Among the research issues involved in this study is an examination of how the press covers statewide campaigns. Was the press biased toward or against Boyd? Did she receive much press coverage at all? Did it matter that she was a woman or that she was challenging an incumbent?

UNDERSTANDING THE MEDIA'S ROLE IN STATEWIDE ELECTIONS

The candidacy of a woman for political office is no longer the novelty it once was, especially in Oklahoma (see Atkins 2001). In fact, Mary Fallin, the Republican candidate for Lieutenant Governor, was reelected in 1998. The problems facing female candidates for office are also well-documented (see Kahn 1996). While the body of research is growing, a gap exists in our understanding of the press coverage of female candidates (Carroll 1985; Kahn 1996; Mandel 1981). The gap in knowledge is particularly wide in state and local races, campaigns that are most likely to involve female candidates. In 1998, the Oklahoma press corps faced a new experience, covering a female gubernatorial candidate.

Subnational elections, with or without female candidates, are relatively obscure events. There is significant literature on the role of the media in presidential campaigns (e.g., Joslyn 1984; Patterson 1980) and less attention to the media's role in congressional campaigns (e.g., Clarke and Evans 1983; Kahn 1993). However, there is almost no literature on the role of the media in statewide campaigns (Fico, Clogston, and Pizante 1988; Rozell 1991; Rozell and Wilson 1996; Rausch, Rozell, and Wilson 1999).

The news media are affected by the gender of candidates for statewide office. Kim Fridkin Kahn argues that while female candidates in general receive about equal news coverage as male candidates, they receive much less issue coverage than men. In gubernatorial campaigns, reporters tend to stress personalities over issues. The lack of issue coverage occurs despite the fact that women's issues, such as education and health, are emphasized in gubernatorial campaigns (Kahn 1993; Kahn 1996; Sapiro 1982).

OKLAHOMA'S GUBERNATORIAL CAMPAIGN

The 1998 Oklahoma gubernatorial campaign featured an under-financed Democrat with little statewide name recognition challenging a relatively popular Republican incumbent with national aspirations. The Democrat, Laura Boyd, gave up her seat in the Oklahoma House of Representatives to run for governor. The Republican, Governor Frank

Keating, reportedly gained popularity for his handling of the 1995 Oklahoma City bombing, an event that occurred shortly after he took office. Jean Shumway Warner (2001, 21) records that "the Keating years have seen the largest broad-based tax cuts in the state's history, education spending at an all time high, and a massive road construction program." Despite her underdog status, Boyd campaigned hard (see Jenkins 1998).

In what was the most expensive campaign in Oklahoma history, Governor Keating defeated Boyd by a 505,498 (58.6 percent) to 357,552 (41.4 percent) margin (Talley 2000). Keating's campaign raised more than \$2.6 million for the race while Boyd was able to collect about \$500,000 in contributions (English 1998). According to exit polls (reported in Kurt 1998), voters believed Keating was in touch with their concerns. The incumbent also received support from approximately one-third of the voters identifying themselves as Democrats (Kurt 1998). Observers of trends in Oklahoma politics (e.g., Gaddie and Buchanan 1998; Bednar and Hertzke 1995) have presented evidence that Oklahoma is experiencing a shift away from the Democratic Party.

This paper seeks to understand how the press coverage affected Laura Boyd's campaign. Since she was challenging an incumbent, an important focus of this paper is how much of the coverage focused on the horse-race aspect of the campaign rather than issues. Boyd indicated that an inability to raise funds had a negative effect on her campaign. Did the issue of Boyd's gender appear in the press coverage?

METHODOLOGY

This analysis is based on a survey of local print media articles about the campaign. A comprehensive content analysis was conducted of two newspapers for the period beginning September 1, 1998, and ending on election day, November 3, 1998. This period is appropriate for study because the primary election was held on August 25, 1998. The general election campaign in Oklahoma does not really start until Labor Day. The newspapers examined for this analysis were selected because they have the widest circulation in Oklahoma and they were available on Lexis-Nexis, a database of newspaper articles.

The two most widely circulated and influential newspapers in the state are the (Oklahoma City) *Daily Oklahoman* and the *Tulsa World*. The *Daily Oklahoman* is understood as having a "very conservative and Republican bias in its news coverage" (Farmer 1994, 39; Morgan, England, and Humphreys 1991; Rausch 1994). The *Daily Oklahoman* also enjoys nearly statewide circulation. The *Tulsa World* circulates primarily throughout the northeastern part of the state and is known as being less conservative and less Republican than the *Daily Oklahoman*. Being large circulation papers, both papers have a greater percentage of articles produced for their readers. Other newspapers in the state rely significantly on the *Associated Press* for coverage of statewide activities. Adding more papers to the sample would have increased coverage of local events involving the candidates, but the stories from the AP may have contaminated the sample.

The two papers provided some coverage of the 1998 gubernatorial campaign, although the coverage was not as extensive as that found in other states (see Rozell 1991; Rozell and Wilson 1996; Rausch, Rozell, and Wilson 1999). The data presented here were collected by a review of 64 news stories that appeared in the papers during the period studied. Since Keating was the incumbent governor, care was taken to include only articles that were about campaign activities. Stories were selected because they discussed the gubernatorial campaigns.

This content analysis follows the approach adopted by earlier studies of the press coverage of the 1989 Virginia gubernatorial campaign (Rozell 1991) and the 1993 Virginia gubernatorial campaign (Rozell and Wilson 1996).

ANALYSIS

News coverage was grouped into three general categories: 1) subject matter - articles are identified as issue, horse-race, character, profile, and others; 2) issue coverage - education, crime, health care, car taxes, among others; and 3) candidate coverage - the amount of coverage given each candidate and the type of coverage (positive, negative or neutral).

SUBJECT MATTER

Many studies find that the press focuses on the horse-race aspects of campaign, rather than covering policy issues. The press has been criticized for directing attention to candidates' character and campaign gimmicks instead of providing voters with the information they need to make a vote choice.

Research on both national and state press coverage has identified these problems. According to Doris Graber (1984, 200), the media emphasize "brief, rapidly paced, freshly breaking trivial events." Examining the press coverage of the 1986 North Carolina campaign for the U.S. Senate, Paul Luebke (1987) found that journalists ignored substantive policy issues "in the heat of reporting on events, trends, and characteristics." A content analysis of the 1978 Florida gubernatorial campaign discovered that reporters avoided "analytic or interpretive articles which require more time, effort, and space" (Fedler 1981).

A few studies find that the press is performing better in covering "real" issues. Mark Rozell (1991) reveals that 32.7 percent of the local coverage of the 1989 Virginia gubernatorial campaign focused on issues. Candidate and voter group profiles were examined in 12.8 percent of the stories. A similar study of the 1993 Virginia gubernatorial race found that 28.9 percent of the stories were about issues while 15.3 percent of the stories were about candidate and voter group profiles (Rozell and Wilson 1996).

The press coverage of the 1998 Oklahoma gubernatorial campaign focused primarily on issues and less on the horse-race aspects of the campaign. Table 1 shows that issue coverage comprised 39.1 percent of all stories in both newspapers.

Only about 17 percent of the stories described the horse-race aspects of the campaign. The character of the candidates was not a large portion of the news presented in the two papers. Only about 11 percent of the articles focused on character issues. Note that the examination of news stories did not include editorials.

The "other" category includes articles that do not fit into one of the four thematic categories. Such articles include those reporting candidate visits to communities, interest group endorsements, and the unveiling of new campaign commercials.

TABLE 1
State Press Coverage of
the 1998 Oklahoma Gubernatorial Election by Subject Matter

Subject Matter	<i>Daily Oklahoman</i>		<i>Tulsa World</i>		Totals	
	Number	Percent	Number	Percent	Number	Percent
Issue	17	37.0	8	44.4	25	39.1
Horse-race	8	17.4	3	16.7	11	17.2
Character	5	10.9	2	11.1	7	10.9
Profile	5	10.9	1	5.6	6	9.4
Other	11	23.9	4	22.2	15	23.4
Total	46	100.1	18	100.0	64	100.0

ISSUE COVERAGE

The local press covered a wide range of issues during the course of the campaign. These data are presented in Table 2. Education was clearly an important issue in the campaign with 32 percent of the stories. If the stories about State Questions 680 and 681 are included, the amount of education stories increases to 40 percent. Education is regularly identified as important to most state voters. Laura Boyd should have benefited from the focus on education, because as Kahn argues "the relevant issues in gubernatorial campaigns tend to correspond to women's stereotypical strength." These issues include child care, the environment, education, and health (Kahn 1996, 75).

Prisons also were an important issue in the 1998 campaign. Governor Keating publicized his "get tough on crime" position as well as his attempt to cut costs by privatizing corrections services.

Social issues were largely absent from the campaign as indicated by the paltry number of stories on abortion (4 percent). Taxes and government fees, especially the costs of car tags, were the subjects of only 16 percent of the articles. Interestingly, Laura Boyd seemed to get the most coverage of her plan to lower tag renewals by \$50 (Gillham 1998).

Laura Boyd's gender did not become an issue in the campaign as reflected in Table 2. She did not draw attention to her historic candidacy and the Republican Party did not address the issue either. The candidate for lieutenant governor also was a woman, thereby neutralizing the Republican Party on the issue. Of course, the positive stereotypes we hold about women also did not become a factor in the race (see Kahn 1996).

CANDIDATE COVERAGE

Reviewing her campaign, Boyd noted that the biggest factor in her loss was her inability to raise the large amount of money needed to defeat a popular incumbent (English 1998). Without significant fundraising, she would have to rely on the "free media" provided by the newspapers. Table 3 illustrates how much coverage the candidates received.

TABLE 2
State Press Coverage of
the 1998 Oklahoma Gubernatorial Election by Policy Issue

Policy Issue	<i>Daily Oklahoman</i>		<i>Tulsa World</i>		Totals	
	Number	Percent	Number	Percent	Number	Percent
Education	4	23.5	4	50.0	8	32.0
Car Tags	0	0.0	2	25.0	2	8.0
Water	0	0.0	1	12.5	1	4.0
SQ 680/681	2	11.8	0	0.0	2	8.0
Oil Prices	1	5.9	0	0.0	1	4.0
Prisons	4	23.5	0	0.0	4	16.0
Health Care	0	0.0	1	12.5	1	4.0
State Airplane	1	5.9	0	0.0	1	4.0
Taxes	2	11.8	0	0.0	2	8.0
Abortion	1	5.9	0	0.0	1	4.0

TABLE 3
State Press Coverage of
the 1998 Oklahoma Gubernatorial Election by Candidate

Candidate	<i>Daily Oklahoman</i>		<i>Tulsa World</i>		Totals	
	Number	Percent	Number	Percent	Number	Percent
Boyd	4	8.9	3	15.8	7	10.9
Keating	21	46.7	9	47.4	30	46.9
Both	20	44.4	7	36.8	27	42.2
Total	45	100.0	19	100.0	64	100.0

Laura Boyd did not receive a lot of coverage in the papers. Out of 64 articles providing candidate coverage, only 10.9 percent focused solely on Boyd. Both candidates were mentioned in 42.2 percent of the articles, while Governor Keating received coverage in 46.9 percent. Remember that this study only reviewed articles dealing with the campaign. It appears that in order to mount a more effective campaign, Boyd needed more money.

Was there any bias in the newspaper coverage? The 64 stories were analyzed for positive, negative, and neutral coverage of the candidates. The total number of positive, negative, and neutral stories exceeds 64 because one news story could count as positive or negative for both candidates, or even positive for one and negative for the other.

As Table 4 reveals, Boyd actually received more favorable coverage than Keating. In part this might be attributed to the fact that Keating was the incumbent. Of the articles mentioning Boyd, 44.1 percent were positive while only 26.5 percent were negative. The distribution for the *Daily Oklahoman* alone is similar, despite the fact that one would assume that the *Daily Oklahoman* would attack Boyd more. Only 20 percent of the articles appearing in the *Tulsa World* were negative toward Boyd. This is to be expected if the *Tulsa World* is a "Democratic" newspaper.

Much of the miniscule coverage of the "horse race" focused on Keating's ability to raise funds. Table 5 indicates that 50 percent of the horse-race stories were negative towards Boyd. More than half, 55.6 percent, of the horse-race stories on Keating were positive, although the number of such stories was small.

CONCLUSION

This research finds that the press coverage of the 1998 Oklahoma gubernatorial campaign was substantive, what there was of it. While there were some stories focusing on the horse-race and character issues of the campaign, a significant number of articles provided newspaper readers with a discussion of the issues.

While the overall quality of the press coverage is admirable, we should be concerned about the amount of coverage. One would expect

TABLE 4

**Candidate Favorability Ratings in State Press Coverage of
the 1998 Oklahoma Gubernatorial Election**

Candidate	<i>Daily Oklahoman</i>		<i>Tulsa World</i>		Totals	
	Number	Percent	Number	Percent	Number	Percent
Boyd						
Positive	11	45.8	4	40.0	15	44.1
Negative	7	29.2	2	20.0	9	26.5
Neutral	6	25.0	4	40.0	10	29.4
Total	24	100.0	10	100.0	34	100.0
Keating						
Positive	13	31.7	6	37.5	19	33.3
Negative	17	41.5	5	31.3	22	38.6
Neutral	11	26.8	5	31.3	16	28.1
Total	41	100.0	16	100.1	57	100.0

TABLE 5
 Favorability Ratings in Horse-Race Stories,
 1998 Oklahoma Gubernatorial Election

Candidate	Daily Oklahoman		Tulsa World		Totals	
	Number	Percent	Number	Percent	Number	Percent
Boyd						
Positive	3	42.9	1	33.3	4	40.0
Negative	3	42.9	2	66.7	5	50.0
Neutral	1	14.3	0	0.0	1	10.0
Total	7	100.1	3	100.0	10	100.0
Keating						
Positive	3	50.0	2	66.7	5	55.6
Negative	1	16.7	1	33.3	2	22.2
Neutral	2	33.3	0	0.0	2	22.2
Total	6	100.0	3	100.0	9	100.0

the statewide press to be more thorough in its coverage of a gubernatorial campaign even if the incumbent looks unbeatable. An exit poll conducted during the 1998 election by students at the University of Oklahoma found that 26 percent of the respondents use newspapers and magazines as their primary source of information about political candidates. Most respondents (34.2 percent) get their information from television news coverage. While it would have been useful to view the TV news coverage of the campaign for this study, the tapes are difficult to obtain. A review of the TV news coverage probably would produce findings similar to those from the newspapers.

The lack of astounding findings also suggests a problem in the application of this methodology. The present research replicates studies involving two gubernatorial challengers seeking an open seat (Rausch, Rozell, and Wilson 1999; Rozell and Wilson 1996; Rozell 1991). In those races, the newspapers worked to introduce the candidates and their ideas to the states' electorates.

Considering the limits of the present research, the dataset and analysis will become more useful if Boyd seeks another statewide office. If she is successful in that future campaign, the data presented here could be compared with data from the future newspaper coverage. The comparison would help draw a finer distinction in theory about female candidates for state-level offices.

The newspaper record does not indicate that gender played a significant role in the 1998 gubernatorial campaign. Had she not run against a popular incumbent, Laura Boyd may have seen a more positive outcome as a result of her campaign. Boyd also did not run a campaign emphasizing the symbolic importance of becoming the first female governor of Oklahoma. Thus, she was unable to capitalize on the positive stereotypes of women in gubernatorial campaigns. While additional data on this campaign and other campaigns involving female gubernatorial candidates are needed, this research provides little support to the theory that female candidates for statewide office fare worse than their male opponents, just because of gender.

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CANDIDATE EMERGENCE AND THE POWER OF INCUMBENCY IN THE OKLAHOMA LEGISLATURE

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This article explores why individuals decide to run for the Oklahoma legislature. Research on candidate emergence stresses the power incumbents have to dissuade the most formidable candidates, those who can raise the necessary funds to be competitive, from becoming candidates. Thus the strongest candidates usually wait for an open seat or a vulnerable incumbent before they choose to run for office. Challengers who do not consider the status of the incumbents when deciding on their candidacy are typically not the strongest candidates. Are these findings borne out by the Oklahoma experience? The participants for this study were potential candidates to the Oklahoma legislature for the 2000 election cycle. Also, some incumbents were interviewed to get their perspective on why they first decided to be candidates.

The decision to be a candidate for office is a process that is known as candidate emergence. In order to study why some individuals run for

office, a researcher should not only consider candidates who have formally announced and are in the process of running for office, but also identify individuals who are considering their candidacies. These particular individuals are referred to below as "potential" candidates. Candidate emergence involves the study of potential candidates and the thought process that goes into deciding a candidacy. This paper analyzes candidate emergence in the state of Oklahoma, focusing on potential candidates for the state legislature who decided to run or not to run for the 2000 election.

In candidate emergence, incumbency is a pivotal factor in the decisions of many candidates. For strong candidates, such as most incumbents, their victories are often decided before the election. Successful candidates can win before the campaign season begins by weakening the field of opponents. This philosophy of winning before the event itself goes back centuries, as the Chinese philosopher Sun Tzu thought that to be victorious in war, a general must take "measures designed to make it easy to win" (Griffith, 1963, 39). In the modern electoral competition, an incumbent may scare off opponents by essentially campaigning at all times, thus discouraging challengers. However, if incumbents are considered to be weak, then the most attractive challengers to a race decide to run early and decisively, which may cause fellow challengers and incumbents to pull out of the race or to stay in the race but with less support and enthusiasm. With regard to potential candidates for Congress, Thomas Kazee (1994), one of the leading scholars on candidate emergence, claimed that "decisions made well before the first campaign speech is given or the first advertising dollar is spent — shape the universe of winners" (p.4). My research applied the same reasoning used by Kazee, but at the state legislative level.

Candidate emergence research is methodologically challenging because emergence occurs before there are actual campaigns to cover or elections to review. It is a study of campaigns in the embryonic stage, by its nature a time of uncertainty. Nevertheless, it is at this stage when many winners already are decided. The difficulty in this research is the process of identifying potential candidates. Contacts with local political and community activists are necessary to find out who is considered a potential candidate for the state legislature. After the individuals have been identified, interviews are conducted with observations made during

the interview process. These procedures require time and information in order to build trust. As Linda Fowler and Robert McClure (1989) noted on their research of potential candidates for Congress, "The unseen candidates for Congress are not easily identifiable. They can be discovered only with a detailed understanding of the political life of a specific congressional district" (p.7). Thus, this research was primarily devoted to potential candidates from legislative districts in northeastern Oklahoma, where I could spend more time developing contacts and making observations.

It is through research in candidate emergence that the field of political science understands the personal motivations and the political strategies of those who choose to become politicians. Studies on candidate emergence mainly have focused on candidates for statewide or federal offices and have formed some generalized views on candidates. Most people who run for office are highly ambitious, well educated, and successful in other fields (Matthews, 1954). Also, candidates act strategically, which means that they choose their moments when to run for office. Stronger challengers may wait until incumbents either retire or are weakened politically by being entangled in scandals or have taken political stands that have alienated a large part of their constituency (Jacobson & Kernell, 1983).

LITERATURE REVIEW

One of the best reviews on the chronological changes on theories of candidacy can be found in the Linda Fowler's (1993) *Candidates, Congress, and the American Democracy*. Fowler noted that no single theory had encompassed all aspects of candidacy. She also stated that no theory had completely refuted previous ones on candidate emergence, which indicates that all theories still have some relevance. Fowler broke down the theories into five traditions: sociological, psychological, process, goal, and rule.

The sociological tradition is based on the works of European sociologists Max Weber, Robert Michels, and Gaetano Mosca. This was the most accepted theory on candidacy from the turn of the 20th century to the post-World-War II era. According to Fowler, the sociological tradition created a deterministic and macrolevel theory of

elite behavior. The rules and behavior of the political elite were strictly defined according to class structure.

Compared with the sociological tradition, the psychological tradition signified a shift from group analysis to the analysis of individuals. This tradition was indicative of the behavioral movement in the social sciences from the 1930s to the 1950s. According to Fowler, the psychological tradition "examined the motivations behind political behavior and attempted to demonstrate how particular actions flow from certain personality traits" (p. 49). Candidates would have needs in their lives fulfilled by campaigning. The need for power is one of the leading motivations.

Beyond the notion of a single group in the sociological tradition and the study of individuals in the psychological tradition, the process tradition focused on the political competition among rival groups (Fowler, 1993). As Fowler stated, "the number of opportunities to run for office and the structure of party competition influenced the level of aspirations among officeholders" (p. 56). Based on this tradition, a researcher, when formulating questions on candidate emergence, would review the structure of local political parties, the strength of incumbents, the political positions from local media outlets, the activity of interest groups, and the political history of the geographic regions. The process tradition assumed that politically ambitious people would run for any elected office.

By the 1970s, the process tradition had been overshadowed by the belief that candidates were rational actors rather than merely ambitious individuals. Gordon Black and David Rohde were two of the primary political scientists who, Fowler wrote, viewed a candidacy as "a relatively straightforward calculation of costs and benefits discounted by the perceived probability of winning" (p. 60). The rational actor, or goal, tradition was very important to research on candidate emergence when considering the status of the incumbent. As two advocates of rational-choice note, "more and better candidates appear when signs are favorable; worse and fewer when they are unfavorable" (Jacobson & Kernell, 1983).

One final theory featured by Fowler was the rule-based theory. According to this theory, rational decision making about ambition was constrained by political institutions (p. 66). Pointing out the distinctions of rule-based theory, Jeffrey Banks and D. Roderick Kiewiet noted

that inexperienced challengers were less rational because they did not fit into the cost-benefit model of accounts for candidate emergence (Fowler, 1993). This theory is important to include in a study of candidate emergence at the state legislative level because more than likely, there will be candidates who do not have the support or association with their party and also candidates who decide to run at the last moment and put little calculation into their decisions.

Fowler's work has provided a broad review of the theories or traditions developed on why individuals run for office. Other research focuses specifically on candidate emergence in the state legislature. Francis and Baker (1986) found that the most dissatisfied members were those who felt legislative service was not very rewarding. For some of the younger incumbents who chose not to run, those in their early forties, a primary reason for leaving the legislature was to pursue another political office. Added to the lack of reward and higher political ambition were the opportunities foregone on a legislator's other occupation. For Francis and Baker, the incumbency strength is implied, as incumbents choose to leave as a result of personal dissatisfaction or higher ambition rather than forced to leave the legislature from their own vulnerabilities.

Cox and Morgenstern (1993) discovered that the incumbency advantage could be explained by increased legislative operating budgets and by increased casework. Cox and Kratz (1996) developed this theme at the national level by arguing that U.S. House incumbents could scare off quality challengers by utilizing the resources of their offices, such as their legislative staff and their franking privileges.

A common theme in this research is the power of incumbency. Incumbents continue to have an advantage over their challengers, and it is far more likely for incumbents to leave office rather than to be defeated. However, the demands of the office, which led to the dissatisfaction of some incumbents as suggested in Francis and Baker's (1986) research, may mean that incumbents must be in a continuous campaign mode in order to ward off strong challengers. In fact, Jeffrey Cohen (1984) found that incumbents felt insecure about their status even when they had very little threat in their districts. Ironically, this constant feeling of insecurity may actually help incumbents stay elected. An in-depth analysis on incumbency by Jewell and Breaux (1988) determined that in a twenty-year period, legislators consistently were reelected, with an over eighty-percent success rate in the fourteen states

they studied. They concluded that unless state parties maintained effective recruiting efforts, incumbents in most states grew in strength and discouraged political challengers from running.

In sum, there is strong evidence that most potential candidates judge the strength of the incumbent before deciding to run for office. This certainly makes sense if most challengers are indeed rational actors and decide to compete for office when their chances of success are greatest. Is this true of Oklahoma? The present study identified potential candidates for the state legislature of Oklahoma and asked them why they decided to be candidates.

METHODOLOGY

This study of why individuals run for the legislature entailed two steps. First, I contacted local political leaders in order to determine who were potential candidates. Local political leaders, usually county chairs, were asked questions regarding potential candidates: "Who is most likely to run?"; "Can you name anyone who would make a good candidate, but would probably *not* run?"; "Is anyone grooming himself or herself for a run in the future?"; "Who would you like to see run for the state legislature?" From these questions, I got the names of potential candidates in their counties and/or districts.

After identifying the potential candidates, I then arranged interviews. Using twenty legislative districts, I contacted forty potential candidates and interviewed thirty-nine, as one rejected my request for an interview. Some of these potential candidates were incumbents, some were declared candidates, some were still undecided about the current election cycle, and some were planning to run in the future. I was able to analyze candidate emergence from a variety of combinations: Republican incumbents and Democratic challengers, Democratic incumbents and Republican challengers, open seats, Republican uncontested seats, Democratic uncontested seats, rural districts, urban districts, and suburban districts. This diversity of cases gave my research considerable perspective on candidate emergence for the state legislature.

The interviews consisted of a semi-structured list of open-ended questions. Participants were asked about their party activity, their

involvement with interest groups, their fundraising abilities, and their past political experiences. For the research at hand, the most applicable question asked was "What are the circumstances that made you decide to run for the legislature this time?" If they had decided not to run, "What would it take to change your mind? What conditions would have to be present before you would seriously consider running for the state legislature?" The responses given by participants helped me understand the ultimate reasons for candidacy.

Since this research was a qualitative study, the use of words was the primary method for explaining the actions of individuals rather than numbers (Miles & Huberman, 1984). Focusing on words does not mean that qualitative research avoids collecting data. There was a collection process to my research, and it followed the features described by John Lofland (1971) in *Analyzing Social Settings*. Lofland wrote that the report from qualitative data must be truthful, a factual representation of what occurred, and that the research must also have a pure description of the people, areas, and events involved in a study (1971). Lofland also believed that good qualitative research would include direct quotes from the subjects of the study. Thus I have collected in their own words the reasons why potential candidates decide to run.

THE ULTIMATE DECISION FOR CANDIDACY

All individuals who have thoughts of running for office eventually reach a final turning point in their candidacies. Ambition has been portrayed as the overriding reason for candidacy in the House of Representatives (Fowler & McClure, 1989). One can argue that nearly all candidates must have a personal motivation that makes them want to run. However, based on the responses below, personal ambition was not the most frequent reason given for candidacy. It could be that most individuals would not want to reveal that much of their personality to a researcher. It also could be that the strength of the incumbent overwhelmed the personal ambition of candidates. Clearly, the status of the incumbent was on the mind of most participants. Table 1 is a review of the circumstances that made some individuals become candidates as well as the reasons that made others reject a chance at candidacy.

TABLE 1

Synopsis of Reasons for Candidacy

Incumbents	Why did you run? (first campaign)
Phil Ostrander	The incumbent was unresponsive to firefighter issues.
Rick Littlefield	The resignation of the incumbent made the district an open seat.
Larry Roberts	It was an open seat.
Joe Eddins	I thought we needed better representation.
Larry Adair	It was an open seat as a result of reapportionment and I thought I could make a difference.
Tad Jones	The incumbent stepped down and it was a good year to run. I would have run even against the incumbent in order to get name recognition.
Larry Rice	As a city councilman, I had an interest in the legislature. The legislature had a direct impact on the city. I ran because I thought I could do a better job than the incumbent.
Barbara Staggs	In 1994, I thought the timing was right because I thought the incumbent was going to retire (the incumbent, John Monks, did run again, but lost to Staggs in the primary).

TABLE 1 (continued)

Synopsis of Reasons for Candidacy

Challengers	Why did you run?
Lou Martin	The partisan bickering. Frank Keating will still be governor after the 2000 election and the GOP may have the majority.
Allen Harder	Bill Settle's (the incumbent at the time) decision to run for the 2 nd district congressional seat.
Shelby Satterfield	I just wasn't finished. I got beat last time in a non-presidential year (1998). More voters may turn out this time.
Joe Johnson	I've always wanted to do it. If Joe (Eddins, the incumbent) did not have his six years in, which locks in his retirement, then I would not have run.
Joe Peters	There is no change from the years that I've been gone from this area (roughly thirty-five years). Not a damn thing has changed because the legislature is too busy promoting itself.
Jim Wilson**	Governmental incompetence which has lost revenue for the state. We continue to lose jobs in this state. Also, having an open seat was important.
Ray Miller**	Representative Frame got a second DUI, in which rear-ended a car in Oklahoma City. Frame also got into a heated argument with GOP chairman Steve Edwards. Mike Mass, the Democratic Chairman, was concerned this seat could go Republican. I think this is an opportunity to make a difference and that is not some political BS.
Lela Foley Davis	It's an open seat.

TABLE 1 (continued)

Synopsis of Reasons for Candidacy

Challengers	Why did you run?
Wayne Ryals	For 3 reasons: 1) the legislation concerning education, 2) the legislation concerning the department of corrections, 3) health care at the state level.
Ed Brocksmith	Disappointment with the leadership of the incumbent on the protection of the Illinois River.
Russell Turner	The taxes in Oklahoma are too high. The legislature implements "user fees" instead of taxes, which is nothing more than "shell game politics."
Curt Working	An opportunity that I might make a difference.

SOURCE: Author's interviews.

TABLE 1 (continued)

Synopsis of Reasons for Candidacy

Challengers	Why did you run?
Liz Nottingham	My family is in good shape financially. There is no incumbent Democrat. Democratic registration outnumbers Republican registration in my district.
Stuart Ericson**	It's an open seat. I want to do it and I have people to help me. With an open seat I have a chance to win. I can get crossover Democrats to vote for me and this presidential election will help Republicans.
Albro Daniel	I wanted to get on the ballot. We needed to get some people to run. I'm sick of the two-party system (Daniel is a Libertarian).
John Smaligo**	The same desire to make the state a better place and the fact that I got so close in 1998.
Julian Coombs	An inner voice saying this is the time to run. It is the same feeling I had when I ran for the board of trustees.
Dal Newberry	My inner belief—my age (65) or work (minister) had nothing to do with it.

** Denotes challengers who were elected in 2000.

TABLE 1 (continued)

Synopsis of Reasons for Candidacy

Non-candidates	Why did you not run?
Carolyn Allen	Based on my previous candidacy, I did not think I would get support from the state Republican party.
Mark Mann	I did not think I would have a chance to win against the incumbent.
John Handshy	I did not have time to run this year.
Paul Landers	I did not believe that the Lord wanted me to do that this time (Mr. Landers ran previously based on his belief that God wanted him to be a candidate).
Michael Dill	My job is too demanding.
Doyle Seawright	Not enough Republicans in the county to get me elected.
Tex Slyman	It is not an open seat. If I could not defeat the incumbent last time, why could I win this time?
Don Childers	I am waiting for the incumbent to retire.
Keith Armstrong	I wanted to run, but there was no support from the local Republican party.
David Hampton	To run against the incumbent (Larry Adair) I would need to raise 100,000 dollars. Party officials have told me I would need to raise that amount or I could not win.
Anonymous	I need to build my law practice. I don't have anything else to fall back on.
Greg Gatz	The county election board put me in the wrong district.
Clark McQuigg	I did not want to take on an incumbent and also I did not want to leave my business in the lurch.

NOTE: See appendix A for interview schedule.

While Fowler and McClure (1989) emphasized the importance of individual ambition for those who become candidates, they concluded that the status of the incumbent often determined the number of candidates in a congressional race as well as the quality of candidates. Indeed, for this study most candidates for the legislature regarded the status of the incumbent as the most important reason for their candidacies. For the incumbents interviewed, all initially decided to run either because there was no incumbent, an open seat, or because the incumbent, in their view, was doing a poor job.

For the challengers, the status of the incumbent was a major reason, although other factors also were mentioned. In step with the features of the process tradition described by Fowler, the perceived strength of their political party also gave some challengers incentives to run. Some challengers considered the past election a good year for their party, and others viewed their district as conducive for their party. Only one challenger explained his candidacy in "party building" terms. Albro Daniel, the Libertarian, did approach his candidacy as a way to get his party recognition.

Some individuals who decided to run on what can only be described as a fulfillment for personal needs, a feature found in the psychological tradition of candidate emergence. Statements such as "My inner belief," "An inner voice saying this is the time to run," and "I've always wanted to do it," indicated a deep personal motivation on the part of the respondents. These statements also suggested that candidates who ran solely on personal desire might not be concerned or aware of the political environment surrounding them.

As found in Jewell's (1982) research that noted the absence of policy issues in legislative campaigns, very few challengers mentioned policy as a reason for candidacy. Also, few of the incumbents mentioned policy specifically as a reason for their first legislative bid.

While personal ambition can be the only explanation for candidacy among some of the challengers, it is evident from the majority of challengers and all incumbents interviewed that most understood the limitations of ambition. Along with ambition, the status of the incumbent, the perceived strength of party, and to a much lesser degree policy issues, must be taken into consideration before most individuals are willing to become candidates.

Statements made by those who decided against candidacy reflect the same reasons as those who did become candidates. Only for many of these individuals, the incumbent was too strong or their party was too weak. Most responses seemed to reflect either the process or rational actor traditions of candidate emergence. The reasoning of non-candidates gave evidence of some introspection. Based on their own experiences, many knew the difficulties of campaigning, while others recognized through their jobs or their own personal desires that the devotion needed for candidacy did not exist. Personal ambition may not always be the resolving factor for candidacy, but the statements made by those who decided against candidacy remind us that it can never be discounted.

If candidates are rational actors, then there should be some indication that the challengers who did consider the status of the incumbent before running had more success than those candidates that did not. Did, in fact, the most qualified challengers wait until their districts were open seats or their incumbents were vulnerable? A review of the campaigns involving the individuals in this study can provide some perspective.

REVIEW OF POTENTIAL CANDIDATES IN THE 2000 ELECTION

How successful were the potential candidates studied for this research? Only four of the eighteen challengers interviewed were elected. While that number is low, it should be pointed out that six of the unsuccessful challengers interviewed were defeated by these four individuals. The remaining eight unsuccessful challengers interviewed lost to incumbents. Were there common motivations among the four successful challengers? As stated in their reasons to run for office, three out of four, Jim Wilson, Stuart Ericson, and Ray Miller, made the status of the incumbent an important basis for their candidacy. Smaligo's case is different from the other three in that he had been a candidate for his district in 1998, losing to Phil Ostrander in a very close election. Smaligo was running in his second bid for the district seat in 2000. During the course of the interview Smaligo noted that his district had an increase of Republicans that surpassed the slim margin of votes he lacked in his

loss to Democrat Ostrander in 1998. This implies that Smaligo considered the status of the incumbent as well when he ran in 2000.

For the challengers who were successful, fundraising was certainly a strong element of their success. Their ability to raise money also signifies the political acumen of these individuals when they decided to run. As the chart below clarifies, these candidates ran well-funded campaigns. For example, both Wilson and Ericson stated that raising large amounts of money was a way to scare off additional challengers within their own parties.

The disparity for Wilson and Ericson against their competitors was considerable. While Smaligo was outspent, he was not heavily outmatched by the fundraising of Ostrander, one of three Democratic incumbents who outspent their opponents and lost in 2000.¹ Perhaps in a suburban district, as is the case for District 74 (Owasso), Smaligo could rely on door-to-door campaigning that would not cost as much as broadcast advertising. Smaligo could also rely on the fact that he had high name recognition from his father's legislative career and his own close race in 1998.

Fundraising is not the only way to measure the quality of a candidate. Communication skills and name recognition are important factors for a strong candidacy. Having the political ability to follow a person-intensive strategy or a policy-intensive strategy and the knowledge of which one works for a district would also be a valuable trait for a candidate (Fenno, 2000). However, fundraising suggests how much thought a potential candidate has put into his or her candidacy. Sufficient funds can allow that candidate to define his or her message and to scare off potential candidates. Successful fundraising is certainly paramount for candidates who decide to challenge incumbents (Caldeira & Patterson, 1982).

For the candidates who challenged incumbents, most were heavily outspent. In fact, as Table 3 displays, the disparity in fundraising between challengers and incumbents was striking. A comparison of Table 2 and Table 3 suggests that candidates in open seats can raise more campaign funds than challengers who take on incumbents. The one challenger that had at least half as much funds as the incumbent was also the one successful candidate, John Smaligo. Most challengers from this list did not mention the status of the incumbent as a reason for their candidacy.

TABLE 2

Campaign Contributions of Successful Challengers
 (winners in bold)

			Vote %
District 4	James Wilson (D)	\$92,531.04	65%
	Ed Brocksmith (R)	\$20,971.30	35%
District 13	Allen Harder (D)	\$47,202.27	49%
	Stuart Ericson (R)	\$91,275.14	51%
District 15	Ray Miller (D)*		
District 74	Phil Ostrander (D)	\$78,013.00	49%
	John Smaligo (R)	\$57,045.84	50%
	Albro Daniel	\$111.00	1%

*Ray Miller did not have a Republican opponent. Only general campaigns were posted.

SOURCE: The *Oklahoma State Ethics Commission*, reported in the *Daily Oklahoman* (November 12, 2000).

In fact, Elizabeth Nottingham was the only challenger from this list who did.

The close relationship between fundraising and qualified candidates raises the question, does an individual increase his or her quality as a candidate by raising more funds, or do contributors inherently recognize the better choices and consequently give funds to the most qualified candidates? Certainly the challengers from Table 3 had disadvantages, the largest of which was running against an incumbent in the first place. However, this weakness was compounded by their inability to raise money.² Based on the rational actor tradition discussed in the literature review, one can conclude that most challengers in this research did not approach their candidacy rationally, although some of them may have followed a "mini-max" strategy. The mini-max strategy suggests not only that inexperienced challengers are less rational than are experienced candidates but also that inexperienced candidates receive a large reward

from the act of running (Fowler, 1993). Many qualified opponents choose not to run against incumbents, which may make incumbents stronger than they really are.

TABLE 3

Contribution Disparity for Challengers
(challengers in bold)

			Vote %
District 2	J. T. Stites (D)	\$34,246.55	70%
	Joe Peters (R)	\$2,175.00	30%
District 7	Larry Roberts (D)	\$19,350.00	73%
	Julian Coombs (R)	\$2,673.43	27%
District 9	Elizabeth Nottingham (D)	\$33,222.00	41%
	Tad Jones (R)	\$70,734.48	59%
District 16	M.C. Leist (D)	\$24,225.00	71%
	Dal Newberry (R)	\$5,000.00	29%
District 30	Mike Tyler (D)	\$66,249.25	61%
	Lou Martin (R)	\$30,693.90	39%
District 68	Shelby Satterfield (D)	\$20,550.00	39%
	Chris Bengé (R)	\$54,224.00	61%
District 74	Phil Ostrander (D)	\$78,013.00	49%
	John Smaligo (R)	\$57,045.84	50%
	Albro Daniel (L)	\$111.00	1%
District 86	Larry Adair (D)	\$158,658.53	67%

SOURCE: The *Oklahoma State Ethics Commission*.

THE POWER OF INCUMBENCY

In the state of Oklahoma, compared to the last two elections, the year 2000 was slightly less beneficial to incumbents. Only five incumbent state representatives were defeated in 2000, but that was an increase from 1998 with only one incumbent defeated or from 1996 with three incumbents defeated. Nevertheless there has been a sharp decline in the number of defeated incumbents since the late 1980s as Chart 1 indicates. In 1988 actually more incumbents were defeated than retired. The election in 1988 appears to be atypical of most elections in recent memory, although 1990 was not particularly kind to incumbents as well. What is typical in recent elections is that to defeat an incumbent is difficult and may be getting tougher in the state of Oklahoma.

The greatest strength for incumbents may very well be shown in the candidate emergence stage before elections take place. Incumbents have been successful in scaring off quality challengers in the general as well as primary races. In the last three election cycles in Oklahoma, for example, not one incumbent has lost in a primary. The strength of incumbents may be based on a variety of factors. First, the incumbents

CHART 1

Number of Incumbents Retired/Defeated Per Year



are the beneficiaries of their parties who decide to protect incumbents before they invest in challengers. Anthony Gierzynski (1992) noted that the majority party was most likely to have a defensive strategy and support its vulnerable incumbents. When faced with a choice between funding incumbents, despite their weaknesses, or challengers, despite their strengths, parties will go with incumbents.

A second factor for the power of incumbency is the increased salary for Oklahoma legislators in the 1990s. It has given legislators a strong incentive to get reelected. Legislators are paid \$38,400 in Oklahoma, with the leadership making at least an additional \$12,000. The base salary is roughly ten thousand dollars more than the average annual pay an American make and fifteen thousand dollars more than the average Oklahoman's pay (Horner, 1998). It is also significant compensation for a legislature that is in session only ninety working days per year. Incumbents with a good salary have a greater advantage than their counterparts in states that pay very little. Carey, Niemi, and Powell (2000) concluded that because well-paid legislators could devote full time to their political career, they had the advantage of campaigning more than their challengers. With the increased salary, incumbents may believe it is worth fighting for the job.

Third, term limits may have caused the more qualified challengers to wait until an incumbent's term is out rather than run a difficult campaign against the incumbent. The most politically astute candidates would also be the ones who wait for an open seat because they would know that their chances of winning are much greater in an open seat. The interviews for the research suggest that the successful candidates ran in open seats or against incumbents they perceived as vulnerable. Donald Childers, a young Democratic activist who plans to run for the legislature once the incumbent in his district is term limited out, said "the only positive thing about term limits is you know that the day is coming that there will be an open seat." The risks are high in a state legislative race, since the funds needed to spend seem to increase with each election cycle, and an individual's business also can be harmed from losing a race. Therefore the best candidates want minimal costs (Jacobson & Kernell, 1983). It seems that the more highly qualified challengers are waiting for term limits to create open seats rather than compete against incumbents.

Fourth, the increased professionalism of the legislature has enabled legislators to do more casework for their constituents, thus improving

incumbents' reelection status. The Oklahoma House, as well as the Senate, have a permanent staff. House members also have secretaries that work both during and after legislative sessions. Based on Michael Berkman's (1993) extensive analysis of all state legislatures, using salary, session length, staff size, and control over federal grants, Oklahoma qualifies for the "more professionalized" category (p. 97). Only eight states that make up the "most professionalized" category would have a higher degree of professionalism, according to Berkman (p. 97). The pay and the career advancement give legislators in a professional legislature a greater incentive to stay in office. The use of staff also gives legislators more opportunity to help their constituents. According to Peverill Squire (1993), legislative professionalism also improves the stability of a legislature.

In sum, incumbents have several advantages. These advantages have increased the incumbents' ability to get reelected at greater rates than in the past. With these advantages, it is imperative that challengers understand not only their own political abilities but also the difficulties of defeating an incumbent. For the potential candidates with the most qualifications to run a strong campaign, it appears that they know all too well these disadvantages.

CONCLUSION

This article has explored the reasons why some individuals decide to run for the state legislature. For most of the potential candidates interviewed in this project, the status of the incumbent, an open seat or the political strength of the officeholder, were the important factors. For the candidates who went on to be elected, including the current legislators, the status of the incumbent was pivotal to their candidacies. Thus the individuals that are in the strongest position to be elected, those who could be considered the most qualified candidates, evaluate their chances of victory before deciding to run. In other words, these individuals are rational actors.

Most of the potential candidates interviewed who did not mention the status of the incumbent were unable to raise enough funds to run a competitive race. These individuals may have reasoned that a remote victory based on their limited funds was still worth the risk, or they may

have had other motivations to run. Some of these individuals mentioned policy reasons, civic-minded reasons, or just a personal interest. In the case of the potential candidates who ultimately decided against a candidacy, the strength of the incumbent or lack of an open seat was on the minds of many of them. Some others eventually decided not to run for personal reasons or because of a perceived lack of support from their parties.

The most important conclusion we can draw from the 2000 elections is that the challengers who do not consider the status of the incumbents before running generally are not going to be strong candidates. Incumbents are able to scare off their most qualified opponents, unless they themselves have become vulnerable in their own districts. For those incumbents who maintain a strong political base, their continued election success becomes self-reinforcing. Incumbents win because the potential opponents who could provide the strongest challenge choose to wait for better opportunities. This leaves weaker candidates, namely candidates that are inefficient at fund raising, to take on the incumbents. Most incumbents go on to win by large margins, which will prevent stronger challengers from running in future campaigns. Oklahoma legislators also benefit from the personal pay raises they have received and from the professionalization of their institutions. Both have given incumbents in the legislature more incentive to serve and better ways to represent their constituents.

The real strength of an incumbent may always be hard to judge. What is advantageous for incumbents is that their most qualified challengers realize that it is difficult to beat an incumbent and therefore will wait for an open seat. What most incumbents will face as they run for reelection will be challengers that have not considered, or do not care about, the strength of incumbents and run for non-rational reasons. The result is continued incumbent success. It may not be competitive, but without the participation of weak candidates, there would be fewer legislative races in Oklahoma. While it would be best for the voters to have strong challengers facing incumbents in all legislative districts, as long as incumbents have the advantages, that will not be a reality.

NOTES

¹Based on interviews with John Smaligo and reports from the Oklahoma Ethics Commission, Smaligo did improve his fundraising considerably from 1998 to 2000. According to Smaligo, he raised \$29,000 in 1998. In 2000, according to the Oklahoma Ethics Commission, Smaligo raised \$57,000.

²Winning the fundraising battle does not guarantee electoral success, but most candidates who outspend their opponents win. In the 2000 election, nine challengers outspent incumbents and lost, whereas five incumbents outspent challengers and lost. In only one out of seven open seats, a losing candidate outspent the winning candidate. Thus only fifteen races in the Oklahoma State House were won by candidates who spent less than their opponents. This must be put in context of the overall number of legislative seats, 101, and the number of competitive races between the parties, 58. Success at fundraising is an important factor for success at the polls.

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APPENDIX A

INTERVIEW SCHEDULE

- Adair, Larry. Personal Interview. Stilwell, Oklahoma, 6 June 2000.
- Allen, Carolyn. Personal Interview. Grove, Oklahoma, 16 June 2000.
- Anonymous *. Personal Interview. Muskogee, Oklahoma, 26 May 2000.
- Armstrong, Keith. Personal Interview. Fairland, Oklahoma, 17 May 2000, 20 July 2000.
- Brocksmith, Ed. Personal Interview. Tahlequah, Oklahoma, 18 May 2000.
- Childers, Don. Personal Interview. Muskogee, Oklahoma, 25 May 2000.
- Coombs, Julian. Personal Interview. North Miami, Oklahoma, 18 July 2000.
- Daniel, Albro. Personal Interview. Owasso, Oklahoma, 9 Aug. 2000.
- Davis, Lela Foley. Personal Interview. Taft, Oklahoma, 24 May 2000.
- Dill, Michael. Personal Interview. Tulsa, Oklahoma, 28 June 2000.
- Eddins, Joe. Phone Interview. Vinita, Oklahoma, 12 June 2000.
- Ericson, Stuart. Personal Interview. Muskogee, Oklahoma, 13 June 2000.
- Gatz, Greg. Phone Interview, Coweta, Oklahoma, 10 June 2000.
- Hampton, David. Personal Interview. Chewy's, Oklahoma, 30 May 2000, 22 Mar. 2000.
- Handshy, John. Phone Interview. Hominy, Oklahoma, 19 June 2000.
- Harder, Allen. Personal Interview. Muskogee, Oklahoma, 12 May 2000. Phone Interview, 13 Dec. 2000.
- Johnson, Joe. Personal Interview. Vinita, Oklahoma, 22 June 2000.
- Jones, Tad. Personal Interview. Claremore, Oklahoma, 29 June 2000.
- Landers, Paul. Personal Interview. Nowata, Oklahoma, 22 May 2000.
- Littlefield, Rick. Personal Interview. Grove, Oklahoma, 27 July 2000.

- Mann, Mark. Phone Interview. Oklahoma City, Oklahoma, 7 June 2000.
- Martin, Lou. Personal Interview. Sand Springs, Oklahoma, 23 May 2000.
- McQuigg, Clark. Personal Interview. Miami, Oklahoma, 9 June 2000.
- Miller, Ray. Personal Interview. Stigler, Oklahoma, 24 May 2000.
- Newberry, Dal. Personal Interview. Okmulgee, Oklahoma, 23 May 2000.
- Nottingham, Liz. Personal Interview, Claremore, Oklahoma, 4 April 2000.
Phone Interview, 14 Dec. 2000.
- Ostrander, Phil. Personal Interview. Tulsa, Oklahoma, 9 August 2000.
- Peters, Joe. Personal Interview. Sallisaw, Oklahoma, 25 May 2000.
- Rice, Larry. Personal Interview. Tulsa, Oklahoma, 5 July 2000.
- Roberts, Larry. Personal Interview. Miami, Oklahoma, 24 Mar. 2000,
14 Jan. 2000.
- Ryals, Wayne. Personal Interview. Tahlequah, Oklahoma, 18 May 2000.
- Satterfield, Shelby. Personal Interview. Tulsa, Oklahoma, 30 June 2000.
- Seawright, Doyle. Personal Interview. Grove, Oklahoma, 11 May 2000.
- Slyman, Tex. Personal Interview. Sapulpa, Oklahoma, 23 May 2000.
- Smaligo, John. Personal Interview. Owasso, Oklahoma, 8 Aug. 2000.
- Staggs, Barbara. Personal Interview. Muskogee, Oklahoma, 12 May 2000.
- Turner, Russell. Personal Interview. Stilwell, Oklahoma, 19 April 2000.
- Wilson, James. Personal Interview. Tahlequah, Oklahoma, 26 May 2000.
- Working, Curt. Personal Interview. Checotah, Oklahoma, 5 June 2000.

* One participant did not want his name printed.

STATE ETHICS REFORM: THE OKLAHOMA ETHICS COMMISSION

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On June 30, 2001, the Ethics Commission of Oklahoma concluded its first decade of operations. The Ethics Commission (EC) was authorized in 1990 when the people voted by a sizable majority in favor of State Question No. 627, adding Article XXIX to the Oklahoma Constitution. It began work July 1, 1991, and has since become a significant component of state government. Oklahoma is not alone among the states in having such a body, but it is virtually alone in having created one with such extensive powers and such a carefully-designed structure. I offer the following study as an attempt to build a preliminary record about this major experiment in political reform. I aim to describe the powers and activities of the EC and the circumstances under which it originated. The latter are quite revealing about the political culture of the state, so I discuss in some detail the events and maneuvers which led to the creation of the agency as well as to the unfolding of its powers in the first several years of activity. In the latter part of this study, I comment on some of the broader issues of governmental ethics that are illuminated by the

work of the EC and consider some of the obstacles encountered in the project to enforce ethics within a system of constitutional democracy.

Ethics regulation and enforcement might seem to be a classic "good government" issue which it would be hard to oppose except for nefarious reasons. Yet the ethics enterprise is surprisingly controversial. Some see ethics agencies as intrusive or as certain to fail in pursuit of their objective (Reynolds 2000; Morgan and Reynolds 1997). Others are concerned that ethics regulations contribute to bureaucratic sclerosis through multiplying forms of supervision (Anechiarico and Jacobs 1996). Proponents, of course, regard them as vital in raising the level of confidence in the integrity of governmental operations (Thompson 1992). Despite the controversy, the fact is that we live in an era when there are more weapons targeted to the enforcement of ethics than at any prior time in our governmental history (Maletz and Herbel 2000). Oklahoma has made an important, even unique, contribution to this trend with its establishment of an unusually powerful constitutional Ethics Commission.

CONSTITUTIONAL AUTHORITY AND POWERS

The most striking feature of the Ethics Commission of Oklahoma is the position of constitutional independence that it possesses. Unlike most agencies of state government, the EC was created not by statute but by an amendment to the state constitution. The fact that it is constitutionally mandated gives this body an unusual degree of permanence and autonomy and ensures that it cannot be easily eliminated by legislative hostility, inaction, or indifference. There are four other states which have created an ethics agency by means of a constitutional provision. They are Florida (1976), Hawaii (1968, made constitutional by a convention in 1978), Rhode Island (1986), and Texas (1991). Among these states, the Oklahoma example stands out because its authorizing amendment is clear, specific, and generous in the grant of powers.

The main provisions of Article XXIX specify the method of appointment and the terms of commissioners (§1); authorize employment of a staff (§2); specify the method for promulgating rules (§3); grant investigative and subpoena power and permit the levying of civil penalties for violations (§4); authorize the issuing of binding ethics interpretations (§5); confirm that Article XXIX does not prevent the enactment of

laws with criminal penalties nor laws dealing with local officials (§6); and, finally, specify the method by which an Ethics Commissioner may be removed from office (§7). The most remarkable provision authorizes the EC to "promulgate rules of ethical conduct for campaigns for elective state office and for campaigns for initiatives and referenda" and "rules of ethical conduct for state officers and employees." That is to say, the EC itself is constitutionally empowered to devise the ethics rules, a power making it almost unique among state ethics agencies. More typical is Texas where the legislators, i.e., those most affected by these issues, write the rules. While this rule-making power is significant, it does not mean the EC answers only to itself. The rules that it writes must be presented to the legislature on the second day of each legislative session. According to Article XXIX, the legislature may disapprove a rule or rules so submitted, but it is not authorized to write its own rules. Perhaps somewhat confusingly, another section permits the legislature to repeal or modify an EC rule already in effect, but evidently what is intended is modification in matters of detail, not modification of the rules taken as a whole (Rieger 2000, 283-87).

The result of Article XXIX is, then, that the Oklahoma Ethics Commission is a constitutionally authorized body, with its most important powers constitutionally specified, so that they seem to be beyond the reach of political forces who might be tempted to try to ignore or supplant them. Yet the most dramatic moment in the brief history of this agency came in 1992 when the legislature tried precisely to override those powers.

The EC set to work in July, 1991, and prepared an extensive set of "ethics rules." They were duly submitted to the legislature on the appointed day in February of the 1992 session. On the final day of the 1992 session, the legislature altogether rejected the rules devised by the commission, and substituted its own version of ethics rules. In a dramatic attempt to salvage its mandate, the EC promptly filed a state Supreme Court lawsuit challenging the legislative action as unconstitutional interference with its authority. The main issue concerned not the authority of the legislature to reject the rules, which is specifically allowed in Article XXIX, but the validity of its substitution of its own set of ethics regulations.¹

The Ethics Commission won this battle decisively when the Oklahoma Supreme Court ruled on March 30, 1993, that the legislature's

action unconstitutionally violated the prerogatives of the EC.² The decision established that Article XXIX conferred on the EC the authority to devise rules and regulations with civil penalties, while leaving in the hands of the legislature both the right to reject or amend ethics rules, as provided in that Article, and also the well-established right to pass laws with criminal penalties. With this principle now clarified, the EC returned to its task and developed rules for submission to the 1994 legislative session. While *The Daily Oklahoman* claimed the set of rules actually submitted in early 1994 was a bit weaker than the earlier version, it still defended them as a "vast improvement" over what the legislators had wanted.³

Taken at face value, the outcome would seem to establish the clear supremacy of the EC in rule-making. In only one other state, Rhode Island, has the power to define the boundaries of ethics been so fully ceded to an agency independent of the elected branches of government (Rieger 2000; Zurier 1996). The Executive Director of the EC, Marilyn Hughes, later pointed out "the uniqueness" of the constitutional Ethics Commission. She maintained that the Ethics Commission is "independent of the political process" and that its rules are like the "canons of judicial ethics prescribed by the Supreme Court to govern judicial conduct."⁴ These are claims perhaps overstated, but it is true that Article XXIX represents a significant experiment in constitutionalism: the creation of an independent agency that is empowered to supervise at least some aspects of the conduct of all other sectors of the government. One might compare it to what used to be called the "independent" regulatory commissions, except they were designed to regulate commercial conduct. The EC, on the other hand, is regulating the conduct of governmental officials themselves.

Nevertheless, it is an interesting question whether this formal scope of authority gives us the clearest picture of the real potential of this agency. The letter of Article XXIX might suggest the potential for the Ethics Commission to function like an ethics Czar, making rules and distributing penalties until the political culture of the state is fundamentally re-oriented toward the highest standards of probity. In what follows, I look at some of the events and circumstances surrounding the origination of the EC and its first several years of operation. This account will help to clarify whether explicit constitutional autonomy has some limits in practice, requiring a more collaborative interaction with the traditional political branches of government and with the traditional

political culture. Is complete independence for an ethics agency possible in spirit as well as in the letter? For an answer to this question, it is useful to look more closely at the history of the EC and the actual development of its rules and its powers.

ORIGINS OF THE ETHICS COMMISSION

The comparative clarity and strength of the Oklahoma rules may well be due partly to the circumstances of their origin. Much of what is in Article XXIX was first proposed by a Governor's Commission on Ethics in Government, appointed by Governor George Nigh in 1985. The commission noted in its report that there had been extensive exposure of corruption in state and local government nationwide in the early 1980s, and that Oklahoma was particularly embarrassed by the indictment and conviction of more than 220 county commissioners from sixty of the seventy-seven counties in the state on charges of taking kickbacks (Holloway and Meyers 1993).

The special commission issued a report in October, 1985, that recommended many of the anti-corruption measures later adopted. The report emphasized that there were already in place both constitutional and legal prohibitions against conflicts of interest (Governor's Commission on Ethics in Government 1985, 17). The state had long had laws to ban conflicts of interest (see *Oklahoma Constitution*, Article V, sections §21, §23, and §24), and had recently begun to require that state officials file regular financial disclosure reports. But these laws were widely perceived as weak and ineffectual, largely because there was no effective means to enforce them.⁵ For example, financial disclosure statements were to be filed with the State Election Board. But the requirements about what was to be disclosed were skimpy, and violation of the requirements was only a misdemeanor. Moreover, the Board was not required to do anything with the reports once filed. Throughout all the areas of ethics regulation the story was the same: meager regulations, and lack of a means of enforcement. A previous statutory Ethics Commission had been charged to watch over "self-dealing and other conflicts of interest by state employees," but it had no authority to supervise legislators, other elected officials, or the judiciary; it had no authority to levy penalties; and it had no budget for attorneys

or investigators (Governor's Commission on Ethics in Government 1985, 16). The ineffectiveness of this body was so evident that it was officially removed from the statutes in 1982 – in the midst of the scandal over the county commissioners.

In response to the Governor's Commission Report of 1985, a bill to create an Oklahoma Ethics Commission was filed in the 1986 legislature and it did finally pass after a considerable political struggle.⁶ Legislators resorted to a number of devices both to argue against strong enforcement or directly to block it. A common argument in 1986 was that strong ethics rules would enable candidates to file charges in the midst of campaigns in order to blacken an opponent's reputation at a moment when it would be difficult to refute such charges promptly and effectively.⁷ To hinder this possibility a provision was inserted into the proposed legislation to impose a \$10,000 fine for complaints judged to be frivolous. Advocates thought this measure was intended to deter the filing of complaints altogether, for an erroneous allegation, even if not intentional, could have costly results. Other means for weakening the effect of the Commission were found in the next several years after passage. Once the Commission was established, a provision mysteriously passed at the end of the 1987 legislative session so restricted the outside activities and memberships of Commissioners as to make service on the board very unattractive, if not nearly impossible, for anyone who was not a hermit.⁸ There were attempts to block the hearing of complaints during election campaigns,⁹ attempts to reduce funding to the bare minimum, and, according to the *The Daily Oklahoman*, appointments of weak Commissioners.¹⁰

There are many ways to weaken or undermine a government agency, and the Oklahoma legislature seems to have tried many of them when it comes to ethics. There are some legislators with reasoned objections to what ethics legislation attempts to do, but there is doubtless also a certain amount of protection of long-established privileges and customs. Partisan concerns are also a factor. Since Democrats have had a virtual monopoly of legislative power since statehood, ethics rules inevitably seem like an attack on their practices. *The Daily Oklahoman* has closely followed, and supported, the demand for ethics laws, presumably partly as a means of challenging the entrenched Democratic party control over the legislature. However, the *Tulsa World* has also been generally supportive of ethics reform. In an editorial on September

10, 1990, it argued vigorously on behalf of the initiative petition calling for an Ethics Commission. That paper has, on the other hand, shown some occasional sympathy with those who see the regulations as too severe.¹¹ Occasionally Republicans have joined the Democratic leadership in fighting the ethics movement. Jerry Pierce, R-Bartlesville, once joined the chorus seeking abolition of the earlier statutory commission.¹² While it seems safe to say that there is today a serious constituency for "ethics," at both the state and federal levels, the entanglement of ethics with enforcement means that questions of party maneuver and power can never be entirely excluded as motives (Ginsberg and Shefter 1999; Ginsberg and Shefter 1995).

The strategies for delay and obfuscation meant that the Oklahoma Ethics Commission of 1986 (renamed the Oklahoma Council on Campaign Compliance and Ethical Standards in 1987) had little effect in changing behaviors and little presence in the public mind. It had been rendered "helpless" by the legislature, according to the *Tulsa World*.¹³ The movement for a much stronger constitutional ethics commission came out of the Constitutional Revision Commission established by Governor Henry Bellmon in 1989 and led by Attorney General Robert Henry. An assistant to the Governor, Andrew Tevington, proposed the idea for an "ethics commission with teeth" to the Constitutional Revision Commission on June 1, 1989. His proposal included a mandatory funding device (the budget should be no less than 5% of the total contributed to state candidates for elective offices in the year of the most recent gubernatorial election), rule-making and investigatory authority, and the elimination of confirmation of appointments by the legislature (The Constitution Revision Study Commission 1991; Henry 1992). Not every element of his proposal was accepted, but the Revision Commission did make "ethics" one of its major areas of emphasis.

Governor Bellmon hoped to make constitutional revision a major part of his legacy. When his commission completed its work, it proposed three amendments to the state Constitution. The first two were oriented toward strengthening the executive branch of state government and revising the provisions applying to corporations. The third proposal, however, was to establish an Ethics Commission. The first two were removed from the ballot by court order, after each was judged to violate a requirement that proposed constitutional amendments cover only one subject.¹⁴ But the ethics proposal remained on the ballot and became

Article XXIX of the Oklahoma Constitution after it was approved by a 2 to 1 margin in 1990.

The Commission began its work on July 17, 1991. Despite the strong endorsement by the voters, the role of the constitutional EC generated new controversy. One of the initial members of the five-member commission, the Rev. Michael Roethler, argued at the first meeting that the mission of the agency should be educational, not punitive, and that it must not set out to be a "hunter."¹⁵ A similar point of view haunted the agency's entire first year of operations. In accordance with its constitutional mandate, the EC undertook in 1991 to prepare a set of ethics rules for submission to the Oklahoma legislature at the beginning of its 1992 session.¹⁶ The initial set of rules covered 84 pages and was generally strong in requiring the meticulous reporting of gifts and donations from lobbyists, sources of income by state officials, and sources of campaign funds. But when the rules were adopted, after extensive public hearings, it was only by a 3-2 vote of the commissioners. The package of proposed rules was opposed by Commissioners Roethler and Patricia Wheeler Kilpatrick, and Kilpatrick felt so strongly that she resigned from the EC after failing to convince a majority of the commissioners to reject it. Kilpatrick argued that the proposed rules were excessively complex and failed to address "identifiable problems in Oklahoma."¹⁷

After the proposal was provided to the legislature, it naturally became the focus of extensive debate over several months. Kilpatrick continued her criticism. The *Tulsa World* gave her an opportunity to state her case in print near the end of the 1992 legislative session. In an editorial, she expressed doubt that there was a genuine need for an ethics agency and said that some feared that the EC could become a 4th branch, "with KGB powers and high budgetary requirements." She denounced the proposed rules, arguing that they were "boilerplate regulations" imported from the national Council on Government Ethics Laws and imposed by a willful staff director and chair. She argued that legislators should not be regarded as "inherently venal" and that it would be best for them to write the rules.¹⁸ Somewhat earlier in the legislative session, the EC's Executive Director, Marilyn Hughes, had sought to defend the proposal. Hughes argued in a "fact vs. fiction" handout that the rules were designed to set a standard about what it is right to do. They were not meant to penalize inadvertent conduct but aimed only at

willful and knowing acts.¹⁹ For her pains, she was criticized by Kilpatrick for making an inappropriate attack on the legislature and for being a "self-serving bureaucrat" attempting to aggrandize her agency.²⁰

Though the legislature rejected the 1992 ethics rules, and tried to substitute its own version, the authority of the Ethics Commission was vindicated by the Oklahoma Supreme Court, as noted above. The EC returned to the task of rule-writing in late 1993 and early 1994, and the first comprehensive set of ethics rules was allowed by the legislature to go into effect at the end of the 1994 legislative session.

Argument about the ethics rules did not vanish. Within the first year under the new order, the personnel on the Ethics Commission had changed and complaints about the first set of rules had materialized. Amidst some internal and external controversy, the EC undertook the first revision of its rules. The proposed modifications were officially adopted, generally by a 3-2 majority of the commissioners, and were submitted to the legislature on February 7, 1995. The changes seemed designed chiefly to ease some of the reporting burdens on legislators and on candidates for office. The requirement that legislators report the gifts they received was dropped; henceforth, only the lobbyists needed to report what they gave. Anonymous campaign contributions were to be allowed if the sum given was under \$50. Members of state boards and commissions were to be permitted to do business with an agency on whose board they served, provided the offer to sell to the agency was publicly reported. Legislators were permitted to accept employment with an agency immediately after leaving the legislature. At the same time, the number of persons required to file annual financial disclosure reports was expanded, to cover more of those in a position to shape purchasing decisions. *The Daily Oklahoman* attacked these proposals as a drastic watering down of the rules, and Governor Frank Keating criticized them on similar grounds.²¹ Nevertheless, the revisions were allowed to go into effect when the legislature took no action against them.

These adjustments were not literally forced on the Commission. Rather, they reflected recognition of some of the problems of implementation, plus changes in personnel appointed to the Commission. In the period 1994-1995, Commissioners William von Glahn, Tom Gruber, and John Luton were the ones pressing for, and supporting, the

modifications, over opposition from Gracie Montgomery and Dr. Jerald Walker.²² In later years, there have been more modest adjustments to the rules and little overt conflict with the legislature about the regulations, except for one clear negative in 1998. In 1997 the EC began to require the electronic filing of reports. The rule applied to campaigns receiving or spending more than \$5,000, and to political action committees spending more than \$10,000. The advantage of electronic filing was not only the easier management of the voluminous reports coming in to the EC, but also the fact that the reports could be made instantly available for public scrutiny on the internet. But this provision was rejected in the 1998 legislature on the grounds that the software made technical demands that less well-funded organizations could not meet.²³ Current issues before the EC concern continued pursuit of required electronic filing, as well as modifications of the limits on campaign contributions and expenditures.

RULES AND ENFORCEMENT

The Ethics Commission is authorized by Article XXIX, §3, to “promulgate rules of ethical conduct for campaigns for elective state office and for campaigns for initiatives and referenda.” It also shall “promulgate rules of ethical conduct for state officers and employees.” It is notable that local government (city and county government, school boards) is not under the constitutional jurisdiction of the EC. Article XXIX gives no guidance about whether the rules are to be detailed or general, severe or light, nor is there specification of the scope of possible penalties, though the EC is authorized in general terms to provide for “civil penalties” for violations.

When the EC promulgates rules which are not disapproved by the legislature, they become effective and are “published in the official statutes of the State.” The Commission is entitled to repeal or modify its rules, but it does so by submitting such a repeal or modification to a subsequent legislature under the same procedure for review that applies to new rules. The legislature is also empowered to repeal or modify ethics rules already in effect by a “law passed by a majority vote of each House.”

The breadth and generality of the power granted to the Ethics Commission is impressive, but it has not meant in practice that the EC is literally autonomous. The Commission has the important advantage of the initiative in the ethics process. It devises and promulgates what the legislature only reviews. It can make use of the initial publicity that is always likely to favor those proposing what seems like reform. Moreover, a proposal coming from an "ethics" agency is likely to carry a distinct odor of sanctity that will impose political costs on those attempting to resist it. Yet the final say does in the last analysis rest with the legislature, and in that sense the elected branch has a real opportunity to exert its will. The most accurate description of the constitutional process might be to say that the EC and the legislature are invited to cooperate by virtue of a certain mutual dependence built into the rule-making method. If the EC proposes rules that are simply impractical, or that are opposed by a significant number of legislators, then it invites rejection of those rules; if the legislature rejects rules that have wide public support, it will pay the cost of having those rules brought up annually by the EC along with the attendant publicity showered on the sources of opposition. Another factor to consider in the rule-making process is that the EC's rules demanding the annual disclosure of personal finances apply to "state officers and employees," including members of the legislature. The EC thereby gains a certain watchdog function over the representatives and senators that may be a source of conflict.

In one of the earliest versions of its rules, the EC offered a specific formulation of its mission that was perhaps intended to suggest to public officials that it aimed for cooperation rather than conflict. The central function of the EC was said to be "to prevent, rather than punish, unethical conduct" and the EC committed itself to "providing an effective and comprehensive ethics education program which will provide the means and opportunity to learn and understand the rules and principles underlying the standards of conduct."²⁴

THE CONSTITUTIONAL ETHICS RULES

Rules on Financial Disclosure

For state officers, the objective is to ensure impartiality and independence from private or personal interests in the conduct of state

business, to sustain an "appearance" of such qualities, and to promote public confidence in state officials. The objective is pursued by requiring disclosure. State officers and high-level state employees must report the source of all income for themselves and members of their family above \$5,000, any securities they hold worth more than \$5,000, and the names of clients represented before state agencies from whom they receive more than \$1,000. (Specific amounts of income or holdings are not required.) In addition, they are subject to a calendar year limit of \$300 on the receipt of things of value from lobbyists.

Campaigns and Elections

In the area of campaigns and elections, the objective has been to regulate by mandating prompt, detailed disclosure of campaign contributions and campaign expenditures and by setting contribution limits. No person or family may give more than \$5,000 to a candidate for state office, and no more than \$1,000 to a candidate for local office, nor may candidates or committees knowingly accept gifts in excess of these amounts. There is no limit on the expenditure of personal funds. Reports are required from campaign organizations within 10 days after filing for election or receiving or expending \$500 in the pursuit of office. Since the initial set of rules there have been regular minor adjustments. One moved in the direction of greater leniency for campaigns: a modification adopted in 1995 permitted campaigns to receive anonymous contributions as long as the sums involved were under \$50. Another allowed an employer to raise the salary of an employee "with the understanding that he will make political contributions therefrom."²⁵ In more recent amendments, the rules seem to be becoming tighter. For example, new rules have banned transferring funds from federal to state campaign committees and taking personal loans from campaign funds, and have ended the reporting exemption for candidates who entirely fund their own campaigns. Responding to free speech issues, in some cases as mandated by court rulings, there have been some provisions for the benefit of non-profit "issue" corporations (allowing them to make contributions to campaigns) and independent advocacy entities (no longer required to state who paid for their expenditures). Supervision of local (county, municipal, and school board) campaigns and elections was not included in the constitutional duties of the EC, but the passage of the

Political Subdivisions Ethics Act in 1995 authorized the EC to require the reporting of contributions and expenditures in county elections and to collect personal financial disclosure statements, as well as lobbyist registrations and reports. The EC also provides forms for reporting in municipal and school board elections. Enforcement of the rules in these elections, however, is left to the mercy of local district attorneys.

Lobbying Disclosure

Lobbyists must register with the Ethics Commission and must file reports twice a year on all gifts of things of value exceeding \$50. They may not give gifts to any one state employee worth more in the aggregate than \$300 annually. State officers and employees are prohibited from borrowing money from a lobbyist, or from an entity controlled by a lobbyist. Lobbyists' contributions to campaigns are reported by the candidate campaign committees.

State Employee Political Activity

State employees, except elected officials, are not permitted to display campaign buttons, hats, badges or other campaign paraphernalia while officially at work for a government agency, nor may they use public resources for partisan purposes.

Ethics Liaison

Every government agency is required to have a liaison, responsible for reporting a list of all those required to make financial disclosure and notifying each such person of this obligation. This provision imitates a mechanism found at the federal level, where each executive branch agency is required to have a Designated Agency Ethics Officer. The responsibility for making sure that ethics rules are made known and that officials file the appropriate disclosure statements falls on the ethics liaison. These persons become, in a sense, extensions of the EC.

Enforcement

Enforcement is authorized by Article XXIX, but is limited to "civil penalties." In the case of suspected criminal violations, the EC refers the matter to a district attorney for possible prosecution. The most public enforcement actions of the EC to date have involved conflicts with governors.

The Ethics Commission was only marginally involved in the cases involving David Walters' fund-raising methods. In the midst of the 1986 primary election campaign for governor, candidate Mike Turpen called a press conference to denounce Walters' campaign finance practices and to claim that he was going to file an ethics complaint with the existing statutory Ethics Commission. During the contentious legislative battle to establish an Ethics Commission earlier in the legislative session of 1986, a recurring issue was whether ethics charges could be used as a political tool. Turpen's press conference led one of the Commission's early defenders, Sen. Rodger Randle, to denounce Turpen's use of ethics charges for political purposes. Subsequently, there were attempts by the legislature to forbid the acceptance of ethics complaints during election campaigns. The grand jury investigation of Walters' fund-raising practices in his successful 1990 gubernatorial campaign was due to the initiative first of the FBI and then of the Oklahoma Attorney General, Susan Loving. The constitutional EC played only a bystander's role. It did benefit handsomely when Walters' eventual guilty plea to misdemeanor charges led to a court-imposed fine. He was required to pay over to the EC the balance of unencumbered funds from his campaign, a total of \$135,000 (Maletz and Herbel 1999).

A more recent issue, with direct EC involvement, occurred when Governor Frank Keating was accused in an ethics complaint of using a state airplane for political fund-raising trips. A rule of the EC forbids use of state property or resources for partisan purposes. Procedurally, ethics complaints are to be handled confidentially until a fine or a reprimand is issued. But Governor Keating got wind of the investigation and filed a lawsuit asking that it be halted by the courts. His argument was that state law required that transportation be provided to governors for security reasons and that his use of the plane was therefore not against the law, nor should it be regarded as in violation of ethics rules.²⁶ His quest for a declaratory judgment brought the issue out into the open and garnered considerable public attention.²⁷ By the early fall, an

agreement was reached between the Governor and the Ethics Commission to ask jointly for a Supreme Court ruling on the dispute.²⁸ The Supreme Court did eventually rule that the law permitted the use of the state plane for gubernatorial travel, even to partisan meetings.²⁹ But in the meantime, the legislature had passed a law prohibiting this use of state vehicles, and Governor Keating had signed it, thus rendering the issue moot.³⁰

In the latest contretemps, Governor Keating may be again embroiled in an ethics controversy. Allegations are that he accepted a fishing trip to Alaska sponsored by an oil company. The *Tulsa World* reported that the matter is under investigation, but the Executive Director of the EC refused even to confirm that point, since, again, procedure requires that all investigations be confidential until resolved.³¹ As of this writing, the matter has not been settled.

ETHICS AGENCIES IN A CONSTITUTIONAL SYSTEM

The Ethics Commission, after ten years of work, has established itself as a significant component of Oklahoma state government. At a minimum it has developed and enforced reasonably clear rules about campaign finances and expenditures (both what the limits are and how they are to be reported), it has a workable system for public officials to disclose the broad outlines of their personal finances, and it registers and monitors lobbyists. The comparative autonomy of the agency gives it a degree of leeway in formulating rules and enforcing them that has brought some visibility to ethics issues. The reports that it collects are public documents, available for consultation by those who want to find out where money is being applied in state government and politics. The data expose to public view the financial aspects of campaigns, lobbying, and office-holding. To this extent, the work of the EC has made ethics issues a component of public life, as is similarly the case in other states and at the federal level.

A larger question worth asking might be: has the effort reduced "corruption"? A definitive answer to this question, however, seems unlikely to be available. As a perceptive study of corruption and reform in New York has noted, it is extremely difficult, if not impossible, to measure the actual amount of corruption in a political system, either

before or after reform (Anechiarico and Jacobs 1996, xiv). It seems plausible to suppose that the long-term effect of regular reporting by campaigns and lobbyists, and the instructive example of the occasional successful prosecution, may generally be salutary, especially if local journalists pay attention to such matters.³² But it seems unlikely that crooked behavior can be suppressed altogether.

CONSTITUTIONAL AUTHORITY AND PRACTICAL CONSTRAINTS

One of the issues that the creation of the EC might help us to understand concerns the relationship between an abstract constitutional grant of power and actual governmental result. This is an interesting problem in the case of the EC because it was equipped by the voters with such broad constitutional authority. A look at the written text of Article XXIX might have led some to expect that it would be thoroughly insulated from normal political constraints. But we see from the history of the EC how much the exercise of constitutional authority takes place within a context that shapes and limits what can be achieved. When Commissioner Gracie Montgomery finished her term on the EC in 1996, she asserted that the Commission is "still ultimately under the control of the politicians it is supposed to govern."³³ Montgomery's opinion resulted from her frustration with the alleged "dilution" of ethics rules in 1995, but her language is, I think, stronger than is warranted on two counts. The EC is not really empowered in any realistic sense to "govern" the politicians, and yet it is at the same time questionable whether the politicians "control" the agency in the strong sense of that term. The relations between the EC and the politicians are better conceived as complex and flexible, with various forms of mutual influence on each other, illustrating the complexity of agency independence in a constitutional system.

The main tool of direct influence and limitation on the EC is, of course, the annual budget. The EC cannot succeed solely by issuing public pronouncements on ethics issues. Its mission requires on-going, detailed supervision of reports on the funds coming in and out of campaigns, lobbyist registration and expenditures, and the personal finances of public officials. These activities presuppose a considerable

amount of staff effort and, these days, extensive computerization, with all that that implies in terms of data and software maintenance and regular up-grading of hardware. The mission also requires regular review and revision of the ethics rules themselves, as well as on-going responses to those who ask for ethics interpretations or file ethics complaints. These parts of the task require a capable legal staff and some investigative capacity. A tight budget therefore inevitably constrains the Commission's activity significantly. It is, of course, easy to discern the harmful consequences of a limited budget, and some have seen such budgets as indicators of a conscious legislative choice against providing the funds for effective surveillance and regulation (Herrmann 1997; Mahtesian 1999). In cases where legislators create an ethics agency and design its rules, it is easy to suppose that their goal may be more to make a popular gesture than to inflict serious limits on their own activities. In the Oklahoma case, the existence of the agency and its broad mandate is constitutional and therefore not so easily limited. Even so, enforcement remains a serious problem because of resource limitations, especially staff and investigative funding.³⁴

Similarly limiting is the fact that the EC is directly controlled by those persons who serve as the Commissioners. The pattern of appointments suggests a preference for naming those who have some experience in politics. Of the fifteen persons who have served as Commissioners from 1992 through 2000, many have been attorneys with experience holding elective office or serving as an appointed member of a board. Two have been from a profession on the periphery of politics, journalism (Hammer, Montgomery), and only two (Walker and Roethler, both heads of local universities or colleges) have been from careers outside the politics-law-journalism orbit. In the case of Commissioners who are in mid-career (Gruber, for example), there is a possibility that conduct on the Commission could open or close doors for the future; a former district attorney for Woodward County, Gruber left the EC before his term expired to become an Assistant Attorney General in the office of Attorney General Drew Edmonson. I do not at all mean to suggest that his work on the EC was shaped by hope for future appointments, but one could see the potential for mid-career commissioners to defer to those whose work the EC is to regulate. Either the habits gained from years in politics, or the hope for future positions elsewhere, might

incline the Commissioners to minimize confrontation and severity in their actions.

Moreover, even the seemingly unlimited authority to propose the ethics rules is more constrained by the practicalities of approval than one might at first anticipate. The legislature is, of course, constitutionally entitled to disapprove a rule and so far (after the initial conflict settled by the state's Supreme Court) has once done so. If such events were to become frequent, there would be political costs for both the EC and the legislature. Legislators will find it risky to be seen as opponents of ethics, naturally, and so the veto of a rule must be weighed in terms of its political effects. But there are similar risks for the EC. If it were to take an aggressive line, regularly offering rules that the legislature rejected, it might well lose the intangible but important clout that comes from appearing to represent the common sense of the community about what the standards of political behavior ought to be. There seems no immediate danger of this happening. Yet the charges of ethical "puritanism" once levelled against the EC must have stung, and they could recur if it aims at a level of control beyond what the public generally assumes to be appropriate.

Finally, another limitation is the need to bow to higher authority from outside the state. Like similar bodies around the country the EC has long been forced to allow candidates unlimited expenditure of their own money on campaigns, a principle required on free speech grounds in a case decided by the U.S. Supreme Court in 1976 (*Buckley v. Valeo* [424 U.S.1]). Recently it has also been forced to suspend enforcement of limits on contributions by political parties to candidates because the U.S. Supreme Court ruled in a Colorado case that "independent expenditures by parties cannot be limited under the First Amendment."³⁵

Taking into account all the factors at work, it appears that the EC has developed its role while adapting to the political culture within which it must work. The selection of commissioners, the need for legislative acceptance of rules, the limitation rather than the prohibition of gifts from lobbyists, and the relatively unaggressive enforcement of fines – all reflect not puritanism but a rather cautious awareness of what is practicable. On the whole I would argue that the standards put in place were not especially severe or extreme. The record suggests that the rules have brought Oklahoma into broad conformity with an emerging national practice of setting contribution limits and mandating disclosure.

ETHICS REGULATION AND THE DEMOCRATIC PROCESS

All reforms have costs, and it is clear that there are some appreciable costs associated with ethics enforcement. These are first of all financial, but they are not only financial. To support the EC, the taxpayers must now provide more than \$.5 million per year in direct budgetary support. In addition, there are costs associated with compliance. Every state agency must now assign an employee to serve as an "ethics liaison," with the duty to register the names of all persons who are required to fill out personal financial disclosure forms. Moreover, all political campaigns, including those involved with ballot referenda and initiatives, must now organize themselves in a more formal manner, registering with the EC and filing regular reports about contributions and expenditures. For larger campaigns, there will be significant costs associated with maintaining adequate records and complying with reporting requirements. Ethics regulations will make it more expensive to mount a campaign. Furthermore, the increasing development of the ethics regulations has the consequence of making them more precise, detailed, and law-like, and at the same time the body of official "ethics interpretations" (developed in response to inquiries and regarded as binding on the Commission) expands. The result is an inevitable "legalization" of ethics. Correspondingly inevitable is the emergence of a legal specialization in "ethics" rules and in practice before the Ethics Commission. Candidates and campaigns who need such legal representation will find it another source of increased expense associated with political activity.

Perhaps equally worth noting is a possible indirect cost, namely a deterrent effect on persons considering whether to run for office or to serve in some other public capacity. From the beginning, one of the charges frequently made against ethics legislation was that it would discourage worthy persons from participating in public life, either because they would not wish their personal finances to be subject to public scrutiny or because they feared that some unanticipated controversy might throw them open to "ethics" accusations. I know of no evidence that this effect has occurred in Oklahoma, but there is also no evidence to show that it has not occurred. At the federal level, however, there have long been suggestions that strict ethics laws have made it difficult to enlist the service of senior executive branch personnel (Norton 1989; Rohr

1981).³⁶ The federal ethics laws require much more detailed exposure of personal and family finances, and they require some appointees either to recuse themselves from specific decisions in their agency if there is a potential conflict of interest, to divest assets if the potential for such conflicts is sufficiently broad, or in some cases to put assets into a blind trust. Are these effects on the democratic process fatal? Probably not, but they are factors to be weighed.

ETHICS: REDUCED AND EXPANDED

Finding a place for governmental effort targeted to "ethics" has always been a problematic task for modern constitutional democracies. To some extent these democracies are more at home with protecting private rights than with prescribing qualitative standards of conduct. In the 20th century, they have built vast programs of administrative regulation, of course. Much of this regulation is targeted toward commercial conduct, but it has expanded in recent decades to cover less overtly economic matters: racial attitudes and feelings, treatment of the disabled, suppression of harmful personal habits (smoking), and so forth. Yet even in the era of expansive regulatory activity, "ethics" has remained, for many, a sphere shot through with special difficulties. Ethics in the full sense requires prescribing standards of aspiration and excellence, as well as forbidding vices. Any serious version of this activity would have to mean defending the prescribed standards as based in something more solid than mere whim. The very idea raises questions about the cherished separation allegedly existing between law and morality, and calls into doubt the belief that an appropriately designed liberal state could be "neutral" when it comes to the choice of a way of life, personal standards of conduct, beliefs, and so forth.

Does the enforcement of governmental ethics undermine the quest for neutrality? We can see a partial answer to this problem by understanding exactly what the new ethics enforcement agencies represent. I suggest that they are a specifically "liberal" response to a problem. They are designed in such a way that they will bring about an improvement in standards of conduct on the part of government officials without infringing on personal beliefs or requiring that officials elevate their sights very far.

The story told above suggests that the "effectual truth" of "ethics in government" has come to mean something considerably less than what "ethics" suggests in ordinary discourse. The very word "ethics" suggests a high idea of personal integrity; it reminds us of devotion to principle and disinterested, not self-interested, activity in the public service; it concentrates on the purification of character, not the accommodation of pressures. In actual practice, however, the enforcement of ethics by government agencies has been reduced to something on a smaller scale. The issues attacked by ethics agencies are essentially issues of conflicts of *financial* interest. These conflicts occur when the decisions of elected officials appear to be influenced by those who donate to their campaigns, when they receive expensive gifts from lobbyists, or when they have business or financial interests that will be affected by decisions made while in office. Ethics, in the sense defined by ethics agencies, means essentially hindering such conflicts of interest by such methods as tracking financial commitments, regulating the flow of money in elections by means of regular disclosures, and developing a set of law-like rules to codify the means by which these goals are pursued. These measures, if effective, may limit the ability of money to command access or influence. At the least, they will enable those inclined to do so to examine the sources and extent of electoral financing.

One might well argue that these rules will have a deeper longer-term influence than seems likely at first glance. Beyond obstructing outright corruption, they may well also be character-forming. They may accustom participants in government to know that they are being watched and to fear that overt influence-buying may be detected and exposed. There would be lessons here for those made so aware. If they reason about what such restrictions mean, they might come closer to internalizing the view that public office is for the sake of service, not for the sake of achieving wealth. In this sense, the observance of the rules may in the long run form habits of mind as well as actual behaviors.

Nevertheless, it remains true that there is an aspect of ethics that is readily lost to view in the midst of a project to control for conflicts of interest. To repeat what is said above, there is a larger sense of ethics that is connected with high ideals of personal integrity and character.³⁷ The appropriation of the term by enforcement agencies is a

governmentalization of ethics that renders the concept of ethics more legalistic and bureaucratic. Ethics is narrowed to a set of rules pertaining to money and open disclosure. It is beyond the competence of a mechanism of this kind to engage in the development of a program dealing with issues of integrity, character, leadership, professionalism, and so forth. The embarrassment is illustrated by the difficulty of designing educational or training programs in ethics that go beyond conflict of interest matters. In my view, the work of the EC, when examined closely, reveals an implicit accommodation not only of political constraints but of a reduced sphere for "ethics" that will comport with the characteristic insistence within liberalism on a certain ethical neutrality. This orientation is not, however, specific to Oklahoma but characteristic of our still-evolving state and national understanding about the enforcement of ethics.

What remains to be seen in the longer run is an answer to a question I can best put by borrowing a term from the great sociologist Max Weber. Is the current ethics "project," as I have called it, a case study in the "routinization" of virtue (Weber 1978, 246-254, 1121-23)? As such, it would be an example of a depersonalized and bureaucratized ethics, ethics turned into a legalistic process that virtually eliminates from view the higher aspirations we associate with the more comprehensive sense of ethics. Some seem to regard the ethics project today in a quasi-Weberian light – an imposition of lifeless rules, mechanically applied, and turning ethics into a routine of paperwork and one-hour per year training sessions (Thompson 1992).

There is no doubt some force to this complaint. But if we take a longer view, it might be possible to expect that even somewhat "routinized" rules could have an educative effect. Rules shape habits and expectations, and over time establish an understanding about what is customary and proper. The reporting and disclosure rules seem likely to have this effect. They deal with aspects of personal behavior involving finances where temptation will always be strong, and so there will surely be cases where the character-forming effects fail. But let us assume for the moment that the ethics rules come to be seen as normal and customary, that they are reasonably effective in diminishing the likelihood of corruption, and that they are administered effectively. What then? We might anticipate that they could gradually affect the expectations

brought to public office. This is not a trivial benefit, even if it does little to advance the greater issues having to do with promoting true excellence in public leadership.

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NOTES

¹The main issues in the lawsuit are clearly described in *The Daily Oklahoman*, July 1, 1992 (p. 1), and the *Tulsa World*, July 5 (p. D8) & 18 (p. A8), 1992. Throughout this account, I have relied on the reporting of *The Daily Oklahoman* and the *Tulsa World*. Both papers have followed the development of the ethics controversy and the activities of the EC closely.

²*Oklahoma Ethics Commission v. Cullison et al.* (850 P. 2d 1069 Oklahoma 1993). See also *The Daily Oklahoman*, March 31, 1993 (p. 1).

³*The Daily Oklahoman*, January 30, 1994 (p. 8). In a subsequent controversy that perhaps worked to strengthen the legislature's hand, Attorney General Susan Loving ruled that it was entitled to reject specific provisions of proposed rules. The EC had claimed that the legislature was entitled only to "accept the rules in their entirety, or reject the whole package." *Tulsa World*, May 5, 1994 (p. N5); see also *Tulsa World*, May 3, 1994 (p. N1).

⁴Hughes is reported to have said that the ethics rules from the EC, like the canons of judicial ethics, take precedence over statutes. *Tulsa World*, July 27, 1997 (p. A1).

⁵*The Daily Oklahoman*, February 23, 1986 (p. A17).

⁶The *Tulsa World*, July 27, 1997 (p. A1), gave a useful overview of the entire ethics struggle from 1986 on, emphasizing the important role in 1986 of Governor Nigh and particularly of Senator Rodger Randle (President pro tem of the Senate at that time) who supported the ethics proposal in the Senate at a crucial moment and saved it from defeat.

⁷*The Daily Oklahoman*, September 4, 1986 (p. 30). The evidence tends to lend some weight to this fear. In an interview with the *Tulsa World*, the campaign manager for Henry Bellmon, Walters' eventual opponent in 1986, conceded that his candidate might have lost the race for the governorship had it not been for the ethics complaint brought against Walters during the Democratic primary race. *Tulsa World*, July 27, 1997 (p. A1).

⁸*The Daily Oklahoman*, December 13, 1987 (p. 20).

⁹*The Daily Oklahoman*, May 29, 1988 (p. 10).

¹⁰ The allegedly weakening changes in the law are summarized by *The Daily Oklahoman* on May 31, 1992 (p. 10).

¹¹ For example the *Tulsa World*, on July 31, 1992 (p. A14), called Ethics Commission Executive Director Marilyn Hughes an "outspoken puritan on ethics rules." An editorial by Ken Neal on June 19, 1994 (p. O1), asked "Ethics Laws: Are We Trying to Make Politics Too Pure?"

¹²*The Daily Oklahoman*, May 7, 1987 (p. 20).

¹³ September 10, 1990 (p. 8A).

¹⁴*Tulsa World*, June 20 (p. 1A) & 24 (p. A2), 1990.

¹⁵*The Daily Oklahoman*, July 18, 1991 (p. 8).

¹⁶ For accounts of the public hearings concerning the initial set of rules, see a series of articles in the *Tulsa World* on December 16, 18, 19, 22, 23, and 31, 1991.

¹⁷*The Daily Oklahoman*, January 31, 1992 (p. 1).

¹⁸*Tulsa World*, June 17, 1992 (p. 15A).

¹⁹*The Daily Oklahoman*, March 16, 1992 (p. 1).

²⁰*Tulsa World*, June 17, 1992 (p. 15A).

²¹*The Daily Oklahoman*, January 18 (p. 1) and 27 (p. 1), 1995; see also January 22, 1996 (p. 6); cf. *Tulsa World*, January 27, 1995 (p. N6).

²²*The Daily Oklahoman*, January 27, 1995 (p. 1), and *The Daily Oklahoman*, February 5, 1996 (p. 6). William von Glahn was an attorney for the Williams Companies; Tom Gruber was a former district attorney for Woodward County, and would soon resign to take a position in the office of Attorney General Drew Edmondson; and John Luton was a former state senator from Muskogee.

²³*The Daily Oklahoman*, June 20, 1998 (p. 7); see also *The Daily Oklahoman*, August 2, 1998 (p. 17).

²⁴*Oklahoma Statutes*, 74, Ch. 63, App. Title 257:1-1-1 (a)2.

²⁵*The Daily Oklahoman*, June 4, 1996 (p. 1). Rebecca Adams, General Counsel for the EC, is quoted in this article as explaining the decision in the following terms. It is not permissible to give direct reimbursement or pay bonuses on the basis of actual contributions; but the ruling permits raising a salary to a level that "permits participation in political campaigns" while

allowing the employee free choice about candidates, parties, or causes to support.

²⁶*The Daily Oklahoman*, June 29, 1997 (p. 21).

²⁷When the matter first became public, Governor Keating spoke very disdainfully of the EC. For an article ridiculing Governor Keating for first supporting the EC, then turning against it, see *Tulsa World*, July 4, 1997 (p.A13).

²⁸*The Daily Oklahoman*, September 7, 1997 (p. 10).

²⁹For a full, if highly critical, account of the Court's ruling, see Rieger (2000).

³⁰*Tulsa World*, May 7 (p. 16) & 8 (p. 20), 1998.

³¹*Tulsa World*, January 10, 2001.

³²The most systematic use of this information for Oklahoma has been in *The Almanac of Oklahoma Politics* (1999).

³³*The Daily Oklahoman*, July 20, 1996 (p. 4).

³⁴For example, at the time of this writing, the EC has only one full-time investigator. Furthermore, though it leveled fines totaling \$73,625 (reduced on appeal to \$61,590) in FY00, it was able to collect only \$10,459 (Ethics Commission 2000).

³⁵*The Daily Oklahoman* (p. 4-A) and *Tulsa World*, June 9, 2000. See *Colorado Republican Federal Campaign Committee v. FEC*, 518 U.S. 604 (1996).

³⁶For a recent report on the effects of ethics regulations on appointments at the federal level, see Tom Hamburger, "Bush's Appointees Are Facing Headaches Over Divestiture Law," *The Wall Street Journal*, September 10, 2001 (p. A20).

³⁷For a wide-ranging set of essays about this larger sense of ethics, see Thompson (2000).

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THE RISE OF OUTSIDE MONEY IN OKLAHOMA

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David Magleby and other scholars detected a dramatic increase in outside money starting in the 1998 congressional elections. Outside money is money spent by the political parties and interest groups independent of a candidate's knowledge. Magleby notes that outside money is most noticeable in competitive or open seat races, causing candidates to lose control of their campaigns and voter confusion. This article examines the role and possible impact of outside money in the 2000 open congressional contest for the second district of Oklahoma between Brad Carson and Andy Ewing. Through interviews, newspaper articles and media outlet records, we found that both the role and impact of outside money were each primarily limited to party activity. Groups were only modestly active because the candidates did not differ from other on key issues and the race was only marginally competitive. Other findings include party activity can be detrimental to the candidates, it is difficult to distinguish between get out the vote activities (GOTV) and persuasion, voters can be confused by outside money, and predicting the competitiveness of a race can be difficult.

David Magleby and several scholars across the country have detected a dramatic increase in outside money in the 1998 congressional elections.¹ Outside money involves political parties and groups conducting their own electoral activities independent of candidates' knowledge. Through a series of recent decisions the Supreme Court expanded the ability of parties and groups to engage in such activities.² Over the last two congressional elections, groups and parties have taken advantage of these opportunities, using outside money in open seat and competitive races where they can have the greatest effect on the outcome. In this article we examine the 2000 second congressional district race in Oklahoma to see if the trends noted by Magleby can be found in Oklahoma. To do this we start by summarizing his findings.

One of the big changes in outside money is the use of issue advocacy ads during elections. Issue advocacy ads allow parties, and interest groups, to advocate for specific issues. Technically by law, these ads are not intended to affect election outcomes and are prohibited from encouraging voters to "vote for," "vote against," "support," or "oppose" a specific candidate. However, as Magleby noted there is a difference between pure issue advocacy, legislative issue advocacy, and election issue advocacy advertisements. A pure issue advocacy ad is intended to sway individuals' views on a particular issue, while a legislative advocacy ad is intended to affect the passage of legislation. With election issue advocacy, however, the parties and groups exploit a loophole. Such ads discuss candidates' views on an issue, making it clear which candidate is preferred but stopping short of outright endorsement. Often these ads end with a statement such as: call the non-preferred candidate and tell him/her to be more like the preferred candidate. This loophole allows parties and groups to use non-hard money to affect elections and to avoid reporting these activities to the Federal Election Commission (FEC). Issue advocacy activities are multifaceted. They can be on the air (TV or radio) or on the ground (phone banks and mass mailings). They can involve outreach to members or nonmembers. They can involve mobilizing voters with "Get Out the Vote" (GOTV) activities or voter guides. The key is that the fundraising of these activities is less regulated, giving groups and parties a greater opportunity to engage in campaign activity.

A second related change in the use of outside money was the increase in soft money expenditures by parties. By the end of the 1990s

parties no longer limited their electoral support to direct contributions to candidates and coordinated campaigns. They have taken advantage of the decisions by the Supreme Court that allow parties to use soft money to engage in issue advocacy, even though technically soft money is to be spent on party building activities. The 1998 congressional elections saw a dramatic rise in the use of soft money from 1994, the previous midterm election year. In the 1998 congressional elections, the Democrats spent about \$93 million in soft money compared to only \$55 million in 1994. The Republicans spent \$158 million in 1998 but only \$53 million in 1994.³

The rise of outside money has important implication for the electoral process. It can cause candidates to lose control of their campaigns. The party and group activity can force candidates to abandon their platforms to address the issues discussed with outside money. If the ads financed by outside money bring out important characteristics about the candidate or address important policies, then outside money would improve the ability of voters to make reasoned decisions. However, if the candidates have to address unfounded personal assaults, then the ads could impede voters in selecting their preferred candidates by creating confusion. Another way the ads cause voter confusion is by masking the identities of the funding sources by creating new organizations to filter their money. Even if voters are aware of organizations they may not notice the funding source of an advertisement. In a combination of focus groups and a national survey Magleby found that voters were confused as to the funding source of election advocacy. Most voters thought that election issue advocacy ads paid for by interest groups were instead paid for by political parties or candidates. Although more voters correctly identified the funding source of party ads than interest group ads, more voters thought these ads were candidate ads than party ads. Additionally, issue advocacy ads that discussed candidates were seen as designed to help or hurt a candidate not to advocate for an issue.⁴

To estimate the strength of outside money in Oklahoma, we examine its role in the 2000 Second Congressional District elections. This district is in the northeastern part of Oklahoma, not including Tulsa or Bartlesville. Muskogee is the historic power center of the district. This race should have seen the effects of outside money because it had the makings of a competitive race. It was an open seat and the district's party preference was ambiguous. A Republican, Dr. Tom Coburn,

represented the district from 1994 until he followed through with a self-imposed six year term limit. Although Rep. Coburn was Republican, for 70 years prior to Coburn's election to the House the district was represented by Democrats. In 2000, Democrats outnumbered Republicans 8-3 and President Clinton carried the district in 1992 and 1996. Thus it was unclear if the district would return to its Democratic roots or stay with the Republican Party, which has grown in strength in Oklahoma during the 1990s.

To see if outside money mattered in the competitive Second District, we relied upon Magleby's example. First, we followed the election in real time by visiting television and radio stations in the district to track the advertisements. Second, we listened to local TV and radio stations to track and record new commercials as they were aired. Third, we gathered mail by asking individuals living in the district to send us the mail they received from the candidates. Fourth, we examined newspaper stories on the election and FEC reports made by the candidates. Finally, we interviewed individuals working on the candidates' campaigns and representatives of the parties and interest groups engaged in issue advocacy. To determine the degree of outside activity on the part of parties and groups we examined both the primary and the general election. By activity we do not include direct donations to candidates. Although these were substantial during the campaign, they do not have the types of effects that independent expenditures and issue advocacy have on the campaign. The candidates control the message in the spending of direct contributions.

OUTSIDE MONEY IN THE SECOND CONGRESSIONAL DISTRICT PRIMARIES

Despite Magleby's conclusions, we found that outside money did not play a dramatic role during the nomination process. That is, neither parties nor groups played a dominant role during the nomination. In the Democratic primary, two candidates were considered viable: Bill Settle and Brad Carson. Settle, 62, was a state legislator from Muskogee, Chair of the Oklahoma House Appropriations and Budget Committee, and the initial front runner. Carson, 33, an attorney from Claremore, had

been a former special assistant to the US Secretary of Defense, and a Rhodes Scholar. Both candidates were well funded. Settle spent about \$600,000 during the nomination and Carson \$450,000.⁵ Much of this was spent on television ads. Carson spent \$200,000, while Settle spent \$140,000 on television ads.⁶ Neither candidate received a majority in the primary, forcing a run-off that Carson won with 55 percent of the vote.

Since the Oklahoma Democratic Party does not endorse candidates during the primary, the only activity that could be considered party activity came from individual Democratic officials endorsing and working for a specific candidate. The co-chairpersons of Carson's campaign, June Edmondson and Edmond Synar, were family members of two Democrats who formerly held the seat. Settle was endorsed by many Democratic officials.

The interest group activity was also modest. Only four groups were active in the primary or run-off: the National Rifle Association (NRA), the AFL-CIO, Business and Industry PAC (BIPAC), and Concerned Citizens of Oklahoma. These groups relied on ground activities. The NRA, a powerful force in the district, endorsed Carson and sent a letter to its members in the district that coincided with telephone outreach. While the NRA worked for Carson, the AFL-CIO endorsed Settle and sent letters, made phonecalls and personal contact to union members. The other two groups had very small efforts. In addition to contributing money, BIPAC sent emails to its members and Concerned Citizens distributed a photocopied flyer criticizing Carson.

Since the amount of group activity was relatively small, it is unlikely that it drove the candidates' campaigns. The only evidence of such an occurrence concerned the NRA. Chabon Marshall, Carson's campaign manager, indicated that gun rights as an issue in the district was powerful enough to force Bill Settle to take a stronger pro-gun stance during the run-off.⁷ Also, since most activity focused on reaching groups' members, voters were not likely to be confused about the source of the message.

As with the Democratic run-off and primary, the Republican primary only modestly demonstrated the role of outside money. Two of the seven Republican candidates dominated the primary: Jack Ross, a rancher, and Andy Ewing, a former U.S. marine and car salesman from Muskogee. Both were former Democrats. Both candidates were well funded, spending about \$180,000 each.⁸ Both also spent considerable

money on television ads. Ross' campaign spent about \$75,000 on TV and Ewing's campaign about \$120,000.⁹ Ewing won the primary with 60 percent of the vote to 28 percent for Ross.

Interest group activity was very modest. US Term Limits conducted a survey of 300 Oklahomans in June and Americans for Limited Terms ran an election issue advocacy radio spot at an estimated cost of \$15,000-\$20,000.¹⁰ This level of activity was unlikely to have greatly affected the election or driven the message.

Although the Republican Party was not officially active in the primary, Representative Coburn and his "machine" played a significant role.¹¹ Coburn's chief of staff, Karl Alhgren, was Ewing's campaign manager and Tom Cole's firm was hired as a consultant for Ewing. Cole is the chief of staff of the Republican National Committee. Coburn appeared in Ewing's television ads; Ewing used Coburn's organization and, according to at least one of Ewing's opponents, the Republican Party as well. Fund-raisers orchestrated for Ewing brought in Republican leaders such as House Speaker Dennis Hastert (R, IL) and Rep. Asa Hutchinson (R, AR). Several of the Republican candidates complained about Coburn's work on the Ewing campaign.¹² This work may have affected the outcome of the primary. Ross made negative references to Coburn endorsing Ewing in his television ads. Additionally, the other Republican candidates noted Coburn's efforts as a reason for Ewing's primary victory.

THE GENERAL ELECTION

The role of outside money was greater in the general election than in the primaries and run-off. However, party activity significantly outpaced interest group activity. Ewing spent about \$520,000 during the general election and Carson \$375,000 (estimated from FEC Candidate Reports). Much of this was spent on television ads. Ewing spent about \$300,000 on television and Carson about \$250,000.¹³ Both candidates started their TV campaigns with positive ads, then went negative for a while before closing with generally positive spots. Carson won the election with 55 percent of the vote and Ewing 42 percent. Neil Mavis, a Libertarian, received 3 percent.

The level of party activity matched that of the candidates. The Democratic Congressional Campaign Committee (DCCC) spent about \$525,000 on television ads.¹⁴ Half of these ads were positive and half were negative.¹⁵ The DCCC also sent out five pieces of mail; four of which were negative. It also ran a modest campaign on the radio. The National Republican Congressional Committee (NRCC) ran five TV spots and one radio spot: all were negative. One ad portrayed Carson as a snake oil salesman coming to town selling a bad potion and encouraged voters to call Carson and tell him not to "try to cure our ills". The cost of NRCC's air warfare was about \$400,000.¹⁶ The NRCC also sent five pieces of mail and the Oklahoma State Republican Committee sent at least one.

Examining the TV ads offers some lessons about the role of outside money. The general topics of the party ads were very similar to the candidates' ads. The ads focused on social security, healthcare, and prescription drugs, but also addressed education, hunting, term limits, abortion, and the candidates' character. However the Republican party's ads were more likely to attack Carson for being a carpetbagger and a trial lawyer than were Ewing's ads. Also the party ads made these attacks before Ewing's ads made these attacks. However, the charges were not new. During the primary, Carson faced these allegations and his first ads mentioned his Oklahoma roots. The DCCC ads also differed somewhat from Carson's message. Although both discussed the key issues, the DCCC ads were more forceful and focused on attacking Ewing's support of privatized social security and Medicare plans.

The work of the parties did affect the candidates' campaigns. According to Doug Heyl of the DCCC, since Carson had to win the late run-off he had little time and money to start the general election immediately following the run-off.¹⁷ Thus the DCCC was able to step in and run a positive piece about Carson while he raised money to run his own ads. This allowed Carson to preempt negative attacks. Additionally, the negative tone of the Republican ads distracted the campaigns. The Tulsa, Oklahoma City and Muskogee newspapers ran stories that discussed the negative nature of the ads.¹⁸ Even Republican Representative Coburn criticized these spots as being too negative and unlikely to reach the voters of Oklahoma.¹⁹ Later the Republican National Committee (RNC) ran an ad that was authorized by Ewing's campaign that featured Coburn defending Ewing and his integrity. After the election,

Coburn cited the party ads as a major reason Ewing lost.²⁰ Marshall also felt that that the NRCC ads may have been counter productive. Most of the ads ended with "call Brad Carson..." Those calling Carson were 10-1 in favor of him or at least expressed displeasure with the ads.²¹ Another reason the ads may have been ineffective was because some of their messages were countered by Carson throughout the campaign. For example, while NRCC ads portrayed Carson as a carpetbagger, Carson's first ads noted that he grew up in Oklahoma and that his ancestors were part of the trail of tears. In sum, the likely outcome of these ads was voter confusion.

Voters were also likely confused by the authorship of the ads. The NRCC filtered money through the state party to pay for the ads. Consequently, the ads said the State Republican Committee of Oklahoma paid for them, although the funding and ads came from the NRCC. Although, the *Tulsa World* coverage of the elections discussed these ads and their funding, it is not clear that most voters could determine who really sponsored the ad spots.²²

There was minimal air warfare conducted by interest groups in Oklahoma's Second Congressional District. National Right to Life (NRL) and Americans for Limited Terms (ALT) ran some issue advocacy ads on the radio that supported Ewing. ALT spent about \$20,000²³ for radio spots and we assume the NRL spent a similar sum.

Instead of TV and radio, groups focused on ground activities and most of this effort was limited to interest groups contacting their members. The AFL-CIO leafleted and phoned its membership on Carson's behalf. The Oklahoma Education Association recommended Carson along with candidates in other races in a mailing it sent out just prior to the election. The National Education Association (NEA) also sent mailings and telephoned its membership in support of Carson. The National Federation of Independent Businesses (NFIB) spent \$25,000²⁴ on mailings and telephoning its membership in the district in support of Ewing. The National Right to Work Committee (NRWC) sent out two mailings to its members. One mailing reported its ratings of the candidates (Ewing 100% and Carson 0%), while the other was part of a national effort. Member to member contact is unlikely to confuse voters. As members of groups they are used to receiving mail from the organizations. Additionally, groups have an incentive to be clear as to the funding source when they send information to their members.

Members are likely to respect organizations they belong to and see their message as legitimate; otherwise they would not be members.

In addition to member contact, some groups used ground activities to reach a larger audience. National Right to Life and the Christian Coalition distributed information to churchgoers the Sunday prior to the election. The NEA spent \$68,000²⁵ sending at least three mailings to sympathetic voters. Other activities included providing staff and sponsoring forums. The Sierra Club PAC, AFL-CIO, and NEA supplied workers in the field for Brad Carson. The American Association of Retired Persons sponsored a voter forum, organized a GOTV "walk around" and mailed a voter guide to members. Its voter guide reported statements from the candidates but no endorsement was made.²⁶ The Oklahoma Farm Bureau also sponsored forums but did not endorse or work on behalf of specific candidates.

The effect of group activity is thought to be modest, since the level of activity was relatively small. While we estimate about \$200,000 was spent by groups in this race, in the Sixth Congressional District in Kentucky the AFL-CIO spent about \$400,000 and business groups over \$800,000.²⁷ Although the group work may have been modest, Chabon Marshall believed it may have had some effect on the outcome of the election in Oklahoma.²⁸ He felt that the NEA's campaign was helpful with independent voters who tended to see education as an important issue. Jack Pacheco, Manager of Political Affairs of the NEA, also felt the NEA made a difference in the race. The NEA was very systematic in its effort by targeting those it knew were undecided and supported public education.²⁹ But we found no evidence of candidates changing their strategies in response to these activities.

OTHER LESSONS LEARNED AND CONCLUSIONS

Why the Second District differed from Magleby's description of congressional elections helps us to understand competitive House races. This race did not see interest group activity dominating the race for two reasons. First, many groups stayed out of the race because the candidates did not differ greatly on key issues. In a debate, Andy Ewing said the only difference between the candidates was their occupation.³⁰ While this was an exaggeration, the candidates were not different enough on

some key issues to warrant group activity. For example, although both candidates asked the NRA for support, it stayed out of the general election because they each received an "A" rating from the organization. Similarly, even though National Right to Life was active on behalf of Ewing, NARAL was not active because Carson did not support federal funding for abortions or late-term or so-called "partial birth" abortions. Nonetheless, several groups became active because of the differences in the candidates' positions. According to Eric O'Keefe, President of Americans for Limited Terms, ALT worked for Ewing because, unlike Carson, he had pledged to serve only three terms if elected and Coburn attested to Ewing's accountability.³¹

A second reason for the lack of activity was that the race was not as competitive as expected. Carson won the election by a 13 percent margin of victory, 55 percent to 42 percent. As early as October 8th an independent poll had Carson up by 15 points.³² That Carson appeared to have a strong lead early on may have kept many groups away. This implies that predicting which open seat races will be competitive can be difficult prior to the nomination process being completed. The race might have been more competitive had other candidates won their parties' primary. Bill Settle, for example, would have provided a clearer contrast in issue positions. Carson's positions were generally more conservative than were Settle's positions. This could easily have made the election more competitive.

Our research also unearthed a couple of lessons not directly related to growth of outside money. One lesson is the value of member contact. Groups during this election cycle focused on member contact in particular for three reasons. First, this activity is unregulated by the Federal Election Commission. Second, it is more targeted. Ryan Hawkins, Settle's campaign manager, indicated that the AFL-CIO used ground activities because in 1996 the use of TV and radio had been counter productive since it reached non-supporters.³³ Member contact also has the advantage of invigorating group membership. One of the AFL-CIO's goals was to use the election to activate its membership and make labor a more visible force in the future.³⁴

Another lesson from this race is that distinguishing between GOTV and persuasion may be misleading. There can be much overlap between persuasion pieces and GOTV pieces. Several of the mailers that were persuasion in content did remind voters to vote on November 7th.

Additionally, according to John Jameson of Winning Connections, the consulting firm used by Brad Carson, his GOTV message had a significant persuasion element.³⁵ It not only reminded voters to vote but also reminded voters why they should vote for Carson.

It may also be misleading to distinguish between groups making an endorsement and those not endorsing. Several groups who did not endorse but sent out voter guides with candidates' positions implicitly endorsed the candidates that best fit their views. For example, when the NWRC sent out information stating that Ewing scored a 100 percent and Carson a zero, an endorsement wasn't needed to tell the voter who was better on the issue.

The Second Congressional District Race in Oklahoma offers several insights into congressional races. First, parties and groups are active players in congressional elections. They do more than give money to candidates but offer messages as well. They have exploited loopholes in campaign finance laws to tell voters whom they should vote for and why. These activities can be detrimental to the candidates they are trying to help. The NRCC television ads may have harmed Ewing's campaign by being too negative. But as with the DCCC's early ads for Carson, such activity can help candidates when their resources are tight. Interest groups are also active speaking out on their preferences. Although group efforts were small in Oklahoma compared to other competitive races, they still spent over \$200,000. And in the Democratic primary the NRA likely altered one candidate's rhetoric on guns. Another lesson is that few differences may exist between endorsement, GOTV, and persuasion advertisements. Above all, the research suggests that predicting competitive races are tricky. And in states such as Oklahoma where the nomination occurs late (August or September), it is even trickier since the candidates remain unknown until late summer.

This work provides mixed evidence of the effects of outside money on representative democracy. Outside money brought little information to the voters that was new. Although the party activity did not bring in new issues, some of the interest group mailings did. For example, although right to work was not a major campaign issue, the NWRC did address this issue. Nonetheless, allegations were made that candidates could defend themselves against, most notably the carpetbagger charges against Carson.³⁶ Such allegations may have inadvertently given an advantage to the other side.

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NOTES

¹David B. Magleby, *Outside Money: Soft Money and Issue Advocacy in the 1998 Congressional Elections*, (New York: Rowman & Littlefield Publishers, Inc. 2000).

²See *FEC v. Colorado Republican Federal Campaign Committee* 1996, *FEC v. Massachusetts Citizens for Life* 1986 and *Buckley v. Valeo* 1976.

³Marianne Holt, "The Surge in Party Money in Competitive 1998 Congressional Elections," In *Outside Money: Soft Money and Issue Advocacy in the 1998 Congressional Elections*, ed. David Magleby (New York: Rowman & Littlefield Publishers, Inc, 2000) 32.

⁴David B. Magleby, *Dictum Without Date: The Myth of Issue Advocacy and Party Building* (Brigham Young University, Center for the Study of Elections and Democracy, 2001).

⁵Estimated from FEC candidate reports.

⁶Estimated from the political files of Tulsa TV stations and radio stations in the district.

⁷Chabon Marshall, interview by authors, 6 October 2000.

⁸Estimated based on FEC candidate reports.

⁹Estimated from the political files of Tulsa TV stations and radio stations in the district.

¹⁰Paul Jacobs, telephone interview by Rebekah Herrick, November 2000.

¹¹Chris Casteel, "Coburn is Still on Campaign Trail," *The Daily Oklahoman*, 25 September 2000.

¹²Rob Martindale, "Congressional Race; Hopefuls Dispute Insider Status," *Tulsa World*, 26 March 2000.

¹³Estimated from the FEC candidate reports.

¹⁴Ibid.

¹⁵Positive ads are those that offered reasons why voters should vote for one candidate, negative ads were those that said why you should not vote for a candidate. Ads that gave any reason to vote against a candidate were considered negative.

¹⁶Estimated from the political files at Tulsa TV stations.

¹⁷Doug Heyl, telephone interview by Rebekah Herrick, 6 December 2000.

¹⁸Jim Myers, "TV Ad War Rages in the 2nd District," *Tulsa World*, 22 October 2000. Rob Martindale, "2nd District Foes Clash on Ads, Issues," *Tulsa World*, 20 October 2000. Rob Martindale, "House Candidates Race for the Wire," *Tulsa World*, 20 October 2000. Chris Casteel, "2nd District Race Goes Down to the Wire," *The Daily Oklahoman*, 2 November 2000. "Voters Like Both Candidates, But Not Their Ads," *Muskogee Phoenix & Times-Democrat*, 4 November 2000.

¹⁹Jim Myers, "TV Ad War Rages in the 2nd District," *Tulsa World*, 22 October 2000.

²⁰Jim Myers and Rob Martindale, "Coburn Won't Take on Carson," *Tulsa World*, 16 November 2000.

²¹Chabon Marshall, telephone interview by Rebekah Herrick, 8 November 2000.

²²Jim Myers, "Most Funds for Mud-slinging 2nd District Ads Have Come from Outside the State," *Tulsa World*, 3 November 2000.

²³Eric O'Keefe, telephone interview by Rebekah Herrick, November 2000.

²⁴Steve Wilkerson, telephone interview by Charlie Peaden, 23 October 2000.

²⁵Jack Pacheco, telephone interview by Rebekah Herrick, November 2000.

²⁶Shirley Stephens, telephone interview by Charlie Peaden, 29 October 2000.

²⁷Penny M. Miller and Donald A. Gross, "The 2000 Kentucky Sixth Congressional District Race." In *Election Advocacy: Soft Money and Issue Advocacy in the 2000 Congressional Elections*, ed. David Magleby (Brigham Young University: Center for the Study of Elections and Democracy, 2001).

²⁸Chabon Marshall, telephone interview by Rebekah Herrick, 8 November 2000.

²⁹Jack Pacheco, telephone interview by Rebekah Herrick, November 2000.

³⁰"House Candidates Race for the Wire," *Tulsa World*, 23 October 2000.

³¹Eric O'Keefe, telephone interview by Rebekah Herrick, November 2000.

³²Rob Martindale, "Poll: Carson in Lead," *Tulsa World*, 8 October 2000.

³³Ryan Hawkins, interview by authors, 8 September 2000.

³⁴Andy Fry, telephone interview by Rebekah Herrick, November 2000.

³⁵John Jameson, telephone interview by Rebekah Herrick, November 2000.

³⁶There were many allegations made against both candidates that they could defend. However, many of these allegations came from the opposing candidate as well as from the parties and groups.

AN OKLAHOMA PARTNERSHIP: HIGHER EDUCATION AND ECONOMIC DEVELOPMENT

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Universities play a valuable role in economic development, but that role is neither well defined nor easily understood. States and communities seeking to improve their economic fortunes are turning to universities to participate more fully in economic development. For their part, universities are promoting their own economic development agendas while trying to increase state and community support. Understanding the economic impact of colleges and universities has long been of interest to higher education administrators, policy makers and public officials. Higher education institutions carefully walk the line between the pursuit of the traditional academic mission and the need for contemporary relevance. This is especially true in Oklahoma, where colleges and universities are increasingly seen as incubators of future economic development.

This article situates Oklahoma within broader development trends by reporting on a state-wide survey of administrators that sought to ascertain the degree and type of development activity undertaken by colleges and universities in Oklahoma. The results suggest that, while

such activities are substantial and increasing, they have not evolved in any organized or systematic fashion. In particular, the types of activity undertaken by Oklahoma institutions bear little consistent relationship to the type of institution involved.

EDUCATION AND ECONOMIC DEVELOPMENT: THE BROADER TRENDS

Higher education has historically played significant, if shifting, roles in the economy and society. According to Clark Kerr (1994), the main purposes of higher education have varied: "sometimes they have been service to the church, or to the ancient profession, or to an ideology, or to an aristocratic and/or affluent class, or to the efficiency and power of the nation-state" (p. 51). Today colleges and universities are expected to contribute to economic development and competitiveness initiatives at the local, state, and national levels. Industry and academic partnerships are encouraged, with advocates citing benefit of both "forward and backward linkages" (Hudson 1974; Stokes 1996; Knott 1988). Beyond those innovations that contribute to the profitability of specific companies, forward linkages also enhance the general level of human capital development and provide important region-relevant knowledge which stimulates regional development. Backward linkages take the form of business given to local suppliers who benefit from higher education expenditures. While such partnerships are not an unprecedented feature of American higher education, they do appear to be changing in character, extent of collaboration, and number. Still, universities are generally not seen as primary sources of new business. For example, they hold only about 2% of the active patents (Udell 1990). Increasingly, though, higher education resources loom large in state economic development strategies (John 1987; Osborne 1987).

The potential benefits of higher education for economic development are not undisputed. Some analysts dispute the links between the two, or argue that the evidence for such links is inconclusive (Miller and Clark 1983; Beachler 1985). Indeed, according to Stankiewicz (1986) "despite numerous studies which have been carried out during recent years, our knowledge of the actual performance of different university- industry interfaces continues to be patchy" (96). Others point

to the difficulties facing a non-profit institution like a university in conducting the cost-benefit analyses of such interfaces, analyses that would be routine in a corporate setting. Indeed, apart from anecdotal case studies of development successes, there exists as of yet no theoretically-grounded model of the university-industry innovation process. (Melchiori 1984; Tornatzky 1983; Slaughter 1990). In sum, "despite the rapid growth of industry-university research relationships and the high expectations for them, little evidence exists that these mechanisms are effective in producing new companies, new jobs, or new products. Given the size of investment in many of these arrangements, the lack of information about costs, benefits, and impact is striking" (Fairweather 1990: 78).

A second caveat questions not the actual contribution of industry-university arrangements to economic development, but whether or not these arrangements corrupt the academic integrity of higher education. Relatively little research has been conducted on the potential conflict of agendas and missions. Public higher education faces both cost pressures and the prospect of limited relief from skeptical legislatures. Yet, as Fairweather (1989) warns, "a university must ask itself whether and to what extent it should emphasize various missions. If undergraduate instruction is a major goal (even if not the primary one), a university should pursue liaisons with industry only if it is assured that instruction will in some way benefit (or at least not be harmed). The failure to resolve questions of purpose beforehand increases the likelihood that partnerships with corporations may move the university in undesirable directions "(403). Of particular concern here is the asymmetry between the perspectives and interests of the two parties. While corporate-campus collaborations are ostensibly reciprocal, a short-term, corporate focus upon profitable applications may overwhelm the less distinct, and more distant payoffs sought by universities. To the extent that the academy does adopt the corporate perspective, it risks undermining public-and especially taxpayer-support for its pedagogical mission (Slaughter 1990; Anders 1992).

These concerns notwithstanding, there is a general acceptance that the benefits of higher education involvement in economic development activities far outweigh any negative consequences. The proponents of the use of academe as a tool for economic development greatly outnumber the skeptics. Beyond the question of whether or not

industry-university partnerships can achieve economic gains is the fundamental question of whether institutions should embrace these activities. Such partnerships need not contradict academic instructional and research goals. However, much more research is needed to assess the impact of economic development activities both inside and outside colleges and universities. As a first step, the survey reported below seeks to identify the factors motivating institutional involvement in economic development enterprises, identify the nature of these activities, and resulting changes in internal academic policies and procedures.

THE OKLAHOMA EXPERIENCE

Oklahoma public higher education economic/service/outreach policies and practices have been shaped by both citizen commissions and legislative and executive actions.

A recent report by a citizen commission offered this enthusiastic endorsement:

Higher Education provides talented employees, technical assistance, and basic and applied research - all of which improve the productivity of the private business sector. The business sector in turn is the state's engine for economic growth. Higher education institutions must receive the funding needed to provide customized, firm-specific work force development programs at no cost to Oklahoma businesses. By educating and producing a higher skilled, highly desirable work force, Oklahoma can attract businesses with those kinds of jobs to our state. By partnering with state economic development specialists, higher education can help attract those businesses considering a move to Oklahoma or assist those expanding current operations within the state." (Citizens' Commission on the Future of Oklahoma Higher Education Report, October 1997, p.1)

In response to the Commission's findings, the Oklahoma State Regents for Higher Education, at their May 1998 meeting, awarded approximately \$3.2 million in grants for economic development activities at 14 Oklahoma public colleges and universities. "This is the first time in state higher education history that incentive funding has been directly

targeted to economic development activities on Oklahoma college and university campuses", announced Chancellor Hans Brisch. "We believe that this grant program will help Oklahoma establish a stronger, more responsive economy because it closely links higher education resources with Oklahoma businesses, communities and state agencies" (State Regents 1998, p.1). By March, 2001, the Regents awarded 30 grants totaling \$8,820,750 which attracted over \$25,955,621 in matching funds (Oklahoma State Regents for Higher Education).

In addition to the Regents' actions, the Oklahoma Legislature passed House Bill 2863 which was signed into law Monday, May 18, 1998. The bill gives colleges and universities an incentive to participate in business ventures with private enterprise. Titled the "Oklahoma Technology Transfer Act of 1998," the bill allows institutions of higher education in Oklahoma to own equity in a business venture. Institutions would be permitted to use the facilities and other resources, including the value of faculty time and expertise, to acquire the equity interest.

Given this civic and legislative support, how active are Oklahoma colleges and universities in economic development activities, and how are they responding to these and other external stimuli? Identifying these activities and the extent of participation in them will be helpful to the State of Oklahoma as well as all colleges and universities that are seeking to expand their economic development activities in the future.

THE SURVEY

This survey asked administrators what they were doing in the way of economic development, and why they were doing it. The research questions were:

1. To what extent did institutions participate in selected economic development activities from 1988-1998?
2. Which external factor(s) influenced decisions to engage in selected economic development activities from 1988-1998?
3. To what extent have institutions strategically planned for selected economic development activities for 1998 and beyond?
4. Which external factors influenced institutional decisions to develop strategic plans for selected economic development activities?

5. What economic development activities have higher education institutions in Oklahoma been engaged in the past, present and plan to be in the future? How are specific activities associated with the type of institution?

6. What types of businesses are being served by the economic development activities of institutions of higher education in Oklahoma?

7. What are reported to be the "motivating" factors responsible for encouraging (or discouraging) increased institutional involvement in economic development activity among public institutions?

8. What, if any, change has occurred among selected academic policies associated with increasing institutional involvement in economic development activity?

9. In the opinion of the respondents, what is the role of higher education, if any, in economic development? What factors encourage or discourage involvement in economic development activities? What are the respondents anticipated economic development activities for the future?

There are currently 44 institutions of higher education in Oklahoma. Twenty-nine are public institutions and 15 are private institutions. A survey (*The Economic Development and Policy Change Survey*) was mailed to the presidents of all 44 institutions, public and private, in July 1998. Twenty-five institutions responded, 21 of which were public institutions. Follow-up with all of the private institutions revealed either a lack of time or willingness to respond or, as with the theological institutions, a sense that economic development activities were not relevant to their educational purpose.

The survey consisted of closed-ended questions with a Likert-type scale to measure responses concerning the type of various economic development activities, strategic planning, perceptions of the influence of external factors, and level of participation in economic development activities. Using open-ended questions, the survey assessed the respondents' perceptions of the role of higher education institutions in economic development, encouraging or discouraging factors, and likely activities for the future. Institutions provided information on the extent of existing policies and changes in academic policies in a "yes/no" format. Finally, the survey requested the respondent to rate the degree of influence that each of 36 motivational factors had with regard to

increasing economic development activity. Twenty-five public and private institutions responded. The survey's categories of economic development are illustrated by the following examples:

Applied Research

- The Center for Economic and Management Research (OU)
- Food Product Development (OSU)
- The Applied and Environmental Microbiology Program (OU)
- Business Research Center, Cameron University

Business Development

- The Center for Entrepreneurship (OSU)

Copyrights, Patents, Trademarks

- The Patent and Trademark Depository (OSU)

Data Collection and Dissemination

- The Biological Survey and Mesonet (OU)
- The Center for Agriculture and Environment (OSU)

Education, Training and Management, Workforce Development

- The Business and Industrial Development Department, Oklahoma City Community College
- The American Institute of Banking Programs, Rose State College
- The Center for Entrepreneurship, Southeastern Oklahoma State University

Funding Procurement

- The Small Business Innovations Research (SBIR) Funding Programs administered by the Oklahoma Center for the Advancement of Science and Technology

General Technical Assistance

- The Institute for Telecommunications (OSU)
- The Center for Urban and Regional Studies (OU)

International Trade

- The Center for International Trade Development (OSU)
- The Office of Globalization (UCO)
- The International Language Center, Tulsa Community College

Networking and Partnerships

- The Center for Business and Economic Development (OU)
- The Northeastern Oklahoma Manufacturers' Council, OSU Technical Branch - Okmulgee

Research and Development

- The Engineering Institute and Research Lab (OU)
- The Medical Laser Lab (OSU)
- The Health Research Program administered by the Oklahoma Center for the Advancement of Science and Technology

Rural Development

- The Rural Enterprise Team (OSU)

Technology Transfer

- The Oklahoma Center for Integrated Design and Manufacturing (OSU)
- The Office of Research Administration, OU Health Sciences Center

Research Parks/Incubators

- Swearingen Research Park (OU)

SURVEY FINDINGS

The present article reports the findings on just two of the survey's questions—what institutions did (question #1) and—why they did it (question #7).

QUESTION ONE

The first research question sought to assess the extent to which institutions participated in selected economic development activities over a ten-year period. Education, Training and Management and Workforce Development were the economic development activities that institutions most participated in over the past decade followed by Networking and Partnerships, Business Development, General Technical Assistance and Data Collection and Dissemination. Activities least engaged in by institutions were: Technology Transfer, Rural Development, Applied Research, Research and Development, Funding Procurement, Copyrights, Patents and Trademarks, International Trade and Research Parks/Incubators.

I. Applied Research

Of all the respondents, 40% indicated that, between 1988 and 1998, their institution's effort towards participating in applied research was non-existent. Another 32% responded that a minimal effort was given to this economic development activity. Only 28% of all public and private institutions indicated a major effort was directed toward this activity. Of the public institutions, an equal 33.3% was applied to each level of activity. The types of public institutions which indicated the strongest effort in applied research activities include the comprehensive institutions and constituent agencies.

II. Business Development

A plurality, 48%, of all respondents, indicated minimal effort toward business development. A major effort was reported by 36% and only 16% reported no activity. A high percentage of public institutions reported

minimal effort, 47.6%, and a major effort was indicated by 42.9%. Few public institutions, 9.5%, reported no activity. The type of public institutions which indicated the strongest effort in business development activities include the comprehensive institutions and two year urban institutions.

III. Copyrights, Patents and Trademarks

Only 12% of all institutions indicated a major effort for copyrights, patents and trademarks. The majority, 56%, showed no activity and 32% reported minimal effort. Public institutions reported 52.4% did not participate, 33.3% were involved at a minimal effort level and 14.3% gave a major effort to this activity. The type of public institutions that indicated the strongest effort in copyrights, patents and trademarks were the comprehensive universities and constituent agencies.

IV. Data Collection and Dissemination

Data collection and dissemination efforts ranked a minimal effort by 48% of all the respondents. A major effort was reported by 32% and 20% responded no effort at all. The public institutions responded by 38.1% of engaging in a major effort, 47.6% in a minimal effort and only 14.5% in nothing at all. The type of public institutions which indicated the strongest effort in data collection and dissemination were the comprehensive universities, the regional II universities, and the technical branches.

V. Education, Training and Management, Workforce Development

The strongest activity reported by all respondents was in the area of education, training and management, and workforce development. A healthy 64% reported a major effort and 36% reported a minimal effort. Of the public institutions, over 71% reported a major effort and 28.6% indicated a minimal effort. The type of public institutions which reported the strongest effort in education, training and management and workforce development were the comprehensive universities, regional I universities, two-year rural institutions, two-year urban institutions, and technical branches.

VI. Funding Procurement

A fairly even division of effort was reported for funding procurement. Of all respondents, 36% said no involvement, 28% reported a minimal effort and 32% reported a major effort. The public institutions were evenly split with 33.3% indicating no involvement and 33.3% with a major effort. Slightly over 28% responded with a minimal effort. The type of public institutions which reported the strongest efforts in funding procurement were the comprehensive universities.

VII. General Technical Assistance

By a large margin of all respondents, 44% reported a minimal effort and 40% a major effort in the area of general technical assistance. Only 16% showed no activity. The public institutions indicated 42.9% participated in a major effort, and 47.6% in a minimal effort. Only 9.5% did not participate. The type of public institutions which reported the strongest efforts in general technical assistance were the regional I universities, and the technical branches.

VIII. International Trade

Most institutions, 56%, did not participate in international trade. Only 32% reported a minimal effort, and even fewer, 12%, a major effort. The majority of public institutions, 52.5%, responded that they exercised no effort in the area of international trade, 33.3% a minimal effort and 14.3% a major effort. None of the private institutions reported any strength in this area.

IX. Networking and Partnerships

Total respondents, 60%, indicated that a major effort was given to networking and partnerships. Only 20% indicated a minimal effort and again only 20% indicated no effort. Of the public institutions, a strong 66.7% showed a major effort, and only 19% indicated a minimal effort while 14.3% reported exercising no effort. The type of public institutions which reported the strongest efforts in the networking and partnerships were the regional II universities, two-year urban institutions, and technical branches.

X. Research and Development

The majority of public and private institutions, 40%, reported no involvement in research and development. Thirty-six percent indicated a minimal effort, and 24% showed a major effort. Of public institutions, 38.1% said they were not involved, 33.3% reported minimal effort and 28.6% indicated a major effort. The type of public institutions that reported the strongest efforts in research and development were the comprehensive universities and constituent agencies.

XI. Rural Development

Most respondents, 48%, reported minimal effort regarding rural development. Many, 32%, indicated no effort and only 20% reported a major effort. Most public institutions, 57.1% indicated a minimal effort, while 23.8% showed a major effort. Only 19% did not participate. The type of public institutions which reported the strongest efforts in rural development were the regional II universities and the two-year rural institutions.

XII. Technology Transfer

A consistent response was indicated for all institutions regarding technology transfer. Thirty-two percent reported no involvement, 32% reported minimal effort and 36% reported major effort. Of the public institutions, 28.6% reported no effort, 38.1% reported minimal effort and 33.3% reported major effort. The type of public institutions that reported the strongest efforts regarding technology transfer were the technical branches and constitution agencies.

XIII. Research Parks/Incubators

Finally, most institutions, 56%, did not participate in research parks or incubator projects. Thirty-six percent reported a minimal effort, and only 8% expressed a major effort. Of the public institutions, 52.4% were not involved; 38.1% reported a minimal effort; and 9.5% indicated a major effort. Of the public institutions, only the constituent agencies reported a strong effort in this area of activity.

TABLE 1

Economic Development Activity Effort, 1988-1998
Public and Private Institutions (N = 25)

Activity	Not at All		Minimal Effort		Major Effort		Total
	f	%	F	%	f	%	%
Applied Research	10	(40.0)	8	(32.0)	7	(28.0)	100
Business Development	4	(16.0)	12	(48.0)	9	(36.0)	100
Copyrights, Patents & Trademarks	14	(56.0)	8	(32.0)	3	(12.0)	100
Data Collection & Dissemination	5	(20.0)	12	(48.0)	8	(32.0)	100
Education, training & management, workforce development			9	(36.0)	16	(64.0)	100
Funding Procurement	9	(36.0)	7	(28.0)	8	(32.0)	100
General technical assistance	4	(16.0)	11	(44.0)	10	(40.0)	100
International Trade	14	(56.0)	8	(32.0)	3	(12.0)	100
Network & partnerships	5	(20.0)	5	(20.0)	15	(60.0)	100
Research & development	10	(40.0)	9	(36.0)	6	(24.0)	100
Rural development	8	(32.0)	12	(48.0)	5	(20.0)	100
Technology transfer	8	(32.0)	8	(32.0)	9	(36.0)	100
Research parks/incubators	14	(56.0)	9	(36.0)	2	(8.0)	100

SOURCE: Author's calculations from surveys.

QUESTION SEVEN

Over 90% of public institutions (n=21) reported economic development activities to be increasing. Research question seven identified the "motivating" factors that influenced increased institutional involvement among public institutions. The survey requested the respondents to rate the degree of influence that each of 36 motivational factors had upon discussions and/or decisions with regard to increasing economic development activity at their institutions within the past ten years. A mean influence score was calculated as the mean of the 21 respondent ratings for each of the 36 motivational factors, with 1 signifying "no influence" and 5 signifying "great influence." As summarized in Table 2, institutions reported the extent to which factors influenced institutions' decisions regarding economic development involvement. Factors such as point of view of the president, of business leaders, of state/legislators/government, having economic development part of a strategic plan, wanting to improve public relations and image, transmitting knowledge through nontraditional teaching, increasing state appropriations, meeting public service obligations, generating new knowledge, and increasing corporate involvement appear to be the most influential. Factors related to recruitment of students, increasing faculty publishing, augmenting faculty salaries were seen to have little influence on decisions related to the level of the institution's involvement in economic development.

TABLE 2

**Motivational Factors Influencing Economic Development In
Public Institutions (N=21)**

Motivational Factors	Mean Influence Score
Points of view of institutional presidents	4.62
Point of view of business leaders	4.00
Point of view of state leg./govt.	4.00
Strategic, long-term planning process	3.81
Improving public relations and image	3.76
Transmission of knowledge through nontraditional teaching (distance education, conference, etc.)	3.76
Increasing state appropriations to the institution	3.67
Meeting public service obligations	3.62
Generating new knowledge and aiding curriculum development	3.62
Increasing corporate involvement and/or gifts to the institution	3.57
Assisting start-up business and/or providing technical assistance to established companies	3.48
Founding purposes, charter of mission of the institution	3.38
Point of view of the board of trustees/regents	3.38
Point of view of the local elected officials/government	3.33
Enhancing faculty development	3.29
Better use of real property	3.19
Improving research and instructional equipment and other instructional support	3.14

TABLE 2 (continued)

**Motivational Factors Influencing Economic Development In
Public Institutions (N=21)**

Motivational Factors	Mean Influence Score
Point of view of faculty	3.14
Attracting federally supported research	3.05
Recruiting, retraining faculty	3.05
Transfer of technology, discovery in commerce	2.90
Accommodating faculty entrepreneurial activity	2.90
Recruiting noncredit students	2.76
Fund raising among alumni and other individuals	2.76
Point of view of alumni	2.71
Increasing industry-sponsored research	2.67
Academic freedom of inquiry and open exchange of information	2.62
Ability of faculty to augment their base salaries	2.52
Increasing faculty publishing activities	2.48
Proprietary rights, inventions, discoveries	2.43
Recruiting undergraduate students	2.38
Tax exempt status of the institution	2.00
Recruiting graduate students	1.95
Revenue generation through equity participating in commercial ventures, related direct investment	1.90
Potential liabilities of commercialization of research	1.76

SOURCE: Author's calculations from surveys.

CONCLUSIONS

The partial findings presented here suggest some provisional conclusions. Oklahoma's public institutions of higher education are increasingly involved in economic development activities. These institutions must decide upon the nature and level of their involvement in economic development activities in the context of a complex array of external and motivating factors. Additional study in this area, in particular with regard to the purported linkage between increased economic development involvement and expanded funding, would be of assistance to leaders contemplating more extensive commitment of their institutions' resources to economic development initiatives.

The participation by Oklahoma public colleges and universities in economic development does not happen in any organized or systematic fashion. There appears to be no relationship between the level of economic development activity and the type of public institution, with the possible exception of the comprehensive universities. This is contrary to much of the literature, which suggests that different types of institutions participate in different type of activities. (AASCU 1986; Cote 1993). Colleges and university in Oklahoma have been seeking on their own to determine if their institutions have areas of specialization that can contribute to economic development and have explored potential industry-university relationships to secure resources for these activities.

The findings reported here highlight the "motivating" factors responsible for encouraging increased institutional involvement in economic development activities among public institutions. The results closely mirror similar national studies of four-year institutions (AASCU 1986) and land grant institutions (Cote 1993). While institutional involvement in economic development activities is increasing in Oklahoma, albeit in a variety of ways, the factors motivating this activity are not different in Oklahoma compared to the rest of the country.

The literature suggests a strong correlation between level of economic development activity and change among selected academic policies (Cote, 1993; AASCU 1986). The findings of this study found no significant relationship. Institutions in Oklahoma may not be associating increased in economic development activity with initiating changes in related faculty or other internal policies but are instead, dealing with individual issues in isolated ways. Recently approved State Questions 680 and 681 may signify a change in this pattern of institutional behavior.

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**DOES THE OKLAHOMA APPELLATE JUDICIARY
DECIDE CASES BASED ON ECONOMIC PHILOSOPHY?**

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In 1997 business groups evaluated Oklahoma's appellate judiciary on whether or not its decisions were pro- or anti-economy. The resulting scorecards were widely distributed by the Christian Coalition during the 1998 judicial retention elections and sparked a campaign against some judicial candidates. These judicial scores attracted considerable media attention both in Oklahoma and nationally. A careful analysis finds judges and justices are recorded as participating in cases before they joined their courts or after they left, among other errors. Judges with very different scores are found, often as not, to reach identical decisions when deciding the same cases. Overall, there is no evidence Oklahoma appellate judges and justices are imposing economic philosophies in decisions.

DOES THE OKLAHOMA APPELLATE JUDICIARY DECIDE CASES BASED ON ECONOMIC PHILOSOPHY?

State appellate judges increasingly face negative campaigns upon coming up for re-election or retention (Champaigne 2000; Dann and Hansen 2000). Groups in Tennessee, Georgia and California targeted state supreme court justices with concerns over abortion, the death penalty, the environment, and the economy (Broder 1998; Butler 1998; Lefler 1999; Fialka 1999). The U.S. Chamber of Commerce and the tobacco industry in 1997 announced a campaign against plaintiff friendly judges. According to the *Tulsa World*, "The millions of dollars the battle will need are to be raised from business interests who see growing legal costs as a burden to economic growth and competitiveness." (*Tulsa World* 1997:A-7). Groups evaluated judges in Ohio, Michigan, Alabama, and Florida on the economic impact of their decisions. These evaluations became the basis of campaigns to unseat certain judges. In Oklahoma, StateSource, a public relations firm with links to conservative and business groups, became "involved in creating Citizens for Judicial Review which undertook to provide Oklahomans with research on the economic performance of our state's appellate and supreme court judges." (StateSource N.D.a) The research was done by Sequoyah Information Systems in Norman and published as *The Economic Judicial Report: Oklahoma Supreme Court & Court of Civil Appeals Judicial Evaluation 1997 Update* (Sequoyah Information Systems 1997; hereafter: EJR). The EJR briefly summarized 186 Supreme Court and 225 Court of Civil Appeals cases. The report also included a chart for each case indicating whether each participant voted "+" (pro-economy), "-" (anti-economy), or "/" (neutral), in the opinions of the authors. These votes were totaled and presented in summary bar graphs. The EJR was the basis for preparing scorecards rating Oklahoma judges on job creation and economic development revealing "the general philosophy of each judge." (EJR pages not numbered.)

StateSource formed another group, Oklahomans for Judicial Excellence, in 1997 claiming support from fifty-two associations and corporations (StateSource NDb). These included the Oklahoma State Chamber of Commerce, the Tulsa Chamber of Commerce, and the Greater Oklahoma City Chamber of Commerce. Energy company, Koch Industries, provided approximately ten percent of the funding (Wright

1999). StateSource claims to have raised and spent \$250,000 and to have distributed 1.4 million of its scorecards through the Christian Coalition (Wright 1999) – all directed at the 1998 Oklahoma judicial elections (Ervin 1998b; Ervin 1998c; StateSource NDb). Members of a related group, Oklahomans for Jobs and Economic Growth, actively campaigned against the judges with low scores (Mitchell 1998). According to one appellate judge “they’ve stricken fear into the judiciary” (Ervin 1998a).

The question addressed here is the validity and accuracy of the EJR judicial ratings. Do Oklahoma’s civil appeals judges and supreme court justices decide cases based on their economic views? Do the EJR ratings accurately reflect those views?

EJR ACCURACY

We address data accuracy first. Obviously sloppy, careless, reckless, or inaccurate data transcribing makes any subsequent analysis of the contaminated data meaningless. Careless and inaccurate data transcribing reduces the value of the contaminated data. Checking was done against the Oklahoma State Courts Network (OSCN) case files, the Lexis-Nexis West case files and, ultimately, the *Oklahoma Bar Journal*.

The EJR grouped cases into eight areas. Cases placed in more than one area could thereby arbitrarily be given additional weight in computing overall judicial scores. Five cases, two decided by the Court of Civil Appeals and three decided by the Supreme Court, were counted twice (see Appendix A).

Eleven Court of Civil Appeals cases were transcribed with errors. Judges who had left the court or were not yet appointed were recorded as participating. Judges decisions were also recorded incorrectly. Ten Supreme Court cases were similarly transcribed incorrectly. We corrected these errors before performing our analysis (see Appendix B).

Tables 1 and 2 present the original EJR participation rates or case counts and overall job creation and economic development scores for each justice and judge and the corrected scores once duplicate cases were eliminated and miscoded cases corrected.

TABLE 1

**COURT OF CIVIL APPEALS JUDGES CORRECTED
AND UNCORRECTED JOB CREATION
AND ECONOMIC DEVELOPMENT SCORES**

Judge	Corrected Decision Counts					% (+)	EJR	
	(+)	(-)	(/)	NP	Total		% (+)	Cases
Adams	29	24	0	0	53	54.72	55%	55
Garrett	42	28	0	0	70	60.00	58%	74
Hansen	30	50	2	1	82	37.80	37%	80
Buettner	12	2	0	0	14	85.71	86%	14
Joplin	18	6	1	0	25	74.00	69%	27
Jones	25	24	0	0	49	51.02	57%	49
Boudreau	10	6	0	0	16	62.50	59%	18
Goodman	12	11	0	0	23	52.17	52%	23
Rapp	14	19	1	0	34	42.65	42%	33
Reif	24	24	1	0	49	50.00	51%	48
Stubblefield	14	22	1	0	37	39.19	42%	38
Taylor	9	10	0	0	19	47.37	50%	20

Source: Authors' calculations from data in EJR.

- (+) pro economic development
- (-) anti economic development
- (/) concur in part, dissent in part
- NP non-participant

While the corrected case information does not yield dramatically different summary scores from the original EJR summaries, five of the twelve Court of Civil Appeals judges had noticeably different corrected scores. Further, correcting the errors is essential when individual judge's decisions are compared with one another to establish the overall structure of judicial decision-making.

The next question concerns the selection of cases and the judgment made as to whether or not the decisions were favorable to job creation and economic development. This addresses whether the cases as selected and coded are in fact an accurate basis for the judges' scoring decisions.

TABLE 2
SUPREME COURT CORRECTED AND
UNCORRECTED JOB CREATION AND ECONOMIC
DEVELOPMENT SCORES

Judge	Corrected Decision Counts						EJR		
	(+)	(-)	(/)	NP	Total	%NP	%(+)	%(+)	%NP
Hargrave	119	53	5	6	183	3.28	68.64	69	3
Hodges	110	64	4	5	183	2.73	62.92	63	3
Kauger	70	88	23	2	183	1.09	45.03	44	1
Lavender	118	58	7	0	183	0.00	66.39	67	1
Opala	94	66	21	2	183	1.09	57.73	59	1
Simms	127	38	13	5	183	2.73	75.00	76	3
Summers	96	68	12	7	183	3.83	57.95	58	4
Watt	51	43	2	87	183	47.54	54.17	53	48
Wilson	61	101	17	4	183	2.19	38.83	39	2

Source: Authors' calculations from data in EJR.

- (+) pro economic development
- (-) anti economic development
- (/) concur in part, dissent in part
- NP non-participant

THE STRUCTURE OF DECISIONS: JOB CREATION AND ECONOMIC DEVELOPMENT

The EJR assert that the cases they selected had an impact on Oklahoma's economy. Decisions were subjectively determined to positively influence economic development or not. This model is a familiar description of political decisionmaking. The legislature, for example, can pass laws that, in someone's judgment, favor or restrict economic development and we would expect that if a legislator's voting record is examined over time a pattern would emerge. Some legislators would be found to be pro-business, others pro-labor; some might be pro-growth, while others are anti-growth, pro-consumer or pro-environment.

Politicians generally are expected to position themselves and their opponents on these matters. These familiar categories structure elections, public opinion, and legislative struggles. They are the cleavages that define much of Oklahoma politics today.

Applied to judicial decisions, this is the attitudinal model, in which court decisions are "based on the facts of the case in light of the ideological attitudes and values of the justices." (Segal and Spaeth 1993:32) The United States Supreme Court has a long, documented, history of political cleavages, economic as well as others (Schubert 1959; Spaeth 1963; Ulmer 1986).

A second, legal, model "postulates that the decisions of the Court are based on the facts of the case in light of the plain meaning of statutes and the Constitution, the intent of the framers, precedent, and a balancing of societal interests. . . judicial decisions merely apply the law objectively, dispassionately, and impartially"(Segal and Spaeth 1993:32-3). Differences among appellate judges, in this model, reflect the weights given case facts and conflicting precedents, statutes, and Constitutional provisions.

There is a third model developing among scholars suggesting that if there is ideological discretion among a state's appellate judiciary it will reflect the prevailing ideology in the state at the time of appointment. These ideological distances will be manifest in states with partisan elections of appellate judiciary; not, however, in states with retention systems or non-partisan elections (Hall 2001; Brace Langer, and Hall 2000). Oklahoma is interesting in this regard as justices Simms and Hargrave, with the highest corrected EJR scores, were appointed by Democratic governors (Hall and Boren) as were those with the lowest corrected EJR scores, Wilson and Kauger (appointed by Governor Nigh).

The assumption made by EJR is that Oklahoma appellate courts decisions comply with the attitudinal model. Why should they not? The answer is they might to the extent the Oklahoma courts approximate the conditions that characterize the United States Supreme Court. The U.S. Supreme Court is the court of last resort, it selects what cases it chooses to hear, typically the few of national import amongst the many that have conflicting precedents and statutes and in which Constitutional provisions are finely balanced. Its members lack political or electoral accountability and the Court need not respond to public opinion or other political actors (Segal and Spaeth 1993:xv-73 and *passim*). Oklahoma

appellate courts, in contrast, are subject to Federal courts and have only a limited ability to select cases. The appellate judiciary has six-year terms and must periodically face voters in retention elections. The conditions that enable the attitudinal model for U.S. Supreme Court justices are largely absent for the Oklahoma appellate judiciary.

Therefore, we cannot automatically assume Oklahoma's appellate judiciary follows the attitudinal model, as opposed to the legal, or some other model in its decisions. We cannot assume that even if the attitudinal model *does* apply that economic attitudes have any relevance. These assumptions need to be empirically tested. The EJR selected its cases from among many possible cases. Decisions were scored without any evident use of systematic sampling or objective, published, coding procedures. The EJR did not report validity checks on its coding and did not even check the accuracy of its data. Under these conditions one judge or justice could wind up with a high score and another with a low score as a product of arbitrary decisions rather than actual differences between the judges or justices.

Here we will test to determine if all cases selected in the EJR were seen by the judiciary as dealing with economic development and jobs and not other, unrelated, issues. Likewise, a test will ascertain if the judges were applying economic considerations in reaching their decision as opposed to, say, equal protection, statute, or precedent. Because the structure of the Court of Civil Appeals and the Supreme Court are different, those courts will be treated separately.

COURT OF CIVIL APPEALS

The Court of Civil Appeals has two groups of judges, one sitting in Tulsa the other sitting in Oklahoma City. Each group has two divisions of three judges. Judges in Oklahoma City are subject to pre-arranged rotation among the two Oklahoma City divisions as are Tulsa judges among Tulsa's two divisions. The rotation takes place every year, although procedures varied over the twelve years from which the cases were selected. The Supreme Court assigns cases randomly to Tulsa or Oklahoma City where they are again randomly assigned to a three judge division. In rare instances a case will not be assigned to a panel with a certain judge or a judge from another panel and occasionally a judge

from outside the Court of Civil Appeals will be assigned to fill a panel vacancy. This might occur, for example, if a judge had some prior connection with the case. We can assume, however, that certain kinds of cases are not assigned to designated judges or that panels specialize. Each case will be decided, subject to Oklahoma Supreme Court review, by only three of the sitting twelve judges. Further, the three judges will sit together on only a small number of the selected cases before being rotated into different configurations. Therefore, each Court of Civil Appeals judges' EJR economic scores will be based on a different set of cases.

Not only must we address the question of judges deciding the selected cases based on an hypothesized economic ideology, we must also address the concern that if judge A got judge B's cases and B got A's, their EJR Jobs and Economic Development scores would be exchanged; that is, the score reflects the cases assigned and not the judges economic views — even if economic views are playing a role in judicial decisions.

We can make predictions based on the assumptions. If the predictions are borne out the evidence favors the validity of the assumptions. On the other hand, if the predictions are not borne out the assumptions are called into question. The EJR assumes the judges vary in favorability toward the EJR conception of jobs and economic growth and this is measured by the EJR scores. The EJR assumes the selected cases are decided on these economic viewpoints. Finally, the EJR assumes they have coded decisions as favorable (+) or unfavorable (-) to job creation/economic growth in the same way as the judges view the case. If these assumptions are correct, judge A, more favorable to EJR's concept of job growth/economic development than judge B, will make the same or 'more favorable' decision on common cases than will judge B.

If these assumptions are not correct then the 'more favorable' judge A, as determined by EJR scores, could be less favorable on common cases toward EJR's concept of economic growth than judge B. If we cannot use EJR scores to predict how judges will react on cases they decided together, then the scores do not measure the judges' job creation, economic development views. Instead, the scores merely

TABLE 3

PAIRWISE COMPARISON OF CIVIL APPEALS JUDGES ON COMMON CASES

Judges (Corrected Score) <i>Oklahoma City</i>	(+)	(/)	(-)	Total	Supports Hypothesis	Judges (Corrected Score) <i>Tulsa</i>	(+)	(/)	(-)	Total	Supports Hypothesis
Garrett (60.0%)	20	0	13	33	No	Boudreau (62.5%)	2	0	2	4	No
Adams (54.7%)	20	0	13	33		Goodman (52.5%)	2	0	2	4	
Adams (54.7%)	7	0	10	17	Yes	Boudreau (62.5%)	7	0	2	9	Yes
Hansen (37.8%)	7	1	9	17		Rapp (42.6%)	5	1	3	9	
Buettner (85.7%)	2	0	0	2	No	Boudreau (62.5%)	7	0	3	10	No
Adams (54.7%)	2	0	0	2		Reif (50.0%)	7	0	3	10	
Joplin (74.0%)	1	0	0	1	No	Boudreau (62.5%)	3	0	3	6	No
Adams (54.7%)	1	0	0	1		Stubblefield (39.1%)	3	0	3	6	
Adams (54.7%)	11	0	10	21	Yes	Boudreau (62.5%)	1	0	2	3	No
Jones (51.0%)	9	0	12	21		Taylor (47.3%)	1	0	2	3	
Garrett (60.0%)	6	0	5	11	Yes	Goodman (52.5%)	1	0	1	2	No
Hansen (37.8%)	3	0	8	11		Rapp (42.6%)	1	0	1	2	

TABLE 3 (continued)

PAIRWISE COMPARISON OF CIVIL APPEALS JUDGES ON COMMON CASES

Judges (Corrected Score) <i>Oklahoma City</i>	(+)	(/)	(-)	Total	Supports Hypothesis	Judges (Corrected Score) <i>Tulsa</i>	(+)	(/)	(-)	Total	Supports Hypothesis
Buettner (85.7%)	0	0	0	0	-	Goodman (52.5%)	7	0	6	13	Yes
Garrett (60.0%)	0	0	0	0	-	Reif (50.0%)	6	1	6	13	
Joplin (74.0%)	2	0	4	6	No	Goodman (52.5%)	7	0	6	13	No
Garrett (60.0%)	6	0	0	6		Stubblefield (39.1%)	7	0	6	13	
Garrett (60.0%)	15	0	10	25	Yes	Goodman (52.5%)	8	0	5	13	No
Jones (51.0%)	12	0	13	25		Taylor (47.3%)	8	0	5	13	
Buettner (85.7%)	12	0	2	14	Yes	Reif (50.0%)	8	0	8	16	Yes
Hansen (37.8%)	3	1	10	14		Rapp (42.6%)	7	1	8	16	
Joplin (74.0%)	13	1	4	18	Yes	Rapp (42.6%)	4	0	5	9	Yes
Hansen (37.8%)	5	1	12	18		Stubblefield (39.1%)	3	1	5	9	
Jones (51.0%)	15	0	11	26	Yes	Taylor (47.3%)	0	0	2	2	No
Hansen (37.8%)	13	0	13	26		Rapp (42.6%)	0	0	2	2	

TABLE 3 (continued)

PAIRWISE COMPARISON OF CIVIL APPEALS JUDGES ON COMMON CASES

Judges (Corrected Score) <i>Oklahoma City</i>	(+)	(/)	(-)	Total	Supports Hypothesis	Judges (Corrected Score) <i>Tulsa</i>	(+)	(/)	(-)	Total	Supports Hypothesis
Buettner (85.7%)	10	0	2	12	No	Reif (50.0%)	7	0	8	15	No
Joplin (74.0%)	10	0	2	12		Stubblefield (39.1%)	7	0	8	15	
Buettner (85.7%)	0	0	0	0		Reif (50.0%)	5	1	8	14	No
Jones (51.0%)	0	0	0	0	-	Taylor (47.3%)	7	0	7	14	
Joplin (74.0%)	7	1	4	12	No	Taylor (47.3%)	2	0	3	5	No
Jones (51.0%)	8	0	4	12		Stubblefield (39.1%)	2	0	3	5	

Source: Authors' calculations from corrected EJR data.

(+) pro economic development

(-) anti economic development

(/) concur in part, dissent in part

reflect one of the following possible scenarios: 1) the judges decided on different sets of cases over the years; 2) the judges decided on their weighing of facts and the law, not economic ideology; 3) the coding of decisions was arbitrary; 4) the cases selected were not economic; or 5) all of these.

Generally, civil appeals judges with higher economic development scores decided common cases exactly the same as judges with lower scores. Differences in job creation and economic development scores are largely a product of different cases rather than different judicial philosophies. Judge Ronald Stubblefield has the lowest score amongst the Tulsa judges, 39.1 percent. Yet when he decided six cases with Judge Daniel Boudreau, the judge with the highest score, 62.5 percent, they decided identically. Likewise Judge Stubblefield decided common cases the same way as Judge Jerry Goodman, Judge John Reif, and Judge Joe Taylor, all with higher scores. The only difference amongst all his colleagues was one case in which Stubblefield concurred in part and dissented in part from an opinion by Judge Rapp. Most of the Tulsa comparisons showed identical decisions on common cases. In one comparison, Judge Reif with a score of 50.0 percent was less pro-economy on fourteen common cases than Judge Taylor, with a lower score of 47.3 percent. .

The Oklahoma City judges had some stronger differences among judges on common cases. Judge Carol Hansen, score 37.8 percent, was less supportive of the EJR concept of job growth and economic development than any of her colleagues in deciding common cases, although she differed from Judge Adams (54.7 percent) on only one of seventeen common cases. On the other hand, Judge Carl Jones, score 51.0 percent, and Judge James Garrett, score 60.0 percent, were more pro-economy than Judge Larry Joplin, score 74.0 percent, on common cases. Over the twenty-eight Tulsa and Oklahoma City comparisons, only eleven were as expected if we assume judges were deciding cases on the basis of job creation and economic growth and their EJR scores actually measured their economic viewpoints. Seventeen comparisons showed no differences or differences in the opposite direction expected.

The EJR scores do not measure Court of Civil Appeals judges' economic views nor is there evidence that the judges decided the selected cases based on any economic philosophy.

SUPREME COURT

We begin with the 186 EJR Supreme Court cases. Three duplicate cases were eliminated. Completely unanimous decisions do not differentiate justices. Forty-six such cases were eliminated. Cases in which one or more justices failed to participate posed another problem. Sixty-seven of the remaining cases were decided before Justice Watt joined the court in 1992 and seventy after. Cases in which a justice did not participate do not add to our ability to evaluate either the justice's viewpoints or the nature of the case itself. Therefore two analyses were done, one for cases before Justice Watt joined the court and one for cases after Justice Watt joined. Other justices, for one reason or another, were absent from decisions. Ten of the cases decided before Justice Watt joined the court had absent justices as did twelve decided after Justice Watt joined. Once these were eliminated, fifty-seven cases decided without Justice Watt and fifty-eight decided with him remained.

The EJR assumes that the Supreme Court cases selected represent job development and economic growth, that the coding correctly documented the decision's impact, and that the justices approached their decisions from an economic perspective, implementing their various philosophies. If these assumptions are valid, then the EJR scores for the justices represent their attitudes towards economic development. Some of the selected cases saw large majorities on one side, some with large majorities on the other, and yet more cases revealed a sharply divided court. If the EJR assumptions are correct, then the cases themselves range on the scale from "easy" to "difficult." Easy cases are those that favor the job creation/economic growth position and are decided by a unanimous and favorable court, while difficult cases are those against the job creation/economic growth position, and are decided by a court that is unanimously unfavorable.

These assumptions can be tested by arranging cases and justices into a Guttman scale (Darcy and Rohrs 1995:233-250). These Guttman scales have been used to analyze Supreme Court decisions for decades (Ulmer 1960). In the present situation we have each justice coded for each case in one of three ways: "+" indicating those who were pro-job creation/economic development, "/" concur in part, dissent in part, considered by the EJR to be neutral, and "-" those who were anti-job creation/economic development. These form an order, suggested by

the EJR, with "neutral" being between "pro" and "anti" job creation/economic development. For the moment, we accept this coding as actually corresponding to a decision's impact on economic development. If the cases have been consistently coded and if the justices are indeed voting their "general philosophy," (EJR pages not numbered) on these cases, as it applies to economic matters, and if the judges are in fact positioned at different points along a continuum of pro, neutral, and anti-economic development, a pattern should emerge. If cases are arranged from left to right in decreasing order by the number of "+" and then "/" votes and the justices from top to bottom by the number of "+" and then "/" votes, the actual table should be reproducible from the case or justice scores.

The cases were arranged in this manner twice, creating two Guttman scales, one representing those cases before Justice Watt joined the court (see Table 4), and those after Justice Watt joined the court (see Table 5). The next step was to evaluate the reproducibility of the scales from the number of "+," "/", and "-" each case or justice had. For example, if a case had four "+," two "/" and three "-", then the top four justices would assumed to have "+," the next two "/" and the bottom three "-." Likewise a justice with thirty "+," five "/", and twenty-two "-" would be assumed to have "+" on the first thirty cases, "/" for the next five, and "-" for the final twenty-two. Discrepancies with these reproduced patterns are errors.

The final step in creating a Guttman scale is to shift cases and justices while changing scores so as to minimize errors. Consider case 7 in Table 4, *Burk v. K-Mart Corp.* There are five "+," two "/", and one "-." If the first five justices were assigned "+," Justices Simms and Lavender would have errors. Likewise, if the next two justices were assigned "/", Justice Kauger would have an error. Finally, if the last justice, Wilson, were assigned "-", that would be an error as well for a total of four errors. Shifting the case and changing its score to eight "+," zero "/", and zero "-" eliminates the errors associated with Justices Kauger and Wilson, while making Justice Opala's "/" a new error. Overall the errors are reduced from four to three, however. Once this is done with all cases and justices a Coefficient of Reproducibility (C.R.) can be calculated.

The C.R. is the number of decisions that can be reproduced from revised scores divided by the total number of cases. In Table 4 the total number of cases are eight justices multiplied by the fifty-seven cases.

TABLE 4

OKLAHOMA SUPREME COURT WITHOUT JUSTICE WATT FINAL GUTTMAN SCALE
OF ECONOMIC DECISIONS

Justice	Case Number																					
	7	38	56	79	80	89	90	111	123	140	146	148	34	35	125	151	153	37	67	17	36	
Simms	-	-	+	-	+	+	+	+	+	-	+	-	+	+	-	+	+	+	+	+	+	+
Hargrave	+	-	+	+	+	+	-	+	-	/	+	+	+	+	+	+	+	+	+	+	+	-
Lavender	/	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	/	+	+	+	+
Hodges	+	+	+	-	+	-	-	+	+	+	+	+	+	-	-	+	+	+	+	+	+	-
Summers	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	/	+	+	+	+	/	+
Opala	/	/	+	/	/	+	+	+	+	/	+	+	+	+	+	+	+	+	+	+	+	+
Kauger	+	+	/	+	+	+	+	-	/	+	+	+	+	+	+	+	+	/	/	-	-	-
Wilson	+	+	+	+	+	+	+	+	+	+	+	+	-	-	-	-	-	-	/	-	-	-
count(+)	8	8	8	8	8	8	8	8	8	8	8	8	7	7	7	7	7	6	6	6	6	6
count(/)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0
count(-)	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	2	2	2
errors	3	3	1	3	1	1	2	1	3	3	1	1	0	1	2	1	0	1	1	1	1	2

TABLE 4 (continued)

**OKLAHOMA SUPREME COURT WITHOUT JUSTICE WATT FINAL GUTTMAN SCALE
OF ECONOMIC DECISIONS**

Justice	55	65	83	142	150	154	8	113	5	60	156	112	126	25	54	63	81	141	143	138	139	
Simms	+	+	+	+	+	+	+	-	+	/	+	+	+	+	-	+	+	+	+	+	+	+
Hargrave	-	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	+	+
Lavender	+	+	-	+	+	+	+	-	-	+	+	+	+	+	+	+	-	+	+	+	+	+
Hodges	+	+	-	+	+	+	+	+	+	/	-	+	+	-	+	+	+	+	+	+	+	+
Summers	-	+	+	-	-	-	+	+	+	+	+	+	/	+	+	+	+	+	+	/	-	-
Opala	+	+	+	+	+	+	/	/	/	/	/	/	/	-	-	-	-	-	-	+	+	+
Kauger	-	-	-	-	-	-	/	/	-	/	/	/	/	-	-	-	-	-	-	/	-	-
Wilson	-	-	-	-	-	-	+	+	-	+	-	-	/	-	-	-	-	-	-	/	-	-
count(+)	6	0	6	6	6	6	5	5	5	5	5	5	5	5	5	5	5	5	5	4	4	4
count(/)	0	0	0	0	0	0	1	1	1	1	1	1	1	0	0	0	0	0	1	0	0	0
count(-)	2	0	2	2	2	2	2	2	2	2	2	2	2	3	3	3	3	3	3	3	4	4
errors	2	0	2	1	1	1	2	4	2	4	2	1	3	1	1	0	1	0	3	1	1	1

TABLE 4 (continued)

OKLAHOMA SUPREME COURT WITHOUT JUSTICE WATT FINAL GUTTMAN SCALE OF ECONOMIC DECISIONS

Justice																Revised score					
	10	32	57	136	144	2	58	68	84	87	127	145	135	62	64	+	/	-	sum	errors	
Simms	+	-	+	+	+	+	+	+	+	+	+	+	/	-	-	54	1	2	57	10	
Hargrave	+	+	+	+	+	-	-	-	-	-	-	-	/	-	-	47	0	10	57	8	
Lavender	+	/	-	-	-	-	+	-	+	-	-	-	/	-	+	43	1	13	57	11	
Hodges	-	-	-	-	-	+	-	+	-	-	-	-	-	+	-	42	0	15	57	13	
Summers	-	-	-	-	-	-	-	+	-	-	-	-	-	-	-	39	1	17	57	9	
Opala	-	/	-	-	+	-	-	-	-	-	-	-	/	/	-	27	7	23	57	12	
Kauger	-	-	-	-	-	-	-	-	-	-	+	-	-	/	-	17	2	38	57	12	
Wilson	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	0	45	57	6	
count(+)	3	2	2	2	2	1	1	1	1	1	1	1	0	0	0					sum	81
count(/)	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0						
count(-)	5	5	6	6	6	7	7	7	7	7	7	7	7	8	8	sum					
errors	0	2	0	0	1	1	1	2	1	0	1	0	3	3	1	81					

Source: Authors' calculations from EJR data. Cases are identified in Appendix 3.

Shading indicates errors C.R. = .8223

(+) pro economic development (-) anti economic development (/) concur in part, dissent in part

TABLE 5

**OKLAHOMA SUPREME COURT WITH JUSTICE WATT ADDED FINAL GUTTMAN SCALE
OF ECONOMIC DECISIONS**

Justice	Case Number																					
	15	91	94	102	117	118	130	189	19	28	51	52	96	114	163	164	180	184	73	98	27	
Simms	/	+	+	+	+	/	+	+	+	+	+	+	/	+	+	+	+	+	+	+	+	+
Hargrave	+	+	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Lavender	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+
Hodges	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	/	+	/	+
Summers	+	+	+	+	+	+	-	+	+	+	+	+	-	+	+	+	+	+	+	-	/	+
Opala	+	+	+	+	/	+	+	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+
Watt	+	-	+	+	+	+	+	-	+	+	+	+	+	+	+	-	+	+	+	+	+	/
Kauger	+	+	/	+	/	+	-	+	+	+	+	+	+	+	+	+	+	+	/	/	/	/
Wilson	+	+	+	+	+	+	+	+	/	-	/	/	-	/	-	/	/	/	/	/	/	/
count(+)	9	9	9	9	9	9	9	9	8	8	8	8	8	8	8	8	8	8	7	7	6	
count(/)	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	2	2	3	
count(-)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
errors	1	1	2	1	2	1	2	2	1	1	0	0	4	0	1	1	0	1	1	2	0	

TABLE 5 (continued)

OKLAHOMA SUPREME COURT WITH JUSTICE WATT ADDED FINAL GUTTMAN SCALE
OF ECONOMIC DECISIONS

Justice	14	99	166	13	30	43	47	116	160	103	106	49	41	70	74	101	120	159	170	174	176	
Simms	-	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+
Hargrave	+	+	+	+	-	+	+	+	+	-	-	+	+	+	+	+	+	+	+	+	+	+
Lavender	+	+	+	+	-	+	+	+	+	-	+	+	+	+	+	+	+	-	-	-	-	-
Hodges	+	+	+	-	+	+	-	+	+	+	-	+	-	-	-	-	-	-	-	-	-	-
Summers	+	+	+	+	+	+	+	+	+	/	/	-	-	-	+	-	-	-	-	-	-	-
Opala	+	+	+	-	-	-	-	-	-	-	-	-	-	/	-	+	+	-	-	-	-	-
Watt	-	-	-	-	-	+	-	+	-	-	-	-	-	-	+	-	-	+	-	-	-	-
Kauger	-	/	+	-	-	-	-	-	/	-	-	-	-	-	-	-	-	-	-	-	-	-
Wilson	-	-	-	-	/	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
count(+)	6	6	6	5	5	5	5	5	5	4	4	4	3	3	3	3	3	2	2	2	2	2
count(/)	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0
count(-)	3	3	3	4	4	4	4	4	4	4	4	5	6	6	6	6	6	7	7	7	7	7
errors	1	1	1	1	3	1	1	1	1	2	2	1	0	1	2	1	1	1	0	0	0	0

TABLE 5 (continued)

**OKLAHOMA SUPREME COURT WITH JUSTICE WATT ADDED FINAL GUTTMAN SCALE
OF ECONOMIC DECISIONS**

Justice																Revised Score						
	186	22	104	11	69	76	95	115	29	45	97	108	167	172	175	181	+	/	-	sum	errors	
Simms	-	+	+	/	/	/	/	/	-	-	-	-	-	-	-	-	45	5	8	58	8	
Hargrave	+	-	-	-	-	-	-	/	-	-	-	-	-	/	-	/	43	0	15	58	8	
Lavender	-	-	-	-	-	-	-	/	-	+	-	-	-	-	-	-	38	0	20	58	5	
Hodges	-	-	+	+	-	+	+	-	-	+	/	+	-	-	+	-	33	0	25	58	13	
Summers	-	-	-	-	-	-	-	-	-	-	/	-	-	-	+	-	30	2	26	58	7	
Opala	-	-	-	/	-	-	-	-	+	+	-	-	+	-	-	-	24	0	34	58	10	
Watt	-	+	+	-	-	+	-	-	-	-	-	+	-	-	+	-	20	1	37	58	12	
Kauger	-	-	-	-	/	-	-	-	-	-	-	-	-	-	+	-	18	3	37	58	8	
Wilson	-	-	-	/	+	-	-	-	+	-	-	-	-	-	-	-	8	13	37	58	7	
count(+)	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0						
count(/)	0	0	0	1	1	1	1	1	0	0	0	0	0	0	0	0						
count(-)	7	8	8	8	8	8	8	8	9	9	9	9	9	9	9	9	sum					
errors	1	1	2	3	2	2	1	2	2	3	2	2	1	1	4	1	76					

Source: Authors' calculations from EJR data. Cases are identified in Appendix 3.

Shading indicates errors C.R. = .8544

(+) pro economic development (-) anti economic development (/) concur in part, dissent in part

The 'errors' are indicated by shading. These total to eighty-one. $C.R. = [(8 \times 57) - 81] / (8 \times 57) = .822$. A C.R. of .90 or more is considered necessary to form a scale meeting the EJR assumptions. This criterion was proposed by Guttman (Guttman 1950), "a suggestion that has generally been followed" (Mokken 1971:51; Darcy and Rohrs 1995:241). Neither set of decisions meet this criterion.

Consider Table 5. Among the nine justices, Simms is most favorable to EJR's concept of job creation and economic development. Yet in *City of Oklahoma City v. State ex rel. Department of Labor* (#15) and *Tansey v. Dacommed Corp.* (#118) he is the only justice not recording a "+" opinion. Likewise Justice Wilson is least favorable to EJR's concept of job creation and economic development and yet she cast the only "+" vote in *Graham v. Keuchel* (#69) while six, more "favorable" justices, voted "-." Some discrepancies like these are expected but they should not exceed ten percent of all decisions. Here, they do. We must reject the assumption that the cases suggest economic decision-making on the part of the justices, and that they provide a measure of judicial economic philosophy. More likely, the cases represent a different balance of fact and law amongst the justices. The cases were carefully selected and coded by EJR to demonstrate just such economic patterns. The EJR's failure to form a consistent scale is therefore evidence that Oklahoma Supreme Court justices are not proceeding on economic philosophy in deciding their cases. Further, the argument, implicit in the election day scorecards that changing justices will somehow affect Oklahoma's economy is not supported.

CONCLUSION

Henry N. Butler, the Fred and Mary Koch Distinguished Professor at the University of Kansas and Director of their Law and Organizational Economics Center, wrote a *Daily Oklahoman* opinion article defending the Oklahomans for Judicial Excellence judicial scores, just prior to the 1998 judicial elections.

Oklahomans for Judicial Excellence produced a report card grading judges on economic impact. Judges, lawyers, newspaper

editors and others may quibble with the methodology of those report cards. They may disagree with methods used to publicize results. However, it is difficult to argue with the proposition that citizens and the electoral process benefit from more information. (Butler 1998)

Instead, we find voters are not being informed by the economic judicial scorecards. Recording cases was inaccurate and cases were duplicated, distorting scores. More fundamental, however, were internal inconsistencies between judicial scores and the judge and justice's participation in particular cases. A number of Court of Civil Appeals judges with very different scores behaved virtually identically when viewing common cases. Supreme Court justice decisions could not accurately or reliably be predicted from the EJR scores. This failure is particularly damaging because cases were carefully selected for their bearing on Oklahoma's economy and decisions were evaluated by the score-makers themselves.

There is no evidence that judges and justices, in making their decisions, are not doing what they are supposed to be doing. They are supposed to weigh the conflicting facts, and competing precedents, statutory, and constitutional provisions. In doing so, they sometimes reach different conclusions. Why? The cases accepted by the Supreme Court or Court of Civil Appeals are the tough ones where statute, Constitutional provisions and precedent conflict. We have eliminated unanimous cases. Those left will show disagreement and conflict. But these conflicts cannot be interpreted as economic. There is no support for the assertion "the general philosophy of each judge" (EJR, pages not numbered) was quantified. Henry Butler argues:

Judges should not abandon the letter of the law for the gross domestic product; judges must follow the law. Few judges deliberately injure their state's economy. However, to avoid doing harm, judges must possess the basic tools of economic analysis to adequately understand the impact of their decisions. (Butler 1998)

No attempt was made in the EJR to demonstrate or explain the economic impact of any decision. We have only "the opinion of EJR [that] the decision will have an impact on economic growth" (EJR pages

not numbered). Nothing is presented to explain for any particular case or for the set of cases as a whole how the economy is affected, if at all. Melinda Gann Hall, in a recent *American Political Science Review* article on state appellate judiciaries reinforces this point in the strongest terms when she stated that "... judges have no direct responsibility for economic conditions" (Hall 2001:322).

But the cases do tell their own stories. We cannot summarize all 411 cases. Those interested can look up any with the references provided in the appendices. Let us look at one, *Smith v. Westinghouse* (732 P.2d 466) decided in 1987 – a case in which each participating supreme court justice (Simms and Watt did not participate) was scored with an anti-economic development score. In Tulsa there is the Beacon Building. Under the sidewalk in front of the building Public Service Company of Oklahoma (PSO) constructed a vault in their eminent domain and put an electric transformer there. It was manufactured in 1937. Sometime in the 1980s it exploded spewing PCB chemicals all over people and otherwise harming them. A replacement transformer installed by PSO, also built in 1937, exploded a few weeks later with the same results. The victims sued PSO, Westinghouse, which manufactured the transformer, and Monsanto, which made the PCB chemicals. The defendants claimed protection under an Oklahoma law protecting designers and contractors of improvements to real property after their work has stood for ten years – a statute of repose. The Court found that the transformer was not part of the Beacon Building, not owned by the Beacon Building, nor was it taxed as part of the Beacon Building. It was simply connected to the Beacon Building by a wire or a pipe – just like the Grand Coulee Dam or the Sewer Treatment Plant. The court, if it was to follow the law, had to rule for the victims. At least that was what Justice Opala's opinion said.

This is not the place to develop a philosophy of job creation and economic development but some comments are in order. One element in attracting high-paying jobs is the environment and general quality-of-life. Air, ground, and water pollution do not attract quality jobs. But a strong education system, elementary, secondary, vocational and university, is vital for economic growth and job creation (Dauffenbach et al. 1999). Oklahoma Governor Frank Keating used his second inaugural address to stress social factors such as "high divorce rates, out-of-wedlock births, drug abuse, and child abuse and neglect as

issues retarding economic progress" (Warner 1999:128). The EJRs have no obvious connection to a cleaner environment and improved quality of life, a strong education system, high divorce rates, increased drug use, out-of-wedlock births, child neglect and abuse. Some of the cases, to the contrary, seem to support the opposite, particularly in the area of corporate environmental responsibility. A right-to-work law and worker's compensation reform are more controversial economic development remedies (Warner 1998:73). Reform advocated by Governor Frank Keating and others involve changing either state statutes or the state Constitution, however. For them, the problem is the law, not with the judges and justices who carry it out.

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APPENDIX A

Court of Civil Appeals

Harrison v. St. Joseph's Regional Medical Center of Northern Oklahoma, Inc. 4/18/95 (EJR CCA4-3, CCA5-6)

Patton v. Memorial Hospital of Southern Oklahoma, Inc. 1/10/95 (EJR CCA4-2, CCA5-5)

Supreme Court

Ohio Casualty Insurance Co. v. Todd 06/11/91 (EJR SC3-2, SC5-3)

Dykes v. St. Francis Hospital, Inc 9/22/93 (EJR SC4-8, SC8-9)

Wilson v. Harlow 7/13/93 (SC5-5, SC7-4)

APPENDIX B

Court of Civil Appeals

Grover v. Superior Welding, Inc. (EJR CCA1-6) Transcribing Errors: Garrett concurs; Jones dissents. Correction: Garrett did not participate, Hansen concurs; Jones did not dissent, Jones concurs. (893 P.2d 500).

Farm Fresh Dairy v. Blackburn (EJR CCA1-4) Transcribing Error: MacGuigan concur; Correction: McGuigan did not participate, Adams concurs. The case was decided July 18, 1991 and MacGuigan had been replaced on the court by Jones May 21, 1991. (841 P.2d 1150).

West v. Oklahoma Water Resources Board (EJR CCA2-2) Transcribing Error: Bailey concurs, Garrett concurs; Correction: Hunter concurs, Jones concurs (820 P.2d 454).

Starrett v. Okla. Farmers Union Mut. Ins. Co. (EJR CCA3-3) Transcribing Error: Hunter concurs; decided 5/2/91; Correction: Bailey concurs; decided 5/7/91 (849 P.2d 397).

Townsend v. State Farm Mutual Automobile Ins. (EJR CCA3-5) Transcribing Errors: Adams wrote opinion, Garrett and Jones concur, case decided 9/28/93; Correction: Reif wrote opinion, Stubblefield and Means concur, case decided by Supreme Court 9/28/93, case decided by Court of Civil Appeals 7/25/89 (860 P.2d 236).

White v. Wynn. (CCA5-1) Transcribing Errors: Garrett wrote opinion, Adams concurs; Correction: Charles Wilson wrote opinion, Howard concurs; the case was decided 1/22/85; Garrett did not join court until November, 1986; Adams did not join court until March 1990. (Oklahoma Bar Journal 56 #5 page 306).

Cruse v. Atoka County Board of County Commissioners (EJR CCA5-4) Transcribing Error: Jones concurs; Correction: Bailey concurs. (910 P.2d 998).

Duane v. Oklahoma Gas & Electric (EJR CCA6-1) Transcribing Error: Boudreau wrote opinion; Correction: Bacon wrote opinion, case was decided 10/16/90, Boudreau joined the court March 1992 (833 P.2d 284).

In the Matter of the Franchise Tax Protest of Farmers Cooperative Association of Clinton, Oklahoma (EJR CCA7-6) Transcribing Error: Garrett concurs; Correction: Hansen concurs (933 P.2d 935).

B.F. Goodrich v. Easley (EJR CCA8-2) Transcribing Error: Stubblefield concurs; Correction: Brightmire concurs (806 P.2d 646).

Collins v. Halliburton Services (EJR CCA8-4) Transcribing Error: Bailey dissents, Hunter concurs, date decided 10/30/90; Correction: Garrett dissents, MacGuigan concurs, date decided 5/9/89 (804 P.2d 440).

Supreme Court

City of Oklahoma City v. State ex rel. Oklahoma Department of Labor (EJR SC1-5) Transcribing Error: Simms concurs, Summers concurs in part, dissents in part; Correction: Simms concurs in part, dissents in part, Summers concurs (918 P.2d 26).

Mustain v. U.S. Fidelity and Guar. Co. (EJR SC3-5) Transcribing Error: Simms concurs; Correction: Simms dissents (925 P.2d 533).

Jackson v. Mercy Health Center, Inc. (EJR SC4-8) Transcribing Error: Kauger dissents; Correction: Kauger concurs in part, dissents in part (864 P.2d 839).

Ingram v. ONEOK, Inc. (EJR SC5-1) Transcribing Error: Simms concurs, Wilson dissents; Correction: Simms dissents, Wilson concurs (775 P.2d 810).

Wright v. Grove Sun Newspaper (EJR SC5-6) Transcribing Error: Lavender concurs in part, dissents in part, Summers concurs in part, dissents in part; Correction: Lavender dissents, Summers dissents (873 P.2d 983).

Christopher v. Circle K Convenience Stores, Inc. (EJR SC5-10) Transcribing Error: Wilson concurs; Correction: Wilson not participating (937 P.2d 77)

Vinson Supply Co. v. State ex rel. Oklahoma Tax Commission (EJR SC7-1) Transcribing Error: Wilson concurs; Correction: Wilson not participating (767 P.2d 406).

Strelecki v. Oklahoma Tax Commission (EJR SC7-4) Transcribing Error: Kauger concurs in part, dissents in part, Lavender concurs in part, dissents in part, Summers concurs in part, dissents in part, Watt concurs in part, dissents

in part; Correction: Kauger concurs, Lavender concurs, Summers concurs, Watt concurs (872 P.2d 910).

A.T. & T. v. Land (EJR SC8-5) Transcribing Error: Simms concurs; Correction: Simms dissents (819 P.2d 716).

Wilson v. Harlow (EJR SC5-5; SC7-4) Transcribing Error on page SC7-4 Watt not participating; Correction Watt wrote opinion. Version on page SC7-4 with error eliminated as duplicate (860 P.2d 793).

APPENDIX C

(Number, Case, Date Decided)

2. *Elzey v. Forrest* 6/30/87
5. *Buckner v. General Motors Corp.* 7/5/88
7. *Burk v. K-Mart Corp.* 2/7/89
8. *Pearson v. Hope Lumber & Supply Co., Inc.* 11/5/91
10. *Tate v. Browning-Ferris, Inc.* 5/19/92
11. *Mosley v. Truckstops Corp. of America* 6/2/93
13. *Groce v. Foster* 7/12/94
14. *Brown v. Ford* 10/03/95
15. *City of Oklahoma City v. State ex rel. Oklahoma Department of Labor*
10/10/95
17. *Hayes v. Eateries, Inc.* 10/17/95
19. *Jordan v. Cates* 2/11/97
22. *Russall v. Board of County Commissioners of Carter County* 6/24/97
25. *Stewart v. Rood* 7/17/90
26. *Pack v. Santa Fe Minerals* 2/22/94
27. *Toxic Waste Impact Group, Inc. v. Leavitt* 12/20/94
29. *Kerr-McGee Corp. v. Admiral Insurance Co.* 10/03/95
30. *Nichols v. Mid-Continent Pipe Line Company* 10/15/96
32. *State Farm Mutual Automobile Insurance Co. v. Wendt* 10/22/85
34. *Moser v. Liberty Mutual Insurance Co.* 12/09/86
35. *Silver v. Slusher* 5/3/88
36. *Moon v. Guarantee Insurance Co.* 7/12/88
37. *Ohio Casualty Insurance Co. v. Todd* 6/11/91
38. *Dodson v. St. Paul Insurance Co.* 3/05/91

41. *Townsend v. State Farm Mutual Auto Ins. Co.* 9/28/93
43. *Walton v. Colonial Penn Insurance Co.* 9/28/93
45. *Kratz v. Kratz* 6/20/95
47. *Mustain v. U.S. Fidelity and Guar. Co.* 9/17/96
49. *Kincade v. Group Health Services of Oklahoma, Inc.* 7/1/97
51. *Boerstler v. Hoover* 7/15/97
52. *Kinder v. Oklahoma Farmers Union Mutual Ins. Co.* 7/15/97
54. *Roberts v. South Oklahoma City Hospital Trust* 7/22/86
55. *Weldon v. Seminole Municipal Hospital* 11/25/85
56. *Neese v. Shawnee Medical Center Hospital, Inc.* 9/23/86
57. *McKellips v. St. Francis Hospital, Inc.* 7/21/87
58. *Studebaker v. Cohen, M.D.* 10/20/87
60. *Morris v. Sanchez* 11/10/87
62. *Goforth v. Porter Medical Associates, Inc.* 5/31/88
63. *Wofford v. Davis* 10/18/88
64. *Hendren v. Mercy Hospital Center Inc.* 12/20/88
65. *Boyanton v. Reif* 7/24/90
67. *Sisson v. Elkins* 11/20/90
68. *Eversole v. Oklahoma Hospital Founders Association* 7/30/91
69. *Graham v. Keuchel* 1/26/93
70. *Kluver v. Weatherford Hospital Authority* 6/22/93
73. *Jackson v. Mercy Health Center, Inc.* 11/30/93
74. *Clark v. Bearden* 6/27/95
76. *Nelson v. Pollay* 2/20/96
79. *Fretwell v. Protection Alarm Co.* 07/12/88
80. *Brigance v. Velvet Dove Restaurant* 06/14/88
81. *Ingram v. ONEOK, Inc.* 5/30/89
83. *Williams v. Hook* 12/26/90
84. *Bradley v. Clark* 07/17/90
87. *McVay v. Rollings Construction, Inc.* 10/8/91
89. *Beard v. Viene* 02/25/92
90. *Norman v. Trison Development Corp.* 05/12/92
91. *Charles Machine Works, Inc. v. Quick* 4/27/93
94. *Wilson v. Harlow* 7/13/93
95. *Qualls v. United States Elevator Corp.* 10/26/93
96. *Wright v. Grove Sun Newspaper* 04/12/94
97. *Busby v. Quail Creek Golf & Country Club* 6/7/94
98. *Juvenal v. Okeene Public Schools* 7/12/94
99. *Avard v. Leming* 11/01/94
101. *Cruse v. Board of County Commissioners of Atoka County* 12/19/95
102. *McGehee v. State Insurance Fund* 07/18/95
103. *Roach v. Jimmy D. Enterprises, Ltd.* 2/27/96

104. *Phelps v. Hotel Management, Inc.* 10/8/96
106. *Professional Collections Inc. v. Smith* 3/4/97
108. *Zagal v. Truckstops Corporation of America* 6/17/97
111. *Clark v. Continental Tank Co.* 10/3/87
112. *Waggoner v. Town and Country Mobile Homes, Inc.* 12/27/90
113. *In re 1973 John Deere 4030 Tractor* 7/30/91
115. *Dutsch v. Sea Ray Boats, Inc.* 11/24/92
114. *Duane v. Oklahoma Gas & Electric Co.* 7/07/92
116. *Oklahoma Gas & Electric v. McGraw-Edison Co.* 7/14/92
117. *Ball v. Harnischfeger Corp.* 6/14/94
118. *Tansy v. Dacomed Corp.* 12/20/94
120. *Cary v. ONEOK, Inc.* 5/6/97
123. *Beacon Realty Investments Co. v. Cantrell* 3/21/89
125. *Rockwell International Corp. v. Clay* 7/11/89
126. *Kay Electric Cooperative v. State ex rel. Oklahoma Tax Commission*
7/09/91
127. *Lincoln Bank & Trust Company v. Oklahoma Tax Commission*
2/11/92
130. *Globe Life Ins. Co. v. Oklahoma Tax Commission* 3/19/96
135. *Fox v. National Carrier* 11/12/85
136. *In re Death of Walker: Nickell Trucking Co. v. Smith* 10/6/87
138. *Robins v. C-E Natco* 7/18/89
139. *McDonald v. Time-DC, Inc.* 5/16/89
140. *Gaines v. Sun Refinery and Marketing* 04/03/90
141. *Fenwick v. Oklahoma State Penitentiary* 5/15/90
142. *White v. Weyerhaeuser Co.* 10/02/90
143. *Collins v. Halliburton Services* 10/30/90
144. *Anglen v. E.L. Powell & Sons* 6/11/91
145. *Bransteter v. TRW/REDA Pump* 4/23/91
146. *In re Death of Hendricks v. Methvin Oil Co.* 6/11/91
148. *A.T. & T. v. Land* 10/29/91
150. *Williams Co. v. Lawrence* 1/21/92
151. *Thompson v. Nelson Electric* 2/11/92
153. *Kropp v. B.F. Goodrich* 3/24/92
154. *Seaton v. Plasti-Mat, Inc.* 4/28/92
156. *Prettyman v. Halliburton Co.* 5/05/92
159. *Ramsey v. Weyerhaeuser* 5/11/93
160. *Teel v. Tulsa Municipal Employees* 5/25/93
163. *Swafford v. Sherwin Williams* 11/02/93
164. *Batt v. Special Indemnity Fund* 12/21/93
166. *Bodine v. L.A. King Corporation* 2/22/94
167. *Haynes v. Tulsa Public Schools* 7/12/94

169. *Ponca City Welfare Association v. Ludwigsen* 10/11/94
170. *Benning v. Pennwell Publishing Co.* 10/18/94
172. *Camps v. Taylor* 3/21/95
174. *Superior Stucco & State Insurance Fund v. Daniels* 11/07/95
175. *Darco Transportation v. Dulen* 4/2/96
176. *City of Edmond v. Monday* 11/28/95
180. *Stoner v. City of Lawton* 3/11/97
181. *Baptist Medical Center of Oklahoma v. Aguirre* 12/24/96
184. *Harris v. La Quinta* 4/15/97
186. *Special Indemnity Fund v. Estill* 7/8/97

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BOOK REVIEW SECTION

Ralph Marsh in collaboration with Gene Stipe., *State Senator Gene Stipe's A Gathering of Heroes*. (Heavener, Oklahoma: Spring Mountain, 2000) pp.351.\$25.00 ISBN: 0970430906

First the disclaimers: I am an employee of the Oklahoma State Senate Staff and as such work for all 48 Oklahoma State Senators, including Gene Stipe. I do have an autographed copy of his volume personally signed for me by Senator Stipe. I paid for the volume but not the autograph. Finally, I am not a native Oklahoman and was not in the state during much of the period covered. While I have heard of many of the people Senator Stipe mentions and have actually met a few, I don't know any of them on a close, personal basis.

I first learned of this book while attending the Oklahoma Political Science Association annual meeting at Oklahoma City University in the fall of 2000. Dr. Danney Goble was on a panel on Oklahoma politics and was also the luncheon speaker. He was supposed to talk about the late Speaker of the U.S. House of Representatives Carl Albert and the book *Little Giant: The Life and Times of Speaker Carl Albert*, which he wrote with the late Speaker Albert. Dr. Goble did so but he also talked profusely about a forthcoming book by Oklahoma State Senator

Gene Stipe, which was written in a manner similar to the way Speaker Albert and Dr. Goble had collaborated on their edition. Dr. Goble described Senator Stipe's book as though not an academic work, one that every academician should read if they really want to know about Oklahoma politics.

The volume is really a written version of an oral history. It is a compilation of stories that Senator Gene Stipe told while traveling and reporter Ralph Marsh was there to take notes and weave them together. There is an index and table of contents, some pictures and photos, but no bibliography or footnotes. Senator Gene Stipe plays a role in his book. Like Julius Caesar he refers to himself in the third person but Julius Caesar never referred to himself as "J. I. Stipe's black-haired boy" or "Injin Joe."

The book focuses on the Oklahomans who are the heroes of the title: Lloyd Radar, E. T. Dunlap, Dr. Hayden Donahue, Reverend Wade Watts, and J. I. Stipe. When I first went to work for the Oklahoma Legislative Council I learned the most politically powerful people in the state were Lloyd Rader, E. T. Dunlap, and Hayden Donahue, followed by state legislative leaders with the governor somewhere towards the bottom of the list. Lloyd Rader was Director of what was then known as the Welfare Department, although the official name changed every few years. E. T. Dunlap was chancellor for Higher Education for the State of Oklahoma while Hayden Donahue was Director of the Mental Health Department. No governor dared dismiss them or try to issue orders and the State Legislature was equally respectful.

As for Reverend Wade Watts and J. I. Stipe, if you know anything about Oklahoma politics, you know about their sons. Wade Watts' son J. C. Watts is now the fourth ranking Republican in the U.S. House of Representatives while J. I. Stipe's sons Gene became a legend in his own time as the longest serving state legislator in the world. Rader, Dunlap, and Donahue were heroes for courageously waging a statewide war against poverty and ignorance while Watts and Stipe successfully overcame bigotry and distribution in their personal lives. That was what made them heroes.

There are other politicians mentioned. Some famous, some infamous, depending on your point on view. And some folks you never heard of before but will now never forget. These are stories about Oklahomans who made this state what it is today and are now part of

its history. One of them, State Senator Gene Stipe, was honored in SCR 6 (page 2, lines 9-10) of the 1st Session of the 48th Oklahoma Legislature as "a premier storyteller and a cultural state treasure." You might not find this volume in your average mass-market bookstore but you can write to the publisher at HC 64 Box 4650, Heavener, Oklahoma 74937 or telephone 918/653-7931

Dr. Thomas H. Clapper
Oklahoma State Senate
Committee Staff

**INDEX TO
OKLAHOMA POLITICS
VOLUMES 1-9**

This index presents the contents of the first nine volumes of *Oklahoma Politics*. For convenient reference, the citations are first presented alphabetically by principal author. Then, the index repeats the citations by volume year. Where authors' abstracts were available these have been included in this second listing.

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OKLAHOMA POLITICS, VOLUME 1 (OCTOBER 1992)

Vestal, Theodore M. "Representation on the Oklahoma Democratic Party's Central Committee: One Person/One Vote?" pp. 1-16.

In the 1980s the Democratic party went through a series of reforms that restricted autonomy of state parties and democratized delegate selection for presidential nomination conventions. Between 1985 and 1988 the rural and urban factions of the Democratic party of Oklahoma struggled over the question of one person/one vote in representation in the State Central Committee (SCC). The matter was resolved only when the Democratic National Committee threatened to bar a delegation from Oklahoma at the 1988 national convention unless the SCC was apportioned in accordance with the national party's constitution. The SCC was reconstituted on more democratic lines, and the state

party, operating under a new constitution, has enjoyed a more united leadership. The struggle to reapportion the Democratic party of Oklahoma looms as the most important episode in the organization's fifty year history.

Holloway, Harry, with Frank S. Meyers "The Oklahoma County Commissioner Scandal: Review, Reform, and the County Lobby" pp. 17-34.

This article reviews the findings of an extended study of Oklahoma's county commissioner scandal (Okscam). A basic finding is that institutional weaknesses allowed county commissioners to operate with a combination of resources and discretion that invited abuse. Second, reforms definitely improved the system but left in place much of the traditional system of county road building, a system one observer described as "road districtis". Third, the growing strength of the county lobby in support of county government poses a potential long term threat to the persistence of the reforms enacted in reaction to Okscam.

Van Ness, Joseph T. "Strategic Oklahoma Politicians: Analysis of the Oklahoma House of Representatives" pp. 35-48.

In this study, Oklahoma House of Representatives races from 1974-1988 are examined to the conclusion that attorneys and previous officeholders are the two best employment categories from which to stage successful challenges to an incumbent or election to an open seat. Additionally, although open seats are more easily obtained than when an incumbent is present, parity can be approached by a minority party over time by adhering to the suggested electability model. If the public mood is changing in the 90s, the implications of the model could become even more significant.

McCoy, Melanie "The Impact of Oklahoma Indian Tribes on the Political Agenda of the U.S. Government", pp. 49-66.

This study of the effect of Oklahoma Indian tribes on the political agenda of the U.S. government attempted to

answer two research questions: whether the unique legal and political status of Indian tribes provide them with special access to, and influence on, the agenda-setting and policymaking of the national government and whether Oklahoma Indian tribes are able to advance a political agenda they define. The results of this study support the conclusion that the special status of the tribes does give them special access to, and influence on, national policies only after they are established by other political actors. Therefore, Indian tribes are not able to advance a political agenda they define. The national Indian policy agenda is set by other political actors.

Kirksey, Jason F., and David E. Wright III "Black Women in State Legislatures: The View from Oklahoma" pp. 67-80.

Over the past 20 years the number of black women elected to public office has increased dramatically. However, beyond the act of holding office comes the ability to directly affect change in public policy. In order to bring about policy change, elected officials have to become an integral part of the policy-making process. This article examines the level of incorporation conducted with members of the legislative process. The results show that black women appear to have become effective members of the Oklahoma Legislature.

OKLAHOMA POLITICS, VOLUME 2 (OCTOBER 1993)

Adkison, Danny M. "Initiative, Courts, and Democracy" pp. 1-12.

In 1992 Oklahoma's Supreme Court prevented the submission of an initiative petition to the votes on the grounds that it unconstitutionally limited elective abortions. Such pre-submission review is examined in light of constitutional, theoretical, and practical arguments. Several reasons are given for why the Court should adhere to an earlier precedent denying pre-submission review.

Rosenthal, Cindy "Organizing for State Economic Development: The Case of Oklahoma Futures" pp. 13-32.

Oklahoma Futures was created by the Oklahoma Legislature as a public-private partnership in 1987 in an effort to redirect state economic development programs and strategies. This article retraces the history of and political dynamics revolving around Oklahoma Futures and then uses three models to analyze the organization's development. The three models of structural development-top-down, diffusion, and structural choice-each provide necessary and useful explanatory insights, but none is totally sufficient.

Copeland, Gary W., and John David Rausch, Jr. "Sendin'Em Home Early: Oklahoma Legislative Term Limitations" pp. 33-50.

The drive to enact legislative term limitations has emerged as an enduring political movement in the early 1990s. However, the phenomenon has changed much since Oklahoma voters approved State Question 632 on September 19, 1990. Term limit supporters suffered one setback with a defeat in Washington State in 1991, but were overwhelmingly successful in 1992 with approval of term limit initiatives in 14 states. Now the focus of term limit supporters is on working to enact a constitutional amendment which would limit the tenure of members of Congress from all fifty states. In being the first state to enact term limits, the Oklahoma experience tells us much about how the term limit phenomenon began and provides a benchmark to judge how much the movement has been transformed.

Jewell, Malcolm E. "Sources of Support for Legislative Term Limitations in the States" pp. 51-76.

In the election of 1990 and 1992 the voters in 15 states approved initiatives imposing term limits on the state legislatures, by margins ranging from 77 to 52 percent. The purpose of this paper is to explain why the term limit initiatives passed and what factors may have caused

variations among the states in the level of support. Among the factors considered are the characteristics of the legislatures and the strictness of the proposed limitations, as well as several aspects of the campaigns: the sources of support from within or outside the state, sources of opposition, the role of media, and differences in opinion and voting patterns of various groups in the state. The most important factor appears to have been how extensive an effort was made by opponents of term limitations.

McCoy, Melanie, and Corie Delashaw "Tribal Elections: An Exploratory Study of the Chickasaw Nation" pp. 77-90.

This is a preliminary study of the Chickasaw Nation's tribal elections for the legislature and governor in 1990. An important historical issue has been the controversy between the legislative branch and the executive branch over power within the nation. The focus here is whether this controversy had a significant impact on modern tribal elections.

OKLAHOMA POLITICS, VOLUME 3 (OCTOBER 1994)

Simpson, Phillip "The Modernization and Reform of the Oklahoma Judiciary" pp. 1-14.

Between 1964 and 1970 trauma and fundamental change swept through Oklahoma judicial system. In a state not known for its modernizing and reforming impulses, Oklahoma developed the outlines of a modern and effective judiciary. The state court system that prevailed when the scandals of 1964 broke into the open is not at all the state court system we have today. A political and historical analysis of that tumultuous period in Oklahoma judicial history will tell why court reform succeeded then when reform so often fails in Oklahoma. This paper examines the early judiciary and its critique, the push for judicial reform, the Supreme Court scandal of the 1960s, and the eventual reform of the Oklahoma judiciary.

Raush, Jr., John David "Religion and Political Participation In Oklahoma City" pp. 15-30.

This study investigates the rate of political participation among Protestant evangelicals and fundamentalists in Oklahoma City. Using data collected by the 1991 Oklahoma City Survey (N=394), two competing hypotheses are tested. One hypothesis proposes that Evangelical and Fundamentalist Protestant (EFPs) strongly favor otherworldly preparations over personal involvement in political activities. This is found not to be the case. The competing hypothesis that the New Christian Right perceives a danger in the moral decay of American society and, therefore, participates more actively in politics also is found wanting. Participation in religious activities was found to be the significant indicator of political activity.

Farmer, Rick "David and Goliath: Media Effects in the 1990 Oklahoma State Treasurer's Race" pp. 31-44.

This study adds to the debate on media effects in political campaigns by examining the 1990 Oklahoma State Treasurer's race. Extensive interviews with participants in the race supported the hypothesis that Oklahoma City TV news had a significant effect on the outcome of the race.

Nixon, David L., William M. Parle, and Harold V. Sare "State Managed Export Promotion in Oklahoma" pp. 45-60.

State Governments have always played a role in economic development management, but their entry into direct export promotion is fairly recent. Although state governments have increased their involvement in this area, little is known concerning the outcome of such efforts. This study reports and analyzes the findings of a survey of Oklahoma firms that have received state based export assistance.

OKLAHOMA POLITICS, VOLUME 4 (OCTOBER, 1995)

Farmer, Rick "The Effects of Term Limits on Oklahoma Legislators" pp. 1-10.

Term limits will have a dramatic effect on the membership of the Oklahoma Legislature. Senate will be most affected. Groups that will gain descriptive representation from term limits include Republicans, women, and the young.

Anderson, Rita S.G., and James J. Lawler, "Implementation of the Emergency Planning and Community Right to Know Act in Oklahoma: Elite Dominance and Community Non-Participation" pp. 11-24.

The federal Emergency Planning and Community Right to Know Act (EPCRA) directs Local Emergency Planning Communities (LEPCs) to make citizens aware of chemical hazards in their communities. This study of how EPCRA is being implemented in eight Oklahoma Communities finds that: there is considerable variation in implementation from one county to another; most communication by the LEPCs is directed to industry rather than the general citizenry; the most active LEPCs are chaired and aided by industries regulated by the law; and LEPC members have a narrow view of their functions and limited understanding of their community outreach responsibilities. Reforms are suggested to involve the public more actively in the risk communication process.

Benson, Megan "Reform and Retaliation: Cora Diehl and The Logan County Election of 1891" pp. 25-42.

This is an account of the election of the first woman in public office in the new territory of Oklahoma. The Logan County elections of 1891 pitted the majority Republicans against a fusion of the minority Democratic and People's parties. Cora Diehl was the People's Party nominee for County Register of Deeds. Later she was endorsed by a fusion convention for that office. This fusion proved successful and Diehl was elected. But elements within her own party; as well as the Republicans, challenged her election—a challenge that ultimately went to the Oklahoma

Territory Supreme Court which upheld Diehl's election. This article examines the elements that contributed to her defeat for re-election. Most significant of these was the adoption of the Australian ballot. The single ballot format, rather than the previously used partisan ballot, discouraged fusion. The new ballot had a specific impact on both Populist "mid-roaders" and on the expanding black voting population in Logan County. It is the assertion of this article that the Republican victory of 1892 was directly attributable to the antifusion nature of the Australian ballot and that the decline of the third party movement also resulted from the changed ballot format. As a result, women and blacks lost their political voice.

Frankland, Erich G "The Wastewater Treatment Construction Grants Program: The Impact of 'New' Federalism" pp. 43-64

The 1970's federal attempt to address water quality with national standards and national funding ran into Reagan administration initiated budget cuts. This left state and local governments with the task of meeting national water standards with largely local resources. The problem is illustrated in the cases of Muncie, Indiana and Norman, Oklahoma.

Wheeler, W. Michael, Beverly A. Wheeler, and Michael D. Connelly, "Trends in Oklahoma's Aging Prison Inmates" pp. 65-81.

Prison populations are aging and Oklahoma's is no exception. Currently seven percent of Oklahoma's prison population is 50 years old or more, and this older population is growing at a faster rate than their younger counterparts. Changes in statutes related to sentencing, longer life expectancy, and an increase in crime committed by older individuals are all contributing to the situation. As prison populations age, the problems facing corrections officials will also change. The specialized needs of this particular segment of the prison population are not only different from those of traditionally younger inmates, but they are also diverse within the group. This trend towards a growing elderly prison population and its associated concerns and problems is forcing new thinking about incarceration.

OKLAHOMA POLITICS, VOLUME 5 (OCTOBER 1996)

Simpson, Phillip "The Role of Partisanship in the Reform of the Oklahoma Judiciary" pp. 1-16.

Oklahoma judicial reform in the late 1960s represented a clash between populist values of partisan democracy, reformist non-partisan ballots, and the Missouri plan of the legal reformers centering on commission selected judges. Reform became inevitable when the Supreme Court bribery scandals hit. The race between the legislature's 'mixed' reform package and the more radical Missouri plan reform advocated by sponsors of an initiative referendum was won by the legislature.

Herrick, Rebekah, Marie Miville, and Judith S. Kaufman "Explaining Oklahomans' Support For Gay and Lesbian Issues: Affect, Cognition, and Prejudice" pp. 17-30.

Prejudice and symbolic beliefs were expected to have a direct effect on Oklahoma's support for gay and lesbian issues, while emotions and stereotypes concerning gays and lesbians were expected to have an indirect effect. The model is tested and confirmed among students at Oklahoma State University. Gender and ideology provide an independent effect on support for gay and lesbian policies.

Garrett, Terence M. "The Art of Judgment: A Case Study Organizational Analysis of the Oklahoma City Fire Department, April 19, 1995" pp. 31-44.

The author argues that stories told by managers, and the subsequent judgements they make when engaged in the actual work, are an effective way to communicate useful knowledge to students and practitioners of public administration. The recent Oklahoma City bombing produced massive response by many government agencies. The Oklahoma City Fire Department was on the scene early and had primary responsibility for safety and rescue. The event produced a complex set of problems for administrators and required changes in rules and procedures that had not been taken into account planning. Using a

case study approach, the author argues that adaptation to a chaotic milieu requires an understanding and appreciation of the human capacity for innovation. This is often not recognized as legitimate by traditional scientific analysis.

Connelly, Michael, and Gregory Moss "The Deliberative Opinion Caucus: A New Mechanism for Democratic Input and Judgment" pp. 45-60.

Local governments, including school districts, are faced with the same crisis of legitimacy and credibility confronting all democratic systems today. To develop greater public input and confidence and to determine better actual "public judgement" on issues, one local school district created a 'deliberative opinion caucus' from models by Dahl, Fishkin, and others. Although the 'caucus' failed to reach a statistically representative cross section of the community as planned, it instituted a mechanism enhancing participants' perceived efficacy and policymakers' knowledge of community desires. Its success provides all local governments a means to improve public knowledge of and confidence in local policymaking.

OKLAHOMA POLITICS, VOLUME 6 (OCTOBER 1997)

This edition consists of a number of introductory articles to *The Almanac of Oklahoma Politics*. These articles have no abstracts.

Farmer, Rick "Overview of the Oklahoma Legislature" pp. 3-6.

Warner, Jean Shumway "Oklahoma Governors" pp. 7-14.

McCollum, Lesli E. "The Oklahoma Judiciary" pp. 15-24.

Gaddie, Ronald Keith, and Scott E. Buchanan "Shifting Partisan Alignments in Oklahoma" pp. 25-32

Rausch, David "Direct Democracy in Oklahoma" pp. 33-36.

Rausch, Dave, and Rick Farmer "Term Limits in Oklahoma" pp. 37-42.

Rosenthal, Cindy Simon "Women in the Oklahoma Legislature: The Experience of Tokenism" pp. 43-48.

Atkins, Hannah D. "The Role of Women in Oklahoma State Politics" pp. 49-52.

- Holloway, Harry** "Oklahoma Corruption Past and Present" pp. 53-60.
Maletz, Don, and Jerry Herbel "The Oklahoma Ethics Commission" pp. 61-66.
Warner, Larkin "The Oklahoma Economy" pp. 67-76.

OKLAHOMA POLITICS, VOLUME 7 (OCTOBER 1998)

- Focht, Will,** Michael W. Hirlinger, and James J. Lawler "A Political Participation Model of Citizen NIMBY Opposition" pp. 1-24.

Why citizens choose to oppose sitings of noxious facilities in their communities is examined in a 1991 survey of Oklahoma adults' risk judgements. Regression models of both actual and hypothetical NIMBY-motivated political participation are tested. The composite risk-judgment component proves significantly related to NIMBY participation in both actual and hypothetical siting scenarios, but not in the same way. An important finding is that the existence of hypothetical bias in greenfield communities can invalidate survey findings conducted as part of community relations planning.

- Schrems, Suzanne H.** "Capitalizing on the Woman Question: Organizing Oklahoma Women into the Socialist Party in the Early Twentieth Century" pp. 25-38.

In Oklahoma, three women, Winnie Branstetter, Kate Richards O'Hare and Caroline Lowe stand out as strong Socialist party organizers who capitalized on the women suffrage question to gain recruits to the party and, therefore, a new voting strength with which to initiate social change in turn-of-the-century Oklahoma.

- Rausch, David** "Legislative Term Limits and Electoral Competition in Oklahoma: A Preliminary Assessment" pp. 39-58.

This paper examines the consequences of term limits on competition in primary and general elections for the Oklahoma House of Representatives. Term limits appear to have had little effect on competition. In fact, term limits may have a negative effect on competition in primary and

general elections. Increased competition may only occur when incumbents are prohibited from seeking reelection.

Kirksey, Jason F., et al., "Interest Groups in Oklahoma, 1986 and 1997" pp. 59-90.

The interest group universe continues to expand in Oklahoma. While education, labor, oil, and agriculture persist, church influence and the newspapers are declining. Service, professional, business, banking, utility lobbies and telecommunications are growing in power. Interest group influence in Oklahoma is becoming more diversified as the state continues to mature and develop economically.

OKLAHOMA POLITICS, VOLUME 8 (OCTOBER, 1999)

Jones Jr., Randall J. "Using Time-Series Models to Explain and Predict State Gubernatorial Election Outcomes: An Application to Oklahoma" pp. 1-16.

In Oklahoma gubernatorial elections the candidate of the incumbent governor's party benefits from a healthy state economy, though national economic conditions have little influence. When the President is popular, Oklahoma voters support the gubernatorial candidate of the party not in the White House, evidencing anti-Washington sentiment. A regression model incorporating these influences, along with a control for party, successfully predicted the outcome of the 1998 gubernatorial election.

Shinn, Paul "Citizen Participation and Municipal Government in Three Oklahoma Communities" pp. 17-42.

A study of citizen participation and relations between citizens and their elected officials in three suburban Oklahoma City communities shows that all forms of citizen participation are very low and that elected officials are generally forced to make decisions with very little input. Modes of decision-making, dealing with conflict, and changing regimes all suggest that Dahl's model of pluralism, designed to explain the politics of 1950s New Haven, fit

these 1990s suburbs nearly as well. While there are signs of growing communitarianism and civicism in these communities, these activities are supplementing, not supplanting, the plural democratic systems.

Graham, Michael "Craig V. Boren: Sex Discrimination, 3.2% Beer, and the Clash Between Oklahoma Law and the Equal Protection Clause" pp. 43-64.

Political events in Oklahoma interact with national trends to produce a Supreme Court decision establishing equal gender rights for states.

Winger, Richard "Oklahoma Law: Tough on Minor Party and Independent Presidential Candidates" pp. 65-82.

NO ABSTRACT

Darcy, R., and Erik Motsinger "Oklahoma Ballot Access is Reasonable" pp. 83-90.

Richard Winger has amassed an amazing amount of electoral facts and these he applies toward an analysis of ballot access. In this journal he argues Oklahoma election law is tough on minor and independent presidential candidates and is out of line with current practice in the other states. He has organized an eclectic body of arcane material in support of his contention. Here, we show that Oklahoma law is not particularly tough on minor and independent presidential candidates.

Maletz, Donald J. "Oklahoma Higher Education: The Budget, The Faculty, The Mission" pp 93-105.

NO ABSTRACT

Rosenthal, Cindy Simon, E. Barrett Ristroph, and Jocelyn Jones. "Learning to Talk the Talk: Gender Differences in Adolescent Socialization to World Politics" PP 107-127.

Several Oklahoma universities sponsor Model United Nations simulations as an extracurricular activity for adolescents from middle school through college. These

simulations provide a window on adolescent socialization to world politics offering an opportunity to examine whether male and female adolescents participate in the same way or have similar experiences. This project assessed gender differences in participation at the Model United Nations of the Southwest (MUNSW) at the University of Oklahoma. Important gender differences in participation were observed in the number of speaking turns taken by male and female delegates, types of committees chosen by participants, and interactions among delegates. The analysis suggests that adolescents already have learned gender norms of political behavior and they reenact those norms in such extracurricular activities. The structure of the event affects behavior and can be altered to enhance the participation of all delegates, particularly females.

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Davenport, James "Political Perspectives in Central Oklahoma: Testing Sowell and Lakoff" pp. 1-29.

NO ABSTRACT

Satterthwaite, Shad "Medicaid Reform in Oklahoma: Legislative Information Sources on a Complicated Issue" pp. 30-45.

NO ABSTRACT

Garrett, Terence M. and Geoffrey D. Peterson "You Get Yours, I'll Get Mine: A Policy Analysis of Faculty Salaries for the Professorate in Oklahoma" pp. 49-71.

NO ABSTRACT

Aguirre, Grant "The Determinants of Grade Inflation: A Research Note" pp. 73-80.

Using Census data and grade information provided by four year public universities in the southwestern United States, this research note offers a conjecture about the relationship between the size of state university systems and the severity of grade inflation.

CONTRIBUTORS

Jeffrey Birdsong lives in Miami, Oklahoma. He is the department chair of history/political science and teaches social science courses at Northeastern Oklahoma A&M.

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REVIEWERS

The editors appreciate the careful reading and helpful comments of the following reviewers for this issue of *OKLAHOMA POLITICS*.

Grant Aguirre

James Davis

Keith Eakins

Larry Eberhardt

Richard Johnson

James Lawler

Christopher Markwood

John Smaligo

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