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Journal of the Oklahoma Political Science Association

NOTES FROM THE PRESIDENT & EDITORS-IN-CHIEF	i
<i>Steve Housel, Carolyn Taylor & Quentin Taylor</i>	

ARTICLES

STATE-LEVEL CHOICES FOR NON-RENEWABLE RESOURCE REVENUE FUNDS	1
<i>Aimee L. Franklin & Samuel A. Moore</i>	

EXIT POLLING: FIELD RESEARCH AND PEDAGOGICAL BENEFITS OF COMMUNITY ENGAGEMENT	27
<i>Ana Bracic, Mackenzie L. Israel-Trummel, Allyson F. Shortle</i>	

OKLAHOMA IN JAMES BRYCES'S <i>THE AMERICAN COMMONWEALTH</i>	55
<i>Quentin P. Taylor</i>	

THE THIRTEENTH AMENDMENT: RECONSIDERING ITS IMPACT ON TRIBAL GOVERNMENTS AND INDIAN COUNTRY	81
<i>Aaron Mason</i>	

EFFICIENTLY TRANSLATING RESEARCH INTO PRACTICE: OKLAHOMA'S CONTRIBUTION THROUGH THE SOUTHERN CLIMATE IMPACTS PLANNING PROGRAM	103
<i>Aimee L. Franklin, Jennifer Le, Athena Grossman, Mark Shafer</i>	

RESEARCH NOTE

JAMES MADISON IN OKLAHOMA: THE FOUNDING FATHER AND THE FATE OF THE TRIBES	139
<i>Quentin P. Taylor</i>	

BOOK REVIEW SECTION

UNLIKELY ENVIRONMENTALISTS: CONGRESS AND CLEAN WATER, 1945-1972 <i>Charles Peaden</i>	151
HILLBILLY ELEGY: A MEMOIR OF A FAMILY AND CULTURE IN CRISIS <i>Christine Pappas</i>	155
STRANGERS IN THEIR OWN LAND: ANGER AND MOURNING ON THE AMERICAN RIGHT <i>Nathan R. Shrader</i>	159
A SOVEREIGN PEOPLE: THE CRISES OF THE 1790s AND THE BIRTH OF AMERICAN NATIONALISM <i>Quentin P. Taylor</i>	163
INVITED REVIEW ESSAY The author reviews three recent books on the early years of social democracy in Oklahoma and the U.S. <i>Steven S. Suttle</i>	167
CONTRIBUTORS	171
REVIEWERS	173

NOTES FROM THE PRESIDENT AND EDITORS-IN-CHIEF

Welcome to the 2017 edition of *Oklahoma Politics*.

We have lost our longtime colleague, Dr. Tony Wohlers. He's fine, but he no longer resides in Oklahoma, having recently accepted a deanship at a college in Vermont. He and his wife left in early August and he is missed. Not only was he a good friend, but he managed the Oklahoma Political Science Association for five years as OPSA's president and for much of that time was editor of *Oklahoma Politics*. Many helped him along the way, but at the end of the day the buck stopped with him—and he was good at it. Collegial, collaborative, erudite, and ethical. Who would not miss a man of such integrity, talent, and commitment?

The transition, to be frank, has been a bit bumpy. The good news is that nobody has jumped ship. We believe that the 2017 edition of our annual journal attests to the quality work of the editors and the scholars from all over the state who have contributed papers, research notes, and book reviews. The same can be said for the 2017 conference. As of this writing the conference is a few weeks down the road, but we are confident that it will be well worth the time of anyone who is able to attend. In addition to the interesting panels, papers, and scheduled roundtables, we are delighted that the event is being managed by one of our state's premier student-oriented political science instructors and a long-time OPSA member, Dr. Christine Pappas. If you've seen her in action or read her work, then you also know her to be a remarkably talented educator as well as a dedicated contributor to our organization.

The 2017 issue of *Oklahoma Politics* is as varied and absorbing as any we've published. The prolific Aimee Franklin at the University of Oklahoma, working with several colleagues, explores the “volatile and fickle” revenue streams that often result from fossil fuel

extraction. She and her associates present models that compare an array of states' experiences. Some states have pursued short term uses of fossil fuel revenues while others have invested for the long term. The differences are striking, raising questions as to whether Oklahoma's leaders are sufficiently versed in the histories of these various uses of this bounty from extractive resources.

In a second contribution to this issue, Dr. Franklin and associates address the enduring challenge of how to extract value from the kinship among conception, design, implementation, and evaluation of public policy. After all, it was in 1999 that Nancy Shulock wrote her influential article, "The Paradox of Policy Analysis: If It Is Not Used, Why Do We Produce So Much of It?" Yet the hammer of time keeps pounding away at the potential problem-solving elements that common sense are laying in the nest under the same hen. Experience, however, tells us just the opposite. Why can't human potential be realized for social benefit? As if coming to the rescue, Franklin and colleagues infer from the data that careful, attentive management cannot be taken for granted; indeed, their research challenges organizations to develop cultures which can collaborate and thereby make use of solutions awaiting proper tending. That is to say, it is not enough to make reasonable pronouncements or to cite best practices; rather, there is no substitute for active administrative support, ongoing collaboration, and a consistent focus on meaningful outcomes.

Quite a different contribution is offered by Roger State University's Quentin Taylor. Dr. Taylor reaches back to the late nineteenth century to illuminate the sharp-edged observations about Oklahoma by James Bryce, an English diplomat and famous historian whose reporting on America gained a wide audience in the English-speaking world. Taylor explores Bryce's observations on Oklahoma's lengthy constitution and its embrace of popular sovereignty mechanisms such as the initiative and referendum. More broadly, the author argues that Oklahoma's constitution was an outgrowth of Populism as opposed to Progressivism as some scholars have maintained. In a separate research note, Taylor goes back to the early nineteenth century, where

he delves into the largely overlooked role of James Madison in the development of federal Indian policy.

In a similar vein Aaron Mason draws a connection between the adoption of the Thirteenth Amendment (1865) and its bearing on the future of Oklahoma's Five Civilized Tribes. In his article Dr. Mason acknowledges the "common viewpoint" of the Amendment, yet explains how the national government used it as a lawful instrument in order to rollback self-government for Native Americans. Educated readers are well aware of how Jim Crow dishonored the noble intentions of the Thirteenth Amendment. Mason's investigation reveals the ironic impact the Amendment had on Native Americans.

Finally, University of Oklahoma professors Bracic, Isreal-Trummel, and Shortle's field work using undergraduate students to collect data on the 2016 state questions, demonstrates the quality, utility, and psychological benefits of such an exercise for both faculty and students. Their timely work gives us a better understanding of how voters behave regarding state ballot initiatives.

The Book Review Editor of *Oklahoma Politics*, Christine Pappas, brings together a series of reviews covering politics in Oklahoma and beyond.

We would like to thank all the contributors to this year's edition of *Oklahoma Politics*. We would also like to encourage scholars and practitioners to submit their research manuscripts and book reviews for consideration in future editions.

Steve Housel

Interim President, OPSA

Quentin Taylor, Carolyn Taylor

Co-Editors in Chief, Oklahoma Politics

SUBMISSION GUIDELINES

GENERAL

Oklahoma Politics invites submissions that explore the broad context of politics affecting Oklahoma and its place in the surrounding region. We are especially interested in submissions that bring to bear a variety of methodological, analytical, and disciplinary perspectives on state and local politics of the central-south region of the United States: Oklahoma, Kansas, Colorado, New Mexico, Texas, Arkansas, and Louisiana. Because “politics” cannot be thoroughly explored from only a single disciplinary point of view, trans-disciplinary and collaborative projects are encouraged. Though we are the journal of the Oklahoma Political Science Association, we encourage submissions from historians, economists, sociologists, environmental scientists, policymakers, analysts, as well as political scientists and practitioners whose substantive research bears on the politics and issues of the state and region.

Oklahoma Politics is a fully peer-reviewed journal. Each submission receives at least three anonymous reviews and each is reviewed by the editors before a decision is made to accept a manuscript for publication.

MANUSCRIPTS

Manuscripts should be no longer than 30 pages or more than 9,000 words, double-spaced; text, graphics, notes, and references included; no extra space between paragraphs. Do not indent paragraphs. Type font: Times New Roman; 12 point. Notes should be footnotes, not endnotes, and references should be the last part of the manuscript. Graphics (tables and figures count 300 words) submitted separately, one per page, with internal reference indicating the approximate placement in the body of the text (i.e.: “[Table 1 about here]”). Tables/figures must not be larger than a single page.

INTERNAL NOTE STYLE

Footnotes, sequentially numbered superscript (e.g. 1, 2, 3, 4, . . .).

Internal reference style: (author last name year); e.g. (Jefferson 2007).

Internal reference with page number: (author last name year, page #); e.g. (Jefferson 2007, 32). Multiple internal references separated by semi-colon; alphabetical first, then by year: (Author A 2007; Author B 1994; Author CA1 2007; Author CA2 1992).

REFERENCE AND NOTE STYLE

Manuscripts and book reviews must follow the APSA *Chicago Manual of Style* or *Style Manual of Political Science*. These format and citation styles can be found in the journals of the American Political Science Association: *American Political Science Review*, *Perspectives on Politics*, and *PS: Political Science & Politics*.

Examples:

Journals: Author last, author first or initial. Date. "Article Title." *Publication* Volume (Number): Page-Page. Example: Budge, Ian. 1973. "Recent Legislative Research: Assumptions and Strategies." *European Journal of Political Research* 1 (4): 317- 330.

Books: Author last, author first or initial. Date.*Title*. Publication City: Publisher. Example: Green, Donald, and Ian Shapiro. 1994. *Pathologies of Rational Choice Theory*. New Haven, CT: Yale University Press.

GUIDELINES FOR CITING CHAPTERS AND WEBSITES

Chapters

Author last, author first or initial. Date. "Chapter Title." In *Book Title*, ed. Book Author First, Last. Publication City: Publisher. Example: Mezey, Michael L. 1991. "Studying Legislatures: Lessons for Comparing Russian Experience." In *Democratization in Russia: The Development of Legislative Institutions*, ed. W.H. Jeffrey. New York: M.E. Sharpe.

Websites

Author last, author first or initial. Date. "Publication Title." (Last Access Date). Example: Collins, Paul. 2005. "Data Management in Stata." <http://www.psci.unt.edu/~pmcollins/Data%20Management%20in%20Stata.pdf> (September 16, 2016).

TABLE & FIGURE STYLE GUIDLINES

Table 1

Votes Missed, of First 100, by Term Limited

	<u>Mean*</u>	<u>SD</u>
Not Term Limited (n = 72)	2.4	7.5
Term Limited (n = 28)	5.0	8.6

* Difference significant at the .10 level

Each table or figure must fit on a single page. Authors must submit tables and figures in appropriate format.

ORGANIZATIONAL/HEADINGS

Major Section Head (Bold Caps & Centered)

SUBSECTION HEAD (CAPS & LEFT: NO PERIOD)

Sub-sub Section Head (Title Caps, Left, & Italicized; No Period)

MANUSCRIPT SUBMISSION

Manuscripts must contain: a cover page with title, author, and author affiliation and contact information; a separate cover page with title only; an abstract of no more than 150 words and the text of the manuscript. Authors whose manuscripts are accepted for publication must submit a short biographical sketch for inclusion in the journal.

BOOK REVIEWS

Book reviews should be no longer than 1500 words. Reviews should be of books on topics relevant to the journal as delineated in the Submission Guidelines. Review style should follow that of the journal as a whole. Full bibliographic information should be included as the lead to the review.

Manuscripts (or ideas for manuscripts) should be emailed to: Quentin Taylor, Editor, *Oklahoma Politics*, Rogers State University. Email: qtaylor@rsu.edu. Telephone: 918-343-7667

Book Reviews (or ideas for book reviews) should be emailed to: Christine Pappas, Book Review Editor, *Oklahoma Politics*, East Central University. Email: cpappas@ecok.edu. Telephone: 580-559-5640

PAPERS AND BOOK REVIEWS

They must be submitted electronically, in either Microsoft Word 2003 (or later) format (.doc/.docx) or Rich Text Format (rts.). No other forms of submission will be accepted. Manuscripts of papers not in format compliance will be returned without review.

STATE-LEVEL CHOICES FOR NON-RENEWABLE RESOURCE REVENUE FUNDS

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There are 11 major oil, natural gas, coal and mineral producing states in the United States. Over time, each has experienced the boom and bust cycle associated with severance revenues derived from non-renewable resources traded in an open market. This paper asks: What are the differential outcomes of establishing a revenue stabilization fund versus a permanent fund for non-renewable resource severance revenues? Since these revenues are “non-renewable,” many states (and nations) chose a permanent fund to promote intergenerational equity. However, Oklahoma and Louisiana recently created a revenue stabilization fund. We model the effect of revenue stabilization and permanent fund using historical data in Oklahoma. A revenue stabilization fund provides short-term gains while a permanent fund creates a long-term endowment for future generations. Public officials considering strategies for revenue allocation can benefit by understanding the predicted short and long-term fiscal effects of their choices

INTRODUCTION

The popularity of the income tax waxes and wanes at the state level. One thing that remains constant, however, is an extreme reluctance by public officials (based on perceived citizen preferences) to raise taxes. In the face of nearly intransigent reluctance for tax increases, public officials seek new revenue sources. In the past, new state revenue sources often came from lotteries, pari-mutuel gambling associated with sports and horse/dog racing, commercial and Indian gaming expansion, marijuana taxes and natural resource extraction.

Decisions about what new revenues to collect, where new revenues will go and how they can be used are influenced by ideology, politics, normative academic prescriptions and professional best practices. In this paper, we analyze the financial outcomes expected from allocation choices for non-renewable resource severance revenues (severance revenues).

To do this, we analyze historical data from the 11 states with the highest severance revenues. According to a Brookings report: “In many cases, ... states rely heavily on severance tax revenue—taxes on oil, gas, and other natural resources severed from the ground (though some states impose oil and gas conservation fees, impact fees, levies or assessments in addition to, or instead of, a traditional severance tax) (2016, p. 7). Revenues from severance taxes typically account for 2 percent or less of total tax collections for a majority of states, but severance taxes assume greater importance for the budgets of roughly 10 energy-producing states involved in fracking (Saha & Muro, 2016, pp. 15–16). In 2014, state severance tax revenue as a percentage of total state tax collections was as high as 72 percent in Alaska, 54 percent in North Dakota, and 39 percent in Wyoming. In Oklahoma, severance revenues constitute 7 percent of total state tax collections (2016, p. 8).

There are differences in the treatment of severance revenues. Nine of 11 states have chosen to place all or a portion of the revenues in a permanent fund which operates like an endowment fund. These funds are “permanent” because they are either constitutionally protected or

STATE-LEVEL CHOICES FOR NON-RENEWABLE
RESOURCE REVENUE FUNDS

require super-majority legislative approval to withdraw money from the fund's principal. All permanent funds, except Alaska's, annually direct some or all of the severance revenues into the state's permanent fund. A specified portion of the investment income is then made available for transfers to: 1) the general revenue fund, 2) other governmental entities within the state, 3) infrastructure development funds, 4) economic development activities that support economic diversification, 5) property tax relief, and 6) in the case of Alaska, direct dividend payments to citizens. Instead of creating a permanent fund, the two most recent adopters, Oklahoma and Louisiana, have created severance revenue stabilization funds which operate similarly to a budget stabilization, or rainy day, fund (Hou, 2005).

We are intrigued by the choices in Oklahoma and Louisiana for a revenue stabilization rather than a permanent fund. The choices could reflect a financial strategy, especially if the expected results from a revenue stabilization fund would be more lucrative than those anticipated from a permanent fund. In this paper, we assess the efficacy of this financial strategy by modeling the features of Oklahoma's Energy Revenue Stabilization Fund enacted in 2016 using historical data from FY2000-FY2016. These hypothesized results are compared to the results that would be expected if state officials had chosen a permanent fund rather than a revenue stabilization fund. Comparing the results from different modeling approaches and considering the fiscal outcomes can inform other governments as they consider the treatment of new revenues. Our research also contributes to academic literature by integrating budgetary theories with knowledge about sovereign wealth, natural resource, and commodity funds.

LITERATURE REVIEW

Non-renewable resources, as the name implies, are things like oil, natural gas, propane, coal and minerals that are depleted during the extraction process. Like other commodities, such as plant and animal agricultural products, these resources can only be consumed a single time. Therefore, the decision to sever these resources from the

geographic area means that there will be no future revenues generated from these materials. Instead, the land becomes available for other production activities. Scholarly literature describes two frames for assessing the level of “good” stewardship of non-renewable resource revenues: short-term and long-term goals. We first present budgetary literature that frames the considerations for selection of a revenue stabilization fund, which has a shorter-term perspective. Next, we review literature that details conditions under which a permanent fund would be appropriate based on a longer-term perspective.

BUDGETARY CONSIDERATIONS

Revenue stabilization funds have similar names, goals and fiscal rules as those of budget stabilization (rainy day) funds. Typically, they feature a formula for calculating deposits based on recent revenues. The withdrawal rules are designed to smooth out unexpected short-term revenue drops by allowing a portion of the balance (based on a formula or percentage of the balance) to be transferred to the state’s General Revenue Fund.

These types of funds can be beneficial for states that have difficulty forecasting revenues and tend to overestimate revenues during economic downturns (Rockefeller College & Pew Charitable Trust, 2011). In fact, one report concludes that revenue errors have been larger in the 10 previous years than before (The Pew Charitable Trust, n.d., p. 2). Wagner (2003) finds that while Revenue Stabilization Funds could be used to smooth fluctuations, monies in these funds are largely substitutable with general fund monies. From a financial perspective, these funds are attractive since “...the law makes it compulsory to save when the economy is strong and state revenue goes above the expenditure needs and to replenish the fund after use, so the state can stay better prepared for revenue shortfalls.” (p. 35).

According to Hou, budget stabilization funds are a counter-cyclical “... fiscal device used by subnational governments to store extra revenues during economic booms for use in economic downturns to supplement inadequate resources for meeting outlay demands” (2005, p. 34). Hou concludes that stabilization funds are politically

STATE-LEVEL CHOICES FOR NON-RENEWABLE
RESOURCE REVENUE FUNDS

attractive since: “Executive officials cannot easily use the money at their discretion because the procedure for use approval is fairly strict in most cases. Legislators cannot readily engage in pork barrel spending with this fund either because the money is available only for predetermined purposes.” (p. 35).

The economic cycle is particularly salient in energy production states. “The boom-bust cycle of unconventional oil and gas development highlights the need for strategic management by state governments of fracking-related revenues, not only to minimize the less desirable aspects of the boom-bust cycle but also to enhance long-term prosperity.”(Saha & Muro, 2016, p. 2).

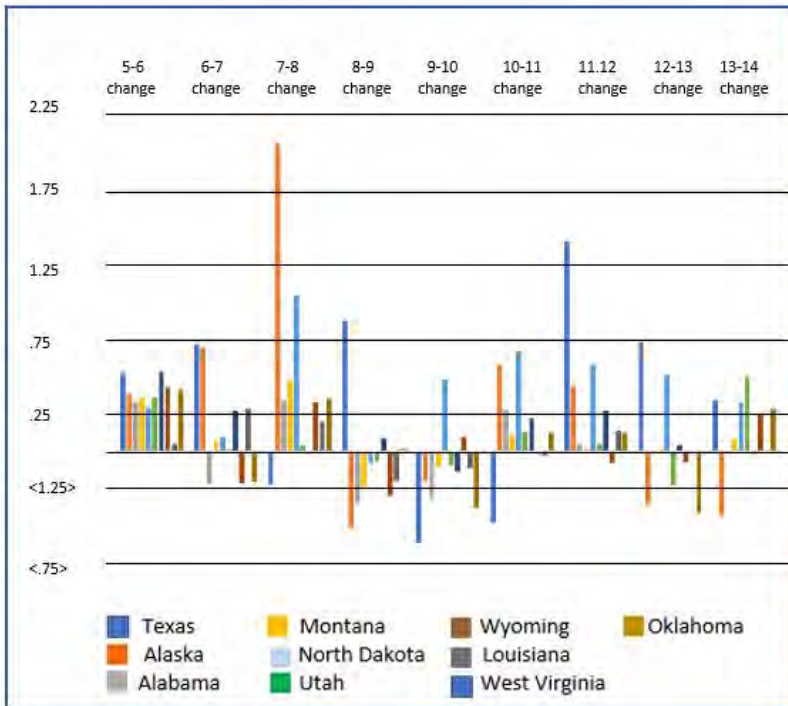
The year over year severance revenue volatility between FY2005 and FY2014 for the 11 states we analyzed are dramatic. For positive volatility, New Mexico was highest with an increase of 1274% from one year to the next. Four states had positive volatilities that exceeded 100%, but the average increase for all states was 75% and the lowest positive increase was in Oklahoma at 41%. Three states had a negative volatility over 50%, with an average year over year decrease of 40% for all states. New Mexico also experienced the highest one year revenue drop (100%), while the lowest one year drop was 36% (experienced by seven states). These authors at the Brookings Institute conclude that “...states can convert volatile near-term revenues from unconventional oil and gas development into a longer-term and continuous source of investment funds for building sustainable and dynamic economies.” (Saha & Muro, 2016, p. 2).

Another argument for creating revenue stabilization funds is that the energy industry, in general, is highly mobile - meaning that a choice to “re-locate” production has the potential to nearly instantly shift a current energy producing state from boom to bust overnight (Saha & Muro, 2016). Severance funds can smooth volatility that is sector, geography specific.

The differential impacts caused by sector-specific mobility are demonstrated in Figure 1 which displays trends in severance revenues for the FY2005-FY2014 period. To compare “competing” states, we note that Alaska and Texas both experienced a positive

revenue change in the first two columns. In later years, they seem to have a switching pattern where one had positive and the other negative, gains followed in the next year by a reverse in which state had positive and which state had negative gains.

Figure 1
Trends in Severance Revenues in 11 States



NON-RENEWABLE RESOURCE
REVENUE CONSIDERATIONS

Many U.S. states, as well as nations around the world, have created permanent funds for revenues from natural resource extraction and single use commodities. Unfortunately, natural resource extraction funds have been used by some governments, such as those of Libya, Nigeria, Algeria, and Turkmenistan, to avoid public scrutiny and pursue their own objectives, either by releasing little information on

their activities or using the funds as a parallel and less accountable revenue source (Bauer, Ed., Rietveld, & Toledano, 2014, 16-17).

Creation of a permanent fund helps to avoid the resource curse (or the paradox of plenty) where an abundance of natural resources results in public official corruption or in less economic growth due to underdevelopment of agricultural and manufacturing sectors combined with weak social and environmental regulation by more authoritarian regimes. These factors typically lead to lower living standards for the country as a whole (Revenue Watch Institute & Vale Columbia Center on Sustainable International Investment, 2014).

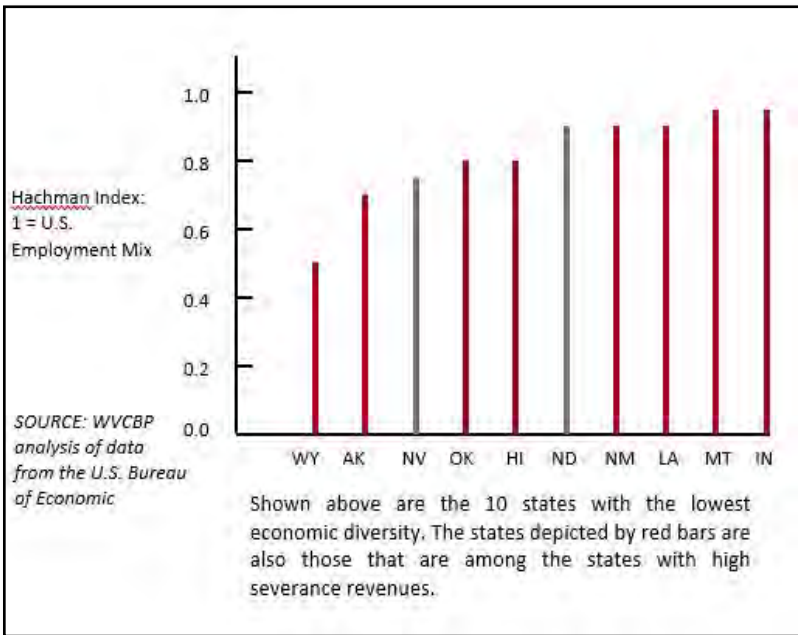
A common rationale for choosing a permanent fund is that the current generation is depleting an asset that can no longer be used by future generations. Alabama projects that the oil and gas resources in the state will be depleted by 2032. Recognizing the potential negative futurity of today's decisions, decision makers may choose to bank a portion of the revenues derived from these assets for long-term use. A permanent fund protects the corpus (fund balance) by employing long-term investment strategies and, in some cases, investing in economic development activities that foster economic diversification to prepare for when the industry sector no longer exists at some point in the future. New Mexico has created a State Investment Council's tasked with preserving and growing the state's two permanent funds, so future generations can enjoy the same, if not greater, benefits than are provided today.

The concern with inter-generational equity in revenue and asset management decisions is not new. Tobin concluded that elected officials are the "guardians of the future against the claims of the present." An endowment should be permanently sustainable (1974, p. 427). He recommends that non-renewable resource assets should be secured so that the endowment can provide a replacement for future generations of the assets consumed by the current generation.

The danger of overreliance on volatile and fickle severance revenues is amplified when one takes into consideration the economic diversity of the 11 largest states in the severance of non-renewable

resources. Figure 2 uses the Hachman Index as a proxy measure of economic diversity. A fully diverse state economy would have a score of 1.0. The 10 states with the lowest economic diversity include eight of the states with high severance revenues. The danger of low economic diversity is substantiated by a large body of literature that documents how economies based on natural resources grow more slowly relative to diversified economies (part of the resource curse) (Saha & Muro, 2016, p. 11).

Figure 2
Economic Diversity Rankings of the States



Knowing that citizens employed in these sectors will eventually be unemployed, the state can proactively incentivize new industry sectors that can provide new employment opportunities for these displaced workers (Boettner et al., 2012). Saha & Muro concur in their claim that states should use fund earnings to “invest in an integrated pre-K through 20 educational pipeline,” with a focus on

STEM (Science, Technology, Engineering, and Math) education (2016, 23).

Governments around the world already set aside revenues in permanent, or sovereign wealth, funds and use them as sources of capital that can provide resources for longer-term economic development activities that enhance the economic diversity of the geographic jurisdiction. “A permanent fund converts nonrenewable resource wealth into a renewable source of wealth for future generations” (Boettner, Kriesky, McIlmoil, & Paulhus, 2012, p. 11).

Academic literature offers a variety of theories and arguments to guide discussion about the appropriate fund for severance revenues. From the budget and finance theories, the choice of fund should consider the accuracy of revenue forecasting, especially where the revenues are countercyclical, volatile, and/or the industry is rapidly mobile. Scholars who study permanent and sovereign wealth funds describe the potential to mitigate the resource curse, to foster intergenerational equity and to proactively promote economic diversification.

In Oklahoma, there is an additional factor to consider when analyzing the choice of a permanent or a revenue stabilization fund for severance revenues: earthquakes. Much discussion [especially related to fracking] has revolved around environmental concerns and the dangers of air pollution, groundwater contamination, and large withdrawals of surface water. This is a concern in Oklahoma due to the logarithmic increase in earthquakes following increased oil and gas production activity (Whitaker, 2016). One tangible impact of earthquakes has been the increasing frequency with which the Oklahoma Corporation Commission “...has taken numerous actions [including shutdowns, volume reduction and prevention of start-up] related to disposal wells in specific zones around the state based on seismic events, under its statutory authority to oversee oil and gas operations in the state” (<https://earthquakes.ok.gov/what-we-are-doing/oklahoma-corporation-commission/>). The interaction between budget and regulatory policy within the same geographic setting is yet another factor that must be understood when structuring a fund for severance revenues. To understand the differential outcomes that

would occur when selecting a revenue stabilization versus a permanent fund, we develop and test three different models using historical Oklahoma data. Our research process is described next.

RESEARCH DESIGN

The data used in this analysis came from four secondary sources. First, we gathered financial data from each state's budget, finance, treasurer, comptroller and/or equalization boards' websites. In addition, several states have separate sites for the permanent fund, often hosted by the state's Investment Council (or Investment Advisory Board). Data was also gathered about the laws, rules, policies, reports and public announcements that established the special revenue fund or described the fund's governance structure and fiscal rules. The third data sources were professional and research organizations' publications on special revenue funds and related policies that exist in a specific state/nation, or reports from a meta-analysis of special revenue funds in many states/nations. The last secondary data source was popular press articles reflecting public perceptions of the actions of public officials related to special revenue funds.

Accessing data from multiple sources allowed us to triangulate the accuracy of the data with the public official actions. Since the data are secondary data, there are limited threats to internal validity. However, the one threat is that there may be additional data sources that the authors did not discover that could offer additional perspective on the financial transactions in a special revenue fund. In addition, not all states had FY2015 data available, so the authors uniformly recorded data for the ten-year period between FY2005-FY2014.

There are some uncontrollable threats to internal validity since there may have been other political, economic or social events in a state during the historical sampling frame that could have influenced fund performance. For example, the FY2005 New Mexico CAFR auditor's statement reported material weaknesses. Further investigation uncovered news articles reporting that there had been malfeasance by employees in the Treasurer's office who later left their position. New Mexico has a dedicated agency, the State

STATE-LEVEL CHOICES FOR NON-RENEWABLE
RESOURCE REVENUE FUNDS

Investment Council, that manages all the Permanent Funds in the state. So, we concluded that it is unlikely that the CAFR contained errors that would significantly influence the longitudinal accuracy of the New Mexico data. Further, no New Mexico financial data contributed to the Oklahoma models.

COMPARING THREE DIFFERENT
SEVERANCE FUND MODELS

The first model estimates Oklahoma's severance revenue deposits and withdrawals from FY2005 to FY2016 using the rules of sources and uses established in the Revenue Stabilization Fund law and Investment Policy enacted by Oklahoma Legislature in 2016. Here are the key provisions:

Table 1

Key Provisions of Oklahoma's Revenue Stabilization Fund Law

The initial deposit would occur in the fiscal year following the fiscal year when General Revenue Fund deposits equal or exceed \$5,730,000,000.

No monies would be deposited to the credit of the Revenue Stabilization Fund for any month remaining in a fiscal year after the month in which a revenue failure is declared by the State.

Revenues to be deposited are based on five-year moving averages of 100% of gross production tax on oil and natural gas and 75% of corporate income tax plus any direct appropriations by the Legislature.

Withdrawals are allowed in the event of a revenue failure as follows:

The Director of the Office of Management and Enterprise Services and the Legislature may each withdraw up to $\frac{1}{4}$ of the balance available at the beginning of the fiscal year up to the amount of the revenue failure.

If the State Board of Equalization certifies revenues for the upcoming fiscal year as less than the amount of revenue certified by

the State Board of Equalization to be collected in the General Revenue Fund for the current fiscal year at the annual February meeting, then the Legislature may withdraw up to $\frac{1}{2}$ of the balance available at the beginning of the fiscal year up to the amount of the revenue failure.

Oklahoma has experienced seven revenue failures since 2000, in budget years 2002, 2003, 2009 (later restored), 2010, 2015, 2016 and 2017. The State's Constitution tries to cushion against mid-year budget cuts by allowing the Legislature to appropriate no more than 95 percent of the expected revenue. In years when collections come in below the 5 percent cushion, the Office of Management and Enterprise Services (OMES) is required to announce a revenue failure and make across-the-board cuts to agency allocations from the General Revenue Fund (Blatt, 2016). The State Board of Equalization can also announce a revenue failure at its February meeting as noted in item 4b above. These rules and fiscal data were used to calculate allowable withdrawals. For the second model (PF5%), we follow Landon and Smith's (2010) recommendations for "simple and transparent" permanent fund fiscal rules. They make their deposit and withdrawal prescriptions using the Alberta, Canada requirements for deposits of 75% of yearly royalty revenues and withdrawals of 5% of fund's total assets every year.

For the third model (PF42.5%), we adjust the second model so that the final fund balance in the Permanent Fund will be equal to the ending fund balance estimated in Model 1 for the Revenue Stabilization Fund. All other assumptions are the same as Permanent Fund 5%, as described above.

For all three models, data from the State of Oklahoma CAFR, beginning in FY2000, were used to calculate the 5-year moving average of Gross Production Tax (GPT) revenues. These amounts were used to determine the required Revenue Stabilization Fund (RSF) deposits in the 12-year period from FY2005-FY2016. The models included annual investment earnings which used the blended return on the Treasurer's investment portfolio for each year (over time this ranged from 1.85% to 4.84% with an average of 3.16%).

STATE-LEVEL CHOICES FOR NON-RENEWABLE
RESOURCE REVENUE FUNDS

Investment fees were calculated for each year and deducted from the fund balance before calculation of any allowable withdrawals. According to the Oklahoma Treasurer's Annual Report, investment fees as a percentage of revenues ranged from 0.93% to 8.24% during the years studied with an average of 2.87%. To keep the models simple, we did not consider the impact of inflation and therefore used current (nominal) dollar values. The treatment was the same in all 3 models, so there were no threats to validity.

DATA ANALYSIS AND FINDINGS

For the first model of the Revenue Stabilization Fund, six calculations were made for each fiscal year: 1) the deposit to the fund was 100% of the actual amount of Oklahoma's oil and natural gas revenues (GPT), and 75% of the corporate income tax (CIT) revenues, above the 5-year rolling average of each, 2) the amount of a withdrawal allowed for any revenue failure was calculated as $\frac{1}{2}$ of the actual amount of the revenue failure, 3) the earnings in the current fiscal year were calculated on the prior fiscal year fund balance and using the previous year's blended investment rate, 4) the investment fees were the actual percentage fee rate paid by the Treasurer in the prior fiscal year, 5) the year-end balance is calculated as the PY Balance + Deposits + Investment Earnings – Investment Fees, and 6) the General Revenue Fund Transfer in the current fiscal year was 25% of the actual amount of GPT and CIT revenues above a 5-year rolling average.

Table 2 displays the results for all three models. In the second column, we present the Revenue Stabilization Fund (RSF) results. As intended by the Legislature's fund choice, the deposits to the fund vary from year to year, with the bulk of the gross production and corporate income taxes going to the General Revenue Fund and a smaller amount to the RSF (cumulative deposits estimated at \$9,294.4M). Revenue failures in FY2010 and FY2016 led to allowable withdrawals from the RSF to deposit into the General Revenue Fund (GRF) in the amount \$556.5M. Including a net

investment loss (based on actual experience) of \$107.3M, the ending Revenue Stabilization Fund balance is \$1,687.8M.

Table 2
**Financial Outcomes Estimates for Three
Severance Revenue Funds Models**

	RSF	Perm. Fund (5%)	Perm. Fund (42.5%)
GRF GPT + CIT Allocations	\$9,294,352,303	\$6,057,093,069	\$12,116,283,975
GPT + CIT Deposits	\$2,351,590,845	\$9,151,802,992	\$9,151,802,992
Revenue Failure	\$(556,460,842)		
Withdrawals			
Annual GRF Transfers		\$(3,006,492,072)	\$(9,065,682,978)
Net Investment Income	\$(107,327,997)	\$4,509,738,108	\$1,599,826,408
Ending Fund Balance	\$1,687,802,006	\$10,655,049,028	\$1,685,946,421
Total GRF Deposits	\$9,850,813,144	\$9,063,585,141	\$21,181,966,954
Diff in GRF [Perm Fund v. RSF]		\$(230,767,162)	\$11,331,153,809

The model calculations for each of the three models are presented in Appendix A.

The smoothing effect intended by the fiscal rule for calculation of a five-year moving average to establish required deposits can be seen starting in FY2010, after Oklahoma's Gross Production Tax (GPT) revenues dropped from \$1,136.3M to \$704.9M (-38%) between FY2009 and FY2010. Because of this, beginning in FY2011, gross production taxes were less than the 5-year moving average. This pattern continued to FY2016 and, therefore, the RSF does not

STATE-LEVEL CHOICES FOR NON-RENEWABLE
RESOURCE REVENUE FUNDS

receive any further deposits in the years studied based on the difference between the 5-year moving average and actual GPT revenues. Another impact of the drop in GPT is that (CIT) deposits outpaced those of GPT deposits in the years studied (\$1,421.1M versus \$930.5M).

For the second model, we estimated a permanent fund (PF5%) using the recommendations of Landon and Smith (2010). Four calculations were made for each fiscal year: 1) the deposit to the PF5% was 75% of the actual amount of gross production taxes and 75% of corporate income tax revenues in Oklahoma, 2) an average net permanent fund investment earnings rate of 7.5% based on the experience of Wyoming -since 1975, the Wyoming portfolio and investment management rules of this state reflect a longer-term investment strategy, 3) the year-end balance was calculated as the PY Balance + Deposits + Net Investment Earnings- General Revenue Fund Transfers), and 4) General Revenue Fund Transfers in the current fiscal year was calculated as 25% of the prior year's revenues from Gross Production Tax (GPT) 25% of the prior year's revenues from Corporate Income Tax (CIT) + 5% of the prior year's fund balance.

In the PF5% model, the Permanent Fund grows rapidly and accumulates GPT and CIT deposits of \$9,151.8M and Net Investment Income \$4,509.7M, displaying incremental increase patterns that would be predicted for this type of fund. The General Revenue Fund contributions also steadily increase over time, based on a higher level of investment earnings combined with withdrawals due to the FY2010 or FY2015 revenue failures. The cumulative General Revenue Fund contribution is \$9,063.6M (\$230.8M lower than RSF model). The biggest benefit of this normative permanent fund's rules is the ending fund balance of \$10,655.0M. The GPT drop in FY2010 has a modest impact on PF5%.

For the third model, we created a permanent fund (PF42.5%) using the same calculations of PF5%. except for the calculation of the General Revenue Fund Transfer. The GPT and CIT deposits to the permanent fund in this model are the same at \$9,151.8M.

To make the ending fund balance roughly equivalent to the ending fund balance for the RSF model (\$1,685.9M) the annual General Revenue transfer was set to 42.5% of the prior year's fund balance each year (versus a 5% transfer in the normative PF5% model). With this change, the total amount transferred to the General Revenue Fund was \$21,182.0M an amount that is \$11,331.2M higher than under the enacted RSF rules. The large annual transfers also caused the net investment income to drop to \$1,599.9M, about \$3,000.0M less than the Permanent Fund5%, but more than \$1.7B higher than the RSF model! The GPT drop in FY2010 has a modest impact on the Permanent Fund deposits and General Revenue Fund transfers in the PF42.5%.

To compare the short-term and long-term effects of decisions establishing fiscal rules and the impact across all fiscal years analyzed, we compare differences between the 12-year total General Revenue Fund contributions as an indicator of short-term decision making effects and the ending severance fund balance as an indicator of long-term decision making effects.

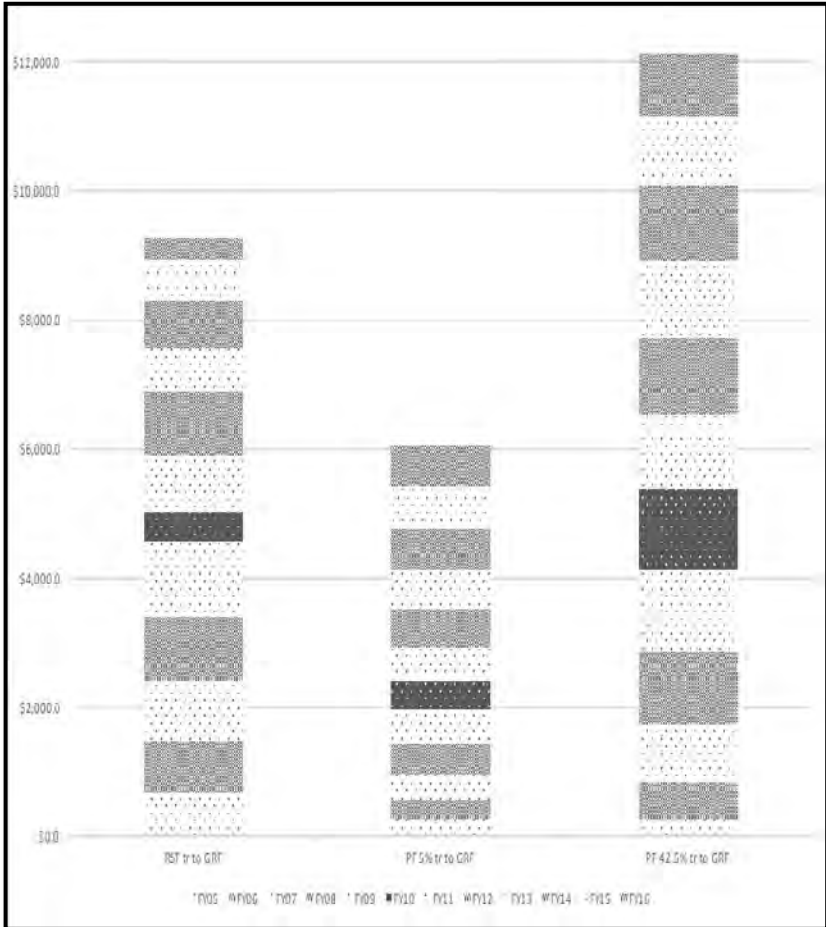
The General Revenue Fund contributions for each year are displayed in Figure 3 (on the next page). The size of the stack in each column is the combined estimated amount to transfer to the General Revenue Fund between FY2005 and FY2016 (a total of \$9,850.8M to from the RSF, \$9,063.6M from Permanent Fund 5 and \$21,182.0M from Permanent Fund 42.5%). The dark color in the middle of the stack denotes the data for FY2010 to call attention to the fund balances prior to the GPT drop of 38%. Based on the fund rules, the remainder of the contributions in the Revenue Stabilization Fund would be obtained solely from the Corporate Income Tax because the GPT annual revenues did not exceed the 5-year moving average any time after FY2010.

These fund estimates suggest that the best approach for smoothing revenues in the short term, to avoid the necessity of tax/revenue increases or drastic expenditure cuts, would be either the Revenue Stabilization Fund or Permanent Fund 42.5% since the amounts are roughly the same by FY2010. However, after FY2010, Permanent Fund42.5% provides far more revenue between FY2011 and FY2016, since the fund still receives deposits from GPT and CIT

STATE-LEVEL CHOICES FOR NON-RENEWABLE
RESOURCE REVENUE FUNDS

revenues, while the RSF only gets revenues from the CIT after FY2010.

Figure 3
**Estimated Transfers to the General Revenue Fund from Three
Severance Funds Models**

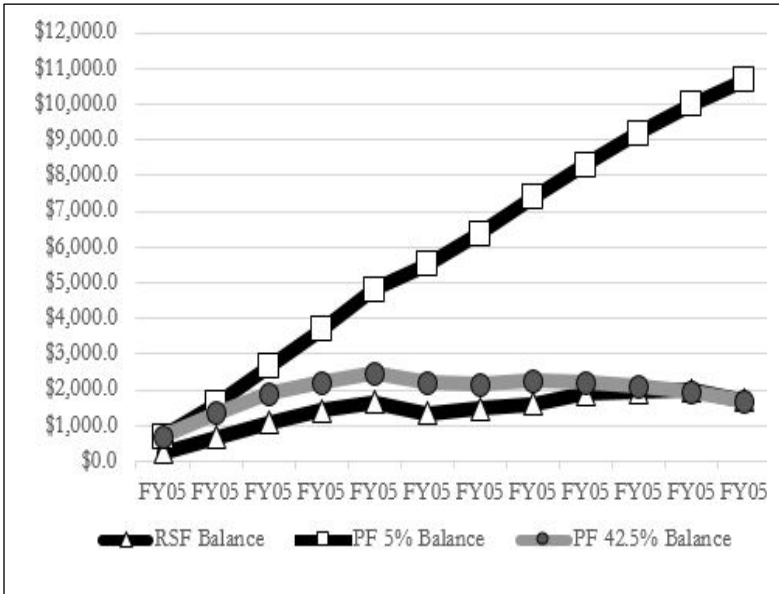


If the goal of the fund was to instead focus on the long-term preservation of funds for future use, then the choice between a Revenue Stabilization Fund and a Permanent Fund would consider not only the annual transfers to the GRF, but also the fund’s ending

balance and how it grows over time. Comparing the ending balance for the three models to assess the long-term effects, the Revenue Stabilization fund and the and Permanent Fund42.5% we estimate balances of \$1,687.8M and \$1,685.9M, respectively by the end of FY2016. The Permanent Fund5% estimated balance is \$10,655.0M. These data suggest that the best approach for leaving a legacy for future generations over the long-term would be Permanent Fund5%. It is important to remember, however, that Permanent Fund42.5% provides more cumulative deposits (by\$11,331.2M) to the General Revenue Fund than does the Revenue Stabilization Fund) during the 12-year time frame.

Figure 4

Estimated Fund Balances from Three Severance Models



A different way to analyze the short-term and long-term effects of the fiscal rules for each of the three models is to calculate an Intergenerational Equity Index, like what is done by New Mexico. This index uses the total Primary Government Revenue in each fiscal

STATE-LEVEL CHOICES FOR NON-RENEWABLE
RESOURCE REVENUE FUNDS

year as the starting point for public officials to allocate revenues in the next fiscal year for either short-term or long-term purposes. A short-term purpose would be high allocations to the General Revenue Fund. A long-term purpose would be high allocations to a Revenue Stabilization or Permanent Fund.

The percentage amounts allocated in each fiscal year in our three models were calculated. The results are displayed in Table 2. The fund with the highest emphasis on short-term fund revenue access is the Revenue Stabilization Fund. The estimated yearly amounts allocated for short-term use range from 94-100% with short-term average of 98%. Permanent Fund_{5%} has the highest allocation for long-term use, with estimated deposits representing 6-17% of revenues and an average of 10% between FY2005-FY2016. Permanent Fund_{42.5%}, is structured to also have a short-term focus; however, the estimates predict a higher allocation range for long-term purposes (1-13%, average 3%) than does the Revenue Stabilization Fund. The difference is attributed to the continuing, though reduced, deposits from the GPT after FY2010, plus the enhanced investment yield of a longer term, corpus protection strategy.

Table 3
Intergenerational Equity Indexes of Three Fund Models

Fund Type	Minimum	Maximum	12-Year Average
Revenue Stabilization			
Short-term	94%	100%	98%
Long-term	0%	7%	3%
Permanent _{5%}			
Short-term	85%	94%	91%
Long-term	6%	17%	10%
Permanent _{42.5%}			
Short-term	88%	99%	98%
Long-term	1%	13%	3%

These data suggest that revenue allocation decisions in all three models are heavily focused on the short-term. However, the scholarly literature does not offer a definitive benchmark. For comparison, the New Mexico Severance Tax Permanent Fund recently reported the allocation of 25.3% of annual severance revenues for future generations (New Mexico State Investment Council, n.d., p. 3). The State's Land Grant Permanent Fund has a nearly even balance between current and future generations with an Intergenerational Equity Index value of 50.8%.

Even though similar intergenerational equity allocations could not be achieved in any of our models, the models do highlight the challenge of pursuing intergenerational equity as a long-term goal for a new revenue fund. As our models demonstrate, the rules that govern deposit and withdrawal calculations can lead to differential effects that are practically significant: changing the rules slightly in Permanent Fund5% could yield a fund balance that is 5X larger than the RSF as enacted, which would enhance the intergenerational equity of budgetary allocation decisions. On the other hand, Permanent Fund42.5%, offers more than \$10B in GRF contributions than does the model using current RSF rules, suggesting deleterious long-term impacts of a moving average that should be balanced against garnering revenues from a volatile and mobile sector. What our analysis cannot capture; however, are the political, social, and economic implications for the State of Oklahoma when revenue that would normally be contributed to the general fund would be diverted from the next year's revenue estimate. While this would be the case for the each of the three models, it seems that this is a financial trade off that was already accepted by the State's legislators as evidenced by the enactment of the Revenue Stabilization Fund.

CONCLUSION AND FUTURE RESEARCH

Academic literature suggests two different fund types for public officials to consider when creating special revenue funds for severance taxes. A revenue stabilization fund is a short-term revenue management strategy, since the fund is designed to smooth revenues available for appropriation from fiscal year to fiscal year and has

STATE-LEVEL CHOICES FOR NON-RENEWABLE
RESOURCE REVENUE FUNDS

provisions for withdrawals based on the economic cycle. A permanent fund, on the other hand, is a long-term revenue management strategy since it creates an endowment for future generations due to the emphasis on preserving and growing the corpus of the revenues through a different investment strategy.

Of the 11 states that receive the highest severance revenues, the two most recent adopters of special revenue funds have created revenue stabilization funds, while the other nine maintain permanent funds for severance revenues. Examining longitudinal trends across the 11 states, we find evidence of high revenue volatility and mobility in among between states. In addition, these states have among the lowest level of economic diversification in the nation, suggesting the potential for a resource curse. In Oklahoma, there is additional revenue uncertainty related to the regulation of earthquakes and resulting reductions in production after actions taken by the Oklahoma Corporation Commission. For this reason, Oklahoma provided a good contextual case for estimating three models of special revenue funds to compare the short and long-term effects of fiscal rules.

Of the three models we estimated, the Revenue Stabilization Fund (RSF) model that was recently enacted in Oklahoma would have provided almost \$10B to the General Revenue Fund (GRF) for short-term budget allocation between FY2005-FY2016. The model developed on normative prescriptions for a Permanent Fund (PF5%) would be expected to provide the largest ending fund balance (\$10B), while contributing nearly the same amount to the GRF as the RSF (\$9B). The second Permanent Fund model (PF42.5%) was manipulated to have the same ending fund balance as the Revenue Stabilization Fund. To accomplish this, 42.5% of the prior year's fund balance would be transferred to the GRF. The 12-year performance for this fund would provide over \$21B to the GRF; however, the ending balance in both PF42.5% and the RSF would have been threateningly low if the recessionary cycle were to continue past FY2016.

Despite nuances in these findings across the three different models, a common finding is that intergenerational equity is weak in all models

in all years. The highest performing fund, in terms of attempting to balance short-term revenue smoothing objectives with long-term asset transfer objectives, was Permanent Fund5% with a special revenue allocation average over 12 years of 10% for future generations. The other two fund models provide a short-term focus on GRF transfers for an average of 98% of all funds available for allocation in any fiscal year.

These findings underscore the importance of considering investment objectives and then creating fiscal rules to accomplish the desired outcomes. The main contribution of our analysis is demonstrating the impact of fiscal rules for both the long and short-term horizons since there are quite differential effects. Minor changes to the fiscal rules of a special revenue fund can have significant short-term effects (measured by the GRF transfers) as was seen in the comparison between the Revenue Specialization Fund and the Permanent Fund42.5%. Distinct long-term effects (measured by the ending fund balance) are demonstrated in the comparison between the Revenue Stabilization Fund and Permanent Fund5%.

There are also cautionary tales from our empirical analysis that are relevant to practicing professionals. States have levers for smoothing revenue streams; however, the structure of special revenue funds should balance short and long-term fiscal discipline. This is critical since low energy commodity prices are predicted to continue and production is falling as oil and gas development becomes a less viable economic activity in several energy states. While short-term economic effects are already being felt in states like Alaska, Louisiana and Oklahoma, the long-term prospects for the industry do not suggest a short-bust cycle (Brown, 2015).

There are bodies of literature examining the preservation of capital related to revenues derived from public land endowments and agricultural commodities, but scant analysis of the long-term versus short-term revenue allocation tradeoffs. In addition, the tobacco settlements received by the states have often been structured with an eye to ensuring long-term benefits in favor of short-term withdrawals. Future research could extend this analysis to determine the efficacy of the various state by state strategies for tobacco settlements as well as other earmarked revenues from new revenue

STATE-LEVEL CHOICES FOR NON-RENEWABLE
RESOURCE REVENUE FUNDS

sources such as lotteries, pari-mutuel gambling, casino gaming revenues and marijuana taxes (recently authorized in 28 U.S. states). What this research demonstrates is that the fiscal outcomes from political choices can have wide reaching and long-lasting effects.

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RESOURCE REVENUE FUNDS

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EXIT POLLING: FIELD RESEARCH AND PEDAGOGICAL BENEFITS OF COMMUNITY ENGAGEMENT

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This article explores how bringing students into the research process provides pedagogical benefits for undergraduate students, while also offering faculty original data collection opportunities to further their research agendas. The data described in the article come from an Election Day exit poll fielded by sixty-one students in twelve diverse precincts in Oklahoma City and capture over 1200 voters. Response papers from students demonstrate the educational benefits of involving students in research, which cannot be easily replicated in a traditional classroom environment. Bivariate regression analysis of several 2016 state questions demonstrates the quality and utility of the data collected by students: the analysis shows that voters' support for reclassifying certain non-violent felonies as misdemeanors is negatively associated with anti-Black racial attitudes; that preferences for lower levels of regulation did not drive support for the so-called alcohol modernization initiative; and that the repeal of the ban on spending public money on religion was not particularly popular—even among the most religiously observant voters in the sample. In total, this article shows that when faculty merge their research agendas with their teaching priorities, they can accrue significant gains in both areas.

INTRODUCTION

University faculty have two primary, and often-competing, interests: research and teaching. With limited time and resources, faculty must decide how to appropriately balance these two concerns. Particularly at research universities where tenure is decided largely on the basis of research productivity, teaching can be given short shrift. However, by incorporating students into the research process, faculty can bridge these two potentially disparate parts of their jobs with positive outcomes for both. This paper examines how training students as field researchers for an election exit poll provides positive learning benefits that may be difficult to achieve in a traditional classroom, while simultaneously offering research opportunities for faculty with relatively few monetary resources. In total, the results of this study demonstrate the academic benefits of this type of methodology for both researchers and students. This approach facilitates a more comprehensive understanding of how voters behave regarding ballot initiatives; going beyond “how they voted” questions, this type of research can provide a better understanding of why voters approved or rejected particular policies.

CAN WE COLLECT A HIGH QUALITY SAMPLE?

Exit polls have long been a staple of election coverage in the United States. Well-designed exit surveys of voters provide accurate projections of vote outcomes in the hours before the polls close and ballots are counted (Mitofsky and Waksberg 1989). In the 2016 Presidential Election, exit polls were used throughout the primary process to describe how demographic groups voted in particular states and to infer which candidates might advance to the general (Cohn 2016; Jones 2016). However, the potential benefits of exit poll methodologies extend beyond calling election results. Political scientists utilize exit poll surveys to analyze how voters make their decisions (Abramowitz and Saunders 2008; Carsey 1995; Carsey and Wright 1998; Druckman 2004; Lupia 1994). And, exit polls provide an excellent opportunity for students to learn the rich context in which political science research is conducted, through the lens of a more active form of learning.

Community-based learning (CBL) encompasses a range of activities outside the traditional classroom, which complement academic material learned in the classroom. CBL activities include “academically based community service, civic education, environmental education, place-based learning, service learning and work-based learning” (Melaville, Berg, and Blank 2006, 2). Research on CBL shows that engagement in these activities is associated with a plethora of positive outcomes, both academic—higher grades, increases in academic achievement and relevant knowledge, decreased behavioral issues, reduced dropout rates, higher attendance—and civic—connection to community, civic and social responsibility, advanced life skills, increased political efficacy, knowledge of current events, and decreased prejudice (Astin and Sax 1998; Astin, Sax, and Avalos 1999; Balazadeh 1996; Bringle and Kremer 1993; Dalton and Petrie 1997; Eyler and Giles 1999; Fenzel and Leary 1997; Gorman, Duffy, and Heffernan 1994; Heldman and Israel-Trummel 2012; Hones 1997; Hughes, Bailey, and Mechur 2001; Kirby 2001; Knee 1999; Oliver 1997; Yates 1999).

The 54 undergraduate participants in the 2016 Oklahoma City exit poll completed open-ended post-election reaction essays, which were used to assess the effects of students’ CBL exit polling experiences. Students were asked to reflect on their experience, but were free to interpret that prompt broadly. Some essays provided general impressions related to conducting field research, while others focused more upon how the experience had shaped their feelings about government, and views toward voters. Altogether, the student reactions provide a picture of active learning and a desire for further political engagement that is much more difficult to achieve within the classroom.

The most common reaction from students was to cite what they had learned about social science research. Their reactions exhibit positive student learning outcomes as the result of incorporating activities that cater to a “bodily-kinesthetic,” e.g., hands-on, learning style (Campbell, Campbell, and Dickinson 1996; Gardner 1983; Johnson, Johnson, and Smith 1991). For example, some students noted their

surprise at how much effort goes into a systematic survey of voter attitudes:

Over this semester I have learned a lot about surveying and research. Being a part of it live and in the field is so much different than reading about it.

I think it is such a great thing that professors are able to include students in their research; hands on experience gives students much more of an insight to their field of study than a lecture can. Through this interactive exit polling course, I was able to learn and take away a lot both from the time I was able to spend exit polling, as well as the time spent in the classroom.

These students emphasized the novel experience of engaging in interactive forms of learning, which they then compared to their classroom learning experiences. Their enthusiasm towards the multiple approaches to learning survey research offers an important lesson to instructors who aim to meet the needs of students' "multiple intelligences" (Campbell, Campbell, and Dickinson 1996; Gardner 1983). By offering diverse types of instruction that can cater to various student-learning styles, college educators can reach students who exhibit learning styles that do not match up with the classic classroom lecture format (Fox and Ronkowski 1997). When presented with different styles of instruction, greater and more meaningful forms of student learning can therefore occur.

Other students offered more specific insights into what they had taken away from the survey design aspect of the course. For example, one student noted:

When we went through the surveys beforehand, we had to ask ourselves if a question would come off as offensive, if a question was worded correctly, if a question was too confusing or redundant. I learned that how the poll is developed can shape how the responses come in, and I discovered ways to create

questions that will yield the least biased results possible.

While many students described their surprise at the intricacies involved in crafting valid survey questions, several students also described what they had learned about effective survey sampling strategies. At first blush, sampling for the exit poll seems a simple enough task, as one student comically remarked, “it meant counting to two...and possibly having to face rejection (which I most certainly did).” However, this simple counting process comes with a variety of challenges, one of which involves limiting one’s own biases towards more familiar survey respondents. One student detailed the difficulties involved once sampling is taken from the classroom to the field:

Regarding the research component, I was most caught off guard by how hard the “every second person” rule could be. It was interesting noting the difference between my impulse and following this pattern. It definitely made me more aware of my implicit bias when I found myself requiring more confidence and effort to approach men than women as well as older people versus younger people. If I had listened to those somewhat subconscious impulses, my data would have been far more skewed and not as unbiased which isn’t something I’d ever thought about before.

Pairing classroom instruction with active CBL had an undeniable influence on the ease with which students were able to learn complex concepts related to survey research methodology. Research shows that not all students learn well from traditional lecture formats (Fox and Ronkowski 1997; Gardner 1983). Classroom time was valuable, yet as one student commented, “being in the field and actually giving people the survey made me feel like I am vested in it.” The active learning environment seems to have increased student enthusiasm for conducting research, accelerating the process of learning.

Some students also seemed substantially and positively affected by the hands-on exit polling experience beyond the course’s methodological

component, with many students admitting that the experience made them question previous stereotypes they held about Oklahoma voters as well as other social groups. In stark contrast to some students' initial perceptions of Oklahoma citizens as unkind and intolerant, by the end of the course many initially cynical students remarked on the incredible kindness and community-oriented behaviors they observed:

I will remember the expectations that I brought and how many of them were wrong. I will remember with the utmost certainty the kindness of the people of our state no matter what we go through.

It was almost comical how normal the voting process appeared when compared with the madness, volatility, and passion that had marked the candidates' campaigns. It was honestly somewhat unnerving to see all these very regular, subdued, people enter and exit the church without any trace of the anger or fear that had fueled nearly everyone's interactions and opinions for the past year.

The entire day was an eye opening experience for me personally, because it gave me a sense of belonging to my community, the political science department, The University of Oklahoma, Oklahoma City, a registered voter casting my ballot on Election Day, and being a part of important research that may not come around again in my lifetime.

Students came away from the polling experience with a newfound respect for Oklahoma voters and the voting process. Moreover, the comments here further reflect an activated sense of belonging on the part of several students who started out less excited to engage with the community. The student reactions here mirror important research that demonstrates student exposure to diversity positively influences engagement levels with groups that differ from one's own ingroup (Antonio et al. 2004; Lopez 2004; Denson and Chang 2009).

Many students also wrote about their surprise at the diversity of people and views in Oklahoma City, which challenged their previous perceptions of Oklahomans as homogenous, White, and, as several students stated, “ultra-conservative.” One Black student detailed a surprising interaction with an older White voter:

One gentleman came to me with his survey to ask who the Democratic candidates were for Congress stating, “I don’t know who all these are! I just went straight Democrat down the ballot!” Then he hugged me and gave me pat on the shoulder, which all seemed strange coming from a 60+ year old white man in Oklahoma.

The student then went on to remark that exit polling research could be used to uncover the diverse views that exist in Oklahoma, beyond the “common ‘ultra-conservative’ perception.” Similarly, other students noted how their perceptions regarding Oklahoma voters were challenged throughout the exit polling experience. One student’s reaction mirrors many of her peers’ surprise about Oklahoma City’s diversity and community-oriented nature:

This experience in Oklahoma City definitely introduced me to a part of Oklahoma City that I had never been to before. This particular community was interesting because you could certainly feel a sense of community within the area. Many of the voters seemed to know each other or have no problem conversing with one another. Going to a part of Oklahoma City that I had never been to before showed me that the city does have a group of diverse opinions and people.

Many students expressed similar positive reactions to interacting with people of different races, a novel experience for at least one student:

I noticed a lot of African American couples, alongside some Hispanic families... All in all, being able to see

the various types of people who were expressing their right to vote was new and interesting to me.

This comment magnifies the importance of teaching students to interact with people who differ from them. Engagement with diverse persons remains a crucial skill for effective public servants and political leaders, who are tasked with solving important political problems through collective action and engagement with a variety of different populations. It is unclear how quickly this student would have been able to gain a knowledge and potential appreciation of the diversity of American voters and her local community with classroom instruction alone.

Generally, each of these students expressed surprise that their views about Oklahoma had changed as a result of conducting field research in a new community. This finding is consistent with existing research on the positive effects of CBL. Research shows that community engagement in the college years is associated with decreases in endorsements of racial stereotypes, greater awareness of racism and inequality, and improved cross-cultural understanding (Bingle and Kremer 1993; Dalton and Petrie 1997; Heldman and Israel-Trummel 2012; Hones 1997).

A handful of students additionally expressed interest in public service professions as a result of their participation in the course, illustrating a substantial impact of the course's CBL format to encourage political leadership and civic engagement. These reactions are consistent with findings from Heldman and Israel-Trummel (2012), but are striking given the much shorter amount of time spent in the community for exit poll research compared to the higher stakes community engagement in that research. The impact on at least two students suggests that even short time spent engaging with the community, when coupled with classroom academic learning, can positively affect career trajectories and foster political interest:

Personally, this research made me think about politics as a possible career. Being "in the field" talking to voters and seeing how impassioned many of them were about issues, without even asking, was a great

BENEFITS OF COMMUNITY ENGAGEMENT

feeling. This project gave me a newfound respect for our political process and the people involved in it.

This experience was by far one of my best college experiences I have had. I feel like I learned more from this experience than I have from any other classes I have ever had. Being out in the field and learning how to relate to people and how to collect data made me realize that this is something I could see myself doing as a career.

Meanwhile, another student became passionate about issues of polarization as the result of the course, which caused her to apply to a non-profit whose mission is to combat problems of partisan polarization:

Because of this independent study I have applied for a research internship in D.C. with a non-profit called No Labels. I would have never thought of doing that before this class, so I am pleased to find something I could potentially be very passionate about and carry out throughout my whole life.

Importantly, these comments exhibit the degree to which the CBL-based exit polling course, consistent with other forms of CBL, was transformative in its ability to increase efficacy on the part of students (Astin, Sax, and Avalos 1999; Eyler and Giles 1999; Gorman, Duffy, and Heffernan 1994; Heldman and Israel-Trummel 2012). Their remarks show that by taking part in a hands-on exit polling experience, many students gained an elevated sense of institutional trust and empowerment. This is a starkly different finding from research on high-cost forms of CBL, which can increase political efficacy while simultaneously decreasing trust in government institutions (Heldman and Israel-Trummel 2012). It appears that this type of CBL fosters efficacy, while also solidifying pro-democracy views. Participating students related that they felt they could make a difference by working through the government and/or by engaging in political advocacy. Similarly, other students did not necessarily feel compelled to link the

experience to a potential career trajectory, but still held this same enthusiasm for democratic citizenship:

I was most affected by the presence of children at the polling place, huddled around the legs of their parents, or in a stroller or someone's arms. It struck me this is what is so highly necessary to continue the American tradition and legacy of democratic freedom.

While in the field, seeing the voters really was inspiring because these people cared so much and went out of their way to ensure their voice was heard. As long as the people of this country see the importance and value of our government, I will educate myself in working to make it a better one. To better the government so that it is more representative of the needs of not only the majorities but also the minorities. I believe research like this has the opportunity to do just that and I am very proud to have taken part in it this semester.

As the student reactions to participation on Election Day illustrate, including students in the research process promoted civically-oriented views of their government and surrounding community. This is a crucial achievement, as Checkoway (2001) notes that faculty members at research universities often study civic disengagement, but rarely attempt to provide solutions to the declining civic engagement of students. CBL not only presents students with an opportunity for deeper engagement with political science scholarship and research, but also allows them to reflect on the value of democratic freedom, the voting process, and community diversity and closeness. CBL-based courses such as the one presented in this paper can shift the priorities of higher education institutions in favor of embracing a civic mission, which should be a primary concern of institutions and individual faculty members who are tasked at educating well-rounded democratic citizens (Boyt and Kari 1996; Mathews 1997). Having discussed the merits of CBL, both in general and in reference to

student reactions, this article now turns to a discussion on student training and preparation for fieldwork, which is followed by a discussion of sampling and a presentation of research findings.

TRAINING STUDENTS FOR FIELD WORK

The exit poll survey was conducted on the day of the 2016 Presidential Election in Oklahoma City from the time polls opened until they closed. The sample includes over 1200 voters across twelve precincts and eight polling locations. To execute the poll, 54 undergraduate and 7 graduate students from the University of Oklahoma were recruited. The undergraduate students received course credit for completing IRB-mandated human subjects research training through the Collaborative Institutional Training Initiative (CITI), attending three instructional sessions, conducting the exit poll on Election Day, and attending a data entry session. In total, students received between 10 and 12 hours of instruction, some in-person and some online. While the authors were at the polling locations collecting data all day, each undergraduate typically recruited respondents and offered initial explanations of the survey for two to four hours.

In the mandatory field training sessions, students learned about the questions on the survey and discussed best practices for question wording, practiced a randomizing mechanism used to select potential respondents, learned when to direct a participant with questions toward one of the authors or supervising graduate students, and practiced interacting with several different types of respondents. The latter practice was particularly instrumental in quickly identifying and resolving pollster idiosyncrasies, with the aim of having consistent survey delivery across all pollsters and polling locations. Both paper surveys and electronic surveys administered on tablets were used to increase the number of respondents. All surveys were self-administered by respondents rather than completed face-to-face in order to comply with Oklahoma election law and to decrease social desirability bias (Bishop and Fisher 1995; Traugott and Price 1992).

In accordance with the general standard in survey-based data collection, this exit polling effort aimed to acquire a high quality sample of voters. To that end, undergraduate survey enumerators were trained to randomly approach every other voter who exited the polling location and attempt to recruit them into the sample. This approach helps ensure random selection, although it is difficult to be certain that everyone was equally likely to agree to participate in the survey. The next section of this article evaluates the success of the sampling procedure by comparing the exit poll sample to the population of registered voters in the selected precincts.

COLLECTING A HIGH QUALITY SAMPLE

In the interests of collecting a racially diverse sample of voters in Oklahoma City, the exit poll made use of the city's racial segregation. Examination of precinct maps and maps of racial demography were used to select four types of precincts: predominantly Black, predominantly Latino, predominantly White, and racially mixed. The survey was offered in both English and Spanish, and there was at least one Spanish-speaking pollster at every Latino precinct throughout the day. While undergraduate survey enumerators were trained to follow a randomization mechanism, uncertainty regarding the quality of the sample remained as participants may not be equally likely to agree to participate and as enumerators may make mistakes. However, by comparing the demographics and presidential vote choice of the sample to known population characteristics, the usefulness of the sample can be inferred.

The partisanship of the sample—measured by asking respondents with which party, if any, they are registered—was compared with the known partisan registration at each precinct type. While each precinct is in the urban part of Oklahoma City, the precinct types vary dramatically in terms of partisanship, with Republicans only comprising a majority in predominantly White precincts. This is unsurprising given the continuing relationship between race and partisanship in the United States, even as increasing numbers of voters prefer to identify as independents (Hajnal and Lee 2011; McDaniel and Ellison 2008; *Pew Research Center* 2015). Table 1 shows the estimates, pooling together each precinct type from the registration

BENEFITS OF COMMUNITY ENGAGEMENT

statistics provided by the Oklahoma County Election Board. Overall, the estimates are quite close to the precinct population. Sampling of Democratic voters is never greater than 7.19 percentage points different from the population, and sampling of Republican voters is always within at least 5.47 percentage points of the population. Additionally, even if the sample were a perfect representation of who showed up to vote, it might not perfectly match registration numbers as turnout rates could vary across partisanship.

Table 1
Explaining Voter Behavior on Three State Questions

Precinct Type	% Dem. Registered	% Rep. Registered	% Dem. in sample	% Rep. in sample
Black	78.44	11.37	74.24	15.40
Latino	50.64	24.73	57.35	24.17
White	32.03	56.73	39.22	51.26
Racially mixed	51.53	27.20	58.02	23.15

Party registration population statistics come from the County Election Board. Sample statistics come from a survey question, which asked respondents about their partisan voter registration. Percentages do not sum to 100 because voters can also register as Libertarian or non-affiliated.

Next, the presidential vote by precinct was compared to sample estimates. Eight sampled precincts shared a polling location and voters from the two precincts that voted together cannot be differentiated. Therefore those sample estimates were pooled but then compared to the known population parameters. Table 2 shows that the estimates tended to be positively biased for Hillary Clinton and negatively biased for Donald Trump. In other words, it appears that Clinton voters were somewhat more likely to agree to participate in the survey

than Trump voters.¹ However, these biases are relatively small, with Clinton support overestimated by 3.46 percentage points and Trump support underestimated by 4.30 percentage points. The average bias on the estimation of Gary Johnson's vote share is less than 1 percentage point.

Table 2

**Exit Poll Presidential Vote, Precinct-Level Results
and Survey Estimates**

Precinct	Clinton Vote	Trump Vote	Johnson Vote	Clinton Estimate	Trump Estimate	Johnson Estimate
66	77.10	18.50	4.40	1.88	- 4.30	2.42
99	55.00	37.70	7.30	-9.51	7.79	1.72
100	58.40	33.50	8.10	-12.91	11.99	0.92
196	47.30	45.10	7.60	16.99	-17.72	0.73
201	64.20	26.20	9.60	9.80	-8.20	-1.60
202	60.60	30.80	8.50	9.83	-10.96	1.23
203	62.60	25.90	11.50	7.83	-6.06	-1.77
206	63.40	30.00	6.60	10.28	-6.32	-3.97
211	58.20	34.90	6.90	3.44	-4.08	0.65
212	51.30	41.17	7.10	10.34	-10.88	0.45
241	81.70	12.10	6.20	3.15	-6.04	2.89
243	94.50	2.90	2.60	-9.65	3.16	6.49

Precinct vote results in Table 2 above come from *Oklahoma Watch*. Our results pool together eight precincts into four 99/100, 202/203, 211/212, and 241/243 because those sets voted at the same location. Therefore the estimates for those polling places do not match the precinct vote results as closely. Overall, we overestimate Clinton's vote share by 3.46 percentage points and Johnson's by 0.85 percentage points, on average. We underestimate Trump's vote by 4.30 percentage points, on average.

¹ An alternative explanation would be that Trump voters were more likely to vote early and therefore the sample was unable to capture this part of the population on Election Day.

The evidence suggests that it is possible to capture a high quality sample of voters using an exit poll survey with well-trained student enumerators. However, the study aims included not only whether data reflects vote totals, but whether this data can provide an *explanation* of voters' decision-making calculus. To test this possibility several of the state questions that appeared on the ballot were examined.

USING EXIT POLL DATA AS RESEARCHERS

In 2016 Oklahoma voters were asked to decide whether to amend the state constitution or laws in seven different state questions ranging from creating a new constitutional right to farm to reclassifying some non-violent felonies as misdemeanors. Analysis of three state questions demonstrates how exit poll data can be used to help explain voters' decision process on these nonpartisan ballot initiatives.

State Question 780 proposed reclassifying certain non-violent felonies as misdemeanor offenses. While this applied to some property crimes, it was widely discussed as a reclassification of drug crimes; State Question 780 was coupled with State Question 781, which would apportion money for increased drug treatment if SQ 780 passed. Proponents of the measure argued that this was the best strategy for reducing prison overcrowding in a state with the second highest imprisonment rate in the country, the highest imprisonment rate for women, and the highest per capita imprisonment of African Americans in the United States (Cosgrove 2017). Opponents, which included many district attorneys and the Oklahoma Association of Police Chiefs, argued that law enforcement needed to retain the ability to incarcerate drug offenders to prevent violent crimes, and that SQ 780 would be too liberal for the state (Green 2016; *Oklahoma Gazette* 2016; *Tulsa Beacon* 2016). To the surprise of many observers, SQ 780 passed with 58% of the vote.

Oklahoma voters were also asked to decide whether to repeal Article 2, Section 5 of the state constitution, which bans public money from being spent on religious purposes. State Question 790 was introduced

in the wake of the Oklahoma Supreme Court ruling that the presence of a Ten Commandments monument on state grounds violated Article 2, Section 5 (Wendler 2016). The ACLU announced that if SQ 790 passed, they would immediately challenge it in court (Wendler 2016). Two weeks before the election, Senator James Lankford (R) and Lieutenant Governor Todd Lamb (R) authored an opinion article in the *Tulsa World* comparing Article 2, Section 5 to Jim Crow laws in their discriminatory intent and effect, and urging Oklahomans to vote “Yes” to expand religious freedom (Lankford and Lamb 2016). Despite Oklahoma’s large population of self-identified religiously observant citizens, SQ 790 ultimately failed, garnering only 43% of the vote.

One of the most widely discussed state questions on the November 2016 ballot was the so-called alcohol modernization initiative. State Question 792 would allow for the sale of full-strength beer and wine at grocery stores, including on Sundays. SQ 792 largely pitted grocery store owners, liquor distributors, and consumers against liquor store owners. Arguments in favor of SQ 792 centered on increased free market competition to benefit consumers and modernizing state laws to match other U.S. states (Jolley and Bice 2016; *Yes on 792*). Those in opposition argued that the state question would benefit large corporations and would damage local businesses (Kringen 2016). Ultimately, SQ 792 passed with nearly two-thirds approval.

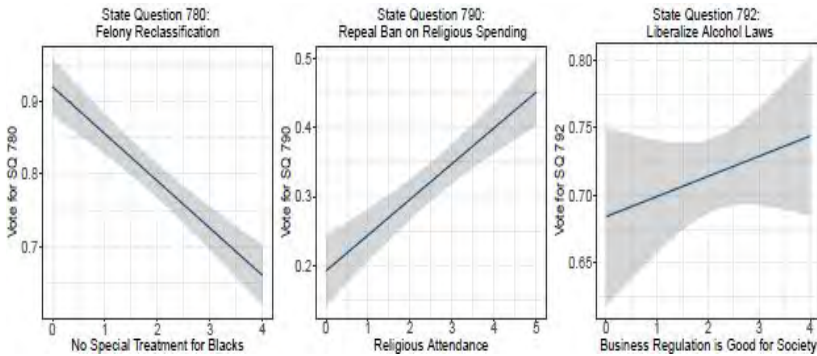
Several of these results were surprising to political commentators. Why did generally conservative Oklahoma voters decide to soften drug laws? Why did mostly religious voters opt to keep Article 2, Section 5 of the constitution? What led voters to change longstanding limits on the sale of alcohol? Exit poll data allows analysis of what contributed to these decisions. First, the vote on felony reclassification (SQ 780) was examined in relation to anti-Black attitudes. Political science research demonstrates that issues that are associated with particular racial groups activate racial attitudes in political decision-making (Gilens 1995; Gilens 1996; Hancock 2004; Nelson and Kinder 1996; Winter 2005, 2006, 2008). Drug use is one such issue. While Whites use and abuse drugs at similar, if not higher rates, than people of color, drugs have long been associated with racial minorities, particularly Black Americans (Alexander 2010; Israel-Trummel and

Shortle n.d.; Murakawa 2011; Reeves and Campbell 1994). This association fuels attitudes toward drug punishment, policing, and incarceration (Eberhardt et al. 2006; Gilliam and Iyengar 2000; Green, Staerkle and Sears 2006; Israel-Trummel and Shortle n.d.; Peffley and Hurwitz 2002; Unnever and Cullen 2007). Therefore, while most of the debate about the ballot initiative was not explicitly about race, an association between anti-Black attitudes generally and the vote on SQ 780 might be anticipated.

Figure 1 employs linear smoothed regression to show the relationship between respondents' racial attitudes and vote on SQ 780. To measure anti-Black racism, respondents were asked to consider the following statement: "Some people think that blacks have been discriminated against for so long that the government has a special obligation to help improve their living standards. Others believe that the government should not be giving special treatment to blacks. Where would you put yourself on this scale?" Respondents then place themselves between 0 ("government should help") and 4 ("no special treatment"). Importantly, this measure does not capture attitudes about drug use or punishment, but rather focuses on the relationship between African Americans and the government. This measure captures a type of racist attitude known in the literature as "racial resentment." In comparison to old-fashioned, biologically justified racism, racial resentment captures the idea that, "government had been too generous, had given blacks too much, and blacks, for their part, had accepted these gifts all too readily... Blacks should work their way up without handouts or special favors in a society that was now color-blind" (Kinder and Sanders 1996, 105). Figure 1 shows clearly that there is a strong and significant relationship between these two variables. As anti-Black attitudes rise, the probability of voting for SQ 780 declines by over 20 percentage points. While this analysis cannot show that racial attitudes caused voters decisions on SQ 780, this is evidence of a strong association between racial resentment and vote choice. This finding provides evidence that the success of this state initiative appears to have been driven by voters with significantly lower levels of anti-Black racial resentment. This helps explain why voters chose to reclassify some non-violent felonies. It is possible, however, that other issues—such as the costs associated with prison overcrowding—

may have also played a significant role in voters' decision-making in the context of this initiative. As the exit poll did not include questions that would address alternative explanations such as this one, the findings cannot speak to this possibility. It would be worthwhile to pursue this and other competing explanations in future research endeavors to understand the conditions under which citizens are likely to support efforts to shrink the carceral state.

Figure 1



The exit polling results also help to explain the failure of SQ 790, which called for the repeal of the ban on public expenditures on religion in a state with heavy religious observation. Regressing SQ 790 vote choice on religious attendance shows that religiosity certainly mattered for voters' decision-making. Those who attend religious services most often were approximately 45 percentage points more likely to vote for the repeal compared to those who never attended services. However, even among those who attend most frequently, the measure failed to garner even 50% of the vote. The data provide evidence that while religious attendance shaped support for the initiative, the initiative was not very popular even among the most faithful voters.

Finally, the results provide insight into how regulatory attitudes shaped support for SQ 792, the alcohol modernization initiative. *Ex ante* analysis might predict that support for this state question would

be associated with anti-regulatory attitudes, as the law would increase the number of vendors who could sell beer and wine and remove restrictions on Sunday sales. Moreover, the Yes on 792 Campaign often used free market rhetoric to argue for the benefits of the initiative. Therefore, support for SQ 792 was regressed on attitudes toward regulation. To measure regulatory attitudes, respondents were asked, “How much government regulation of business is good for society?” Respondents answer on a scale ranging from 0 (“none at all”) to 4 (“a great deal”). Figure 1 reveals a surprising relationship between regulatory attitudes and SQ 792 vote. Voters who prefer greater regulation were slightly more likely to vote for the initiative than those who prefer less, although the difference is not statistically significant. This suggests that the free market rhetoric used by the SQ 792 campaign may not have been key to its passage. Indeed, across all levels of preference for regulation, more than two-thirds of voters in the exit poll sample supported the initiative.

In total, these regression results help identify possible explanations for how voters made their decisions on ballot initiatives in November 2016. Further tests could be performed on this data to analyze voter decisions. This type of analysis is impossible to perform with national survey data, as voters in each state are asked to make decisions about different policy outcomes. At the national level voters decide on candidates, but never particular policies. Election returns alone within states are also insufficient. This data may show how states or even precincts voted, but this does little to *explain* the vote. Only by sampling voters within one state and capturing vote choice in addition to political opinion can researchers begin to understand how political attitudes translate into particular policy preferences.

This research demonstrates a fruitful avenue for gathering original data at relatively low cost in order to gain insight into how voters’ decision-making reflects their political attitudes. Future efforts would do well to expand the range of questions to examine voters’ level of familiarity and agreement with the major arguments made by the proponents and the opponents of the ballot initiatives. The questionnaire used in the 2016 exit poll did not include such questions and thus the explanations offered for why voters supported the

three initiatives are necessarily limited. In the future, researchers from universities across Oklahoma and in surrounding states could partner together to conduct exit polls with a core of identical survey content in their own cities to provide for comparisons across the region. Finally, a sustained effort to conduct an exit poll during every major election would provide valuable longitudinal data at the precinct level and could provide insight not only into why and how voters decide to vote on particular initiatives but also how their opinions change over time.

Finally, the use of the original data generated by the exit poll is not limited to faculty. Undergraduate students have used the exit poll data in several other courses in the Political Science department at the University of Oklahoma. Most notably, in a sophomore-level American politics course, fifty-two undergraduate students so far have developed and tested their own hypotheses using the data their peers helped collect. Others analyzed the data in their capstone research papers, which are a part of the course that concludes their undergraduate education as Political Science majors. The option of performing their own analysis session original data provides the students with the opportunity to fully engage in the process of producing knowledge from start to finish. This deepens their engagement with political science research and encourages them to produce good work themselves; an award-winning paper written by a second-year student attests to that potential.

CONCLUSION

Exit polling offers an exciting opportunity for social scientists in Oklahoma and elsewhere, providing unique opportunities to collect original data at relatively little overhead cost. Such an approach can generate deeper insights into how voters make decisions on policy initiatives. Linking political attitudes to policy preferences is not possible at the national level, where voters only decide on candidates and not particular policies. Capturing political opinion and vote choice at the state level, in contrast, presents an excellent opportunity for scholars to learn more about how voters' political and policy attitudes translate into policy preferences (Abramowitz and Saunders 2008;

Carsey 1995; Carsey and Wright 1998; Druckman 2004; Lupia 1994). This paper contributes to this body of research in political science by demonstrating how students can be brought into the research process to allow for excellent data collection while enhancing the educational opportunities available to undergraduates.

The analysis of the exit poll data demonstrates that faculty can work with students to collect high-quality data that allows researchers to understand voter decision-making. The analysis suggests that the passage of the state initiative to reclassify certain non-violent felonies as misdemeanors may have been driven by voters with low levels of anti-Black racism (State Question 780). The study also demonstrates that although religious attendance shaped support for a repeal of the ban on public money being spent on religion, this initiative was not particularly popular even among most religiously observant voters (State Question 790). Finally, the result that the alcohol modernization initiative garnered support not only from voters who prefer lower levels of regulation but also by those who prefer more regulation suggests that the free market rhetoric used in the pro-initiative campaign may not have led to its passage (State Question 792).

Additionally, election exit polling provides a unique teaching opportunity for social scientists looking to blend their research agenda with their teaching responsibilities. Students' reactions demonstrate the numerous advantages of CBL. Practical engagement led to a deeper understanding of the process of political science research and enhanced the ability to teach challenging concepts in survey design and implementation. A number of students confronted their preconceived notions about Oklahoma voters and tackled their own negative stereotypes. For many, active participation in exit polling led to increased respect for the voting process, and, for a handful, to a desire to pursue a career in civic engagement or public service. In addition to helping us gain valuable insight into Oklahomans' support for policy initiatives, election exit polling helped students graduate from being consumers of knowledge to being active participants in its production.

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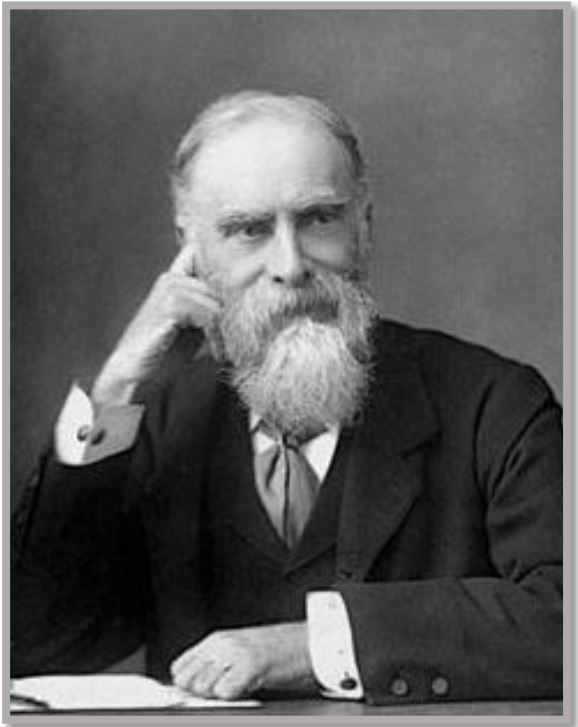
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**OKLAHOMA IN JAMES BRYCE'S
*THE AMERICAN COMMONWEALTH***

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Editor's Note: *Oklahoma Politics* will occasionally publish a paper that has appeared in another publication. We do so only when a submission meets a high standard of scholarship, is relevant to the political history or current political environment in Oklahoma, and when we believe our readers will benefit by the insights and information contained in the paper. We believe this submission meets those standards. The paper by Dr. Taylor was originally published in the Summer 2014 edition of *Oklahoma Chronicles* (vol. 92 no. 2).

Of all the eminent Victorians, none had a closer intimacy or greater bond with America than the jurist, historian, and politician James Bryce (1838–1922). Bryce was also the first author to produce a classic work on American politics that included a discussion of Oklahoma. Born to Scottish parents in Ulster, Ireland, he attended the University of Glasgow before accepting a scholarship to Oxford in 1857, where he distinguished himself as a student and joined the ranks of the advanced liberals who



James Bryce 1893

sought to carry out significant reforms in Britain. While his refusal to embrace the Thirty-Nine Articles of the Church of England prevented him from proceeding beyond the bachelor of arts, he did obtain a fellowship that allowed him to study abroad and later train for the bar in London. In 1863 he won a prize for his book *The Holy Roman Empire*, a critical success that made his reputation as a scholar. Called to the bar in 1867, he began contributing to liberal periodicals on a variety of topics while lecturing in law at Manchester. Bryce was particularly interested in educational reform and actively lobbied to open all university positions to non-Anglicans, a goal achieved with the repeal of the Test Acts in 1871. On the basis of his scholarly and political credentials, Bryce was appointed Regis Professor of Civil Law by William Gladstone, the future “Grand Old Man” who would dominate British reform politics in the latter part of the century.

None of his many academic appointments kept Bryce from frequent travel and an active literary life. Shortly after receiving the Regis chair in 1870, he was off to the United States with A. C. Dicey, his friend and a famed legal scholar. Welcomed into the best society, Bryce met with the elite of Harvard and such literary lions as Emerson, Longfellow, and Lowell. He also became acquainted with E. L. Godkin, the Irish émigré and editor of the reform-minded *The Nation*, who engaged Bryce to contribute weekly articles on British politics. Upon his return to England, Bryce began writing on American politics as well, including a lecture on “Flexible and Rigid Constitutions,” a comparison of written (American) and unwritten (English) constitutions that would later become a classic of comparative government.

For the next decade Bryce divided his time between teaching, travel, writing, and politics. In 1880 he was elected to Parliament where he would sit for the next twenty-six years, initially as a protégé of Gladstone, the new Liberal prime minister. Between his election to the House of Commons and his appointment as undersecretary of state in 1886, Bryce made two more trips to America, one in 1881 that took him as far as California, and a second in 1883 that included a stay in Hawaii. It was during this second trip that he began collecting materials for a book on the United States, an idea urged by Gladstone in the interest of improved Anglo-American relations. Since the appearance of Alexis de Tocqueville’s *Democracy in America* a half-century earlier, no foreign observer (or, for that matter, no American) had attempted to provide a comprehensive survey of the political and social institutions of the world’s only extensive republic. An avid compiler with

an inquisitive mind, Bryce was aided in his efforts by a vast network of American acquaintances who honored his many requests for materials and information. He also personally spoke with hundreds of individuals—from the highly placed to the man in the street—and corresponded with many others. Bryce later claimed that five-sixths of the raw material for his book was derived from such conversations. With his vast notes and literary cargo, Bryce sailed for England and began the arduous task of imposing order on the amorphous body of materials. The result was an epic in three volumes entitled *The American Commonwealth*, published in December 1888.¹

Bryce's book was both a popular and critical success in England and especially in the United States. Reviewers attempted to outdo each other in praising its author as the volumes flew off the shelves and a second printing was required. Woodrow Wilson, then a professor of political science at Wesleyan University, called it a "a noble work possessing in high perfection almost every element that should make students of comparative politics esteem it invaluable."² Others were hardly less effusive.³ Gladstone, himself a classical scholar, called it "an event in the history of the United States, and perhaps in the relations of the two countries."⁴ Looking back a half-century after its publication, a noted American scholar echoed what had become a commonplace, observing that the "appearance [of *The American Commonwealth*] was without question an epoch in the development of political science."⁵ Two decades later it was still being hailed as a classic, and in the opinion of Columbia Professor Louis Hacker, "the greatest book written about this country."⁶

Naturally, it was compared to Tocqueville's *Democracy in America*, for in subject and scope it was an obvious successor to the Frenchman's peerless study. It was generally agreed that Bryce had given a more accurate and detailed, if less theoretically robust, picture of America than his predecessor. The historian Lord Acton, who was not uncritical of the work, believed that Bryce had "made a far deeper study of real life" in America than the stylistically superior Tocqueville.⁷ In fact, Bryce consciously distinguished his inductive, empirical approach from Tocqueville's deductive, theoretical approach, a distinction rooted in the

“scientific” methods that were reshaping the social sciences in the late nineteenth century. This is not to say that *The American Commonwealth* is devoid of generalizations and judgments—these can be found on nearly every page. Bryce was not, however, guided by the theoretical concerns that preoccupied the author of *Democracy in America*.

Bryce was most original in his analysis of political parties and the state governments.⁸ The former, including the notorious city machines of the Gilded Age, had hardly been touched by scholars and the era of muckraking journalism was just over the horizon. The latter had also been neglected and Tocqueville had said almost nothing about state politics. And so when he turned from the federal government to the states, Bryce found himself in “a primeval forest, where the vegetation is rank, and through which scarcely a trail has yet been cut.”⁹ Determined to carve out a path, he collected all the state constitutions and gathered as much information as he could on the thirty-eight states that formed the Union at that time. In his section on the states, one of six that make up the book, he included a chapter on the territories. In 1888 Oklahoma was neither state nor territory and went unmentioned, as did the semi-autonomous Indian Territory. But Bryce was not finished. For the next thirty years he would revise, update, and expand his *magnum opus* as the Western territories were transformed into states.

A substantially revised second edition of *The American Commonwealth* appeared in 1893. By this time Washington, Wyoming, Idaho, Montana, and the Dakotas had become states and Oklahoma had become a territory. Bryce revised his chapter on the territories to record these developments. Between his comments on Utah and New Mexico, he inserted the bare demographic and physical facts about Oklahoma, this “new Territory” created by act of Congress in 1890. There are two things of interest in this otherwise plain description. First, Bryce notes in passing that “part of this [Territory] is claimed by Texas,” a reference to the dispute over Greer County, located between a fork in the Red River, and organized by Texas in 1886.¹⁰ When the county was included as part of Oklahoma Territory in the Enabling Act, Texas officials challenged the decision, claiming an uncontested right of occupation since 1860. The US Supreme Court, on the basis of the Adams-Onís Treaty (1819), determined otherwise and awarded the disputed area to Oklahoma, a decision confirmed by Congress when it established Mangum as the seat of Greer County, Oklahoma Territory, in

1896.¹¹ That Bryce was aware of this obscure dispute years before it was adjudicated is indicative of his appreciation for *la petit fait*.

Bryce also noted the “considerable influx of negroes” into Oklahoma following the creation of the territory, “apparently with the idea of establishing an influence strong enough to enable them to hold their own against the whites better than they have been able to do in the Southern states.”¹² The absence of a discussion of Reconstruction and the plight of blacks in the South had been the most glaring oversight in the first edition of *The American Commonwealth*. Bryce sought to remedy the omission by including chapters on each subject in the second edition. While Oklahoma is not referenced by name, Bryce does chronicle the hardships and horrors faced by blacks in the South and the desire of many to migrate. Perhaps he was aware that even before the creation of Oklahoma Territory, blacks from both the South and Kansas had been slipping into Indian Territory, while others participated in the 1889 Land Run. Encouraged by boosters such as W. L. Eagleson and E. P. McCabe, thousands were lured by the promise of cheap land and greater security, as Bryce suggests. While blacks were never more than seven percent of the total population in the Twin Territories, many did establish themselves as independent farmers, and in other capacities, in all-black communities and elsewhere.¹³ The adoption of Jim Crow legislation and the “grandfather clause” following statehood in 1907 proved a bitter disappointment for these settlers and their descendants.

In the years between the first and second editions, Bryce not only retained his seat in Parliament, but found time to get married, travel again to America, and serve in the cabinet of Gladstone’s second government. He would return to the United States in 1897 and 1901 to refresh old acquaintances and observe first-hand the ongoing development of American society. Back in England he was active in educational reform, scholarship, and the cause of the persecuted Armenians. In 1905 he was made chief secretary for Ireland, but accomplished little for that troubled country during his brief tenure. His final political appointment—one that he was uniquely qualified to fill—began in 1907 when he was made Britain’s ambassador to the United States. It was in the spring of that year that Bryce visited Oklahoma for the first time, which was just then debating the merits of a newly drafted, but as yet unratified constitution. According to his

biographer, Bryce was greatly annoyed to learn that an Oklahoma paper had reported that the new British ambassador had expressed approval for the Oklahoma Constitution, a story that was reprinted in the larger American papers and ultimately in the British press. A fondness for Bryce in America kept this “indiscretion” from working much mischief, but in Britain his opponents viewed the *faux pas* as a lesson on the dangers of appointing scholastic politicians to high office. It must have given his countrymen pause when it was learned that Bryce had never made the remark—the comments were fabricated by an Oklahoma journalist who later admitted that he had never been within fifty miles of the ambassador!¹⁴

Word that Bryce had “endorsed” the Oklahoma Constitution could not have pleased President Theodore Roosevelt, who was strongly opposed to the document. (Roosevelt had been among those insiders whom Bryce had consulted for his book.) Roosevelt had visited Oklahoma in 1900 for a Rough Riders’ reunion and spoke in favor of statehood. As president he returned in 1905 for a hunting expedition and reiterated his support, specifically for a union of the Twin Territories into a single state.¹⁵ He had appointed the territorial governor and other Republican officials and hoped to keep Oklahoma in the GOP column. His hopes would be dashed when voters in the territories elected one hundred Democrats and only twelve Republicans to the state constitutional convention in 1906. The document crafted by the Democratic majority was too “radical” for the president, particularly in its populist and anticorporate aspects. He had his attorney general, Charles J. Bonaparte, draft a set of objections that were submitted to the leadership of the convention then in recess. Besides a few changes in wording, the reassembled delegates would make but one substantive alteration, deleting a provision for suspension of corporate charters in the case of appeals to the federal courts.¹⁶

Undeterred Roosevelt initiated an investigation into charges of gerrymandering by the Democrat-dominated convention. When no major discrepancies were found (although a new census was subsequently ordered), he approved the scheduling of the ratification vote, which would also elect the state’s first legislature, governor, and other officials. Still hoping to prevent adoption, he dispatched Secretary of War William Howard Taft to Oklahoma Territory to rally the opposition. On August 24, Taft addressed a group of dignitaries and citizens in Oklahoma City, where in a long harangue he excoriated the constitution as “a code of by-law” and “no Constitution at all,” repeating many of the objections voiced by

Roosevelt. Taft went on to malign the document as a species of “Bourbonism and despotism, flavored with Socialism.”¹⁷

The Democrats in Oklahoma responded to this unprecedented act of presidential meddling by inviting William Jennings Bryan to speak on behalf of the constitution. Bryan, a Nebraska senator and two-time presidential candidate famous for his impassioned oratory, was the guiding spirit behind the document and had taken a direct interest in its drafting and adoption. In a whirlwind tour of the Twin Territories, he gave no fewer than seven major speeches over the course of a week in early September. True to form, Bryan praised the document for the very qualities that Taft found most obnoxious and described it as “the best constitution in the United States today.”¹⁸ Apparently, the Oklahoma voters agreed with the “Great Commoner,” for on September 17 they approved it by a margin of more than two to one. Though Roosevelt considered the constitution “not fit for publication,” he signed the proclamation of statehood two months later making Oklahoma the forty-sixth state.¹⁹

The adoption of the Oklahoma Constitution occasioned a considerable amount of comment, both popular and learned.²⁰ A majority of the latter, penned by jurists and historians like Bryce, tended to disparage the document for many of the same reasons given earlier by Taft. As the British ambassador, Bryce was in no position to comment on domestic American politics, a fact he understood well before his “indiscretion” during the Oklahoma ratification contest. Yet in the revised third edition of *The American Commonwealth* published in 1910, he did make a number of general observations on Oklahoma’s new constitution which were used to illustrate the notable features of American state constitutions generally and the more recent Western constitutions in particular.²¹

The first substantive reference to the Oklahoma Constitution occurs in Bryce’s discussion of state bills of rights, “historically the most interesting part of these constitutions.” Bryce calls them “the legitimate child and representative of Magna Charta [1215], and of those other documents and enactments, down to the Bill of Rights [1689] . . . by which the liberties of Englishmen have been secured.”²² The notion that the American bills of rights were the lineal offspring of Magna Charta and its English

successors reflects one of the most distinctive traits of *The American Commonwealth* and Bryce's interpretation of the American political system. For Bryce, Americans were latter-day Englishmen, in spirit if not always in origin, and American political institutions were inspired by, if not strictly patterned on, English models. As one student of Bryce observes, "Deeply embedded in *The American Commonwealth* lie two crucial assumptions . . . : the first is the explicit concept of Anglo-American racial unity, and the second is the implicit understanding of the American as essentially an Englishman writ large on a new frontier."²³ Another maintains that "Bryce represented federal institutions as essentially English institutions adapted to American circumstances."²⁴ A third has declared that "Bryce had an ulterior motive to the objective description of America. . . . [The] adulation of England, and its lessons to the world, was his true intention."²⁵

While recent scholars may have exaggerated Bryce's Anglocentrism, he did view the federal and state constitutions and bills of rights as extensions of English tradition. Yet in commenting on the latter, he expresses some surprise that contemporary Americans should consider a bill of rights necessary so long after "the exercise of despotic power" by an executive had vanished.²⁶ His explanation reveals a true understanding of why the enumeration of individual liberties in a state constitution should have outlived its origins in the reaction to British tyranny. What is notable for our purposes, however, is that Bryce illustrates this point with reference to the Oklahoma Constitution, a sizable portion of which he appended to the 1910 edition of *The American Commonwealth*. (This replaced the California Constitution [1879] appended to the two earlier editions).

The bill of rights in the Oklahoma Constitution appears in Article II and contains thirty-three sections. Interestingly, Bryce incorrectly numbers most of the sections he excerpts and includes other provisions that appear elsewhere in the document (e.g., the prohibition of intoxicating liquors in the former Indian Territory, which appears in Article D). This aside, his discussion of state bills of rights proceeds to list "a few curious provisions" found in some of these, including three in Oklahoma's. In observing that many states guarantee a right to bear arms, "a provision which might be expected to prove inconvenient where it is desired to check the habit of carrying revolvers," he notes that Oklahoma is among those states that permit the legislature to "forbid the carrying of concealed weapons."²⁷

Bryce was not quite correct here. The relevant provision, Article II, section 8, merely empowers the legislature to “regulat[e] the carrying of weapons”—the words “forbid” and “concealed” do not appear. A footnote suggests that Oklahoma had attempted to do so, but “daily experience shows that the measures taken have not hitherto proved successful.”²⁸ One may gather that Bryce was an early advocate of more stringent gun control. He does accurately cite Article II, section 19, the provision requiring jurors to write and sign the verdict in cases where less than a majority reach a verdict in a civil or criminal (misdemeanor) trial.²⁹ Why Bryce found such a provision curious was probably owing to his background as an English jurist. Finally, he simply cites without comment Article II, section 31, the provision granting “the right of the State to engage in any occupation or business for public purposes” except agriculture.³⁰ As a devotee of *laissez faire* economics, Bryce could hardly have approved of this open-ended endorsement of state-run enterprises.

Had Bryce combed more diligently through Oklahoma’s fundamental law he could have found a number of provisions far more curious than the three he listed. He might, for example, have noted the prohibition on charging more than two cents per mile on passenger trains for a first class fare, or the specifications required for the “flash test” and “specific gravity” of kerosene—odd provisions for a constitution to contain. He might also have paused at the prohibition on aliens and noncitizens owning land in Oklahoma or the racial designations of “negro” and “colored” for “all persons of African descent” and “white race” for all others, including American Indians. Bryce was sympathetic to the plight of blacks, but shared many of the prejudices of his time, and he all but ignored the status of the tribes. In spite of his concern with facts and figures, he was—like all compilers of data—necessarily selective.

Turning to their development, Bryce divides state constitutions into three types: “the old colonial type,” “the Southern or slave state type,” and “the new or Western type.”³¹ The hallmark of the last of these, including Oklahoma, is “the tendency to strengthen the executive and judicial branches as against the legislature.”³² Indeed, “the most notable change of all has been the narrowing of the competence of the legislature, and the fettering of its action by complicated restrictions.”³³ The chief consequence

of this development was to significantly augment the length of state constitutions. Bryce documents this trend with a number of examples, culminating in the Oklahoma Constitution that “exceeded thirty-three thousand words.”³⁴ The precise length of the original Oklahoma Constitution—something easily enough determined—is subject to differing reports. Most accounts place it at 50,000 words, others at 100,000, and one at 250,000.³⁵

While Bryce supported the trend to strengthen the executive and especially the judiciary in relation to the legislature, he was not enthusiastic about the increasing length of state constitutions and the statutory nature of many of their provisions. The Oklahoma Constitution created a decentralized, elective executive branch. The governor was given a four-year term and the veto, but few appointment or removal powers. Unlike a number of other Western states, however, the governor was not subject to popular recall. As for the judiciary, Oklahoma’s popularly-elected bench was held up as “a fair indication of Western tendencies,” for all the states admitted since 1889 had adopted this method of selecting judges. Yet in limiting the term of its highest judges to six years, Oklahoma was on the crest of the era’s democratic wave. “In this point,” Bryce writes, “the tide of democracy which went on rising for so many years, seems, if it has not risen further, yet not to have receded.”³⁶

Bryce attributes the excessive length of the new state constitutions to modern economic conditions and a distrust of legislative power. He also suggests their length is a function of a federal system in which all powers not delegated to the national government (or denied the states) are reserved to the states, making “the powers of a state legislature . . . prima facie unlimited.”³⁷ As such, constitution-makers found it necessary to enumerate a long list of provisions that were beyond the competence of the legislature. Bryce includes Oklahoma among those states whose constitutions contain “the most complete” lists of prohibited subjects of legislation.³⁸ As a remedy for the tendency of a constitution that “grows ever ampler,” Bryce suggested that the states should emulate the doctrine of delegated powers found in the federal constitution. “The time might almost seem to have come for prescribing that, like Congress, they should be entitled to legislate on certain enumerated subjects only, and be always required to establish affirmatively their competence to deal with any give topic.”³⁹ As a lawyer who admired order and clarity, one can understand why this formula would

appeal to Bryce, yet it was wholly inconsistent with the role of the states as the repository of reserved powers, particularly in an age of popular reform. He did recognize that, while the states did not own or operate mines, railroads, forests, or telegraphs, there was in the new constitutions “a strong tendency to extend the scope of public administrative activity” as expressed in the demand for greater regulation.⁴⁰ The Oklahoma Constitution’s provisions for a commissioner of labor, an insurance commissioner, a chief inspector of mines, and a board of agriculture reflected this tendency among Western states.⁴¹

Bryce was also impressed by the appearance of measures he assigns to a “spirit of humanity and tenderness for suffering” exhibited by the American people.⁴² Almost all the examples he provides appear in the Oklahoma Constitution, such as restrictions on child labor, an eight-hour day for government workers, and a prohibition on convict labor. Oklahoma went farther than most states, however, by establishing a commissioner of charities and corrections to oversee philanthropic, penal, and reformatory institutions. Moreover, it was the only statewide public office open to women. Along with restricting the sale of liquor, prohibiting gambling, and suppressing “indecent and otherwise demoralizing literature,” Bryce hails such measures as “threads of gold and silver woven across a warp of dirty sacking”—the latter being the “folly and jobbery” that marked many of the Western legislatures.⁴³ The Oklahoma Constitution banned alcohol in former Indian Territory for twenty-one years and its first amendment—adopted along with ratification—spread prohibition to the entire state.⁴⁴ Measures against gambling, indecency, and other “vices” were subsequently passed by the legislature.

The constitution also provided for free public education, including facilities for the “care and education of the deaf, dumb, and blind of the State.” The requirement that “white and colored children” attend separate schools was but the harbinger of a series of Jim Crow statutes passed by the first legislature. It is doubtful that Bryce would have included such measures as partaking of that “spirit of humanity and tenderness” he associated with “rural” America.

The form of direct democracy known as the initiative and referendum was

of particular interest to Bryce, who identifies Oklahoma as “the state which has gone farthest in this path.”⁴⁵ What Bryce calls the “Swiss initiative” and “Swiss referendum” (based on the Swiss Constitution of 1874) was the method by which the people could bypass the government and legislate directly through popular majorities. Oklahoma adopted both the initiative and the referendum, and applied them to cover standard legislation as well as constitutional amendments. Only a few states provided some form of initiative or referendum prior to 1907, but Oklahoma was the first to incorporate the device into its original constitution.⁴⁶ Bryce also notes that the provision was extended to the local level in Oklahoma, which “applies it to every county and district, and to every municipality.”⁴⁷

One would not expect a member of the English bar to give direct democracy his warm approval, and Bryce was predictably skeptical of “what may prove a momentous new departure” in popular government.⁴⁸ He traces the movement itself to the decline in the quality of state legislatures and the practice of padding constitutions with ordinary laws. And while the people’s distrust of their legislature is reasonable enough, the risks and dangers of direct democracy are considerable: it further reduces the authority and respectability of the legislature, places major decisions in the hands of an ignorant and apathetic populace, and may contribute to the mutability of laws. On the other hand, the average voter is not much inferior to the average legislator in intelligence and is less susceptible to untoward influences in deciding an issue. In some cases, “the referendum may . . . be rather a bit and bridle than a spur,” although in the Western states Bryce believes it would be used more for its expediency than as a “conservative force.”⁴⁹ And while he believed “The risk of careless and even reckless measures is undeniable,” Bryce ultimately took a “wait and watch” approach to “the working of these new expedients.”⁵⁰ He could have hardly foreseen that the revolution in federal civil rights jurisprudence in the 1950s and 1960s would severely limit state action even when sanctioned by the direct expression of the people.

American critics of the initiative/referendum had condemned it as an abandonment of the “republican form of government” that they viewed as synonymous with representative government since 1787. Bryce rejects this argument by observing that the earliest republics, Greece and Rome, were governed by popular as opposed to representative assemblies. He fails to note, however, that the critics of direct democracy in America also appealed

to the provision in Article IV, section 4 of the U.S. Constitution that guarantees each state a "Republican form of Government." No court, however, has ever held that such popular provisions as the initiative, referendum, or recall violated the Guarantee Clause.

The second part of *The American Commonwealth* contains few references to Oklahoma, as might be expected for a state that had only been in the Union for three years. In passing, however, Bryce notes that the Oklahoma Constitution adopted "home-rule" for municipal government which allowed cities of more than two thousand residents to draft their own charters, as well as an advanced system of primary elections.⁵¹ In discussing public opinion in the different regions of the country, he refers to Oklahoma as "preeminently the land of sanguine radicalism and experimental legislation."⁵² Yet if Oklahomans were hopefully radical and willing to experiment with public power, many were also prepared to use it for conservative, even reactionary ends. Bryce does not mention the restrictive measures in the Oklahoma Constitution (racial classifications, segregated schools, prohibition) or note the passage of Jim Crow statutes by the first legislature.⁵³ Nor does he relate the fact that the constitution denied women the vote (except in local educational matters) and classed them with felons, lunatics, and idiots as similarly ineligible.⁵⁴

In a chapter entitled "Further Reflections on the Negro Problem," Bryce reported that Oklahoma had adopted the "grandfather clause" as a constitutional amendment in 1910. This measure had the effect of disenfranchising illiterate blacks without disqualifying illiterate whites, unless suspected to be Socialists. Bryce found this "remarkable because the Negroes are a small minority of the population."⁵⁵ This, of course, had not prevented the legislature from segregating the railways as its first statutory enactment in December 1907.⁵⁶ The passage of a law shortly thereafter requiring hotel proprietors to supply bed sheets of a specified size to halt the crime of "short-sheeting" may have been more bizarre, but far less ominous. The "grandfather clause" amendment was designed to eliminate blacks from politics altogether, and along with Jim Crow legislation, insure white supremacy in Oklahoma. It is unclear, however, if a majority of white male voters supported the amendment. As Bryce notes, "It has been alleged,

with what truth I know not, that irregularities occurred in the taking of the popular vote on this question; and the result seemed to excite surprise.”⁵⁷ Whatever the irregularities in counting the votes may have been, the ballot itself was cleverly designed to encourage a vote in favor of the measure. Rather than voting “yes” or “no,” the proposal was followed by the words “for the amendment,” which had to be scratched out with a lead pencil to signify a “no” vote. The measure carried by nearly thirty thousand votes—“No sequel to this tactic is recorded in Oklahoma politics.”⁵⁸

A few months before the “grandfather clause” was adopted, a special election was held to determine the location of the state capital. Oklahoma City beat out Guthrie and Shawnee, and to the astonishment of everyone, Governor Charles Haskell moved the state seal to the chosen city the next day. The leading citizens of Guthrie cried foul, invoking the enabling legislation passed by Congress in 1906 that required Guthrie to remain the capital until 1913. Haskell and his allies contested the provision and set up shop at the Huckins Hotel in Oklahoma City. A number of state officials, as well as the Oklahoma Supreme Court, stayed behind for several months, but eventually the legislature regularized the transfer of the capital and the state’s high court upheld the decision. An appeal to the US Supreme Court argued that the restriction on moving the capital was binding; opposing counsel argued that once Oklahoma became a state it was free to move its capital—the Court agreed with the latter argument.⁵⁹

In his chapter on the territories, Bryce observed that Congress may “prescribe conditions to be fulfilled by the state constitution,” but was unsure if a state could subsequently repeal measures that Congress initially required. He notes that the six states admitted in 1889–90 were required to include certain “irrevocable” measures relating to religious freedom and nonsectarian public schools.⁶⁰ Could they repeal these after statehood? In *Coyle v. Smith* (1911), the Oklahoma capital removal case, the US Supreme Court ruled that a state is only bound by the requirements of federal law, treaties, and the Constitution. Bryce’s question had been answered in the affirmative, and Oklahoma had set a constitutional precedent.

The admission of New Mexico and Arizona in 1912 marked the passing of the territorial phase of continental US history. Bryce would record their entry into the Union in subsequent editions of *The American Commonwealth* (1914, 1920), but said almost nothing about their

constitutions or affinities with other Western states. Nor did he note anything further regarding Oklahoma, such as the *Coyle* and *Guinn* decisions. By this time he had stepped down as British ambassador, and

accepted the title of viscount, which he had rejected on two previous occasions. When not sitting in the House of Lords, he was engaged in journalism and scholarship, or indulging his passion for travel. While Macmillan would continue to publish *The American Commonwealth* as late as 1941, it was already out of date, a “dead classic.” Bryce had produced a snapshot of America that captured a time and place, but the picture rapidly faded as the years passed and the nation evolved. What he considered the great strength of his work—its concrete, fact-filled, non-theoretical approach—proved in time its great weakness, and accounts for its inferior status compared to Tocqueville’s *Democracy in America* and *The Federalist Papers* of “Publius.” It is now a work frequently cited by Gilded Age historians for whom Bryce remains an important original source.

Perhaps Bryce’s greatest legacy is the impetus he gave to the study of political parties and state constitutions. As for the latter, there is now a large and ever-growing body of scholarship by political scientists, historians, and academic lawyers, as well as a Center for State Constitutional Studies at Rutgers University. Recently Oxford University Press began publishing a series of commentaries on all fifty state constitutions.⁶¹ The study of the Oklahoma Constitution, like most others, was largely dormant after it was debated and adopted. There are now a number of accounts of both the convention that drafted the constitution and the document itself. The main point of contention among modern scholars has been the relation of the Oklahoma Constitution to the broader political currents of the age. The responses that followed its adoption in 1907 tended to declare it “radical” and “novel” or “conservative” and “typical” for the times. Others observed that it partook of both “radical” and “conservative” elements or steered a sensible course between them. This would seem to have been the position of William “Alfalfa Bill” Murray, who advised the convention to “avoid the extremes of radical socialism on the one side and extreme conservatism on the other.” In the mind of Frederick Barde, a contemporary of Murray’s, the delegates had achieved this goal, for they were “the most sensibly conservative and safely radical of all men who ever wrote a constitution.”⁶²

Recent scholars have been more concerned with the question of the ideological provenance or “spirit” of the Oklahoma Constitution. Did it reflect the values of Populism or Progressivism or neither? Populism, the agrarian revolt that gained momentum in the late 1880s in the South and Midwest, aimed to remedy the economic and political inequities associated with the rise of industrial and corporate capitalism. Its political organ, the Populist (or People’s) party, peaked electorally in the mid-1890s both nationally and in Oklahoma, then fused with the Democrats in 1896 by nominating William Jennings Bryan for president. With Bryan’s second failed presidential bid in 1900, the party died out, and its members either returned to the Democratic fold or became Socialists.⁶³ Yet the spirit of Populism and important remnants of its platform were far from dead in Oklahoma.

Progressivism was in certain respects the successor of Populism. As the Kansas editor William Allen White wrote, Progressivism was just Populism that had “shaved its whiskers, washed its shirt, put on a derby, and moved into the middle class.” Yet Populists and Progressives were not drawn from the same demographic pool. Whereas Populism was a rural movement, dominated by simple farmers, Progressivism was based in the cities, and led by middle class, educated professionals. Moreover, Populists tended to be erstwhile Democrats, while Progressives were usually liberal Republicans. Neither group was monolithic, but they both shared a concern about the abuses of the times and were determined to combat corruption through a litany of political, economic, and social reforms.

On its face it would appear that the Oklahoma Constitution was a clear product of the spirit of Populism. The Populists were the first organized party in Oklahoma and experienced considerable electoral success during the territorial period. In the process they had moved the Democratic Party in the direction of reform. This was most visibly displayed in the Sequoyah Constitution of 1905, which included many provisions supported by the Populists; provisions that found their way into the Oklahoma Constitution two years later.⁶⁴

Moreover, the majority of the Democratic delegates elected to the constitutional convention were drawn from the populist wing of the party. According to two legal scholars, the composition of the convention reflected the quintessentially “populist” character of Oklahomans, and the Constitution itself “mirrored their thinking.”⁶⁵ Similarly, a historian of

“radicalism” in Oklahoma suggests that the ghost of Populism was very much present in Guthrie when the state constitution was drafted.⁶⁶

Other scholars, most notably Danney Goble, have preferred to characterize Oklahoma’s Constitution as “Progressive.”⁶⁷ On the basis of the description of Progressivism given above this label would appear misplaced. Indeed, Goble’s persistent use of the term has drawn criticism from other historians who consider it anachronistic at best.⁶⁸ Not only were Progressives urban, educated, and middle-class in their background, the term itself, as a label for a specific group of reformers, did not come into currency until after the Oklahoma Constitution was adopted. Moreover, the Progressive Party was not founded until 1912, and like the Populist Party, had limited electoral success and a brief tenure. Goble provided neither an explanation for his use of “Progressive” nor places the Oklahoma experience within the broader context of the Progressive movement. Conversely, the legacy of Populism as reflected in the constitution is conspicuously absent in his account. It would seem that by “Progressive” Goble simply meant “Reformist,” rendering the term of doubtful historical usefulness.

Can James Bryce shed any light on this dispute? His discussion of political parties was groundbreaking and covered the exact years between the rise of the Populist Party and the peak of Progressivism (1888–1912). Interestingly, Bryce says next to nothing about either. This in part was owing to his determination not to write a history of American politics, including political parties. He also tended to downplay the role of ideology in describing American political institutions, and on the whole had a low opinion of American political parties, particularly in relation to their British counterparts. As for the Populist Party, Bryce merely notes that it grew out of the Farmers’ Alliance, which itself shared a kinship with the Granger movement that had “secured drastic legislation against the railroad companies and other so-called monopolists” in some Western states.⁶⁹ Nowhere, however, does he identify Oklahoma’s “sanguine radicalism” with Populism, much less Progressivism. For Bryce third parties in American politics were insignificant and ephemeral, typically the creation of disaffected groups who did not understand the economic forces they blamed for their woes. In this Bryce betrayed his patrician background and

bias. He was, after all, an Oxford don whose American friends were almost all well-educated Republicans from the East. Insofar as he was himself a Progressive, as one scholar has suggested, he would not have used the term to describe the Oklahoma Constitution.⁷⁰ Had he been better informed on pre-statehood politics and the ideological origins of that constitution he likely would have recognized the handprints of Populism on many of its “radical” features.

ENDNOTES

¹ A current biographical profile of James Bryce appears in the *Oxford Dictionary of National Biography* and includes a bibliography of his principal writings. Additional details on Bryce's life and work may be found in H. A. L. Fisher, *James Bryce*, 2 vols. (New York: Macmillan, 1927). For a summary of the reception and influence of *The American Commonwealth* see Gary L. McDowell's introduction to the Liberty Fund Classics edition (1995). Much of the scholarly work on Bryce and *The American Commonwealth* is cited below.

² Wilson's review of Bryce's *The American Commonwealth* was originally published in *Political Science Quarterly* 4 (1889). It has been republished as an appendix in the Liberty Classics edition of *The American Commonwealth*, 2 vols. (Indianapolis: Liberty Fund, 1995), 1571-84 (hereafter cited as Bryce, *The American Commonwealth*, LCE).

³ See Francis W. Coker, "How Bruce Gathered His Materials and What Contemporary Reviewers Thought of the Work," in *Bryce's American Commonwealth: Fiftieth Anniversary*, ed. Robert C. Brooks (New York: Macmillan, 1939), 155-68.

⁴ Quoted in Edmund Ions, *James Bryce and American Democracy, 1870-1922* (London: Macmillan, 1968), 129.

⁵ Charles G. Haines, "James Bryce and American Constitutional Federalism," in Brooks, *Bryce's American Commonwealth*, 1.

⁶ Louis M. Hacker, "Introduction," in James Bryce, *The American Commonwealth* (New York: G. P. Putman's, 1959), vii.

⁷ Acton's review originally appeared in the *English Historical Review* 4 (1889), and follows Wilson's in the Liberty Classics edition, 1585-96.

⁸ “With the possible exception of the account of party structure, the analysis of state governments represented the most original contribution of the whole *American Commonwealth*.” Frances L. Reinhold, “State and Local Governments in *The American Commonwealth*,” in Brooks, *Bryce’s American Commonwealth*, 26.

⁹ James Bryce, *The American Commonwealth*, 1st ed. (New York: Macmillan, 1888), 399-400.

¹⁰ James Bryce, *The American Commonwealth*, 2nd ed. (New York: Macmillan, 1893), 586.

¹¹ Dora Ann Stewart, *Government and Development of Oklahoma Territory* (Oklahoma City: Harlow Publishing Co., 1933), 87-91. The Supreme Court case was *United States v. Texas* (1896).

¹² Bryce, *The American Commonwealth*, 2nd ed., 586.

¹³ For a discussion of “The Negro in Territorial Oklahoma,” see Danney Goble, *Progressive Oklahoma: The Making of a New Kind of State* (Norman: University of Oklahoma Press, 1980), 115-44.

¹⁴ H. A. L. Fisher, *James Bryce*, vol. 2 (New York: Macmillan, 1927), 30-31. Fisher was a friend of Bryce’s and a fellow scholar at Oxford.

¹⁵ Brian Lee Smith, “Theodore Roosevelt Visits Oklahoma,” *The Chronicles of Oklahoma* 51, no. 3 (fall 1973): 263-79.

¹⁶ Goble, *Progressive Oklahoma*, 219-20.

¹⁷ Quoted in Robert D. Lewallen, “‘Let the People Rule’: William Jennings Bryan and the Oklahoma Constitution,” *The Chronicles of Oklahoma* 73, no. 3 (fall 1995): 290.

¹⁸ Lewallen, “‘Let the People Rule’,” 289.

¹⁹ James R. Scales and Danny Goble, *Oklahoma: A Political History* (Norman: University of Oklahoma Press, 1982), 35-36.

²⁰ For a summary of these responses see Aaron Bachhofer II, "Strange Bedfellows: Progressivism, Radicalism, and the Oklahoma Constitution in Historical Perspective," *The Chronicles of Oklahoma* 77, no. 3 (fall 1999): 244-71.

²¹ James Bryce, *The American Commonwealth*, 3rd ed. (New York: Macmillan, 1910).

²² Bryce, *The American Commonwealth*, LCE, 388.

²³ Hugh Tulloch, *James Bryce's American Commonwealth: The Anglo-American Background* (London: The Boydell Press, 1988), 44.

²⁴ John F. S. Wright, "Anglicizing the United States Constitution: James Bryce's Contribution to Australian Federalism," *Publius* 31, no. 1 (2001): 107.

²⁵ Graham Maddox, "James Bryce: Englishness and Federalism in America and Australia," *Publius* 34, no. 4 (2004): 55.

²⁶ Bryce, *The American Commonwealth*, LCE, 389.

²⁷ *Ibid.*, 391.

²⁸ *Ibid.*, 391n.

²⁹ *Ibid.*, 392n.

³⁰ *Ibid.*, 393.

³¹ *Ibid.*, 403.

³² *Ibid.*, 402.

³³ *Ibid.*, 402.

³⁴ *Ibid.*, 404.

³⁵ Scales and Goble claimed that “the final document . . . exceeded 50,000 words—easily the world’s longest constitution at that time.” *Oklahoma Politics*, 23. Elsewhere, however, Goble (and W. David Baird) described it as a “250,000-word document.” *Oklahoma: A History* (Norman: University of Oklahoma Press, 2008), 173. According to Bryce, only the Louisiana Constitution of 1896 was longer than Oklahoma’s. Bryce, *The American Commonwealth*, LCE, 404. The disparity is in part due to whether one includes the final section of the document that describes in great detail the boundaries and other features of Oklahoma’s seventy-seven counties. For a copy of the 1907 Oklahoma Constitution see W. B. Richards, comp., *The Oklahoma Red Book*, vol. 1 (Tulsa: Leader Publishing Co., 1912), 40-122.

³⁶ Bryce, *The American Commonwealth*, LCE, 458.

³⁷ *Ibid.*, 404.

³⁸ *Ibid.*, 439.

³⁹ *Ibid.*, 404.

⁴⁰ *Ibid.*, 408-09.

⁴¹ *Ibid.*, 409.

⁴² *Ibid.*, 409.

⁴³ *Ibid.*, 491.

⁴⁴ See Jimmie Lewis Franklin, *Born Sober: Prohibition in Oklahoma, 1907-1959* (Norman: University of Oklahoma Press, 1971), 17-19.

⁴⁵ Bryce, *The American Commonwealth*, LCE, 419.

⁴⁶ See Shad Satterthwaite, “The History and Use of Direct Democracy in Oklahoma,” *Oklahoma Politics* 16 (2007): 99-111.

⁴⁷ Bryce, *The American Commonwealth*, LCE, 420.

⁴⁸ Ibid., 425.

⁴⁹ Ibid., 422, 423.

⁵⁰ Ibid., 425, 426.

⁵¹ Ibid., 592, 761.

⁵² Ibid., 966.

⁵³ See Philip Mellinger, "Discrimination and Statehood in Oklahoma," *The Chronicles of Oklahoma* 49, no. 3 (fall 1971): 340-78, and Murray R. Wickett, "The Fear of 'Negro Domination': The Rise of Segregation and Disenfranchisement in Oklahoma," *The Chronicles of Oklahoma* 78, no. 1 (spring 2000): 44-65.

⁵⁴ See James R. Wright, Jr., "The Assiduous Wedge: Woman Suffrage and the Oklahoma Constitution," *The Chronicles of Oklahoma* 51, no. 4 (winter 1973-74): 421-43, and Louise Boyd James, "The Woman Suffrage Issue in the Oklahoma Constitutional Convention," *The Chronicles of Oklahoma* 56, no. 4 (winter 1979-80): 379-92. Interestingly, the defeat of female suffrage at the convention was linked to the fear of empowering black women, who voted in far greater numbers than their white counterparts in territorial school board elections. On the day the amendment was being debated on the floor of the convention, such an election was held in Guthrie in which 758 black and only 7 white women voted. William "Alfalfa Bill" Murray, the president of the convention, used the incident to raise the specter of "black domination" and the amendment was tabled. Women received full voting rights by an amendment to the Oklahoma Constitution in 1918.

⁵⁵ Bryce, *The American Commonwealth*, LCE, 1173n.

⁵⁶ Even before statehood Democrats in the territorial legislature attempted to impose racial segregation in public accommodations but were largely unsuccessful. The knowledge that President Roosevelt would block statehood if the Oklahoma Constitution included such measures kept its framers from mandating anything beyond

segregated public schools. Additional Jim Crow legislation would be left to the first legislature. See R. Darcy, “Constructing Segregation: Race Politics in the Territorial Legislature, 1890-1907,” *The Chronicles of Oklahoma* 86, no. 3 (fall 2008): 260-89.

⁵⁷ Bryce, *The American Commonwealth*, LCE, 1173n.

⁵⁸ Scales and Goble, *Oklahoma Politics*, 47. The “grandfather clause” would be struck down by the US Supreme Court in *Guinn v. United States* (1915), but other methods, legal and extralegal, were used to keep blacks from the polls in Oklahoma for several decades. Anne Million, “We the Sooner People: Oklahoma and the United States Constitution,” *The Chronicles of Oklahoma* 65, no. 4 (winter 1987-88): 390.

⁵⁹ Scales and Goble, *Oklahoma Politics*, 48-50.

⁶⁰ Bryce, *The American Commonwealth*, LCE, 523.

⁶¹ See Danny M. Adkison and Lisa McNair Palmer, *The Oklahoma State Constitution* (Oxford: Oxford University Press, 2011).

⁶² Murray and Barde quoted in Rennard J. Strickland and James C. Thomas, “Most Sensibly Conservative and Safely Radical: Oklahoma’s Constitutional Regulation of Economic Power, Land Ownership, and Corporate Monopoly,” *Tulsa Law Journal* 9, no. 2 (fall 1973): 205, 167.

⁶³ See Worth Robert Miller, *Oklahoma Populism: A History of the People’s Party in Oklahoma Territory* (Norman: University of Oklahoma Press, 1987). Unfortunately, Miller does not address the influence of Populism on the Oklahoma Constitution.

⁶⁴ As John Thompson writes, “The Indian Territory Populists’ greatest success was the Sequoyah Convention of 1905.” *Closing the Frontier: Radical Response in Oklahoma, 1889-1923* (Norman: University of Oklahoma Press, 1986), 77.

⁶⁵ “If ever there was a group which was populist by nature it was the people of Oklahoma at the time of statehood in 1907. Many people were populists without ever having heard the word or even knowing such a ‘movement’ existed.” Strickland and Thomas, “Most Sensibly Conservative.” The authors add that William Murray, the convention’s president, was “the most populist of the populists.”

⁶⁶ Thompson, *Closing the Frontier*, 78-80.

⁶⁷ Goble located the Oklahoma Constitution at the “high tide of state Progressivism. No other state combined so fully or so quickly the advanced notions of that reform era. Even if not a new kind of state, Oklahoma was an exemplar of a Progressive one.” Goble, *Progressive Oklahoma*, 202. In his subsequent *Oklahoma Politics* (with James R. Scales), Goble labeled the 1907 constitution “Progressive” in a chapter title, but used the term sparingly and in the lower case throughout. Political scientist Danny Adkinson, following Goble, falls even deeper into anachronism, calling the Populist-inspired Sequoyah Constitution a product of “the Progressive movement.” “The Oklahoma Constitution,” in *Oklahoma Politics and Policies: Governing the Sooner State*, ed. David R. Morgan, et al. (Lincoln: University of Nebraska Press, 1991), 67.

⁶⁸ Despite the title of his essay, Kenny L. Brown denies the usefulness of the label or even the existence of “Progressivism in Oklahoma, 1900-1913,” in *An Oklahoma I Had Never Seen Before: Alternative Views of Oklahoma History*, ed. Davis Joyce (Norman: University of Oklahoma Press, 1994), 27-61. See also Bachhofer, who concludes that “the Oklahoma constitution was not radical or a progressive exemplar, but rather conservative; delegates sought to reinforce existing social, political, and economic realities.” “Strange Bedfellows,” 261.

⁶⁹ Bryce, *The American Commonwealth*, LCE, 514.

⁷⁰ As Tulloch writes, Bryce “might be regarded as one of America’s first progressives, and *The American Commonwealth* as a seminal progressive tract.” Brooks, Bryce’s *American Commonwealth*, 10.

**THE THIRTEENTH AMENDMENT:
RECONSIDERING ITS IMPACT ON
TRIBAL GOVERNMENTS AND INDIAN COUNTRY**

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Ample scholarship exists regarding American Indians and the Civil War. Likewise, an extensive amount of research exists on the subject of the weakening of state power in the wake of the Civil War. However, little attention has been directed toward the constitutional connection between the Civil War Amendments and their direct impact upon the sovereignty of tribal governments. This article attempts to demonstrate that the Thirteenth Amendment impacted the long term sovereignty of Indian Tribes by granting Congress the authority to directly expand its reach over Indian Country. The work begins with an introduction to the significance of the Thirteenth Amendment than turns the political climate in which it was passed. This is followed by a discussion of the specific connection of the Thirteenth Amendment to Indian Country via the experience of the Five Civilized Tribes in eastern Oklahoma. Next the article considers the effects of the Civil War upon the post-bellum Cherokee Nation and how constitutional realities such as the Thirteenth Amendment impacted the Cherokee Nation's long term political independence and sovereignty. Contemporary matters such as the Freedmen's Issue within the modern Cherokee Nation are presented for consideration. Finally, the article concludes with a discussion of the unique, direct historical connection of the Thirteenth Amendment to Oklahoma's Five Civilized Tribes, the paradoxical nature of the freedom of individuals versus the freedom of peoples, and the enduring issue of paternalism versus self-determination in Indian Country.

INTRODUCTION

In 2012 the motion picture *Lincoln* was released. Directed by Steven Spielberg and starring Daniel Day Lewis, Tommy Lee Jones and Sally Field, the film featured the nation's sixteenth chief executive in his crucial role of handling the events of the American Civil War. Its focus, however, was upon the Lincoln Administration's extraordinary efforts to secure passage of the Thirteenth Amendment to the United States Constitution. The movie generally received high marks and positive reviews. One critic at the *Chicago Sun Times* observed that, "[r]arely has a film attended more carefully to the details of politics" (Ebert 2012). Another at USA TODAY noted that the film displayed "an artful way to weave in the texts of the Gettysburg Address and the Thirteenth Amendment" (Puig 2012). In an age in which celebrity comedians and comic book heroes dominate the box office, how often does an amendment to the U.S. Constitution become the focus of a well-received Hollywood film? What qualities does this amendment possess to create such interest?

To be sure, the Thirteenth Amendment is important. First and foremost it abolished the detestable and barbaric practice of slavery. It settled, in a legal sense at least, the most divisive issue of the early Republic and one which threatened to tear asunder the nation. Of course, it did not eliminate the systemic discrimination which black citizens would continue to face for another century. However, it did, at least on paper, commit the United States to a legal standard of abolishing the ownership of human beings and thus provide greater legal rights for black citizens in the future.

Second, it established a precedent for subsequent amendments regarding federalism, civil liberties, and civil rights. It was the first amendment to contain the phrase "Congress shall have power to enforce this article by appropriate legislation." This phrase would be subsequently included in later amendments and play a crucial role in expanding the power of the federal legislature. In sum, the Thirteenth Amendment represents a watershed event in American Constitutionalism whereby substantial authority moved from the states to the federal government. While the "necessary and proper" or "elastic" clause had been used by proponents of greater federal power

to justify a national bank, internal improvements, and other initiatives, it could not be used to destroy the “peculiar institution” itself. Only the Thirteenth Amendment could accomplish the death of slavery in America.

This is the common viewpoint of the Amendment, and objectively speaking, the correct one. It expanded personal freedom for the individual. It was, however, a paradoxical development since it represented a consolidation of power. The Amendment provided the federal government with a level of authority which it had been denied in many ways before. No longer could states invoke the spirit of the Virginia and Kentucky Resolutions of the 1790s in which James Madison and Thomas Jefferson had suggested that a state legislature might nullify a federal law deemed unconstitutional (De Conde 1996). Indeed, the wording of the Thirteenth Amendment afforded federal authorities with an unquestioned mandate to not only end slavery but to also regulate social and cultural practices which had been the exclusive domain of state and local governments. From the enforcement clause of the Thirteenth Amendment would emanate innovations such as the Freedmen’s Bureau (the first federal relief agency) and the Civil Rights Act of 1875, which was aimed at “outlawing discrimination in transportation, theaters, restaurants and hotels” (Cruden 1969). This is not to say that the effect of the Amendment was immediate and without qualification. Black citizens continued to be systemically abused for over another century. However, the Thirteenth Amendment did pave the way for Congress to initiate a new chapter in American history regarding greater freedom for blacks. The nation is of course far better for the Thirteenth Amendment. It unquestionably represents the steady and direct march toward the advancement of human freedom and dignity. It helped the American people to establish new individual rights and to abandon the right to oppress.

However, the amendment also provided the federal government with greater authority to pursue a more aggressive and muscular Indian policy by undercutting the political autonomy of tribal governments. This can be demonstrated in a variety of ways. Perhaps the best example can be seen in the relationship between the Five Civilized Tribes in general and the Cherokee Nation in particular. This article

will endeavor to illustrate the manner in which the Thirteenth Amendment was crucial in the weakening of tribal independence and played a key role in the undermining of the sovereignty of the Cherokee Nation.

BACKGROUND OF THE AMENDMENT

By the mid-point of the Civil War, those wishing to abolish slavery by constitutional amendment knew it would be no easy task to accomplish. However, passage in the Senate was not so difficult, and that body approved the amendment on April 8, 1864 by a margin of 38 to 6 (McPherson 1982). The House was a different matter. The measure was initially introduced by congressmen James Mitchell Ashley of Ohio but failed to gain the necessary 2/3 vote in June of 1864 (Burlingame 2008). Later, Rep. James Wilson introduced a similar bill, yet the effort to end slavery was frustrated by war-time politics which often drained the political capital of the Lincoln Administration.

Making a political calculation, Lincoln targeted the lame duck members of Congress after the 1864 elections. The president hoped that offering them patronage jobs and other favors for supporting the Amendment would secure its passage. According to one source, Lincoln not only doled out patronage, but affected the release of family members in prison and accelerated statehood for Nevada to gain the necessary votes in the House (Sandburg 1939). Leaving no doubt as to his willingness to use the full power of the executive branch, Lincoln was quoted as saying to political operatives and surrogates sent forth to accomplish his purpose, "I am the President of the United States clothed with great power. The abolition of slavery by constitutional provision settles the fate, for all coming time, not only the millions in bondage, but of unborn millions to come—a measure of such importance that those two votes must be procured. I leave it to you gentlemen to determine how it should be done" (Sandburg 1939). Through back door dealing and artful political maneuvering, the measure narrowly passed the House on January 31, 1865 by a vote of 119 to 65 (Burlingame 2008). Eventual ratification by the states was a foregone conclusion. The final draft of the bill, which was incorporated into the Constitution, reads as follows.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation.

THE SPECIAL CONNECTION BETWEEN INDIAN TERRITORY AND THE THIRTEENTH AMENDMENT

Many people read the amendment today and give little thought to the section which states “or any place subject to their jurisdiction.” To what places might this refer? When the amendment was passed by Congress and ratified by the requisite number of states, there were three possible ways this provision could be interpreted to apply. The first included federal territories, such as New Mexico, Nevada, and Utah which were acquired as a result of the Mexican War.

A second possibility included future territorial possessions of the United States, such as Alaska and Hawaii. The third and most likely possibility, however, involved the Indian Territory of modern-day Oklahoma. Of all the western lands in which slavery was permitted, only in Oklahoma was it practiced on a scale which would draw the attention of and require regulation by federal officials. Thus it seems likely that Congress had the slave-holding Five Civilized Tribes in mind when it included “or any place subject to their jurisdiction” in the Thirteenth Amendment.

This sweeping language in the Thirteenth Amendment was designed to “cover all the bases” and reflected the spirit of anti-slavery forces since the early days of the abolition movement. The question of which level of government, state or federal, should control slavery had been discussed at the Constitutional Convention in 1787. While the document signed by the Framers protected the institution of slavery, the Convention contained a number of delegates who opposed it, including Benjamin Franklin, John Dickinson and Alexander Hamilton. Conversely, John Rutledge of South Carolina argued for the necessity of maintaining slavery in the South and opposed giving Congress the power to abolish it (Rossiter 1967). In the end, the price of Union demanded compromise, which included the Slave

Importation Clause. This feature of the Constitution (Article I, Section 9) prevented Congress from interfering with the importation of slaves until the year 1808. This satisfied both sides for the time being. Yet on the eve of its expiration in late 1807, Congress passed an Act Prohibiting Importation of Slaves. The language of this statute, which took effect on January 1, 1808, banned the international trade in slaves “into the United States or the territories thereof” (Schomburg 2016).

The key words included here concern the phrase “or the territories thereof,” which is very similar to the Thirteenth Amendment’s “or any place subject to their jurisdiction.” The wording of the 1807 law was significant for the native tribes since they existed outside of the normal channels of state-federal relations. Consequently, Congress would eventually need to extend its power over the tribes to prevent the smuggling of slaves from the Republic of Texas into the Choctaw Nation and from there into states such as Arkansas. Of course, the illicit trade in slaves from Texas into bordering states did occur, but the language of the statute did apply to the tribes as well. However, as a mere statute it could be repealed or modified by Congress. In addition, the law only forbade the transport of slaves and not the possession thereof. The problem would only be exacerbated with the passage of time. By mid-century slavery had spread into Texas, Louisiana, Arkansas and Missouri and was practiced among the Five Civilized Tribes, including the Cherokees. Now the stakes were higher than ever. Those wishing for the full measure of abolition knew that only by fundamentally altering the Constitution itself could their goal be realized. But doing so would require a weakening of tribal sovereignty. In this way and only in this way could the death of slavery be assured in each state, all territories, and among every tribal government.

SLAVE HOLDING IN THE CHEROKEE NATION

What was slave-owning like in the Cherokee Nation in the antebellum period? Many have argued that as contacts grew between Cherokees and Americans in the South it was inevitable that black chattel slavery would become an accepted institution within the Cherokee Nation. Indeed, as southern whites began to intermarry with Cherokees and become Cherokee citizens, black slaves would enter the Nation. But even prior to this, the Cherokees were already dealing with blacks as

slaves. Long before American independence, the Cherokee were enlisted by imperial officials to assist in the return of runaway slaves. For example, on May 4, 1730 “a delegation of 7 Cherokees accompanied by two English representatives sailed from Charleston to the man of warship *Fox*. On June 5th, they arrived in London and on June 18th signed a treaty with the British which stated that ‘if any Negro slave shall run away into the woods from their English Masters, the Cherokee Indians shall endeavor to apprehend them and either bring them back to the Plantation from whence they run away or to the Governor’” (Halliburton 1977). The treaty also provided material rewards for the return of slaves, such as guns, clothing, and tools. Thus, there was little sympathy for blacks as slaves among the early Cherokees. They were seen largely as property and thus as something to bargain over with whites. This was quite different from the practice of other tribes, such as the Seminole and the Creeks who sometimes accepted and even embraced blacks as full citizens within their respective nations.

As time passed there was a greater willingness on the part of some Cherokees to accept the form of chattel slavery being practiced by whites. This was largely due to the erosion of the formal clan structures and conventions of traditional Cherokee society. In fact by the late 1790s and early 1800s, many of the most well-known and influential Cherokee families were slave owners. A list would include such names as Ross, Vann, Foreman, Scales, Boudinot, Lowery, Rogers, Downing, Jolly, Adair, and Waite. Of course slave holding in the Cherokee Nation was not universal. It tended to have parallels with slave holding among whites, especially among wealthier individuals. The statistics on slave-holding among the Cherokee are revealing. An 1835 tribal census recorded that of the 16,542 tribal members counted, there were a total of 1,592 black slaves living in the Cherokee Nation. That roughly amounts to one slave per 10 Cherokee citizens (Halliburton 1977). This is not to say that all Cherokees were pro-slavery in their sentiments. Groups such as the Keetoowah Society, which was primarily composed of full bloods and traditionalists, often opposed slavery and its practice within the Nation. However, no serious effort was made among the antebellum Cherokee to abolish slavery.

On the whole attitudes toward slaves and their treatment among Cherokees were often similar to that of whites in the South. In 1841, the Cherokee National Council passed the following acts and resolutions to control and regulate the institution of slavery within the Nation (Halliburton 1977).

Be it enacted by the National Council, That from and after the passage of this act, it shall be lawful to organize patrol companies in any neighborhood, where the people of such neighborhood shall deem it necessary; and such company, when organized, shall take up and bring to punishment any Negro or Negroes that may be strolling about, not on their owners premises without a pass from their owner or owners.

Be it further enacted that all masters or owners of slaves, who may suffer or allow their Negroes to carry or own firearms of any description, bowie or butcher knives, dirks or any unlawful instrument shall be subject to be fined in a sum not less than 25 dollars.

Be it further enacted that from and after the passage of this act, it shall not be lawful for any person or persons whatever to teach any free Negro or Negroes not of Cherokee blood or any slave belonging to any citizen or citizens of the Nation to read or write.

Thus with many elements of southern American culture assimilated into the fabric of Cherokee society, including the institution of chattel slavery, it is not difficult to understand why a majority of Cherokees would eventually support the southern Confederacy in 1861. The Cherokee Tribal Constitution adopted in 1839 excluded blacks from citizenship and made clear that the Cherokee Nation would exist as a political entity exclusively for Native Cherokees and intermarried or mixed-blood whites. This was essentially the policy of the Cherokee Nation for the next 20 years. Then came the seismic shift which would forever alter the nature of federalism and its attendant relationships—the American Civil War. And just as in the case of the slave states, it would require a war to end slavery in the Indian Nations.

ANTEBELLUM AND POSTBELLUM
FEDERAL-TRIBAL INTERACTIONS

The Civil War in the Indian Territory, while not on a scale with warfare in the East, was nonetheless quite destructive and protracted. It had a devastating effect upon the Cherokee Nation in particular. According to one observer, “no other Native American community was more disastrously affected by the Civil War than the Cherokee Nation of Indian Territory” (Hauptman 1995). Contrary to popular belief, the war did not end in Virginia with the surrender of Robert E. Lee, but continued for a number of weeks in Indian Territory. In the Choctaw Nation in June of 1865, Cherokee Chief and Confederate Brigadier General Stand Watie was “one of the last confederate generals to surrender and abandon the lost cause” (Hauptman 1995).

Figure 1
Map of Indian Territory Around the Time of the Civil War



Soon after the war ended, the federal government recognized the need for the Reconstruction of Indian Territory. The Lincoln Administration had long sought to avoid adopting the principle of *inter arma silent leges* or “in times of war, the law is silent” (McGinty 2011). Nevertheless, Lincoln’s foes accused him of trampling the Constitution

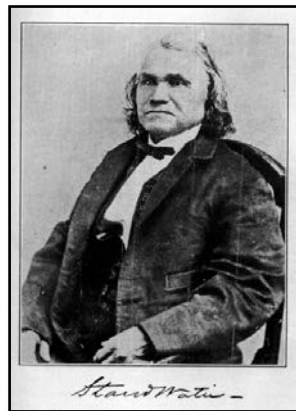
by suspending habeas corpus, supporting the admission of West Virginia under war-time conditions, and suppressing civil rights and liberties. Yet to his supporters, he was the great savior of the Union who had honored the law in a time of grave crisis. Perhaps the greatest test of his attempt to observe a legal and constitutional orthodoxy would come in the Reconstruction of Indian Territory. This was primarily due to the fact that any change or modification in the relationship of the federal government to the tribes could not be accomplished by a simple congressional statute. Unlike the states, the federal government had traditionally relied upon treaties in its relations with the tribes. Organic treaties such as the Cherokee Treaty of New Echota of 1835 would have to be re-negotiated.

Figures 2 & 3

Civil War & Native American Artifacts



Cherokee Regimental Banner



Stand Waite, Confederate
Brig. Gen. and Civil War
Chief

THE SIGNIFICANCE OF THE THIRTEENTH AMENDMENT FOR THE CHEROKEE NATION

How can we assess the relationship among the Thirteenth Amendment, Reconstruction, post-Civil War treaties, and the loss of sovereignty by the Cherokee Nation? The following three sections offer arguments for consideration.

I. Enforcement of the Thirteenth Amendment

The manner in which the provisions of the Thirteenth Amendment were to be enforced speaks to the importance of Indian tribes and their level of self-government in the American political system. More specifically, for Congress to apply the Thirteenth Amendment to tribal governments, the tribes' special status would have to be diminished. The federal government understood that an amendment which barred slavery from "states" would not necessarily do so in Indian Country. Due to their unique legal, political and constitutional tribal status, the abolition of slavery in Indian Country required language within the amendment which would permit the federal government to ban it everywhere subject to its jurisdiction. The specific wording of "or any place subject to their jurisdiction" speaks to this reality and covers the tribes as well as the states. Both states and tribal nations possess qualities and characteristics which afford them a unique status under American federalism. For their part the tribes can rightfully claim that their aboriginal land status combined with certain constitutional provisions such as the Supremacy Clause, the Commerce Clause, and the Treaty Clause afford them powers beyond those of the state governments. Consequently, for the Amendment to be enforced, the federal government would have to gain power at the expense of the tribes.

Another way to establish the connection between the post-Civil War treaties, the Thirteenth Amendment, and the weakening of tribal sovereignty involves the manner in which civil rights were advanced for blacks among the tribes as opposed to the states. Under the Treaty of 1866, for example, the Cherokee Nation was not only forced to free its slaves, but was required to provide full citizenship, including granting the Freedmen voting rights. Congress exercised this power on

the basis of the Thirteenth Amendment's "or any place subject to their jurisdiction" clause, adopted in 1865. However, the states were not required to accommodate the issues of citizenship or voting rights until the passage of the Fourteenth (1868) and Fifteenth Amendments (1870), which specifically gave Congress the authority to mandate these changes in state law. In other words, the Thirteenth Amendment was used by the Congress via the treaty power to force the Cherokee Nation to grant freedom, citizenship, and voting rights to blacks despite the fact that the Thirteenth Amendment only addresses the issue of slavery.

II. Treaty Abrogation and Contradictory Treatment of States and Tribes

The second aspect of Reconstruction under the Thirteenth Amendment was the willingness of Congress to abrogate the treaty rights of tribes. For example, the Treaty of New Echota of 1835, which originally removed the Cherokee to Indian Country, implied that the Cherokee Nation could pass laws independently as long as those laws did not affect commerce with the United States. Domestic slavery within the Cherokee Nation could therefore constitute an internal matter for the tribe to decide. Nonetheless, the United States abrogated this treaty under the Thirteenth Amendment. The federal government essentially argued that since the Cherokee had aligned itself with the Confederacy, the Nation had been in a state of rebellion and could be treated as a conquered people and have the terms of its surrender dictated.

Accordingly, it was necessary to re-establish the political relationship between the United States and the Cherokee Nation. As such, new realities would have to be dealt with such as the emancipation of Indian slaves. The federal government based its right to impose its will on the tribes via the assertion that their governments had acted as rebels. This is an important issue to consider. Were the individual Indians in a state of rebellion or were the tribal governments? Under the Lincoln Administration, the federal government's stated policy declared that since secession was a legal and constitutional impossibility, it was not the *state governments* in rebellion but rather the *people of those states* who were acting illegally as rebels. This distinction may seem a minor issue, but it is an important one. Lincoln

often argued against the legality of secession by saying that state governments could not separate themselves from the federal union. Based on the so-called Hamiltonian-Emanation theory, the individual actions of state *citizens*, even if those actions were illegal and constituted treason, did not constitute actual rebellion by the state *governments*. This distinction is significant for two reasons.

First, it informed the Lincoln Administration's view of denying international recognition of the Confederacy. Lincoln understood that if the Confederates were able to obtain foreign recognition, it might lead to a Union defeat. If he could construct an argument which denied this possibility then so much the better. Second, it framed the basis for Reconstruction. Since it was the citizens of the states and not the states themselves who were in rebellion, it made sense that the states could be reconstructed with only minor changes to their original relations to the Union. This is evident in the fact that with the exception of Virginia and the admission of West Virginia, the remaining ten states of the Confederacy were reconstructed with their pre-Civil War borders intact. These states also had the same rights of self-government they had enjoyed prior to the war as well. The only difference involved temporary federal military occupation of their territory. How is this related to the treatment of Indian Country?

In the case of Indian Country the same logic did not apply. Much of the justification for the new treaties supplanting those which guaranteed self-government was based upon the idea that *the tribal governments had indeed engaged in rebellion* against the United States. While this was factually correct, it is also true that some tribal members supported the Union cause. Moreover, the removal of many Union soldiers from western posts such as Fort Gibson for action in the east left the Cherokees and other tribes in eastern Oklahoma vulnerable to attack from their Osage and Comanche neighbors. As a result, many of the tribes believed they needed new allies such as the Confederate government to aid in their defense. From this perspective, one can see why the tribes turned to the Confederacy.

One can question whether or not the federal government had the legal basis to abrogate those earlier treaties such as New Echota and impose new treaties which stripped the tribes of the right to conduct internal

commercial activities which had hitherto included the right to own slaves. This question relates to the broader issue of treaty abrogation. The process of abrogation is a difficult one to justify strictly by the text of the Constitution. The modern interpretation of treaties, however, is that they are similar to other federal statutes and when ratified become part of the federal law and thus the fundamental law of the nation under the Supremacy Clause. An important precedent affording the federal government the authority to abrogate a treaty came in the so-called *Head Money Cases* (1884). In this important ruling, the U.S. Supreme Court stated that once they are ratified, treaties become a part of the federal law code and as such are subject to the legislative discretion of Congress and can thus be modified. This is similar to the logic employed by the Supreme Court in *Missouri v. Holland* (1920). In this case, the Court ruled that federal treaties can override state laws in conflict with such treaties. Some have noted that the Holland case “raised the possibility of using treaties as a means of expanding the legislative powers of the national government” (Stephens and Scheb 2012).

However, these decisions occurred long after the Thirteenth Amendment was adopted. Thus in the absence of specific court decisions which now afford Congress the authority to modify or abrogate treaties, the Thirteenth Amendment was necessary at the time to permit Congress the power to legislate the issue of slavery in Indian Country. But the real significance here involves the unintended consequences of such abrogation: tribal sovereignty was severely undermined. Eventually this would lead to the passage of measures such as the Major Crimes Act of 1885. This law extended the reach of the national government by federalizing certain criminal offenses involving Indian and non-Indians (Getches, Wilkinson, and Williams 1993). This and subsequent acts appeared to give Congress greater power over the internal workings of the tribes, including the power to modify or abrogate a treaty in a capricious or arbitrary manner.

III. Contemporary Effects of the Loss of Tribal Sovereignty

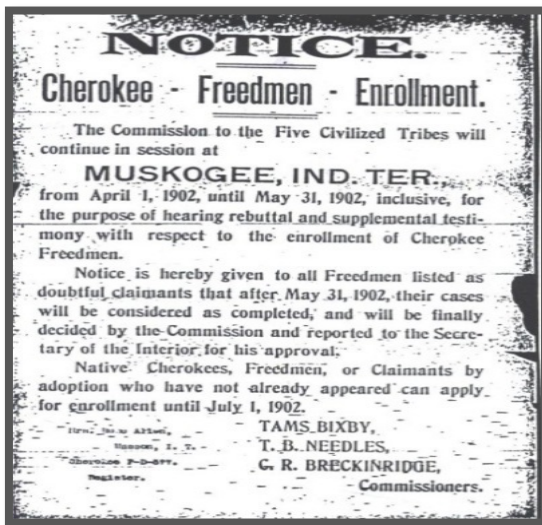
Reconstruction’s long term effects upon tribal sovereignty are still being felt today. It ultimately weakened tribal sovereignty and

accelerated the concept of federal paternalism. An example of this concerns the so-called Freedmen Issue—the descendants of slaves which were held by members of the ante-bellum Cherokee Nation. After the Civil War, the Treaty of 1866 forced the Cherokee Nation to emancipate all its slaves and to provide them and their descendants with perpetual citizenship rights within the Nation. The relationship between the Freedmen and other Cherokee citizens, however, was often strained, and historically the Freedmen have sometimes struggled to assert their full rights as Cherokee citizens. In the last two decades a movement has been stirring among some Cherokee citizens to revoke the citizenship of the Freedmen descendants in the name of creating an Indian Tribe composed solely of Indians. In the early 2000s, active steps were taken to formally remove the Freedmen descendants from the official rolls of the Cherokee Nation.

Both the Freedmen and the Cherokee Nation can offer solid arguments to support their respective positions. However, the point for our discussion is the connection between these current disputes and the Thirteenth Amendment and the Reconstruction treaties imposed upon the Cherokee Nation. The Freedmen Descendants, as legally defined Cherokee Citizens, have sought judicial relief from the federal courts to prevent the implementation of the proposed exclusion. This situation relates to the larger issue of the Incorporation of the Bill of Rights and other sections of the Constitution in Indian Country. Strengthening tribal sovereignty weakens paternalism. If the true goal of current Indian policy is self-determination for the tribes, this sounds like a positive development. However, this freedom potentially comes at a price. In this case, the Freedmen's status is being sacrificed. At stake here is the principle of Madisonian Democracy and its concern for balancing majority and minority rights. Permitting the tribes the right to decide these matters as sovereign entities has caused some from outside the Cherokee Nation to seek to intervene on behalf of the Freedmen. Members of the Congressional Black Caucus (CBC), for example, have threatened to remove federal funds from the Cherokee Nation if the Freedmen are expelled from the tribe. While debating the passage of the Native American Housing Assistance and Self-Determination Act, prominent members of the CBC, led by Representative Diane Watson (D-California), stated in a letter that they would oppose the measure and prevent the Cherokee Nation from

“receiving any benefits or funding under the bill” if the Nation was not in “full compliance with the Treaty of 1866 and recognizes all Cherokee Freedmen and their descendants as tribal citizens” (Giago 2011). The threat may appear inconsistent with previous policy and rhetoric. These same members of Congress have supported tribal sovereignty and generally voice the greatest concern for tribal governments and self-determination. However, their message now appears opaque. Their actions seem to imply that tribes are free to utilize their right to sovereignty, so long as it is not exercised in a way which challenges the CBC’s orthodoxy on civil rights. Can such a definition of sovereignty be taken seriously?

Figure 4
Notice of the Enrollment of Cherokee Freedmen



The debate over the Thirteenth Amendment and its connection to Indian Country can be illuminated by reference to George Fletcher’s *The Secret Constitution* (2001). In this work, Fletcher argues that our modern Constitution is essentially two separate documents representing two different eras. The first era began in 1787 and ended in 1865, and was marked by the aristocratic aura of the founding

fathers and the advent of Jacksonian Democracy. The second era from 1865 to the present embraces a more diverse and inclusive constitutional ethic and one in which the federal government gained power at the expense of the states. We often recognize this reality as it applies to the relationship between the federal government and the state and local governments. However, it can also be seen in Indian Country. For example, the Indian Appropriation Act of March 3, 1871 ended treaty making with tribes and made tribal governments subject to increased regulation by Congress (Wilkins and Stark 2011). This of course coincided with the fact that the federal government was militarily gaining an upper hand over the tribes and Indian communities no longer constituted a major security threat to American settlers. However, the change was accomplished in large measure due to the Thirteenth Amendment which gave Congress authority over Indian lands to address the problem of slavery. More specifically, we can see how it helped to create federal hegemony over the tribes.

CONCLUSION

The Thirteenth Amendment's phrase "or any place subject to their jurisdiction" enjoys a specific, historical applicability to the area known as Indian Territory, home to the Five Civilized Tribes of eastern Oklahoma. Accordingly, no other provision of an amendment—with the exception of the 23rd which granted electoral votes for the District of Columbia—was ever germane to a particular area or state of the nation.

A few amendments are applicable to regions of the nation or are linked to several states which share historical experiences in common with the spirit of that amendment. The Thirteenth Amendment, however, is arguably the first to have direct applicability to Indian Country. The first twelve amendments only applied to federal and state relations or individual states or individual federal responsibilities. This demonstrates that the development of tribal governments and their respective rights, prerogatives, and place in modern American federalism has influenced the course of American constitutionalism.

But beyond these points, the story of the Thirteenth Amendment involves the quest to resolve a problem. This problem, which Thomas Jefferson initially blamed on King George III, was the issue of slavery. This problem was present at the Constitutional Convention in 1787 and was not resolved. The resolution of the problem would come in the middle of the next century and thereby expand the blessings of liberty to those once held as slaves and their descendants. Since its establishment the United States has defined itself as the standard bearer for freedom and liberty throughout the world. As Thomas Paine stated in *Common Sense*, “The cause of America is in a great measure the cause of all mankind” (Ellis 2007).

Sometimes America has been true to this call and sometimes it has not. If perfection and adherence to this goal at all times is the sole definition of success, then the United States has failed. However, if we adopt a more reasonable perspective and declare that perfection is not required and that striving toward greater liberty for more people over time is the goal then its record is worthy of respect and admiration. The Thirteenth Amendment is a shining example of that success.

However, the additional power it conferred on Congress involved the eventual dilution of the political liberty and freedom of Indian peoples and ended their attempts to maintain a separate political identity. The definition of what freedom is and what it ultimately means is not as simple as it may appear. But in a more specific sense, the primary issue here concerns the seemingly never ending problem of modern federal Indian policy, namely the conflicting forces of paternalism and sovereignty. This has certainly been one of the most difficult obstacles to overcome for modern tribal governments in the era of self-determination. The Cherokee Nation, as well as other tribal governments, demand the right of self-government and the right to determine issues such as citizenship. At the same time, the Cherokee Nation also wrestles with the realities of the modern world, and at times benefits from a degree of intervention from the federal government.

Yet the federal government's role in the Freedmen's case is emblematic of the type of involvement which has long plagued tribal governments. Consequently, the idea of federal paternalism influencing the concept

of Cherokee citizenship is alive and well. The right to define the policy and citizenship of its people is among the most basic rights which any government can claim to possess. Thus, tribal governments can make powerful arguments regarding their right to determine their own citizenship requirements. Likewise, the Freedmen can generate strong arguments to support their position as well.

There is of course a difference between the freedom and liberty of individuals and the freedom and liberty of nations. It has been observed that when political leaders, often demagogues, gain power, the liberty of individuals is often sacrificed in the name of the “common good.” One prominent scholar has noted that “[t]he greatest enemy of liberty has always been some vision of the good. It might be the good of community engaged for the glory of a city, nation, race, or party” (Fried 2007).

The notion that “[i]t is the liberty of persons, not peoples” is instructive here (Fried, 2007). It provides an interesting perspective by which we can observe an alternative narrative of the Thirteenth Amendment. It undoubtedly did lead to greater freedom for the formerly held slaves of the United States and the Indian Territory. However, this freedom came at the expense of tribal sovereignty. Balancing the issue of whose freedom is sacrificed for the good of others is an important element in this discussion.

With regard to slavery the political independence of the Cherokee Nation was curtailed to advance the American ethic of egalitarianism, freedom, and liberty. It led to the freedom of an oppressed minority within the Cherokee Nation. However, it was imposed by outsiders who used this power to implement other initiatives and take actions which would ultimately lead to even more significant losses of sovereignty in the future. In this way it may be said that the road to freedom for the Freedmen was akin to Hayek’s “Road to Serfdom” for the Cherokees.

This kind of “political serfdom” which federal paternalism has helped to create should also give the tribes reason for caution. Modern tribal governments should perhaps tread carefully in asserting their sense of sovereignty in matters such as the Freedmen issue. If powerful establishment voices such as the Congressional Black Caucus wish to

carry out their threats to defund or otherwise punish the tribes for exercising their sovereignty, the tribes may pay a high price for the right of self-government. Similar expressions of tribal autonomy might even result in a backlash of anti-tribal legislation from Capitol Hill. In the end, the issue of federal paternalism is a symptom of a legacy exacerbated in part by the greater power afforded to the Congress as a result of the Civil War. It is a mixed legacy which has both promoted freedom and reduced tribal autonomy. It is a paradox which Indian Country will continue to face for the foreseeable future.

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**EFFICIENTLY TRANSLATING RESEARCH
INTO PRACTICE: OKLAHOMA'S CONTRIBUTION THROUGH THE
SOUTHERN CLIMATE IMPACTS PLANNING PROGRAM**

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The University of Oklahoma hosts the Southern Climate Impacts Planning Program (SCIPP). SCIPP uses an applied research model emphasizing collaboration between academic and non-academic stakeholders. The goal is to conduct research that produces data and tools useful to practitioners for increasing resiliency for weather and climate extremes. Over 15 years, SCIPP has communicated research results that influence policy decisions and improve planning, mitigation, adaptation and response efforts. Engaging stakeholders and communicating usable research findings are often implementation challenges. We examine how knowledge management practices can strengthen SCIPP's collaborations and turn research results into action. SCIPP offers an example of how bridges are being built between academic research and practical applications to inform policy decisions and improve community resilience and preparedness practices. Documenting the results of SCIPP's applied research model can inform policymakers about how to structure collaborations in other policy arenas. Tightly aligning political intent and accountability expectations with engaged research processes will improve results from public funding and enhance Oklahoman's quality of life.

INTRODUCTION

In this paper, we analyze how knowledge management processes can increase the efficiency of research translation. Research into weather and climate extremes could function more like translational medical research. Adopting a multi-stage approach that integrates medical research findings and social science research results can more quickly move medical research discoveries into practical testing in real world settings. Translational research identifies barriers and facilitators to moving promising medical lab results into human testing (<https://accelerate.ucsf.edu/about/clinical-and-translational>). When successful, communication and implementation of best practices in disease prevention and treatment is faster. The result of this is that winning strategies are moved forward while strategies with a very low likelihood of success are “winnowed out” (Krutz 2005) and disappear from the research agenda.

Sharing research results is critical to this process. It can guide the choice of future research projects more likely to have enhanced practical applications. Scholars have examined how communication technology enables collaboration. Some researchers focus on Information and Communication Technologies (ICT) as a digital means of providing infrastructure that supports transparency and accessibility (Clark, Brudney, and Jang 2013). We focus on the human infrastructure necessary for communication and collaboration to translation promising practices for increasing resilience to and preparedness for weather and climate extremes. The utilization of knowledge management practices in public organizations is low (Ferguson, Burford, and Kennedy 2013). Scholars suggest that the complexity of inter-governmental relationships makes public organizations unsuitable to real knowledge management. However this assumption is insufficiently tested (Blackman et al. 2013).

To test this assumption, we analyze the Southern Climate Impacts Planning Program (SCIPP) to find out how the organization manages the knowledge its researchers create. When well managed, the organization can better communicate results to improve practice and

inform policy decisions. Our results may suggest how knowledge management practices could increase the translational efficiency of SCIPP. When this occurs, communities are better prepared to respond to weather and climate extremes. If successful in the climate science research arena, then research translation in other policy arenas might also become more efficient.

SCIPP'S ROLE IN CREATING RESILIENT COMMUNITIES

In 1999, NOAA's Climate Program Office (CPO) created ten Regional Integrated Science Assessments (RISA). Found throughout the nation, the RISAs were tasked with fostering collaboration between researchers and regional stakeholders, especially policymakers and practitioners. According to the 2003 national Climate Change Science Program (CCSP), successful collaboration was necessary to address societal challenges related to weather and climate extremes and implementation goals were written.

As one of 10 RISAs, SCIPP seeks to increase the resiliency and level of preparedness of the a six-state region in the south central U.S. (Oklahoma, Texas, Kansas, Louisiana, Tennessee, and Mississippi). SCIPP was selected for funding in 2008 because "According to the Federal Emergency Management Agency (FEMA), SCIPP states are among the most disaster declared in the United States. As of early 2013, all six SCIPP states were ranked within the top 15 most disaster declared states across the country, with four of those states being ranked in the top 10" (www.southernclimate.org). The impacts of weather and climate extremes in Oklahoma makes SCIPP an ideal case for our analysis.

SCIPP's mission is "to increase resiliency and preparedness for weather and climate extremes now and in the future across the south central United States." They accomplish this by:

1. Increasing the awareness of and preparedness for south central U.S. climate hazards for both present day and future climate conditions;

2. Actively engaging stakeholder groups to promote two-way knowledge transfer between climate scientists and decision makers;
3. Providing local, state, and regional decision makers with climate hazard data that are comprehensive, accurate, and easily accessible; and
4. Identifying new, critical areas of applied climate research for the south central U.S. as technologies, research, and knowledge evolves.
(www.southernclimate.org)

SCIPP combines the expertise of climate scientists, meteorologists and geographers with the everyday experience-based knowledge of decision makers and planners. Research collaborations regularly include researchers, faculty and students housed at academic institutions and personnel from government, for-profit and non-profit organizations. Interactions in workshops, meetings, and one on one conversations communicate needed research and foster the transfer of research results and data tools to decision makers and practitioners. They also offer the opportunity for stakeholders to reveal their challenges, concerns, and needs for climate hazard information (www.southernclimate.org).

There are two kinds of stakeholders engaged in SCIPP's applied research model. The first kind of stakeholder are the climate science partners who collaborate on the research projects. These include the Oklahoma Climatological Survey and South Central Climate Science Center at the University of Oklahoma, the Department of Geography and Anthropology and Southern Regional Climate Center at Louisiana State University, the Department of Geography at Texas A&M University, and the National Drought Mitigation Center. Together, these institutions and organizations combine their expertise in climate science, outreach, education, data quality and dissemination, and mapping to address the issues of weather-related hazards.

The administrative core supporting these research collaborations is quite small. There are two principal investigators on SCIPP's federal grant. The lead principal investigator is at OU and has primary responsibility for the administrative functions (submitting research funding requests, reporting research activities and results to the funders, overseeing all financial activities, personnel, information technology, etc.) associated with running the SCIPP program. The second principal investigator has responsibility for overseeing the activities of research personnel at LSU. There are core office, research, and support staff at OU and LSU that manage the day to day workflow and administrative tasks of SCIPP. The University of Oklahoma provides the lead and associate program managers, climate assessment specialist, two undergraduate assistants, webmaster, and an information technology staffer. LSU has a program manager, service climatologist, and an information technology staffer.

The second type of stakeholders are the people and organizations in the communities impacted by weather and climate extremes. Typical stakeholders collaborating with SCIPP are decision makers and administrative professionals tasked with increasing community resiliency and preparedness like planners and emergency managers. In addition, SCIPP interacts directly with individuals and organizations like schools to share comprehensive and accessible information generated by research activities.

LITERATURE REVIEW

In public policy literature, collaboration via the development of networks of actors is critical for producing collectively-valued outcomes (Provan and Milward 1995). In knowledge intensive organizations (Richards and Duxbury 2015), diverse subject matter experts work collaboratively share resources and expertise to produce knowledge. To foster collaboration, stakeholders should envision themselves as members of a larger network who share resources and jointly produce a collectively-valued outcome (Gano, Crowley, and Guston 2006). In this section, we review knowledge

management literature for guidance on making information resources accessible to the collaborating stakeholders. Then, literature describing ways to make research translation more efficient is presented.

KNOWLEDGE MANAGEMENT

Adopting a knowledge management framework is important, since knowledge has "... the highest value, the most human contribution, the greatest relevance to decisions and actions, and the greatest dependence on a specific situation or context" (Grover and Davenport 2001, p. 6). Knowledge management (KM) helps with systematic integration of an organization's information assets to meet tactical and strategic goals and offers transparency and accessibility of information to the users. Knowledge management activities guide the development of strategies, initiatives, processes, and systems. These activities sustain and enhance the storage, assessment, sharing, refinement, and creation of knowledge.

In KM systems, the knowledge created by one actor may be the feedback necessary for other actors. Linking knowledge resources enables all actors to synchronously perform their respective tasks more efficiently. Shared interests can lead to synergistic interactions that improve individual and network results. The key is the integration of, and access to, shared knowledge. There are some pitfalls to avoid in a KM infrastructure. The creation and continuation of a KM infrastructure can be challenging without dedicated resources and ongoing support (Ratner 2013; Corfield, Paton, and Little 2013), especially in public organizations (Burford 2013).

The KM process features five types of collaborators (see Table 1 below), each with specific roles (Hislop 2013). Assigning these five roles to individuals is necessary for efficiently managing the knowledge of the collaborators. At the organizational level, the human infrastructure of KM introduces a routine for documenting how an activity takes place and how knowledge is created and transferred and by whom (Gherardi 2009). For instance, if new

knowledge is obtained, but cannot easily be found, the value for the actors is limited.

Table 1

Human Infrastructure of Knowledge Management

Knowledge Management Roles	Role
Knowledge Leaders	Promotes KM within the organization
Knowledge Managers	Acquires and manages internal/external knowledge
Knowledge Navigators	Knows where knowledge can be located
Knowledge Synthesizers	Records significant knowledge to organizational memory
Content Editors	Codifies and structures content, documents knowledge producers, writers, and editors

At SCIPP, the knowledge leader should ensure that knowledge management practices are promoted within the organization. Knowledge managers, such as research scientists, should acquire climate research findings to be used for future projects, information dissemination, communicating early warnings and preparing mitigation plans. Knowledge navigators should know where this information is found. Knowledge synthesizers should record the acquired knowledge to organizational memory for posterity. The content editor's role in climate science research should be to

structure the systems content and document actors involved in applied research partnerships.

In addition to assigning knowledge management roles, strong information communication technology can increase the efficiency of KM. If knowledge is not captured through information technology practices, it can easily be lost when there is a change in human infrastructure. Alavi and Leidner (2001) find the role of IT to be especially important in support of these processes. "IT can increase knowledge transfer by extending the individual's reach beyond the formal communication lines" (2001, 121). We emphasize the importance of human infrastructure in KM, alongside IT that supports KM. IT also offers the ability for knowledge management collaborators to exist not only within organizations, but between them as well.

A MODEL FOR EFFICIENT RESEARCH TRANSLATION

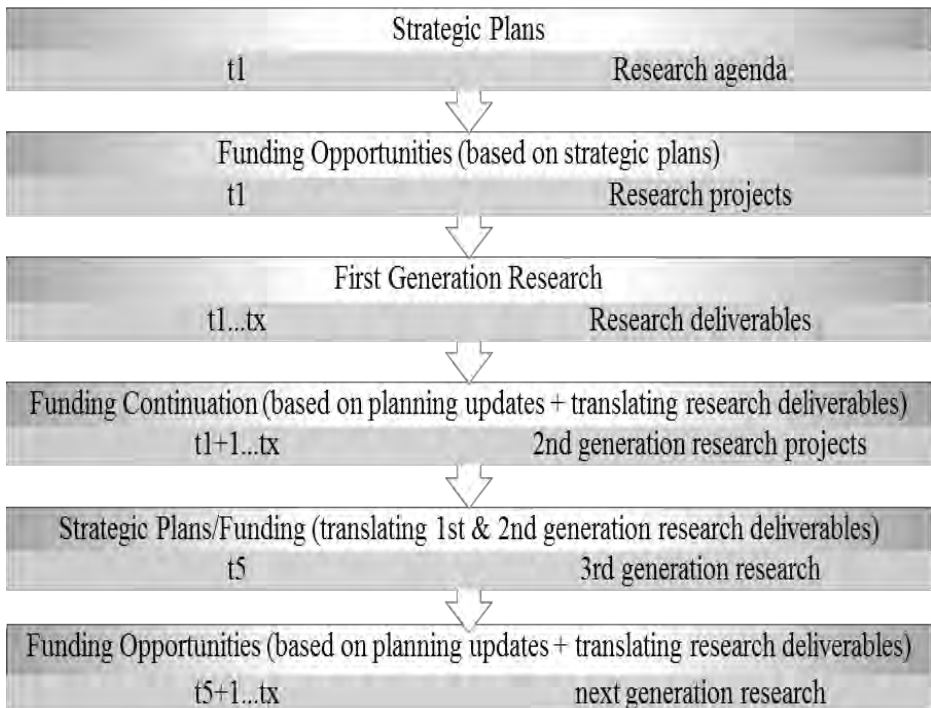
Unlike service delivery networks steered by public organizations (Rethemeyer and Hatmaker 2007), the research enterprise does not benefit from the centrality of a single organization to coordinate the activities that produce research deliverables. Yet, research activities need many of the strategic management functions employed in traditional organizations. These functions include strategic planning; budgeting/funding; human and infrastructure assets management; new product/service research and development; and evaluation. There is feedback from one function into the next thus improving strategic management in the next cycle (Franklin 1999).

Using the construct of strategic management function alignment, we propose a research knowledge production cycle with a feedback loop that captures, stores and makes available new scientific and direct practice experience information. This new information can be incorporated into future strategic plans, funding announcements and research projects to translate research more efficiently (see Table 2 below).

TRANSLATING RESEARCH INTO PRACTICE

In our model, strategic plans are created to set the research agenda. Then, single or multi-year funding is announced at Time 1(t_1). Combined, these two documents stimulate research projects that occur over multiple years ($t_1 \dots t_x$). The next stage is the communication of research results (collectively called deliverables). The amount of time necessary to plan, award the funding, design and conduct the research, analyze the data and create the research deliverable is variable and can be lengthy. Thus, we use a range estimate of ($t_1+1 \dots x$). Allowing for a range of time means that the cycle is not time-ordered. However, the process can still be conceptualized as a linear cycle; since the funds for each fiscal year go through the entire linear cycle.

Table 2
Research Knowledge Production Cycle



Strategic plans are seldom updated every year and funding opportunities are typically announced before the next strategic plan is available. We denote this as $(t+1 \dots x)$. Also, as research results get released, research funding opportunities can be fine-tuned to leverage promising practices and to winnow out lines of research that do not hold sufficient promise. We account for this possibility in the third line of Table 2. When the goals in strategic plans are reflected in funding announcements and when research projects produce results that foster goal achievement, then the components of the applied research model are aligned.

The last line of the table reflects the double loop learning that occurs when the strategic plan is periodically updated and informs the next round of funding. Strategic plan updates are informed by external policy priorities and what has/not been funded earlier in the cycles. In addition, strategic plans and funding announcements updates may be based on the knowledge produced in prior generations of research deliverables. When this happens, research translation is occurring.

Alignment and translation activities have increased the impacts of funded research after knowledge management practices were implemented (Mendoza, Bischoff, and Willy 2017). Measured by the volume of publications, these researchers find that a KM strategy adds value to government research and development.

In climate science research, the fulfillment of the five knowledge management roles can support collaboration and make information widely available. Knowledge management processes and roles offer a framework for obtaining and organizing climate knowledge. This knowledge can guide strategic plans updates, funding opportunities and future research projects based on the results generated from current research projects. When combined, the work of multiple KM collaborators can make research knowledge transparent and accessible. Usable information can guide the efforts of researchers, policymakers and practitioners.

Our analysis explores how research translation could become more efficient by aligning the content of strategic plans, funding announcements and research projects. We expect that a human infrastructure network that deliberately assigns the various knowledge management roles will also lead to more efficient translation.

RESEARCH DESIGN

In a nationwide analysis, Franklin, et al. (2017) found weak alignment between strategic plans, funding and research deliverables in drought research. Unfortunately, this empirical analysis was limited to a quantitative review of research deliverables found using academic search engines and publicly available literature. This quantitative analysis did not consider the efficiency of the human infrastructure supporting climate science research. To address this gap, this research focuses on a single organization and expands beyond drought research to all weather and climate extremes.

We used qualitative case analysis methodology (Yin 2014) to analyze the efficiency of the human infrastructure in research translation. The unit of analysis was SCIPP, an organization creating climate science knowledge. We identified the personnel who fulfill the five knowledge management roles through unstructured discussions with SCIPP staff. Research alignment and translation was measured through content analysis of the strategic plans, funding opportunities, research deliverables. The documents analyzed and protocol are described next.

Five strategic plans followed the 2003 CCSP (the plan mandating that the federal Department of Commerce implements national weather and climate policy). The goals in the 2009, 2010, 2014, 2015, and 2016 strategic plans created by units within the Department of Commerce tasked with carrying out the CCSP were analyzed. A 2008 funding announcement created SCIPP. A 2013 funding announcement reauthorized SCIPP. These were used to analyze the alignment of funding with strategic plan goals.

We analyzed SCIPP's annual reports between 2009 and 2017 to: 1) document the research results achieved in each year, 2) identify future research projects and 3) establish the stakeholders with whom SCIPP researchers collaborate. We triangulated our preliminary findings with evidence from documents available on the SCIPP website. If the SCIPP documents reported research activities and stakeholder collaborations that mirrored what was in the strategic plans and funding announcements, then there was alignment. If there was evidence that the engaged research findings in one cycle influenced the language of strategic plans and/or funding announcements in the next cycle, that suggested research translation.

All source documents were analyzed to identify words representing themes and changing emphases (King, Keohane, and Verba 1994). We read the strategic plans, funding announcements and research deliverables to inductively identify words representing goals, processes and outputs/outcomes that were used synonymously (Corbin and Strauss 2015). Our analysis started with the 2003 CCSP strategic plan goals. Iterative key word searches found language in the later plans, funding announcements and the 300+ SCIPP research deliverables suggesting that themes changed over time. Where there was an evolution in a theme, we documented when and in what kind of document the revised theme emerged and when it was picked up in later documents to show that research translation was occurring.

There are internal and external threats to the validity of our research design. The main threat to internal validity is the subjectivity associated with qualitative analysis, as well as a high reliance on analysis of documents created for a different purpose. To mitigate this threat, we triangulated qualitative evidence with descriptive statistics of the coding to assure that our sense of the importance of a theme or word was consistent. Making conclusions about knowledge management practices and research translation with a single case is not generalizable. There are a multitude of agencies, organizations and individuals contributing to this endeavor that may have different results. However, this research protocol can be replicated in other settings or policy areas to test the degree of generalizability and improve external validity.

RESEARCH FINDINGS

The first test of SCIPP's research alignment and translational efficiency examines the personnel who serve the five roles in knowledge management. Even though SCIPP is a single organization, research collaborators come from academic and non-academic organizations and administrative staff work at two organizational locations. This arrangement creates some duplication of roles. For example, there are two principal investigators who have responsibility for leadership and responsibility for producing results from funding. Administrative leadership comes from the University of Oklahoma (OU) principal investigator with help from the program manager. However, in discussions with SCIPP personnel, we found that the role of *knowledge leader* does not seem to be clearly defined nor fulfilled by one person. Instead, the de facto leader is the principal investigator at OU.

OU's principal investigator sets the tone and overall direction and navigates knowledge to connect the people in and collaborators with SCIPP, fulfilling the role of *knowledge manager*. He has responsibility for acquiring and maintaining both internal and external knowledge. There are other researchers at SCIPP who contribute to this function. For example, the investigator responsible for each individual research project holds primary responsibility for acquiring external knowledge and maintaining and communicating internal knowledge.

The role of *knowledge synthesizer* is played by the associate program manager and the climate assessment specialist at OU. Both positions work directly with stakeholders, although the associate program manager focuses more on academic research. The climate assessment specialist synthesizes knowledge more on the practitioner side.

The program managers are primarily responsible for the role of *knowledge navigator*. Inquiries about where to find information go

first to the program managers who give contact information for the right person. This can be whoever they are in closest contact with or just who is around to ask. The program managers also prepare newsletters and facilitate general sharing of knowledge via written and oral communications to stakeholders. Research deliverables include academic publications and formal reports, websites, social media, and inter-office communications. Many have a format to make information immediately usable.

With multiple projects being conducted simultaneously in SCIPP, there is not a single person who is the *content editor* for the organization. Instead, the role is better described as a responsibility shared by everyone in SCIPP. Depending on the nature of the content, the researcher leading the project is the one who initially writes the content. If a workshop summary is being produced, the person who led the workshop becomes the content editor. The document is then reviewed by the program manager. Formal reports are produced by many people and the process is organized by the program manager. While other organizations may have a science reporter who would be a content editor, it is unclear if this would be advantageous to SCIPP in terms of efficiency. SCIPP seems to communicate effectively with stakeholders and meet user needs through by sharing the content editor role across the organization.

SCIPP personnel conclude that the organization is functioning in a way that currently meets its needs. Within SCIPP, each of the five KM functions are being performed even though there are informal, and sometimes shared, role assignments. All personnel and researchers increase the value of SCIPP because each shares responsibility for acquiring, maintaining and sharing knowledge in a way that adds value to climate research and practice.

However, there is room for improvement. The lead investigator notes that it is hard to tell how SCIPP's work is used and whether it makes a direct impact. Currently, this information is not systematically collected nor stored and shared. This prohibits consistent evaluation of the impacts of the research findings. SCIPP researchers believe that it would be beneficial to refine impact indicators to better guide

research and increase use. Success in developing and tracking impacts can also enhance the feedback loop and lead to updated strategic plans and funding announcements and foster research translation. Burford (2013) suggests that organizations with a certain mindlessness of KM processes should have a formally assigned knowledge leader to articulate and reinforce a commitment to smart information practices (see Table 3 below). This recommendation seems salient for SCIPP as well.

The second test of the alignment between and translational effects over time analyzed strategic plans, funding announcement and research deliverables between 2003 and 2016. Since the national policy agenda creates the operating environment for climate science research, we used Easton's (1965) black box model segregating political inputs and outputs/outcomes in the external environment from the administrative processes that occur in an organizational black box, in this case SCIPP. We review the three components of the applied research model next.

Table 3
Human Infrastructure Practices at SCIPP

KM Collaborator	Human Infrastructure at SCIPP
Knowledge Leader	Principle Investigator
Knowledge Manager	Researchers contribute for their own projects, then Program Manager
Knowledge Navigator	Program Manager
Knowledge Synthesizer	Program Manager for reports and Assistant Manager for websites
Content Editor	Researchers working on specific projects

STRATEGIC PLANS

The first component for research alignment and translational efficiency in climate research are the strategic plans. Starting in 2003, the CCSP set a national agenda to address weather and climate extremes. In later years, units within the Department of Commerce produced six strategic plans establishing national policy and research priorities. Over time, these strategic plans widen the focus from drought and climate variability and change to weather hazards and climate extremes (see Table 4; more detail is in Appendix A).

Table 4

Summary of Strategic Plan Emphases and Changes 2003-2016

Policy Stage	Year of Documents Analyzed				
	2003	to	2009	2010 to 2014	2015 & 2016
Inputs	Climate variability/ change		Weather hazards and climate extreme		
Research Process	Identify stakeholders and needs		Create deliverables for decisions		
Stakeholder Process	Create a broad list of stakeholders		Engage in decisions		
Outputs/ Outcomes	Provide useful, integrated knowledge		Build capacity to prepare and adapt		

Looking at the research process, we find a shift from stakeholders needs to creating deliverables useful for decision-making. The 2003 CCSP articulated goals for stakeholder identification processes. Later plans had goals for engaged co-production in the creation of response and mitigation plans. In terms of outputs, the initial goal was for useful, integrated research responding to stakeholders' needs. Goals in the later strategic plans evolved to transferring knowledge that builds resiliency for communities to prepare and adapt.

The changes over time to the original 2003 CCSP goals are the basis for determining the alignment of funding announcements and research deliverables. They also are used to assess when feedback from the research results and SCIPP's collaborative activities is reflected in future strategic plans and funding announcements, which would suggest research translation.

FUNDING ANNOUNCEMENTS

The second component for research alignment and translational efficiency in climate research are two funding announcements. These should support strategic plan goals by incentivizing research agendas. As shown in Table 5 below, the emphasis changes to the identification of different kinds of weather and climate extremes.

Due to this, the research deliverables are expected to contribute more than forecasts and scenarios. Instead the emphasis is on innovative research that is useful. Part of this shift is supported by an expectation to move from forming partnerships with regional stakeholders to strategically creating user-inspired knowledge for weather planning, mitigation, response and adaptation. Expectations for improving research abilities shift to informing policy decisions and increasing community resilience.

Table 5
Summary of Funding Announcements Emphases and Changes: 2008-2014

Policy Stage	Year of Documents Analyzed	
	2008	2014
Inputs	Create south central, midwest RISAs	Identify weather & climate extremes
Research Process	Generate forecasts & scenarios	Conduct innovative research, provide tools
Stakeholder Process	Assess needs, form partnerships	Provide user-inspired research
Outputs/ Outcomes	Improve applied research abilities	Inform policy and assist communities

RESEARCH DELIVERABLES

The third component for research alignment and translational efficiency in climate research are the research deliverables. Our analysis of 300+ research deliverables found that a business as usual model was clear at the start of SCIPP. This morphed into an engaged and applied research model (see Table 6 below). This is not surprising since climate research was already occurring at the University of Oklahoma and at Louisiana State University. This research process initially supported the accumulation of partnerships. As it matured, SCIPP shifted its emphasis to communicating results

TRANSLATING RESEARCH INTO PRACTICE

in academic and non-academic venues. In fact, the delivery via social media and SCIPP followers have grown suggesting co-production relationships with more and more stakeholders. Turning to the outputs/outcomes, the research deliverables show continuous improvement in the way research offers useable information. The new venues for communicating results are better able to inform policy decisions and strengthen community resilience. SCIPP has named impacts, but staff acknowledge refinement is needed.

Table 6

**Summary of SCIPP Research Deliverable Emphases and Changes:
2008-2016**

Policy Stage	Year of Documents Analyzed	
	2008	to 2009, 2010, 2011, 2012, 2013, 2014, 2015, & 2016
Inputs	Research as usual model	Engaged & applied research
Research Process	Accumulate partnerships	Communicate research in (non) academic venues
Stakeholder Process	Engage more stakeholders	Co-produce with stakeholders & in social media outlets
Outputs/ Outcomes	Continuously improve	Identify impacts, building resilient communities

Using findings from analysis of the strategic plans, funding announcements and research deliverables, we can draw conclusions

about SCIPP’s research alignment and translation. In Table 7, we conclude that there is alignment between the external and internal operating environment for SCIPP. This is seen in changes over time in what topics to study, what kind of research is usable and the benefits of partnerships with engaged stakeholders.

For example, the initial strategic plan called for meeting stakeholder needs for information and creating deliverables that met these needs. The funding announcement noted that it would be necessary to assess stakeholder needs and generate forecasts and scenarios. SCIPP’s 2009 Annual Report had sections titled: “Current Areas of Focus – Climate, Community Engagement and Drought” and “Research, Stakeholder Collaboration and Tool Development”. For all three documents, common themes are stakeholder engagement and offering climate information that would be useful to stakeholders.

Table 7

Alignment and Feedback Between Plans, Funding and Research Deliverables

Inputs: Different types of environmental conditions and weather events

Strategic Plans	Climate variability and change, RISA focus on hazards and extreme events reflects a widening definition
Funding	RISA focus for SCIPP & upper Midwest US expanded to hazards & event
Research Deliverables	Emulating a "business as usual" research model early; then an engaged and applied research model
Research Findings:	Alignment & translation - research and partnerships lead to a wider definition of hazards and extreme events

TRANSLATING RESEARCH INTO PRACTICE

Processes: Produce Research

Strategic Plans	Broad definition to co-production of specific types of deliverables
Funding	Changing emphasis to innovation and types of deliverables
Research Deliverables	Accumulating partnerships producing expanded research communicated in academic and non-academic venues
Research Findings:	Alignment - increase in applied research - needs assessments, planning, evaluation

Processes: Engage Stakeholders

(decision/policy makers, public, across sectors, local, regional, global, community, NIDIS)

Strategic Plans	From broad stakeholder list, global emphasis falls away, regional/community specific emphasis increases
Funding	From assess to meet needs and assist regional stakeholders in all phases of climate change response
Research Deliverables	Engaging more stakeholders with research deliverables reflect co-production & create social media followers
Research Findings:	Alignment & translation - stakeholder engagement adds applied research, communications to social media followers

Outputs/Outcomes: Climate Information and Decision Making

Strategic Plans	Integrated research responding to needs then transferring knowledge & building resiliency for communities to prepare and adapt
Funding	Continue producing scientific research and use this to inform policy decisions and community preparation and mitigation efforts
Research Deliverables	Continuous improvement to create and attempt to measure broader climate science impacts and resilient communities
Research Findings:	Alignment - Knowledge diffusion to partners & engaged stakeholders, integrated climate science with societal adaptation

We found mixed results in terms of the translation of research results into future strategic plans and funding announcements. We analyzed this by finding new themes in SCIPP's Annual Reports from one year to the next. Then, we compared these to strategic plans and/or funding announcements in later years.

Here is an example of areas where we found evidence supporting research translation.

Year: New Titles in SCIPP Annual Reports

- 2009: Research projects and stakeholder collaborations
- 2010: Accomplishments
- 2010: Communicating science to decision makers
- 2011: Exemplifying regional climate services
- 2011: Team projects - deliverables, stakeholder collaborators, connecting science to practices
- 2013: Project database
- 2014: Measuring success

TRANSLATING RESEARCH INTO PRACTICE

2014 Funding Announcement (evidence)

Conduct innovative research, provide tools (collaborations to develop projects, databases)

Provide user-inspired research (stakeholder collaborators, connecting science to practices)

Inform policy and assist communities (communicating science, providing regional services)

Year: New Titles in SCIPP Annual Reports

2015: Increasing resiliency & preparedness for weather and climate extremes

2015: Key outreach activities

2015: Narrative examples

2015: Measuring overall impact

2015: NIDIS - Weather and prediction tool databases

2015/2016 Strategic Plans (evidence)

Weather hazards and climate extremes (weather and climate extremes)

Deliverables for decisions (weather and prediction tools and databases)

Engage in decisions (measuring overall impact)

Build capacity to prepare and adapt (increase resiliency and preparedness)

There were areas where there was no evidence of translation, especially in the outputs; much of the documents continue prior themes. This finding supports SCIPP's perspective that the measurement of impacts can be improved and that knowledge management could more systematically capture and compare impacts over time. Limited translational efficiency is not surprising since our analysis was limited to the results from SCIPP. Strategic plans and

funding announcements are at the national level and other actors also influence translation

DISCUSSION

SCIPP uses an applied research model to integrate empirical and experiential climate science evidence for community planning, mitigation, response and adaptation efforts. The 2003 Climate Change Science Program reflected a national desire for useable climate science and broader societal impacts from climate research deliverables. Ten Regional Integrated Science Assessment organizations, including SCIPP, were created to expand stakeholder co-production to increase regional resiliency and preparedness. We find that SCIPP's inputs, research and stakeholder processes, and outputs/outcomes are aligned. However, the translation of research results could be more efficient in the areas of processes and outcomes.

Adopting knowledge management practices in SCIPP could improve research translation. The small number of SCIPP administrative personnel makes it difficult to assign all five knowledge management roles. Instead, roles are selectively assigned and there is a heavily reliance on individual researchers to contribute to the KM system. We find that SCIPP's human infrastructure had deficiencies such as the absence of formal responsibility assignments for all the roles, but especially for the knowledge leader role

SCIPP personnel are not unaware of this challenge and suggest that uniform metrics developed in collaboration with stakeholders could help institutionalize knowledge. The potential value of this idea that was recognized in the 2009 strategic plan which called for infrastructure for knowledge transfer and stipulated collaboration by organizations having responsibility for delivering climate information. Organizations like SCIPP were tasked with developing institutional pathways, policy requirements, and innovative technical

TRANSLATING RESEARCH INTO PRACTICE

processes to transfer maturing climate research to others (2009 RISA Vision, p. 6).

To achieve this goal for infrastructure development, we see in Table 8 that knowledge management roles can be assigned based on the stages in the research knowledge production cycle.

Table 8

Knowledge Management in the Research Knowledge Production Cycle

The creators of strategic plans in NOAA units are the knowledge leaders. Program managers overseeing federal funding are the knowledge managers. Those accountable for the acquisition and management of internal and external knowledge nationally and at regional organizations like SCIPP are knowledge managers and

knowledge navigators. Individual researchers at SCIPP equate to knowledge synthesizers by contributing significant knowledge to organizational memory. They are assisted by regional and federal policy managers who are content editors who are answerable for codifying and structuring content, and deal with capturing and documenting knowledge researchers, writers, and editors.

A robust model of KM in climate research would feature a more cohesive structure which requires knowledge leaders, managers and navigators to align strategic plans, funding opportunities and research projects. As suggested by the research knowledge production cycle, after multiple generations of research, people in these three KM roles could efficiently translate research to inform plans, funding, and future projects. When successful, decision making would be improved and resiliency and preparedness would be increased.

CONCLUSION

The knowledge management (KM) literature stresses the need for managing knowledge produced, stored and shared by an organization. Our analysis suggests that, in the climate research realm, KM could be more effectively managed if SCIPP deliberately articulately and assigned KM roles. Capturing, organizing and making SCIPP data transparent and accessible, would document breakthroughs and innovations, informing the choice of future research projects. Combined, this would enhance the probability of research translation and create useable knowledge informing policy decisions and increasing preparedness and resilience.

Our analysis found alignment between strategic plans, funding announcements, research and stakeholder collaboration processes and the communication of usable research results. However, there is potential to enhance the utilization of research results to increase translational efficiency and contribute to a policy accretion process

(Weiss 2002), provided the human infrastructure necessary for knowledge transfer is bolstered.

Examining the relationship between human infrastructure and research translation efficiency through the lens of knowledge management suggests how to structure practical applications of KM to increase the visibility and use of research results. Through double loop learning research deliverables can inform future strategic plans and next generation funding. A successful knowledge management process can support engaged research by multiple stakeholders. Combined this could efficiently translate research and improve policy and practice.

Although these findings suggest the potential for application to various policy domains, studies with more climate science organizations are needed to see if the findings are generalizable. Or, our findings could be tested in a different substantive policy area. There is the potential for SCIPP's applied research model to be used in other publicly funded programs. For example, best practices from collaborative research could generate usable evidence for improving educational outcomes to practitioners charged with implementation.

Mann concludes that "...[t]he tremendous strides that have been made in the treatment of cardiovascular disease have been the result of sustained and coordinated translational efforts by academic and industry partners" (2017, 103). Our analysis applies theory from one area of science to another to explore how it could contribute to more focused research, quicker implementation of best practices and increased visibility and use of research findings. KM practices can also open communication and collaboration pathways. If successful, climate research networks can more efficiently translate research findings, communities can be more resilient and prepared for weather and climate extremes; each leading to broad societal impacts.

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APPENDIX A

Strategic Plan Emphases and Changes: 2003-2016

Inputs: the different types of environmental conditions and weather events

2003 CCSP	Climate and non-climatic factors,
2009 RISA	Natural hazards, environmental disturbances, sea-level rise
2010 NOAA	Water resources, coasts, climate ecosystems, marine changes
2015 CPO	Drought, flood, fire, extreme heat, water supply changes, snow pack, sea level rise, severe storms, melting ice, permafrost
2016 RISA	Climate hazards and extreme events
Finding:	Climate variability and change, RISA focus on hazards and extreme events reflects a widening definition

Processes: Produce Research

2003 CCSP	Meet stakeholders needs for climate knowledge including non-climatic factors
2009 RISA	Assess regional climate, improve literacy and adaptation, inform policy
2010 NOAA	Address societal challenges in climate impacts
2014 OAR	Conduct and translate meaningful and actionable research
2015 CPO	Monitor & forecast, educate & raise awareness, communicate (outreach)
2016 RISA	Create useful regional climate research and information to meet DM needs
Finding:	Broad definition to co-production of specific types of deliverables

Processes: Engage Stakeholders

2003 CCSP	Respond to needs of decision/policy makers & public across a broad range of sectors at local, regional & global scales
2009 RISA	Support collaborative decisions through knowledge management, dialogue, promote expanding suite of capabilities
2014 OAR	Work with stakeholders on the ground to know needs
2015 CPO	Communicate & provide outreach activities for education & public awareness
2016 RISA	Engage hand in hand with stakeholders and decision makers
Finding:	From broad stakeholder list, less global emphasis, more community emphasis

Outputs/Outcomes: Climate Information and Decision Making

2003 CCSP	Produce integrated knowledge that is useful, responsive to needs
2009 RISA	Conduct experimental research and create decision products

2010 NOAA	Transfer knowledge and expand use of suite of capabilities
2014 OAR	Work with communities & stakeholders to meet needs and translate to action
2015 CPO	Embed research information into preparedness and adaptation activities
2016 RISA	Advance knowledge to build capacity for preparation and adaptation
Finding:	Integrated research responding to needs then transferring knowledge & building resiliency for communities to prepare and adapt

APPENDIX B

Funding Announcements Emphasis and Changes: 2008-2016

Inputs: the different types of environmental conditions and weather events

2008 RISA	Drought is a serious concern
2014 RISA	SCIPP Region, floods, coastal, climate impacts, marine and Great Lakes ecosystem
Finding:	Create SCIPP & upper Midwest US expand to weather and climate extremes

Processes: Produce Research

2008 RISA	Generate integrated research into global environment changes & drought, provide forecasts & scenarios, work with NIDIS
2014 RISA	Conduct innovative, interdisciplinary research with drought monitoring and prediction products and scenarios
Finding:	Changing emphasis to innovation and types of deliverables

Processes: Engage Stakeholders

- 2008 RISA Assess needs & adaptive capacity, form partnerships, develop regional stakeholders
- 2014 RISA Provide user-inspired, regionally relevant research, assist management & facilitate planning processes

Finding: From assess to meet needs and assist regional stakeholders in resiliency and preparedness

Outputs/Outcomes: Climate Information and Decision Making

- 2008 RISA Improve ability to observe, understand, predict & respond to climate changes
- 2014 RISA Inform resource management and public policy, prepare for floods in urban coastal communities, mitigate climate impacts

Finding: Continue producing scientific research and use this to inform policy decisions and community preparation and mitigation efforts

APPENDIX C

**SCIPP Research Deliverables Emphases and Changes:
2008-2016**

Inputs: the different types of environmental conditions
and weather events

- Annual Reports Research changes in climate & drought to hurricane, storm surge, tornados, floods, heat, fire, ice, sea-rise, water resources, severe storms, extreme events
- Publications Research projects expected to produce academic, non-academic deliverables
- Website To be developed as communication and outreach

Finding: **Emulating a "research as usual" research model early; then an engaged and applied research model**

Processes: Produce Research

Annual Reports Conducting research with partners & continuous expansion of government and non-government partners

Publications Reporting findings in books, chapters, journals & non-academic reports to workshops, meetings, professional presentations to data bases & user tools

Website Posting researchers' publications, annual & technical reports, workshop agendas & summaries, webinars, newsletters & social media

Finding: **Accumulating partnerships producing expanded research communicated in academic and non-academic venues**

Processes: Engage Stakeholders

Annual Reports Identifying and developing stakeholders & partners becomes collaborations, communications with narratives, and joint activities

Publications Empirical research evolves to report events & adaptation activities with new stakeholders (OK's Tribes, Emergency Managers/Planners, communities)

Website Communicating information about SCIPP becomes invitations to join webinars, workshops, field photo events; listen to podcasts & subscribe to social media

Finding: **Engaging more stakeholders with research deliverables reflect co-production & create social media followers**

Outputs/Outcomes: Climate Information and Decision Making

Annual Reports	Shifts traditional publications to reports; databases; planning, evaluation & mitigation activities; building expertise; partner projects & measuring impacts
Publications	Describes weather/events changes to predictive scenarios, international comparisons, technical & lay language reports/recommendations
Website	Updates to front page more frequently for activities and research deliverables, better links so user finds more items on website
Finding:	Continuous improvement to create and attempt to measure broader climate science impacts and resilient communities

JAMES MADISON IN OKLAHOMA: THE FOUNDING FATHER AND THE FATE OF THE TRIBES

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Located in Tulsa, Oklahoma, the Thomas Gilcrease Institute of American History and Art is the repository of the most comprehensive collection of American Indian and Western Art in the United States. The Gilcrease Museum (as it is better known) also houses an impressive collection of related archives and artifacts, features special exhibits, and hosts a variety of programs for scholars and the public. Seated in the Osage foothills near the Arkansas River and surrounded by gardens, the Gilcrease Museum is widely hailed as the cultural crown jewel of Oklahoma.

Overwhelmed by the richness of the collection, the casual visitor may fail to notice those artworks that fall outside the Native American and Western genres. Thomas Gilcrease, the Tulsa oilman who founded the museum, was not only an avid but an eclectic collector, and his museum features paintings by famous American artists such as Mary Cassatt, Winslow Homer, John Singer Sargent, and James McNeill Whistler. There is also a painting that may appear slightly out of place among the many great works of Western art: a portrait of James Madison (c. 1792) by Charles Willson Peale, which was acquired by Mr. Gilcrease in 1958.

Given the fame of both Madison and Peale, who painted almost every leading figure of the Revolutionary generation, there was good reason to acquire the portrait. Since the acquisition it has been widely reproduced and is among the most familiar likenesses of the Founding Father. When it was executed around 1792, Madison had not yet acquired the title “Father of the Constitution,” but he was among the best-known statesman in America and a leader in the House of Representatives. By this time he and Thomas Jefferson had

joined in opposition to Alexander Hamilton, whom Peale also rendered in oil. When Jefferson became president in 1801, Madison would serve as his secretary of state, then succeed him as president. After two terms and forty years of public service, Madison retired to his estate in Virginia, where he died in 1836, “the last of the Fathers.”

For all his fame and importance as a Founder, the presence of Madison’s portrait in the Gilcrease is still something of an anomaly. After all, Madison never travelled west of the Appalachians and died more than a half-century before Oklahoma became a territory. Moreover his link to the destiny of the native tribes, and particularly to the peoples who would one day occupy Oklahoma, would seem indirect at best. Unlike Jefferson, who first suggested Indian removal, and Andrew Jackson who commenced the process, Madison—according to biographers and historians—made no significant contribution to federal Indian policy. For the most part he is portrayed as following Jefferson’s (equivocal) policy of assimilation and expansion until he was moved to crush the tribal uprisings on the frontier during the War of 1812. Yet this use of force was less the design of the commander-in-chief than the work of his free-lance generals. And so Madison is typically identified as a “transitional” figure in the history of U.S.—Indian relations, poised between the assimilationism of Jefferson and the emerging policy of removal that culminated with Jackson (Warnes 2009, 511).

This image of Madison, while not at sharp variance with the facts, tells little about his connection to Native American history. With few exceptions, Madison’s biographers, presidential historians, and students of U.S.—Indian affairs have all but ignored this aspect of his thought and career. Admittedly, Madison did not match Jefferson’s interest in native cultures and languages, nor did he, like Jackson, decisively alter U. S. policy toward the tribes. Yet from his earliest childhood memories to this final days, the indigenous peoples of America occupied a vital place in the mind of Madison. And during his four decades as a public official, he was engaged—

directly or indirectly—in Indian affairs to one degree or another. Indeed, Madison’s career coincided with the origins of U.S.—Indian relations under the Continental Congress (1774) and ended with the defeat and pacification of the woodland tribes under his presidency (1817). It may seem remarkable, therefore, that so little has been written on Madison and the native peoples.

A comprehensive treatment of the subject, such as those accorded Jackson and Jefferson, would require a book-length study covering the entirety of Madison’s life. From a childhood “spent . . . within expectant earshot of the cries of Indian attack” (Brant 1941, 48) to the heated battles over Indian removal during his retirement, the “trouble of the tribes” remained a persistent concern, and (as Madison confessed) a “problem most baffling to the policy of our country” and one only surpassed by slavery. Here I can only suggest how such a study might proceed.

Madison’s first extant reference to Native Americans was occasioned by “Lord Dunmore’s War” (1774), a punitive expedition led by Virginia’s royal governor against the Shawnee who had retaliated for the massacre of a dozen of its own people by frontier whites. The warfare that ensued—in conjunction with childhood memories—may have permanently shaped Madison’s attitude toward native peoples in general. And while largely unsympathetic to “those perfidious people,” he did show an appreciation for the “eloquence” and “valor” of Logan, the Shawnee chief. Later that year, Madison, just twenty-three, was elected to the Orange County Committee of Safety in response to heightened tensions between imperial Britain and the American colonies. During this period, the Continental Congress was preparing for war, which included efforts to ensure the neutrality if not the active support of the Indian tribes.

Even before he joined Congress in 1780, Madison’s correspondence is replete with references to such efforts and to the escalation of violence on the frontier. Since most of the warring tribes either sided with the British or simply fought against the colonists, he was far

from sympathetic to native interests during this period. As a member of the Virginia delegation in Congress (1780-1783) he would frequently exchange news with the Virginia governor (and other correspondents) on Indian affairs of national or state concern. While no clear policy emerges from these exchanges, outside of pacifying the tribes as part of the war effort, Madison would continue to follow events closely in and out of Congress.

With the formal adoption of the Articles of Confederation (March, 1, 1781), Congress was granted “the sole and exclusive right and power of . . . regulating the trade and managing all the affairs with the Indians, not members of any of the States, provided that the legislative right of any State, within its own limits be not infringed or violated.” Because many of the tribes still resided within state boundaries, authority over Indians affairs remained divided between the Congress and the states. Moreover, the treaty that ended the war with Great Britain had made no provision for the status of the hostile tribes. Congress, whose Committee on Indian Affairs issued its first comprehensive report at this time, moved to broker a series of treaties to normalize relations. Madison, now back in the Virginia Assembly, would travel to upper New York with the Marquis de Lafayette, who helped to negotiate the Treaty of Fort Stanwix with tribes of the Six Nations.

While Madison did not shape post-war Indian policy, he continued to observe state and federal efforts to normalize relations with those tribes who had taken up arms against America. These efforts—based on the “conquest” doctrine—were rarely successful, and by the end of 1786 the frontier was on the verge of “a general Indian war.” Shortly thereafter Secretary of War Henry Knox proposed a different approach based on “preemption” or the right of first purchase of Indian-occupied lands. While Madison was attending the Federal Convention in Philadelphia—where he proposed that Congress have exclusive jurisdiction over Indian affairs—the Congress sitting in New York passed the Northwest Ordinance which reflected this new approach. In words that would subsequently become bitterly ironic, the ordinance pledged that “[t]he utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without consent . . .”

The broad consensus that Indian policy should be vested in the federal government was reflected in the lack of debate over the subject both at the Philadelphia Convention and in the state ratification conventions that followed. In *Federalist* No. 42, Madison ridiculed the Articles of Confederation which divided authority to treat with the tribes between the state and general governments. The decision to grant exclusive jurisdiction to the latter under the Constitution would not, however, prevent states from meddling in Indian affairs, stop settlers from invading tribal lands, or end intermittent warfare on the frontier. Yet it did permit the adoption of Secretary Knox's "benevolent" policy of treating the tribes as sovereign nations and regulating white-native relations through a series of trade and intercourse acts. While these measures were primarily the result of consultations between Knox and President Washington, it is probable that Madison—a leader in Congress who was close to the president during his first term—had a hand in the legislation.

Just what role Madison played in the formation or adoption of Indian policy during his four terms in Congress (1789-1797) must await a review of his papers and House records for these years. Since administrative authority over Indian affairs was placed in the Department of War under the leadership of the president, Congress—which was busy with a host of other matters—played a secondary role at best. Still both the House and Senate established standing committees on Indian affairs and regularly held hearings, issued reports, and adopted measures. Students of U.S.—Indian relations in the antebellum era have focused almost exclusively on executive management of tribal affairs at the expense of congressional oversight and legislation.

After a brief stint in the Virginia legislature (1799-1800), Madison joined the Jefferson administration in the capacity of secretary of state. Since Indian policy was vested in the Department of War, he had little official role to play in this area. And while he did review the many tribal treaties negotiated during these years—he was after all Jefferson's closest advisor—scholars have had virtually nothing to say about Madison's views or contributions to Jefferson's Indian

policy. Nor is it clear if Madison played a role in the Compact of 1802 whereby Georgia agreed to cede its western lands to the federal government in exchange for a pledge to extinguish Indian land titles throughout the state. During his nationalist phase (1780-1790), Madison frequently complained that the Articles of Confederation had created an unworkable system of divided sovereignty that allowed the states to frustrate the national interest. Even the Constitution, which strengthened the latter at the expense of the former, Madison believed, retained the evil of *imperium in imperio*—a state within a state. Yet did Madison also view the tribes in Georgia and elsewhere in similar terms? More specifically, what was his response to the Cherokee's efforts to establish an independent state within Georgia in the late 1820s? Conversely, how did he respond to the state's determination to drive the Cherokees out of Georgia on the basis of the 1802 compact? Did he express an opinion—constitutional or otherwise—on the showdown between President John Quincy Adams and the Georgia authorities? Or on Jackson's Indian Removal Bill? Or on John Marshall's decisions in the Cherokee cases? Or on forcible removal? As one biographer has noted, Madison "wrote little" on the subject of Indian affairs, and yet no one has bothered to explore what little he *did* write.

Only a review of Madison's papers over his long public career and beyond can begin to answer these and other questions. Did his views on relations with the tribes evolve over time or did he, as a noted Madison scholar suggests, simply share "Jefferson's attitude toward federal paternalism as a means of converting Indians into yeoman farmers" (Rutland 1990, 37)? One of the few scholars to comment on Madison's tribal policies as president agrees: "he merely continued and echoed the Indian policies of Jefferson." (Horsman 1967, 158). Yet it was Madison, not Jefferson who presided over a war in which the woodland tribes made their last, desperate stand in a conflict that spanned two centuries. Before the outbreak of war with Britain in 1812, Madison had attempted to resolve conflicts on the frontier through peaceable means. William Henry Harrison's "victory" at Tippecanoe (1811)—which led to a formal Shawnee-British alliance in the Northwest—was an unauthorized action Madison was forced to condone after the fact.

In the Southwest, Madison—prodded by his secretary of war—pressured the tribes to permit the construction of supply roads through their lands, but he opposed demands by state officials to seize the lands themselves. His prewar inaugural and annual addresses strike a positive note on Indian relations and reaffirm the policy of “civilization” embraced by his predecessors. While he would denounce Indian depredations on the Wabash in a message to Congress a few days before the Battle of Tippecanoe, he did not link such activities to British connivance until his war message of June 1812. Not surprisingly Madison’s attitude towards the hostile tribes shifted with the outbreak of war, a shift reflected in the general opinion of white Americans. As historian Brian Dippie has written, “[t]he tarnishing of the Indian image after 1812 can be traced in the changing mood of Madison’s annual messages to Congress” (1982, 6).

After his victory over Tecumseh and the British at the Battle of the Thames (1813), General Harrison would resign his command, only to be coaxed by Madison to resume his office in order to pacify the defeated northwestern tribes. Harrison, known as “Mr. Jefferson’s Hammer” for his aggressive policy of acquiring tribal lands as governor of Indiana Territory, acquired far greater notoriety under Madison and would eventually be elected president. Andrew Jackson also rose to fame under Madison. Interestingly, Jackson had supported James Monroe for president in 1808 in the belief that he would be more aggressive than Madison in confronting the frontier tribes. After an abortive campaign against the Seminoles in late 1812 (Madison failed to obtain congressional approval for an invasion of west Florida and Jackson’s volunteers were discharged), Jackson raised troops without authorization when the “Red Stick” Creeks took to the warpath in present-day Alabama.

Madison would subsequently approve Jackson’s peremptory moves, but the headstrong general’s defiance of civilian authority would prove habitual. After peace was established, he disregarded a directive from Madison’s secretary of war to return lands ceded by the Creeks in the Treaty of Fort Jackson (1814), and later refused to comply with a treaty (1816) that returned ceded lands to the

Cherokees. During this period the army was under orders to evict unauthorized settlers from tribal lands, but neither Jackson nor the settlers were willing to cooperate. A proclamation signed by Madison (1815) ordered federal officials to remove squatters but it was largely ignored. When a group of disaffected Cherokee chieftains complained to Madison of their plight, Jackson—present in Washington at the time—urged the president to disregard them. Madison assured the chieftains that the government would act in good faith, and even ordered Jackson to suspend any negotiations that violated the Indians’ “ideas of justice and right” (Rutland, 200). Yet Madison must have known that Old Hickory—who openly denounced the practice of treating the tribes as nations as “absurd”—would not honor his instructions. A few years later, Jackson would again defy a president—this time James Monroe—with an unauthorized assault on Spanish forts while pursuing the Seminoles in Florida. This would not, however, prevent Jackson from becoming president himself in 1829, and securing passage of the Indian Removal Act a year later.

While Jefferson had privately contemplated the removal of the tribes at the time of the Louisiana Purchase, neither he nor Madison made it official policy. It was Madison’s successor, James Monroe, who first endorsed removal in a special message to Congress in 1825, a position adopted by Monroe’s successor, John Quincy Adams. Both, however, insisted that removal should be *voluntary*, and resisted efforts to force the tribes to relocate west of the Mississippi. In his last years as president, Madison would continue to champion the “civilization” policy, and particularly the “divided and individual ownership of land” as “the true foundation” for a transition from a primitive state “to the arts and comforts of social life” (Banner 2007, 260). Yet within a year of leaving office—and in the face of mounting evidence—he appears to have given up on the idea of assimilation and resigned himself to the policy of removal. In what one biographer has called “[p]erhaps the best summary of his views” on the matter, Madison made the following observation some months after the passage of Jackson’s Removal Bill: “It is evident that [the native peoples] can never be tranquil or happy within the bounds of a State, either in a separate or subject character, that a removal to another home, if a good one can be found, will be the wish of their

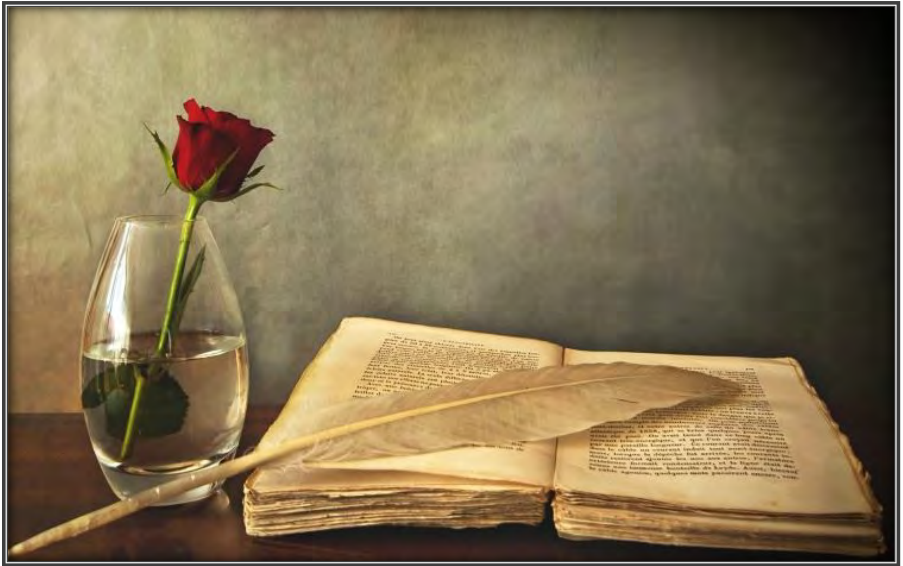
best friends. But the removal ought to be made voluntary by adequate inducements, present and prospective; and by no means ought to grudge which such a measure may require” (Schultz 1970, 197).

This passage suggests that Madison maintained a “benevolent” attitude toward the tribes throughout the remainder of his life. As president he supported the policy of assimilation first adopted by Washington and continued by Jefferson. It was a policy whose inevitable corollary was the progressive acquisition of Indian-occupied lands—ideally through peaceful means. It did not, however, entail forcible removal. Like his predecessors, Madison found it impossible to halt the inexorable tide of land-hungry settlers, avaricious speculators, and unscrupulous traders that inundated the frontier and made a mockery of declared policy. His efforts to keep the peace and treat fairly with the tribes was shattered by forces and events—including ambitious generals—that were well beyond his control. Still, any assessment of Madison’s thoughts and actions regarding the native peoples—many of whose descendants would one day reside in Oklahoma—will require a more thorough investigation than has yet been made.

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BOOK REVIEW SECTION



Paul Charles Milazzo. 2006. *Unlikely Environmentalists: Congress and Clean Water, 1945-1972*. The University Press of Kansas. 340 pages.

In his book, Paul Charles Milazzo presents a fascinating and complex analysis of the eventual passing of the Clean Water Act in 1972. The author provides a detailed exploration of the factors that led, at times it seems almost by accident, to perhaps the most important Congressional action on the environment in the twentieth century. I strongly recommend this text to any faculty teaching an upper division course on US environmental policy and politics.

Milazzo does the reader a favor by organizing the material into three distinct contextual parts: “Water control and accountability,” “systems discourse and total environmental thinking,” and “synthesis.” In each of these sections Milazzo demonstrates how the political and policy approach to water as a resource morphed from a practical consideration of water usage, control, and distribution to considering the necessity of protecting water for the sake of the overall natural environment. The last section demonstrates how the newly formed environmental movement, through the subsequent formation of various groups and the inclusion of experts and technicians, began to inform and influence the political discussion regarding the need to protect water resources from pollution and other degradations.

In part one, Milazzo chronicles the early post war water policies that primarily centered on the availability of water and flood control through the development of large public works projects. During this period, the emphasis was not on the regulation of the resource, but the creation of means by which water can be consumed by the public. Oklahoma’s own Robert Kerr, the uncrowned king of the Senate, figures prominently in this particular area. John Blatnik, a New Dealer from Minnesota, and far from a committed environmentalist, used his position on the public works committee to distribute tangible benefits (pork) to secure passage of early water pollution legislation. Milazzo describes how the public works projects designed for delivery and control of water began to evolve into pollution control for safe consumption. This period was

dominated by influential members of the US Senate using institutional power to bring about these projects. In other words, this era was about pork barrel projects and economic development.

By the 1960s and 1970s, other important figures began to emerge. Maine Senator Edmund Muskie entered the fray as a somewhat unlikely champion of clean water. Muskie was a former New Deal Democrat, and while he was well versed in the give and take of the Senate, Muskie was not eager to enter the water policy arena. Muskie did eventually recognize the problem of clean water effecting the availability of water for development, but was much more concerned with water as a vehicle for economic development. Political forces began to become more acute, with the advent of the concept “natural beauty,” and the growing environmental movement threatened to render Muskie irrelevant. Muskie began to be regarded as “captured” due to his perceived closeness to polluting interests, basically business and industry. Through all of this, Muskie was able to adapt his legislative style and approach, responding to new demands from the environmental movement effectively enough to eventually earn the nick name “Mr. Clean.”

Section two describes a shift in thinking and approaches in response to the demand for clean and available water. The approaches were variously described as “systems discourse,” “total environment” or “systems thinking.” These systems of thought came out of corporate America and the military. This ushered in a new and diverse cohort of experts and technicians who were brought to the task of managing water. These new experts were accompanied by a growing grassroots movement and what came to be known as ecosystems ecology. Of course it should be noted that Earth Day burst on to the scene in 1970. Milazzo asserts convincingly that the coupling of these new systems of analysis allowed for a more rational approach to the management of water policy. Milazzo argues that members of Congress were amenable to this approach due to their experience with both the military and corporate America. When taken as a whole, the new analytical approach to water management led to what could be considered the beginning of the environmental regulatory state, especially when one considers the creation of the National

Environmental Protection Act (1970) and the Clean Water Act (1972) as the two landmark legislative products from that era.

The last section of the book describes the synthesis of the actors, forces and policymaking approaches that grew out of the process that unfolded from the preceding years. Milazzo asserts that the value of ecological concepts finally worked their way down to the Senate and beyond. What transpired was the development of policy entrepreneurs at the staff level. Staff workers for various members would engage in a new form of policy formulation, often working across political parties. Ideas were developed and exchanged at the staff level. These new approaches were based on rational, scientifically established criteria, which for a brief period of time bridged the partisan divide.

Milazzo concludes his account of the environmental policy process during this period by reminding the reader the purpose of the book's title. Those concerned with economic development, pork barrel projects, and technocratic approaches to policy could not be considered environmentalists by themselves. Through the interaction of members of Congress, with the need to advance agendas and deal with the problem proactively, policy was created out of a complex political environment, with significant input from the grass roots. Moreover, Milazzo points out that the complex nature of the legislative process, with all its "moving parts" provides a superior way for "balancing the knowledge of experts with the will of the people for the sake of nature."

Charles Peadar

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J.D. Vance. 2016. *Hillbilly Elogy: A Memoir of a Family and Culture in Crisis*. Harper Collins. 264 pages.

People have been asking, “what’s the matter with Kansas?” since 2005 when Thomas Frank wrote his book about how the people of Kansas seem to vote against their economic self-interest. The case of Kansas has loomed large in the mind of Oklahomans as our state has followed our neighbor to the north down the path of cutting taxes in the name of economic prosperity. Similarly, J.D. Vance’s memoir about the people of Ohio offers Oklahomans parallel lessons. We might ask ourselves, “What’s the matter with hillbillies?”

Vance was born in Ohio and raised by his mother and extended family, self-described “hillbillies.” As a childhood he witnessed family members struggle with drug abuse, homelessness, and physical abuse. The love and attention of a sister and grandmother helped him escape a downward spiral into a life of violence, drugs, and manual labor. He enlisted in the Marine Corps and was sent to Iraq, an experience which he says made him a responsible man. However, after his service ended he returned to his previous ways of itinerant work and alcohol. In time, Vance enrolled at Ohio State University where he eventually graduated. As a student, he felt like he was living in a world apart because of his life experiences and his conservative political outlook. Vance applied to Yale Law School and was admitted. If he felt out of place at Ohio State, he felt like a total fraud at Yale. He had more in common with the waiters who would serve him at fancy dinners than his fellow students. Although he didn’t feel he belonged, he forced himself to maintain the charade and he successfully graduated.

After law school, Vance took a job with Peter Thiel at his venture capital firm. Another notable person who affected Vance’s life is Amy Chua who wrote *Battle Hymn of the Tiger Mother*. As a Yale Law professor, Chua mentored Vance and put him in touch with her literary agent. The popularity of his book has given Vance a platform and he is a frequent guest on news shows, especially as the media seeks to understand the political mind of people like Vance’s hillbilly family.

Hillbilly Elegy gives outsiders a rare glance into a section of the United States that few are able to access. There are several different narratives interesting to the student of Oklahoma politics. First, Vance claims that his academic and economic success is available to anyone in the United States. His story demonstrates that there are people from diverse backgrounds who could benefit from and excel in the Ivy League. Indeed, from Vance's telling, just a few bits of well-placed advice from family members and professors enabled him to thrive and choose his own path in life. Second, *Hillbilly Elegy* would not be a notable book if his success was not unusual. The increasing stratification of the United States makes successes like Vance the exception rather than the rule.

Are the means to "success" available to all people in the United States? Even this basic question is fraught with difficulty because there is deep disagreement on what success means to different people. Many people might look at the "hillbilly" and declare him to be a failure on the basis that he is less educated, is less healthy, and less likely to be fully employed. Vance writes, "Mamaw always resented the hillbilly stereotype—the idea that our people were a bunch of slobbering morons. But the fact is that I was remarkably ignorant of how to get ahead. Not knowing things that many others do often has serious economic consequences" (p. 222).

People in the hillbilly group do not see themselves as failures. They lament the loss of rust belt jobs as a means to economic security but on the whole Vance's family is satisfied with their lives. They are happy with their loving families and slower way of life. They feel spiritual but don't actually attend church most of the time. They see themselves as hard-working but most do not have full time jobs. They are patriotic but they don't vote—the most common form of patriotism is military service.

Vance didn't think his journey was an easy one. He writes, "There were many thumbs put on my scale. When I look back at my life, what jumps out is how many variables had to fall in place in order to give me a chance" (p. 239). He had a slim margin of error. People from more secure backgrounds may not know what it's like to have one's entire life crumble because of mom's recent bout with heroin

addiction or a blown tire on dad's truck. When you are forced to live on the margins every setback may be calamitous.

What can these lessons teach us about the citizens of Oklahoma? Oklahomans too are fiercely patriotic by self-definition, but they have some of the lowest rates of voter turnout in the country. One might expect that with most state programs and agencies under threat of budget cuts, the people of Oklahoma would mobilize to protect the government services that they depend on. In fact, there have been a few days of intense mobilization by teachers or other narrow interests. However, by and large, most Oklahomans seem content to allow the State of Oklahoma to make its decisions without their input.

Vance's hillbillies are politically passive. Maybe they never felt efficacious to the point of voting in the first place, but they certainly are not voting now. They are also economically passive, relying on underemployment, disability payments, payday loans, and assistance from friends and family. They have opted out of the economic system that provides very little benefit for unskilled labor. Why hold an unfulfilling and backbreaking job when receiving disability payments or being supported by family is incentivized. Is it too strong to call hillbillies a permanent underclass?

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Arlie Russell Hochschild. 2016. *Strangers in Their Own Land: Anger and Mourning on the American Right*. The New Press. 351 pages.

Scholars in the world of Political Science who study elections and ideology as well as practitioners of American politics owe it to themselves to read the latest piece of scholarship from sociologist Arlie Russell Hochschild. Published in late 2016, *Strangers in Their Own Land: Anger and Mourning on the American Right* is among the most illuminating studies of political attitudes, partisan affiliation, and personal narratives of the conservative rank-and-file published to date. Rather than simply pontificating about what drives the modern Republican Party's political base or reviewing the reams of existing public opinion data, Hochschild takes leave of the liberal confines of Berkeley, California for a five-year tour through Louisiana, a hotbed of conservative politics.

Hochschild makes a meaningful contribution to our understanding of Tea Party conservatism through humanizing the people within this movement and learning and telling the "deep stories" of her subjects. Often it seems as if individuals living in the traditionally liberal-leaning areas along the coasts or in large cities speak of the Tea Party movement or conservative politics in general as an amorphous entity packed with angry, pitchfork wielding "hicks" (to borrow a term used by Louisiana's fictitious governor Willie Stark in *All the King's Men*). Hochschild's research paints a picture that is far more nuanced and complex than the now-notorious images of activists with tea bags stapled to their hats demanding to see President Obama's birth certificate.

Throughout Hochschild's travels we learn of the challenges facing ordinary, rank-and-file activists and conservative voters such as several families of Tea Party adherents who lost their homes due to man-made environmental disasters, and yet are torn between the clear need for sharpening environmental protections and their ideological commitments to the free market. Hochschild develops the

narrative of a retired chemical plant worker who blew the whistle on an employer that was polluting local waterways, yet remains committed to defending big business by volunteering for the campaigns of pro-deregulation candidates. Readers also learn about a woman who rose from being a lower level worker to management at a local firm and put herself through college, yet appears to be genuinely unable to understand why a person would need to rely on government support through loans and grants for education or assistance in times of distress.

By crafting these comprehensive deep stories, Hochschild scales what she calls “the empathy wall” to understand why these individuals believe as they do while simultaneously coming to terms with how and when their worldviews were shaped. As a long-time practitioner of politics, this approach was particularly fascinating to me as I have learned through my own work in the field that we are often inclined to delegitimize positions we find incorrect or politically revolting rather than trying to empathize with one another to understand the values and views of our fellow citizens. While Hochschild is not defending the views of the conservative rank-and-file she comes to know personally, she presents a convincing argument for something that is largely absent in our contemporary politics: a willingness to listen.

Perhaps the most important lesson gleaned from Hochschild’s research is her explication of the duality of self-interest. Democratic Party leaders, journalists such as Thomas Frank, author of *What’s the Matter with Kansas*, and some academicians have argued for decades that working, middle, and lower-middle class voters vote against their own economic interests by choosing candidates for office who fail to support policies that help families like their own. By scaling the empathy wall and carefully chronically the lives of her subjects, Hochschild learns that while many of these individuals may be voting against their *economic* self-interest; instead, they are voting to advance their *emotional* self-interest. She contends that this crucial point is often left unexamined in our analysis of American politics.

According to this theory, the messages offered to voters by conservative candidates in places like Louisiana and by national

candidates like Donald Trump aren't necessarily designed to fool people into voting for economic policies that fail to help their plight. Instead, they are making emotive appeals to concepts such as the free market, the value of hard work, and tradition to win over and keep these voters on their side. Hochschild also conveys that her subjects expressed a strong antipathy towards the notion of "cutting in line," with many older, white voters in the middle or working classes sensing that they have worked hard during their lifetimes only to see the federal government allowing others who aren't perceived to have earned a place in line be granted the right to step in front of them. This leads to a rejection of the federal government and an overarching suspicion towards Democratic candidates and elected officials who are viewed as being empathetic to the "line cutters" who have not earned their place.

Hochschild's research resulted in 60 interviews, 40 of which were conducted with Louisiana's Tea Party conservatives, helping to produce over 4,000 pages of transcripts. Although the bulk of her research was done prior to the 2016 election, she makes a very strong case for Trump success at reaching voters during both the primary and general elections in places like Louisiana. Among her conclusions is that the messaging from the Trump campaign was uniquely designed to capture the emotional interests of these voters, push back against the notion of "line-cutting," and make them feel as if they were not strangers in their own land, but rather the embattled majority under attack from the politically correct and non-empathetic federal government. Such themes could be detected in the Trump campaign rhetoric, especially the constant appeals to "the silent majority" and the repetitive message about how the country needs to begin "winning" once again.

Despite the myriad strengths of this research, there was one conundrum raised repeatedly throughout the book that is desperately in need solving. Hochschild recognized—as would any of us who have Tea Party or Trumpian friends and relatives on social media—that most of her interview subjects rely upon astonishingly inaccurate information in shaping their perspectives about politics and policies. For example, Hochschild notes that several subjects cited that 40 percent or more of American workers are employed by the federal

government. She helps correct this erroneous statistic—and many others—with a helpful appendix called “Fact-Checking Common Impressions.” As it turns out, just under two percent of Americans were civilian employees as of 2014 with an additional one percent serving in the military (257).

As a scholar, I am profoundly troubled by the grotesque level of misinformation and the apparent inability of some individuals to acknowledge plain facts. As a practitioner of politics, I am concerned with this because it is extremely difficult to educate many individuals within the electorate as to what are *legitimate* facts as opposed to pseudo-facts that they *feel* to be correct. Given that this unwillingness to acknowledge legitimate facts was a common undercurrent throughout the book, I sense that readers would have benefitted from some recommendations by the author regarding strategies for how to best communicate legitimate facts in opposition to facts people *feel* are true, such as the “fact” repeated by numerous subjects about how environmental protections lead to massive job losses.

Arlie Russell Hochschild has produced an enlightening, yet sobering study of a critical phenomenon in American politics at a time of great partisan and ideological turmoil. I look forward to utilizing this work in several upcoming courses. *Strangers in Their Own Land* would be a suitable addition to any class on American political ideology, political parties, campaigns and elections, or political marketing. Likewise, because of her participant observation, immersion, and interview-driven methodology I personally intend to utilize her work in my research methods course so that students may gain a clearer understanding of the value of such robust qualitative inquiry.

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Carol Berkin. 2017. *A Sovereign People: The Crises of the 1790s and the Birth of American Nationalism*. Basic Books, 307 pages.

Historian Carol Berkin is best known among scholars for her studies of notable women in colonial, revolutionary, and Civil War America. She has also written popular volumes on the making of the Constitution, the Bill of Rights, and most recently the Federalist era. While not billed as such these volumes constitute a kind of trilogy on the American Founding, and while intended for non-specialists each develops a thesis alongside a more or less conventional narrative. In *A Sovereign People: The Crises of the 1790s and the Birth of American Nationalism*, Professor Berkin examines the Whiskey Rebellion, the Genet affair, the XYZ affair, and the Alien and Sedition Acts—grave crises that challenged the authority of the federal government, the sovereignty of the nation, and the durability of the Constitution. In the end, Berkin argues, the resolution of each crisis strengthened the new government, gave legitimacy to the Constitution, and furthered a sense of American identity.

A Sovereign People is an exemplar of popular history. Written with clarity and style, it is a fitting account of the decade when Washington, Madison, Jefferson, Adams, Hamilton, and Jay stood at the center of power. Frequently the events of this period are cast against the emergence of the organized opposition to the Hamilton-led Federalists and the formation of the first national political parties. In the absence of a tradition of “loyal opposition” and at a time when “party” meant “faction,” the “Republican interest” formed by Jefferson and Madison opened a chapter of partisan warfare—often bitter—over policy, ideology, and the fate of the nation. Most historians have emphasized the conflicts and divisions that marked the politics of the Early Republic, feuds that were exacerbated by a succession of crises. Yet for Professor Berkin, it was *through* these crises—“the least expected places”—that the government gained legitimacy and a national identity was forged (p. 3).

Historians will be less likely to quibble with Berkin’s central thesis—that the Federalists deserve credit for providing strong nationalist leadership during a period when weakness or ineptitude

could have proved disastrous to the fledgling nation—than with some of her specific findings and judgments. The book itself is divided into four parts, each dealing with a major crisis that occurred during the administrations of Washington and John Adams. What is striking about the Whiskey Rebellion is the scope of the resistance, the degree of violence, and the patience of the government. Defiance of the tax on spirits was widespread in the backcountry and proved largely unenforceable for more than two years. In the end, Washington felt compelled to lead an army into the field in order to break the resistance of the Whiskey Boys. But how did this contribute to legitimacy and nationalism? According to Berkin, Washington's great stature, the cooperation of state militias, and the bloodless dispersal of the rebels "promoted nationalism rather than the provincialism so prominent in the Antifederalist battle against ratification" (p. 80). Conversely, the fact that the Republican opposition was working within the system "suggests that acceptance of the legitimacy of the Constitution and its government was growing" (p. 80).

The crisis occasioned by Citizen Genet was a "crisis of sovereignty" (p. 83). The French minister's attempt to make the United States a satellite of France and embroil America in its "wars of liberation" did not merely divide the cabinet and the nation—the standard interpretation—but "expose[d] the pervasive sense of the fragility of American sovereignty in the 1790s" (p. 82). Had Jefferson and the devotees of France prevailed, America may have been dragged into a disastrous war against Britain and its allies. The steady hand of Washington, backed by Hamilton's clear grasp of executive power, allowed the government to avoid a direct conformation with either side. In Genet's fall Berkin finds not merely the popularity of Washington at work, but "the office he held and the power given it by the Constitution" (p. 150). The Genet affair also impressed upon the public the wisdom of vesting the conduct of foreign affairs in the president and the federal government.

The XYZ affair, involving the shakedown of American diplomats by French agents, not only galvanized party politics, but witnessed "the emergence of loyalty to the federal government and the Constitution as the *sine quo non* of patriotism" (p. 152). In warmly supporting President Adams' defense of the country's honor, the people were

not merely rallying to the man or even the office, but to the nation as a whole, “and in doing so, they discovered an identity they shared as Americans” (p. 200). As deep as the ideological divisions ran between Federalists and Republicans, “the nation’s leaders managed to win the devotion of the people of the disparate states and bind them ever more to the vision of government they had ratified” (p. 152). Despite the efforts of the French Directory, the American people could not be permanently divided against each other or be made to forsake their government.

The argument that the resolution of the crises of the 1790s added to the legitimacy of the government and fostered national identity is plausible enough in regard to the Whiskey Rebellion, the Genet affair, and the XYZ affair, but it faces a formidable challenge in the case of the Alien and Sedition Acts. As Berkin notes, these measures—the Federalists’ response to the XYZ affair and the threat of war with France—are commonly viewed as harbingers of the intolerance and abuses of twentieth century America. Yet what Jefferson called “the reign of witches” was a far cry from the Red Scare or Japanese internment: “There would be no executions, no wholesale destruction of presses, no censorship of publication” (p. 242). Indeed, while the attempt to stifle the critics was ill-conceived, the “Federalists could perhaps be excused” given the absence of the idea of a loyal opposition (p. 212).

Still, the Alien and Sedition Acts gave rise to the Virginia and Kentucky Resolutions, themselves harbingers of interposition, nullification, and secession. How does Berkin divert these defiant tributaries into the stream of nationalism and legitimacy? Not very successfully. The sleight of hand offered by Jefferson and Madison in the Resolutions—the compact theory of the Constitution—was “not a challenge to the Constitution but a challenge to a particular interpretation of that document.” “Thus, ‘nullification’ and ‘interposition’ were offered as a remedy, not a renunciation” (p. 243). In short, Jefferson and Madison were working within the system. Yet on Berkin’s own account “it was the introduction of the concept of nullification that would eventually threaten the survival of the nation the Federalists had nurtured and sustained” (p. 202). Indeed, it should come as no surprise that those who drafted and

ratified the Resolutions “saw themselves as loyal citizens of the Union” (p. 243) and upholders of the Constitution. Upon what other ground could they stand? It was the same divided ground occupied by Henry Clay and John C. Calhoun, Daniel Webster and Robert Y. Hayne. The fact that there was “no longer an anti-Constitution movement” (p. 249) a decade after the document was ratified (or even a half century after that) did not prevent party and sectional tensions from eventually tearing the nation apart.

This is the central flaw in Professor Berkin’s thesis: it equates stated loyalty to the Constitution and the federal government with undiluted nationalism. American nationalism has always co-existed with other loyalties: to party, to state, to section. Ironically, Berkin appears to recognize this fact as the source of “tragedy” for both Federalists and the Republicans, who would conflate the national interest with the interest of party or region. Whereas the Federalists “did not recognize their mission had been accomplished: the government they had designed in 1787 was no longer an experiment but an institution,” the Republicans “did not realize the destructive potential [interposition and nullification] had if they became uncoupled from a loyalty to this union of the states” (p. 243).

There is little doubt that the crises so ably chronicled by Professor Berkin added to the prestige of the government and to an enlarged sense of national identity for many Americans. Yet the tragedy of 1861–65 showed that darker forces were also at work in the national psyche; forces that would require not only a “new birth of freedom” but a new birth of nationalism.

Quentin P. Taylor

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EDITOR'S NOTE: *The editors invited Mr. Suttle to review the books listed below because they describe early progressive instincts and voting behavior of Oklahomans, as well as many other Americans, who felt their country was being overtaken by oligarchs.*

Doris Kearns Goodwin. 2013. *The Bully Pulpit: Theodore Roosevelt, William Howard Taft, and the Golden Age of Journalism*. Simon & Schuster. 909 pages.

Edmund Morris. 2011. *Colonel Roosevelt*. Random House. 706 pages.

James Chase. 2004. *1912: Wilson, Roosevelt, Taft, Debs—The Election That Changed the Country*. Simon & Schuster. 323 pages.

These three recent publications have shed additional light on the beginnings of social democracy in the United States. To be sure, slow progress had already been made by 1912, such as forming the Food and Drug Administration, creating the Bureau of Labor within the Department of Commerce and Labor, and establishing other agencies and reforms; but the progressive steps that have become part and parcel of our current social fabric began to emerge in 1912 with the bitter fight between the conservative industrial-banking interests and progressive elements of the Republican Party.

These books present a intriguing history of the 1912 presidential election. Taken together they advance the theory that the split between President Taft's regulars and President Roosevelt's progressives—first within the Republican Party and later as the insurgent Bull Moose Party—tore the GOP to pieces. These conflicts set the tone for a century of strife within the party, the echoes of which are still vibrating today. The split certainly led to the election of Woodrow Wilson and comfortable Democratic majorities in both houses of Congress. Given the combined Taft/Roosevelt popular vote, it seems unlikely that Wilson would have carried a single state outside the South, including his home state of New Jersey. Had

Roosevelt been the Republican nominee (the only thing Taft was determined to prevent—and did) he would have won in a walk.

Wilson and his Democratic Congress's record of reform is well known. His presidency yielded many industrial reforms such as the eight-hour day for railway workers and child labor laws, as well as the Federal Reserve System to regulate the currency, women's suffrage, direct election of U. S. Senators, the income tax, limiting corporate campaign contributions, prosecuting trusts, and establishing the Federal Trade Commission.

An interesting side note to all of this is that Oklahoma was the reddest of states as that term was understood in 1912. Wilson won Oklahoma with 46% of the vote to Taft's 36%. For reasons that should be further explored, Oklahoma was the only state in which Roosevelt's Progressive Party was not on the ballot. Perhaps most interesting is that America's most prominent socialist, Eugene V. Debs, received 16% of the vote in Oklahoma. Only Nevada's percentage was slightly higher. And just for the record, in bone-dry Oklahoma, the Prohibition Party candidate, Eugene Chaffin, got less than 1% of the vote.

It is largely forgotten today that the socialist and populist movements were an integral part of the political landscape during Oklahoma's formative years. Even the state motto, *Labor Omnia Vincit* ("Labor Conquers All Things"), was the title of an address made by Debs in 1895. The motto was also frequently used by unions and labor organizers. In early Oklahoma, several Socialist Party candidates were elected to local offices. Camps, meetings, instructional schools, and workers' rallies were common throughout much of the state. As late as the 1970s, the ballot symbol of the Socialist Party—an outstretched hand—could still be found along with the eagle and rooster in the Oklahoma election code enacted at statehood.

What became of Oklahoma's socialist roots? The small farmers, sharecroppers, industrial and railway workers, and miners comprised a natural constituency built by the Populist movement and William Jennings Bryan. Many likely turned towards the Socialist Party after Bryan's third defeat in 1908. A review of the 1912 Socialist Party platform, proposed in convention and ratified in a party plebiscite,

reveals such “radical” and “dangerous” ideas as women’s suffrage, prohibition against child labor, a shorter workday, a five and a half day workweek, old age pensions, a graduated income tax, inspection of workplaces, relief of unemployment through public works, initiative, referendum, recall, and conservation of natural resources. Admittedly, the platform also proposed some bizarre structural changes to state government, including abolition of the U. S. Senate, the presidential veto, the electoral college, and the entire lower federal judiciary, plus public ownership of railroads, telegraph and telephone facilities, stockyards, grain silos, mines, oil wells, and banks. Some of the more moderate of these progressive ideas were espoused by Roosevelt and Wilson during the campaign and later came to fruition with the New Deal. In retrospect, many of the proposals of the 1912 socialists seem perfectly reasonable and are generally accepted today as bedrock components of our current social contract.

As is well chronicled in Ernest Freeberg’s *Democracy’s Prisoner* (2008), the socialist movement in Oklahoma and elsewhere began to lose standing after 1912. Some of the reasons included its pacifist leanings during World War I and the oppressive suppression of free speech and press by the Wilson Administration. Local vigilantes, such as those who put down Oklahoma’s anti-conscription Green Corn Rebellion, were joined by official suppression at the hands of Attorney General Mitchell Palmer and Postmaster General Albert S. Burleson. A sentimental “last hurrah” occurred in 1920 when Debs, while serving time in federal prison for the crime of seditious speech, received nearly a million votes in the presidential election. Oklahoma, however, chose a return to “normalcy” as Warren Harding swept the state, reducing Debs’ vote total to 5%. Various philosophical fissures within the party—coupled with a public perception that blended the terms “socialist,” “anarchist,” and “communist” in the minds of the American people—served to weaken and eventually emasculate the party.

It is perhaps a final irony that to avoid the tag of “liberal” many of today’s left-leaning Democrats now style themselves as “progressives.” No doubt Roosevelt, Wilson and Debs would be proud of that. The sad observation, however, is that today’s

progressives spend more time defending assaults on these older social institutions than they do advancing new, progressive ideas and programs.

When the elements of the far right today accuse opponents of being “socialists” one is left to wonder what elements of this “socialism” conservatives want to abrogate. Social Security, Medicare, Medicaid, unemployment insurance, inspection of packing plants, interstate highways, workplace safety, environmental regulations, securities regulations, municipal golf courses? The current social democracy, which has been built brick by brick over the past one hundred years, is not likely to be undone. As historians Goodwin, Morris and Chase make clear in their recent books, it was constructed by popular consent—a cement that in this case has cured over generations. An attendant logic was advanced by Abraham Lincoln when he stated, “The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot so well do, for themselves—in their separate, and individual capacities.” And when all of this is turned to daily life, the argument is obvious. We simply cannot go to the grocery store and inspect our own meat, certify that our home’s electrical wiring meets safety standards, or determine on our own that the tap water is safe to drink.

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