

Oklahoma Politics



2020 • VOLUME 30



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OKLAHOMA POLITICAL SCIENCE ASSOCIATION

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Oklahoma Politics

2020

Volume 30

Oklahoma Politics is an annual publication of the Oklahoma Political Science Association (OPSA). The OPSA encourages the submission of papers, research notes, and book reviews that are meaningfully related to Oklahoma. For inquiries, email the Editor Erick Ananga at eananga@ecok.edu.



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Journal of the Oklahoma Political Science Association

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**NOTES FROM THE PRESIDENT AND
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STATEMENT FROM THE PRESIDENT

It is with great pleasure that I welcome you to Volume 30 of Oklahoma Politics. As the President of the Oklahoma Political Science Association, one of my duties is to ensure that our flagship journal is published every year. We have a new editor, Dr. Erick Ananga. He is Assistant Professor of Political Science at East Central University with a specialty in in water resource policy and management. He has published widely in the area of water management schemes in both the American and international contexts. We are lucky to have him as our editor!

OPSA – like every other organization in the year 2020 – has struggled with logistics such as how to host a conference in the time of Covid. Dr. Shanna Padgham of Oklahoma City Community College is our 2020 Program Chair and she was prepared to host a live conference in Oklahoma City. Less than a month before our conference the plan was changed and she put together an excellent virtual conference. In fact, several elements of the conference were so successful that we might consider incorporating them into our standard conference. If you presented a paper on Oklahoma politics at the 2020 conference please don't be surprised if you get a call from me or Erick Ananga asking to publish your paper in the journal.

The 2021 conference will be hosted by Mr. Conner Alford at Southeastern Oklahoma State University in Durant. As the headquarters of the Choctaw Nation, please look forward to this conference being replete with high ranking Choctaw officials who will make the short trip to campus to address us. We have also resolved to host the 2022 conference at OCCC so that we can

enjoy the conference that we meant to have this year.

I am writing this letter as my last act as President. This is the third time I have served OPSA as President and I hope that my service sends a clear message as to how important our organization is to the civic health of the state as well as to our society of scholars. Usually, professors and researchers are not given the opportunity to turn their view to the geographical location in which they live. This association incentivizes scholarship on Oklahoma politics which allows striving junior faculty to be rewarded for it. We provide a venue for presentations not only for faculty but for students as well. Finally, our awards allow OPSA to help our members add to their dossiers for tenure and promotion.

Thank you for allowing me to serve. I look forward to watching the continued growth and success of the OPSA over the next 30 years.

Christine Pappas

President, OPSA

STATEMENT FROM THE EDITOR

The peer-reviewed journal Oklahoma Politics publishes articles, research notes and book reviews that have a significant Oklahoma political, social, and environmental related issues. Consequently, we consider work that addresses practical methods and make significant contributions to scholarly knowledge about theoretical concerns, empirical issues, or methodological strategies in the subfield of political science and or environmental politics in the State of Oklahoma. Manuscripts submitted for review should address an important research problem and or question, display a modest level of creativity and or innovation in research, contribute in a significant fashion to a body of knowledge, and lastly,

demonstrate the use of appropriate quantitative and or qualitative methods.

Our core concern is to ensure that we provide a platform for authors from Oklahoma and their collaborators from around the United States and around the world to inform the larger scientific community of current political science and environmental politics related research issues in the state. All manuscripts submitted for publication in our journal are thoroughly reviewed by anonymous referees. The submitted manuscripts first goes through a detailed check including a plagiarism check. The editor together with the editorial office takes charge of the review process.

When a manuscript is accepted for full review, the editor will collect at least two review comments and prepare a decision letter based on the comments of the reviewers. The decision letter is sent to the Corresponding Author to request an adequate revision after which the manuscript is forwarded for eventual publication. If you would like to publish your research in Oklahoma Politics, please submit your paper for peer-review at: eananga@ecok.edu

Erick Ananga

Editor, 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*.

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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

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Table 1		
Votes Missed, of First 100, by Term Limited		
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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.

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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: Erick Ananga, Editor, Oklahoma Political Science Association – East Central University, 1100 E. 14th St., Ada, OK 74820. Email: eananga@ecok.ed. Telephone: 580-559-5413

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PAPERS AND BOOK REVIEWS

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**PUBLIC SERVICE VALUE ORIENTATIONS:
PRACTITIONER PERSPECTIVES INFORMING THE
CLASSROOM**

JOHN WOOD
University of Central Oklahoma

This study's purpose is to learn how practitioners view and prioritize their respective public service values through Q methodology. Public Service Values are important for accreditation guidelines from the Network of Schools of Public Policy, Affairs, and Administration (NASPAA), guiding MPA programs. The author sampled 40 public service values and their respective definitions with 34 Oklahoma public servants from various levels of government, nonprofits, and faculty in public administration sorted according to the condition of instruction, "*What do you find more important in your workplace?*" Using Q method, three PCA-Varimax factor arrays revealed the differing sets of core values among public servant perspectives. Factor scores, field notes, and post-sort interviews were used to interpret the arrays, with three practitioner perspectives found: *Moral*, *Public Interest*, and *Results-Oriented*. These perspectives can help inform practitioners, academics, and students that the nature of the work means perspectives matter in public service and the classroom.

Master in Public Administration (MPA) and public affairs programs are tasked with promoting public service values for two reasons. First, selecting public service values differentiates MPA programs from alternative professional credential granting programs such as the Master in Business Administration (MBA) degree (Piskulich 2016). Second, Network of Schools of Public

Policy, Affairs, and Administration (NASPAA) seeks to employ the accreditation process to promote public service values as the “heart of the profession” (Molina & McKeown, 2012, p. 376). As a result, Haque & Gunther-Canada (2018) argue that public service values will certainly gain import with MPA faculty as NASPAA’s public service value initiative expands. Embedding into programs means, faculty discussing what and how public service values uniquely fit with their respective programs. Therefore, defining and cataloging these values are important to NASPAA and its accreditation process as faculty must articulate what public service values most drive their curriculum (Network of Schools of Public Policy Affairs and Administration, 2009, p. 2).

Partly because of this NASPAA emphasis, the last few decades have seen, a resurrection of interest in the topic of values in public administration (e.g., Bozeman, 2007; Beck, Jørgensen & Bozeman, 2007; Pesch, 2008; Spicer, 2009, 2010; van der Wal & van Hout, 2009). This focus on values is likely a resurgent counter to more often “‘technocratic intent’ of recent administrative trends” (Jørgensen & Rutgers 2014, p. 1) and as counterweight to the business sector (Moore, 1995). Some scholarship has been focused on “value families,” where scholars argue that they found the most important values that often hang together (Sherman, 1998; Toonen, 2003; Jørgensen & Bozeman, 2007; Molina & McKeown, 2012). And, other scholars acknowledge that “context matters” (Molina & McKeown, 2012, p. 384), in the administrative context, or largely, the operational environment in which administrators carry their daily work shapes public service values (Brudney, Hebert, & Wright, 2000; Seldon, Kernaghan, 2003). Appleby (1949) and Bailey (1964) argue that this environment demands that administrators possess certain moral qualities to serve the public. Recently, Zeemering (2019) found four perspectives on how MPA students view public service values through the usage of Q Methodology. Zeemering’s findings illuminate an alternative approach to scrutinizing the origination, inculcation, and application of public service values.

Beginning where Zeemering (2019) left off, the purpose of this study is to explore perceptions of public servants toward public service values. Doing so contributes to filling a lacuna in the broader literature which, has overlooked how public service values are emphasized differently across contexts, or operational environments, in the field, whether it is street level bureaucrats, public managers, or those who serve in the public interest. Molina & McKeown (2012) believe that we need to think more about these contexts. Findings herein, question the proposition that establishing hierarchies of public values or constellations of competing values by itself is useful for accomplishing the inculcation of public service values in faculty, students, programs, and ultimately, public servants. Hopefully, by further exploring practitioner perspectives, MPA faculty can facilitate clearer articulation and application of the public service perspective in the classroom and provide a way to understand how and why policy and management conflicts over values arise.

LITERATURE REVIEW

While public service values begin with neutrality in mind, they are important in communicating, and acting on those values. In this way, we teach MPA students about public service values, especially as they relate to action itself. In this literature review, it is important to start at the concepts that relate to these public service values, such as neutrality/impartiality, then discretion & conflict, value families, and then finally communicating action. The following subsections show that public service values have many facets beyond abstract application.

NEUTRALITY/IMPARTIALITY

Public administration was originally supposed to be value neutral. Wilson (1887) and Willoughby (1927), for example, argued that administration and that of politics were fundamentally distinctive

and should be approached that way. Overeem (2005) found that blurring of “politics” and “policy” caused many to dismiss “partisan politics” for instead “policy politics.” Therefore, Overeem (2005) argues that importance of neutrality in politics and policy are established within the politics-administration dichotomy. According to scholars at the time, traditional areas of politics, such as state legislatures, town halls, and even the governorships, were found to be value-laden (Goodnow, 1900). This led to the push for the “Dichotomy,” or the separation of the political process from the implementation process of administration (Wilson, 1887). This was dealt with through a value-neutrality stance (Willoughby, 1927; Wilson, 1887). Miller (2015) defines neutrality as a “personal ethic of deference to the duties of the job” and “can signify stepping away from selfish adherence to one’s own biases and predispositions” (p. 141). To create a science of administration without bias, Lynn (2001) argues the real aim was to protect American public administration from continued corruption by patronage politics. Triantafillou (2015) finds that while neutrality may limit corruption, it may also undermine political agency. Today, there is debate on whether neutrality is achievable (Miller, 2015).

In opposition to this view, Appleby (1949) and Waldo (1984) recognized the value-laden nature of public administrative decision-making because values are always in the context with some sort of purpose or end in mind. Likewise, Simon (1997) continued this line of thinking just after World War II with calling scholars to be cognizant of the limits on their own rational decision-making. Spicer (2015) finds that neutrality is not possible. Instead administrators should find ways to promote hearing the other side and other follow Constitutional practices.

DISCRETION & VALUE CONFLICT

Politics often make many public decisions involving significant input from affected groups through elections, public meetings, and lobbying, public servants, often exercise discretion constantly,

often with a great deal of latitude and only sporadic oversight, i.e., the street-level bureaucrats (Lipsky, 1971; Riccucci, 2005; Hupe & Hill, 2007; Lipsky, 2010). As these decision-makers are often pulled by various managerial, political, and economic influences, this discretion can fail to adequately align with official directives, or even their own personal and values (Gailmard, 2002; May & Winter, 2007).

Even when decisions are supposed to be made squarely on policies and procedures, in actuality, they are undermined because of mutually exclusive and legitimate courses of action, called value conflicts, are often too common in public decision making (Tetlock, 1986; Keeney et al., 1990; Tetlock 2000; de Graaf & van der Wal 2010). However, critiques of this discretion are often met with resistance citing impending interference of organizational performance without it (Bozeman et al., 1992).

Rohr (1988) argues for the ethical responsibility of public decision-makers to apply a wider range of values their discretionary decisions; however, the reality is that disagreement exists as to what ones are most important. Frederickson (1997) and Adams and Balfour (2014) likewise argue for public administration use of widely held public values, which are a self-conscious reflection of the normative character of the scholarship. And yet, the mere existence of multiple stakeholders (with differing value sets and interests) is a common part of the fabric of public decision-making that public servants must figure out as their situations are framed and reframed from different perspectives (Gregory & Keeney, 1994; Thomas, 1995; Bryson, 2004). Because of this variance in perspectives, this makes ambiguous distinction between fact and values (Lindblom, 1979; Etzioni, 1986; Stone, 1997; Jann, 2003; Entman, 2004). An early goal public values research was a comprehensive, hierarchical list of public values—conflicts starkly with the observations even as far back as Frederick Taylor. However, the fact is that decision-makers lack the ability to compare all relevant values as they have what Simon (1997)

called “bounded rationality.”

VALUE FAMILIES

Proponents of this view argued public servants were supposed to create “public value,” such as effectiveness and efficiency, as well as fairness and social justice. Bozeman (2007) criticized its market focus, believing business can and often neglects to make sure certain values are recognized. Benington & Moore (2011) argue public value should highlight the stipulations necessary for a functioning democracy. Kernaghan (2003a) found public service values could be categorized, covering four value areas: (a) ethical, (b) demographic; (c) professional, and (d) human.

Gertha-Taylor (2009) argues further that restoring trust requires attention to public service beyond self-interest. Waldo’s (1988) *Map of Ethical Obligations* offers a framework for examining the variety of public service obligations that extend beyond the self, including, but not limited to “the Constitution law, nation/country, democracy, organizational/bureaucratic norms, profession, family/friends, middle-range collectives, public interest/general welfare, humanity /the world, and religion/God” (p. 576).

There are multiple “value families” where authors contend that they have found the most important values, such as Sherman’s (1998) study that found that 1. Honesty and integrity, 2. impartiality, respect for the law, 3. respect for persons, etc. topped the list. Toonen (2003) identifies three ‘families’ around which primary values in public administration are as follows: 1. Parsimony and economy, 2. Fairness, equity and rectitude, and 3. Robustness, resilience and sustainability. What’s more, Jørgensen & Bozeman (2007) recognized 72 public service values describing the social and organizational environment.

In addition, the values *honesty*, *integrity*, and *lawfulness* were found to be the most important values to the 52 public administrators surveyed in their sample (Molina & McKeown, 2012). However,

they also find the values of *sustainability*, *self-interest*, and *profitability*, were rated the least important to the administrators.

One study avoided aggregating families of values. While this paper's focus is on public servants in the field, Zeeming (2019) analyzed student perspectives using Q Methodology. He found, 1. Stewards, 2. High-performers, 3. Advocates, and 4. Analysts. Unlike Zeeming, the purpose of this paper is to describe the perceptions of public servants toward public service values. This, in turn, can inform students what perspectives to prepare for after graduation.

While these value families clarify how values stick together, their approach was not designed to capture differences in individual conceptions of public service values.

COMMUNICATING ACTION AND PROMOTING PUBLIC SERVICE VALUES

Molina & McKeown (2012) argue some values were more important than others. Yet, they say the question for how context matters for public service values has seldom beyond been empirically explored. This study highlights the importance and need for more research on the various public contexts in which public service values are exercised and the significance of the organizational role performed (see Brudney, Hebert, & Wright, 2000; Seldon, Brewer, & Brudney, 1999). Unfortunately, most of the literature regarding public values are largely concerned with establishing hierarchies of public values or constellations of competing values (Jørgensen & Bozeman, 2007; Kernaghan, 2003).

Stuteville & DiPadova-Stocks (2011) found the unforgiving speed of changes – i.e., capitalism, globalization, and technology – has increased unpredictability, stability, feeding distrust in public institutions (Blind, 2007; Hetherington, 2005). It is in these times, the authors argue, where “core values are needed to provide order and constancy to both personal life and professional institutions”

(p. 604). Furthermore, values are important because they serve as both a guide during changing times as well as a scaffold for action in public life. “Public service values provide needed touchstones not only for the profession of public administration, but for citizenship in general and the professions” (p. 604).

The time has come for thinking about values for serving the public to help public administrators make sense of the changes and challenges now facing them in their communities in these complex times (Benington & Moore, 2011). Public administrators have come to find public values quite important. George Frederickson (1994), for example, claims that “values are the soul of public administration” (p. 32). Waldo (1984) defined public service values as “criteria for action” (Molina, 2009, p. 267). However, Waldo (1984, p. 58) famously declared that since there are “[n]o single, agreed, and authoritative definition of Public Administration is possible.” It is not surprising Waldo concludes that what values public service represents is a rather “confusing and controversial enterprise.”

Public values as those provide agreement on ideal concepts that citizens should be obligated toward, such as benefits, and rights; likewise, the standards governments and policies should be based (Bozeman, 2012). Public Service values are a subset of values directly related to an individual’s role as a public servant in carrying out the functions of a given position (Witesman & Walters, 2013). Benington & Moore (2011) argue that public service value thinking is important in its ability to help scholars and practitioners understand and analyze interactions, interdependence, and interconnections, between and among between different levels of government (local, regional, national, even supranational).

Svara & Baizhanov (2018) caution about the variance of their respective values, therefore, creating inconsistencies in graduate education content. In their review of 125 self-studies of NASPAA accredited programs, they found that public service values in

professional competencies were “essential but incomplete.” Few self-study reports recognize values most often found in academic literature, i.e., representativeness, impartiality, and serviceability. They find wide variation in how programs described their values. Only ethical awareness seemed to be common among most programs.

What’s more, faculty must show how students will learn these; and to “demonstrate that its students who learn the tools and competencies to apply and take these values into consideration in their professional activities. Doing a better job of helping society incorporate public values - other than economic efficiency - into public policy and management is likely to yield social benefits beyond a clearer identity for NASPAA and its members” (Mandell, 2009, p. 262).

Public service values have had an impact in many strands as noted in the literature review, i.e., concept of neutrality, then discretion & conflict, value families, and then finally communicating action. The focus on public service values is part and parcel the continuing evolution of public administration thinking and practice. From the beginning the debate was about how to separate itself from business values. But, also the push for neutrality moved into the recognition that public service is value-laden. Many values were developed overtime, but because public decision making can be undermined by the potential of mutually exclusive, yet legitimate courses of action conflict can take shape. However, by the field developing public service values they become a self-conscious reflection of the normative character of the scholarship. In addition, while scholarship acknowledged various value families to elucidate how values stick together, this approach often failed to capture differences in individual conceptions of public service values. Amid advances in how public service developed, NASPAA embraced public service values to shape the field especially through MPA programs.

As Svava & Baizhanov (2018) argue, public service values are “essential but incomplete” because of the wide diversity of program descriptions. Public service values are both tools for reflection and calls to action, but they can be further refined into practice. Therefore, this paper’s main focus is largely on Molina & McKeown’s (2012) aggregation of values. These authors do acknowledge the need to figure out whether context matters and encourage scholars to explore this area more. This paper works toward understanding the diversity of value perspectives in the public service.

Scholars often bring up public service motivation (PSM), or the study the ongoing relationship between one’s overall motivation and the public interest. Perry and Wise (1990: 368) define PSM as “an individual’s predisposition to respond to motives grounded primarily or uniquely in public institutions and organizations.” Both public service values and (PSM) address whether public service delivery is driven by something more than self-interest. Anderson et al. (2013) note that both public service values and PSM may overlap, they are not always integral. Therefore, this paper will not delve too deeply in this literature while focusing instead on public service values.

METHODS

While Zeemering (2019) used Q Methodology to explore public service values with students in the classroom, this study, purposively, or strategically sampled (34) practitioners, in Q the sample is called a Pset. The sample is supposed to be purposive to capture a diversity of perspectives, not generalizable to the larger population. Therefore, this study selected a diversity of public servants from various levels – local, county, state, federal, nonprofits, and faculty in Oklahoma in order to create a sample to focus on particular population characteristics, which illuminates

the research question (Patton, 1990; Watts & Stenner, 2012). I also used a demographic survey and then Q methodology. In the survey, I asked 11 demographic questions including a Likert-type scale found with one being more liberal and 10 most conservative.

Q methodology is a research procedure using factor analysis to study both subjectivity and scientifically (Stephenson, 1953; Brown, 1980; McKeown & Thomas, 2013) as utilized for this study. People perceive their respective worlds differently. Through Q methodology, differing perspectives toward a topic are identified. Q is an exploratory technique and is appropriate to create and apply specific hypotheses as is the case in traditional positivist methodologies (Durning & Brown, 2007; McKeown & Thomas, 2013; Watts & Stenner, 2005; 2012), and in qualitative studies (Rogers & Rogers, 1990). In addition, this methodology can bring to light research questions with “potentially complex and socially contested answers” (Watts & Stenner, 2005, p. 75). The sample selected for our study did not exhaust the distinct perspectives existing on public service values. This study is not general to a larger population of people, but only to the condition of instruction and topic of study itself (Brown, 1980; Stephenson, 1963).

Public administration scholars have utilized Q method in studying individuals for areas such as role, responsibilities, and values. To illustrate, Selden, et al. (1999) use administrator role conception in terms of neutrality competence while others focus on stewardship. Similarly, De Graaf and Van Exel (2008) focused on administrative ethics, Zeemering (2009) compares city economic development professionals’ views on sustainability, and Addams & Proops, 2001; Focht, 2002) focus on policy conflict. Zeemering’s (2019) study focused on how students perceived public service values.

The instrument developed for this study contained 40 Q statements sampled from 70 unique values that was considered the concourse of all possible public values (See Appendix 1). Five of the values

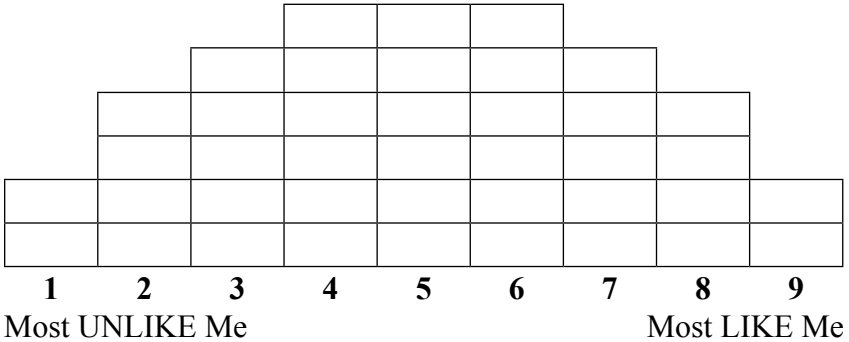
were from Kernaghan (2003a) four principle themes: Democratic, Ethical, Professional, and People (See Table 1) and another five were from the American Society for Public Administration (APSA) Code of Ethics. These authors used a four-point Likert scale, rating each value from “unimportant” to “always important.”

However, Molina & McKeown (2012) who use descriptive statistics to aggregate overall numbers of values selected by importance, largely ignoring context. As the first step in Q, they find that an issue topic was chosen whereby individual’s opinions differ. In this study, I used the condition of instruction: “*What do you find more important in your workplace?*” (See Figure 1). From this condition of instruction, verbal statements, regarding different public service values were accumulated from the literature as noted above. This selection of 40 statements is called the Q sample (See Appendix I).

Typically, there are between 30 to 60 Q-statements used to survey people with a distribution of an interviewee’s answers on a scale from between -4 to +4 with “Most Unlike Me” on one end and “Most Like Me” on the other (Brown, 1980). The public servant practitioners, in this study, placed each statement in a respective square, which are arrayed with a layout in this paper with 40 statements in the Q sort (See Figure 1). Due to this number, the recording board is laid on a grid with 2, 4, 5, 6, 6, 6, 5, 4, 2 pyramid, or platykurtic configuration (Brown, 1980). Q methodology is useful in illuminating how different individuals, in this case, public servants in different contexts may view their public service values in various ways.

What do you find most important in your workplace?

Figure 1 Condition of Instruction and record sheet



Statements in the Q sort interact and with the meanings on the cards, in this way, the sum is greater than its parts (Stephenson, 1953). In the analysis of this interaction, they create factor arrays, as they demonstrate the configuration characteristic of that specific factor (Watts & Stenner, 2005; 2012). Brown (1980) recommends at least four or five persons loaded on a factor as being sufficient for factor arrays that have highly reliable factor scores. Analysis stops at this point because a *theoretically saturated* threshold (Brown, 1980) was met. Therefore, the sample size does not have to be high as long as the participants studied are diverse. In addition, A 10-pt Likert-type scale in the survey is used to ask about ideology.

FINDINGS

ANALYSIS OF THE Q STUDY

Three factor arrays regarding public service values arose: *Moral Practitioner*, *Public Interest Practitioner*, and *Results-Oriented Practitioner* through Q methodology to understand public service value orientations. Each perspective is defined by how people sorted collectively and analyzed by a factor analysis. The findings will go over each of the three perspectives found noting

the number statements with what was on the card. I found three themes that seem to typify each perspective based, noted below, on the statements on the cards the respondents chose to place on the record sheet as noted in Figure 1 above.

Table 1. Themes by perspective

	<i>Moral Practitioner</i>	<i>Public Interest Practitioner</i>	<i>Results-Oriented Practitioner</i>
Theme One	Ethics	Democratic	Results
Theme Two	Anti-Democratic	Ethics	Ant-Democratic
Theme Three	Professionalism	People	Common Good

Comparing all three factor arrays and their respective themes

The three factor arrays seem to most agree with each other. Most consensus items regarding honesty, humanness, lawfulness, and collegiality.

MORAL PRACTITIONER

Of the 12 sorts defining this value group, nine were in security for fire service on either the federal, state, or local level. 10 of the 12 are male, most possessing some college, but three being post college. Six made at least \$100k, with four having annual incomes of \$50k or less. Ten of the 12 were white and two were Native American. Seven are Republican, and only three were Democrat, while one is an independent, and the other is a Libertarian. A Likert-type scale found they rated a “5.9,” which makes this first perspective more conservative than liberal overall with 1 being more liberal and 10 most conservative. Overall, the sorters defining this perspective think of themselves as being very ethical or moral as a practitioner of public administration. Dominant themes supported by the data lead to the interpretation of *Moral Practitioner* as ethical, intrinsically motivated, a call to service to the public, and professionalism.

The statements show below with numbers, which represent the number on each card and found in Appendix 1 to see the statement in context with the others. Selected by interviewees relating to ethical or moral and the array position of each are as follows, with Indicates Significance at $P < .01$) by an asterisk. This factor array had an Eigenvalue of 8.1781 and an explained variance of 24 percent.

Again, I found three themes found below (Also see Table 1 above).

Theme One-Ethical Values

The findings reveal that *Moral Practitioners* seem to firstly, follow ethical values, such as integrity, trust, incorruptibility, and honesty as noted by the following the most significant statements, as the respondent read the card, of this group noted below.

(Appendix I the number before the statement helps designate a card in the factor analysis and the number after notes the factor arrays designated with a plus sign meaning “Most like me” see Figure 1).

21.* I try to operate in accordance to my values and moral uprightness. (Integrity) (+4)

40.* I try to promote the honesty, integrity and reliability of others – essentially a “faith in people.” (Trust) (+3)

19.* I believe it is essential to proceed without prejudice or bias in favor of my own private interests. (Incorruptibility) (+3)

15. I want to act in a truthful manner and to comply with my promises. (Honesty) (+3)

“That’s all we got, we can’t violate that,” said the exemplar in a post interview noted regarding the concept of integrity.

Theme Two-Anti-Democratic Moral Practitioners are intrinsically motivated and not concerned about Democratic values such as transparency, pluralism, and representativeness as well as the

economic value – profitability as evidenced by these statements for theme two:

29. It is vital that I focus on achieving financial gains for the organization. (Profitability) (-4)

27. I try to accommodate the interests of a diverse citizenry. (Pluralism) (-3)

39. I try to operate in a way that is open and visible to citizens, customers, and other relevant stakeholders. (Transparency) (-3)

33. I try to get things done with preferences of citizens, customers, and other relevant stakeholders in mind. (Representativeness) (-2)

“I’m not here to make money, I’m here to do what’s right,” post sort note by exemplar, on the value, of “Profitability.”

Theme Three-Professionalism

Moral Practitioners view themselves as professionals in the field. This is not a primary driver for them. Reliability is reasonably related to professional values, effectiveness, and expertise, as evidenced from theme three.

31.* Acting in a manner that is consistent, predictable, and trustworthy is what I do. (Reliability) (+2)

9.* I try to perform in a way that best achieves the desired results. (Effectiveness) (+2)

11. Acting with competence, skill, and knowledge is essential to me. (Expertise) (+2)

Essentially, the *Moral Practitioner* is driven by his or her moral authority backed by an important but secondary concern for professionalism. They are also prone to avoid outside pressures such as profitability or Democratic principles, as their own morality and ethics are the chief decision-making tools around their value priorities.

PUBLIC INTEREST PRACTITIONER

Of the 10 in this P set, six were from the nonprofit world, three from the state level and only one local. Seven of 10 are male, half possessed a post college, four earned a college degree and only one had some college. Half made at least \$100,000 household income, one made \$75,000, and two made \$40,000 or below. Nine of 10 were white and one was Native American. Five are Democrat, three are Republican, and two are independent. The Likert scale is from “1” most liberal to “10” most conservative, and this perspective to score averaged a “5.5” making the Pset more conservative than liberal overall. This factor array had an Eigenvalue of 3.4295 and an explained variance of 10 percent. Again, I found three themes found below.

Theme One-Democratic

Dominant themes were supported by the data and led to the interpretation of the *Public Interest Practitioner* as public interest, ethics, and people, but extremely critical of antidemocratic workplaces.

This perspective is extremely focused on the public interest as well as serviceability, selflessness, and social justice as well as two critical powers in Authority and Obedience.

30. Promoting the public interest is an imperative for me. (Public Interest) (+4)

36.* To me it is all about helping provide quality service to citizens, customers, and other relevant stakeholders. (Serviceability) (+4)

35. I focus on seeking to make the world a better place for everyone beyond mere self- interest. (Selflessness) (+3)

37. Promoting a fair and just society is important to me. (Social Justice) (+2)

1.* I feel leaders have the power or right to give orders, make decisions, and enforce obedience. (Authority) (-4)

24. * I tend to comply with the instructions of my superiors. (Obedience) (-4)

“It’s the public interest that determines for me how I gauge my success,” a post sort interview by an exemplar.

Theme Two-Ethics

This perspective is also focused on ethics, but it takes a lesser role than the first array. For the *Public Interest Practitioner*, ethics, such as integrity, honesty, and trust are important, but they do take a back seat to serving the public interest, as noted below.

21.* I try to operate in accordance to my values and moral uprightness. (Integrity) (+3)

15. I want to act in a truthful manner and to comply with my promises. (Honesty) (+2)

40. I try to promote the honesty, integrity and reliability of others – essentially a “faith in people.” (Trust) (+2)

Theme Three -People Related

Three people-related values— Humaneness, Selflessness, and Benevolence seem important as well.

16. I try to exhibit respect, compassion, and dignity toward others. (Humaneness) (+3)

35. I focus on seeking to make the world a better place for everyone beyond mere self- interest. (Selflessness) (+3)

3. For me acting in a manner that promotes good and avoids harm for citizens. (Benevolence) (+2)

“If I do it all for me, then I really didn’t do anything important in the first place,” post sort interview with an exemplar.

The *Public Interest Practitioner* is driven by helping others, especially in the public sphere first and foremost. They back it up by their secondary focus on ethics and specifically caring for individuals.

RESULTS-ORIENTED PRACTITIONER

Of the five in this Pset, nine were in security on the federal, state, and local level. Three of five were from the nonprofit world, two from the state level and only one locally. Only one makes at least \$100,000 household income, three had \$75,000, but only 1 was \$40,000, or below. All are Caucasian. There are two Democrats, only one Republican, only one independent, and one “other.” The Likert scale averaged “5,” which makes it more moderate ideologically than the first two aforementioned factor arrays. This factor array had an Eigenvalue of 3.0727 and an explained variance of nine percent.

Again, I found three themes found below.

Theme One-Results

These *Results-Oriented Practitioners* dominant themes are supported by the data that lead to the interpretation of this factor array as they find effective and innovativeness as most important followed by their expertise and results. They see themselves as a problem solver who unravels these puzzles through proper resources and their own innovation. Through Expertise, creativity flourishes, and nourished through professional development.

9.* I try to perform in a way that best achieves the desired results. (Effectiveness) (+4)

20.* I think it is essential to perform with initiative and creativity in introducing new policies or products. (Innovativeness) (+4)

11. Acting with competence, skill, and knowledge is essential to me. (Expertise) (+3)

35. I focus on seeking to make the world a better place for everyone beyond mere self- interest. (Selflessness) (+3)

34.* I focus on promoting the well-being and professional development of myself. (Self-Interest) (+1)

35. I focus on seeking to make the world a better place for everyone beyond mere self- interest. (Selflessness) (+3)

“If you get stuck in the rules, you can’t be innovative,” post sort note by exemplar, also known as a respondent, regarding innovativeness.

Theme Two-Anti-Democratic

This perspective is certainly not worried about Democratic values, such as equity, trust, representativeness, responsiveness, and public interest.

3.* I think it is essential to be fair and impartial. (Equity) (-4)

40.* I try to promote the honesty, integrity and reliability of others – essentially a “faith in people.” (Trust) (-4)

32.* I try to act in a manner that is consistent with the values of citizens. (Representative) (-3)

33. I try to get things done with preferences of citizens, customers, and other relevant stakeholders in mind. (Responsiveness) (-1)

30. Promoting the public interest is an imperative for me. (Public Interest) (-2)

“All the items in the card sort are values, but somethings have to come first. Getting input and feedback and weighing the impact on individuals is obviously always a factor, but you can’t let yourself be stagnated by the need to talk forever. You will never be able to listen to/accommodate/include/please everyone,” an exemplar said in a post sort interview.

Theme Three-Common Good

This factor array also finds that people are important, though with values such as selflessness, benevolence, and humanness, too. Results are effective for the common good as evidenced by the values below and the exemplar post sort note.

35. I focus on seeking to make the world a better place for everyone beyond mere self- interest. (Selflessness) (+3)

3. For me acting in a manner that promotes good and avoids harm for citizens. (Benevolence) (+3)

16. I try to exhibit respect, compassion, and dignity toward others. (Humanness) (+2)

“I want to see results, but for the common good,” post sort note by exemplar, otherwise known as a respondent, said.

In addition, the *Results-Oriented Practitioners* are least trusting of people by far. Both the *Moral* and the *Public Interest Practitioners* are the most critical of profitability and yet the *Results-Oriented Practitioners* are more likely to accept it as a necessary evil. Equity is somewhat embraced by the *Moral Practitioners*, though it does not register for the *Public-Interest Practitioners*, but totally shunned by the *Results-Oriented Practitioners*.

The first and third factor array, *Moral* and *Results-Oriented Practitioners*, respectively are both critical of Democratic values opposed to the large embrace of Democratic values by the Public Interest Practitioner. Both *Moral* and *Results-Oriented Practitioners* are just as critical on the value representativeness. And yet, they differ on most of these Democratic values. The former is most critical of pluralism and transparency, but the latter is most critical of equity, trust, and responsiveness. It seems that *Moral Practitioners* are more critical of more broad external Democratic concepts. Whereas equity, trust and responsiveness seem to reflect more personal worries that might slow down Results-Oriented problem solving.

Likewise, the value of self-interest seems to mean different things. The first two perspectives articulated the value as negative while the *Results-Oriented Practitioner* found it somewhat positive. “I try to put others first over myself,” said an exemplar in a post note. Whereas, a *Results-Oriented Practitioner* said, self-interest as a value “is all about developing myself professionally. There is nothing wrong with that,” said one exemplar.

DISCUSSION

Dominant themes surfaced for all three arrays, which led to the interpretation of each. The *Moral Practitioner*, for example, are most focused on ethics, rather than intrinsic motivation, service to the public, and professionalism. They are quite critical of the public. The next factor array represents an interpretation of the *Public Interest Practitioner* as very focused on the public interest, with secondary concerns on ethics, people, but very critical of antidemocratic workplaces. These *Results-Oriented Practitioners* dominant themes are supported by the data that lead to the interpretation of this factor array as they find being effective and innovative as most important followed by their expertise and results.

It is interesting that Molina & McKeown (2012) find Honesty, Integrity, and Lawfulness as the most highly ranked values found in their survey 52 administrators, while they found, Sustainability, Self-interest, and Profitability, rated the least important. Whereas, I find there is some universal consensus that “Honesty” (3, 2, 3) and for the most part, “Integrity” (4,3,1) both most typify the *Moral Practitioners*, but the other two perspectives are not all that different on these two specific values (See Appendix I). This perspective is also most likely to say “impartiality” (3,1,1) is important. Likewise, Seldon, et al. (1999) and Sherman (1998) reinforce the value of impartiality and neutrality as important perspectives.

Interestingly, the *Results-Oriented Practitioners* are the least into the concept of “Integrity.” There is also more disagreement among what practitioners in this study regarding items labeled: “Lawfulness,” “Sustainability,” “Self-interest,” and “Profitability.” These items rated most important in the Molina and McKeown

(2012) “Lawfulness” (2,0,0) seems to resonate the most with the *Moral Practitioners* but is of no real importance to the other perspectives. In Molina and McKeown (2012)’s findings of public service values administrators rated some values as less important “Sustainability,” (-3, -1, 1); “Self-interest,” (-2, -3, 1); and “Profitability,” (-4, -3, 1). But, as you can see, the *Results-Oriented Practitioner* seems to be the most out of step, noting all these values somewhat positive. This paper’s results contradict Molina and McKeown’s (2012) findings for the most part. While these authors admit that context matters, they do not examine this from the view of the individuals themselves.

The three perspectives found in the factor arrays are a bit different. The *Moral Practitioner*, *Public Interest Practitioner*, and the *Results-Oriented Practitioners* I find that each perspective relates to a specific way of viewing public service and associated values. The first are the *Moral Practitioners* who view ethics as a primary way of thinking followed by professional values but opposed by democratic values. The *Public Interest Practitioners* are much more focused on helping Democratic and People-related values, and unlike the *Moral Practitioners* and the *Results-Oriented Practitioners*, critical of antidemocratic values. At the same time, the *Results-Oriented Practitioners* are most focused on results, professional values and critical of Democratic values.

The *Moral Practitioners* relate to Swanson, Territo and Taylor’s (2008) findings about how education shapes professional conduct, especially among law enforcement-related public administrators who focus on concepts such as respect for authority, courage, honesty, and lawfulness, which is what we find here. In this factor array associated with this perspective, I find focuses highly on ethics primarily followed by professional values but opposed by democratic values. This perspective is also comparable to Zeemering’s (2019) examination of students and finds similarly what he calls Analysts in their ethical stance in the public service. Morality is not defined as universal code, rather only relates to that

which is believed as right or wrong by many (Gert & Gert, 2016). It makes sense, 9 of 12 in the Pset were in either security for fire service on the federal, state, and local level.

The *Public Interest Practitioner* is quite different from the *Moral Practitioners*. In this perspective, I found 6 of 10 were from the nonprofit world. Public Interest is the general public's well-being, (*Random House Dictionary*, 2001). This perspective is somewhat analogous to Zeemering's (2019) Steward perspective. Both perspectives focus on the Public Interest, Serviceability, Social Justice, and Integrity.

NASPAA (2009) standards clarify that public service values include "pursuing the public interest with accountability and transparency." This perspective is much more focused on helping through Democratic and People-related values, as noted in Kernaghan's (2003) typology of values. Both the *Moral Practitioners and the Results-Oriented Practitioners* are critical of democratic values and more business values (see Griffin, Ebert, & Ricky 2010). However, *Public-Interest Practitioners* are in the opposite direction, most being skeptical of oppression and authoritarianism. This perspective seems to fit most nicely with the idea of what ideally is the point of public service in the literature. To clarify, scholars call this Public Service Motivation (PSM), which is defined as "an individual's orientation to delivering services to people with a purpose to do good for others and society" (Perry & Hondeghem, 2008, vii). *Results-Oriented Practitioners* though are much more attentive on results and professional values, though also critical of Democratic values as noted by Kernaghan (2003a). This perspective is also similar to Zeemering's (2019) High Performer's perspective with Effectiveness as primary. Leaders who focus on results over people in organizations is well documented (See Bass, 1990; Van Wart, 2017). An important finding here is that "context matters" as notes by Molina & McKeown (2012).

If a public servant is in law enforcement, he or she might be more

focused on ethical values, alternatively, if one is to work in the nonprofit world, then the public interest is the focus. However, in some contexts, results matter the most. Assuming that aggregating public service values is a way to understand public service values but does little to understand the nature of public service. This also ignores what Kernaghan (2003b) notes that there can be an intrinsic strain between various public service values themselves. To illustrate, between democratic values like the “rule of law” or “accountability” and those of professional values, such as “innovation” and “efficiency.”

CONCLUSION

While Zeemering’s (2019) used Q Methodology to explore public service values in the classroom describing student perceptions, this paper studied a different group - practitioners. This study interviewed and Q-sorted public servants from various levels – local, county, state, federal, nonprofits, and faculty in public administration outside of a classroom. This paper and Zeemering’s (2019) both point out the need for more faculty to further discuss how to “properly link between stated values in and the coverage of those values in the curriculum” (p. 5). In addition, these findings also support Stout’s (2018) point that public administration teachers should refrain from a homogenized view of what is the best public service perspective because that approach more akin to “indoctrination rather than education” (pg. 12). So, in a field where “ideas do make a difference” because “thought leads to action” (Denhardt & Catlaw, 2014), scholars need to link not only student values, but those in the field as a reference point. Both in practice and in the classroom, values are not just aggregated, but people learn and practice through different lenses, because of different expectations, orientations, created over a lifetime. Therefore, it seems that an aggregated number of values is a universalizing force in the field. But this only get us so far in

understanding what public service values are important. Not unlike de Graaf, Huberts, & Smulders (2014), this paper finds that understanding value orientations in the field as well as in the classroom is of importance because of the ever-increasing range of demands on public servants, whether goal ambiguity and/or differing responsibilities and relationship, it is not surprising that value conflicts become commonplace. Therefore, NASPAA needs to change from an aggregated view of public service values to one where there are multiple perspectives. This study shows that not everyone in the public service thinks the same way, not unlike Zeemering's (2019) findings with students.

Since Svava & Baizhanov (2018) find public service values are "essential but incomplete" because of the wide diversity of program descriptions, maybe that diversity is actually a strength as long as those values, or even value families, are acknowledged as legitimate depending on the student's respective career goals, and allowed to prosper. As noted above, that while these value families are found to hang together, this approach was not designed to capture differences in individual subjective conceptions or make the connection to specific areas of public service.

Zeemering (2019), for example, found that not all students think the same way when it comes to public service values. So, if public service values are going to maintain as the "heart of the profession," it should acknowledge the context of how different legitimate student career paths matter. For example, is the context where an employee is dealing with a direct boss as a city manager, or the public interest as a politician who deals with citizens, or as an executive director dealing with a board? Moreover, MPA program faculty should also acknowledge that if they are placing students in nonprofits, they will have to deal with a different set of embedded values versus someone else who plans to work in the public interest or even in emergency management because of their differing value priorities. Hopefully, by acknowledging the importance of context, or operational environment, MPA faculty

can better teach and apply the various approaches to the public service perspective. Faculty will maybe even be able to better provide a multi-perspective framework that allows improved diagnosis on the ways to deal with policy and management conflicts over unseen public service values that often arise in the workplace and between various types of public servants. In addition, this may help public service values play a more of a “complete” role in how we teach and practice by better linking what we teach through theory with practice.

FUTURE RESEARCH

Future studies might focus on diagnosing this conflict through an understanding the barriers and bridges to possible resolutions whether in the classroom or in the field. More research should also be done on how neutrality itself is questionable when practitioners have different value orientations. It might also be helpful to have students not only understand their perspective (i.e. Zeemering, 2019), but to also match their public service value orientations that already occur in the field. Having students understand that their public service field does not have a universal set of public values, but it all depends on perspective might better prepare students for the field.

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Appendix I Sorted Statements with Factor Arrays

No.	Statement	Factor Arrays		
		1	2	3
1	I feel leaders have the power or right to give orders, make decisions, and enforce obedience. (Authority)	0	-4	-2
2	It is important to be willingly to justify and explain my actions to relevant stakeholders. (Accountability)	0	0	0
3	For me acting in a manner that promotes good and avoids harm for citizens. (Benevolence)	0	2	3
4	I think it is important being loyal and showing solidarity toward other colleagues. (Collegiality)	-1	-2	-1
5	It is for me confronting fear and act rightly in the face of personal risk. (Courage)	1	-1	-2
6	I believe it is important to be committed to a task or purpose. (Dedication)	1	-1	2
7	Including different types of people, such as people of different races or cultures is imperative to me. (Diversity)	-1	1	0
8	Proceeding with others through the normal judicial system, especially as a citizen's entitlement is key to me. (Due Process)	-2	0	-3
9	I try to perform in a way that best achieves the desired results. (Effectiveness)	-2	1	4
10	My goal is to act in a way that achieves the desired results, but especially for me to use minimal resources as well. (Efficiency)	-2	-3	2
11	Acting with competence, skill, and knowledge is essential to me. (Expertise)	2	1	3
12	I believe it is critical to carefully manage available resources. (Economy)	-1	-2	1
13	I think it is essential to be fair and impartial. (Equity)	2	0	-4
14	Following the rules that apply to all is a focal point for me. (Fairness)	1	-2	-3

15	I want to act in a truthful manner and to comply with my promises. (Honesty)	3	2	3
16	I try to exhibit respect, compassion, and dignity toward others. (Humaneness)	4	3	2
17	I perform without prejudice or bias toward particular individuals or groups. (Impartiality)	3	1	-1
18	I operate in a manner that includes citizens, customers, and other relevant stakeholders in the decision-making process. (Inclusiveness)	-1	1	-3
19	I believe it is essential to proceed without prejudice or bias in favor of my own private interests. (Incorruptibility)	3	-3	-1
20	I think it is essential to perform with initiative and creativity in introducing new policies or products. (Innovativeness)	-1	1	4
21	I try to operate in accordance to my values and moral uprightness. (Integrity)	4	3	1
22	I try to comply with existing laws and rules. (Lawfulness)	2	0	0
23	It is important to me to have a strong feeling of support or allegiance. (Loyalty)	-1	-2	2
24	I tend to comply with the instructions of my superiors. (Obedience)	1	-4	-2
25	I often promote the organization's interests. (Organizational Interest)	-2	-1	2
26	Promoting active citizen participation in administrative decision making is important to me. (Participative)	-4	-1	0
27	I try to Accommodate the interests of a diverse citizenry. (Pluralism)	-3	0	1
28	I try to ensure that a public service ethos and competence is achieved. (Professionalism)	1	3	-2
29	It is vital that I focus on achieving financial gains for the organization. (Profitability)	-4	-3	1
30	Promoting the public interest is an imperative for me. (Public Interest)	-3	4	-2

31	Acting in a manner that is consistent, predictable, and trustworthy is what I do. (Reliability)	2	-2	0
32	I try to act in a manner that is consistent with the values of citizens. (Representative)	0	-1	-3
33	I try to get things done with preferences of citizens, customers, and other relevant stakeholders in mind. (Responsiveness)	-2	0	-1
34	I focus on promoting the well-being and professional development of myself. (Self-Interest)	-2	-3	1
35	I focus on seeking to make the world a better place for everyone beyond mere self-interest. (Selflessness)	1	3	3
36	To me it is all about helping provide quality service to citizens, customers, and other relevant stakeholders. (Serviceability)	0	4	0
37	Promoting a fair and just society is important to me. (Social Justice)	0	2	-1
38	I seek to protect and sustain nature and the environment. (Sustainability)	-3	-1	1
39	I try to operate in a way that is open and visible to citizens, customers, and other relevant stakeholders. (Transparency)	-3	2	-1
40	I try to promote the honesty, integrity and reliability of others – essentially a “faith in people.” (Trust)	3	2	-4

**MORALITY AND DIRECT DEMOCRACY
IN OKLAHOMA**

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Oklahoma voters use direct democracy to enact legislation that seems to be difficult to process through the Oklahoma Legislature. Several recent initiatives and referendums dealt with moral issues. On November 8, 2016, voters approved an initiative changing the classification of simple drug possession from felony to misdemeanor (SQ 780) and a legislative referendum allowing grocery and convenience stores to sell high and high-point beer (SQ 792). At the same election, voters rejected a legislatively-referred constitutional amendment removing the Blaine Amendment from the Oklahoma Constitution (SQ 790). In June 2018, voters approved a citizen initiative to allow the licensed cultivation, use and possession of marijuana for medicinal purposes (SQ 788), an initiative originally scheduled for the November 2016 ballot. The present research assesses the role of morality in the vote differences observed in different parts of the state. Using OLS regression, this paper examines the vote on the state questions at the county-level and considers the role of religious affiliation, political party identification, and rurality on the successes and failure of the ballot issues. The findings suggest that numerous factors explain the support and opposition to the State Questions.

This research replicates a study published almost 40 years ago and a second study published about 15 years ago. Both studies examined the effect of religion on direct democracy. Morgan and Meier (1980) gathered data on the 77 Oklahoma counties to assess the impact of religious affiliation and other variables on five state questions the researchers determined dealt with moral issues. The state questions asked voters to consider changes to restrictions on alcohol sales, “blue law” shopping bans on Sundays, and betting on horse races. In general, the researchers determined that religious affiliation played a role in the vote. Satterthwaite (2005) extended the earlier research by examining votes on betting on horse racing (1982), liquor by the drink (1984), the liberalization of liquor sales during elections (1990), the creation of a state lottery (1994), and the legalization of gambling (1998). Satterthwaite found that religious variables were significant and negatively related to the vote on these state questions.

The present research seeks to extend Morgan and Meier (1980) and Satterthwaite (2005), as well as Rausch (2019), by examining the four state questions considered by Oklahoma voters in 2016 and 2018. On November 8, 2016, voters approved an initiative changing the classification of simple drug possession from felony to misdemeanor (SQ 780) and a legislative referendum allowing grocery and convenience stores to sell wine and high-point beer (SQ 792) (Perry 2016). At the same election, voters rejected a legislatively-referred constitutional amendment removing the Blaine Amendment¹ from the Oklahoma Constitution (SQ 790) (Perry 2016). In June 2018, voters approved a citizen initiative to allow the licensed cultivation, use and possession of marijuana for

1 Blaine Amendments are religion clauses found in state constitutions. Blaine Amendments specifically prohibits state legislatures from appropriating funds to religious sects or institutions (Bindas and Keller [2019]).

medicinal purposes (SQ 788), an initiative originally scheduled for the November 2016 ballot and postponed until June 2018 because of legal actions.²

Table 1. The Four State Questions Examined in this Research

State Question	Election	Result
780. Oklahoma Reclassification of Some Drug and Property Crimes as Misdemeanors Initiative	November 8, 2016	Approved
788. Medical Marijuana Legalization Initiative	June 26, 2018	Approved
790. Oklahoma Public Money for Religious Purposes Amendment	November 8, 2016	Rejected
792. Oklahoma Regulations Governing the Sale of Wine and Beer Amendment	November 8, 2016	Approved

METHOD

To better understand the patterns exhibited in the voting on the four state questions, this paper replicates the methods used by Morgan and Meier (1980) and Satterthwaite (2005). The previous research used multiple regression analysis to study the county-level vote on several Oklahoma ballot questions. The dependent variable was the percentage of each county’s voters who supported the question under examination. The researchers used several independent variables including rural isolation, socioeconomic status, liquor consumption, and three categories of religious affiliation. They found that support for referenda on liberalizing liquor and gambling laws was found in Oklahoma counties with higher socioeconomic status, a larger percentage of the population identifying as Catholic, and smaller percentages of both fundamentalist and other Protestants (Morgan and Meier 1980; Satterthwaite 2005).

² Laura Eastes, George Lang, Ben Luschen, and Jacob Threadgill, “Marijuana Quest,” *The Oklahoma Gazette*, 20 April 2018, <https://www.okgazette.com/oklahoma/cover-marijuana-quest/Content?oid=3314451>.

Despite the method's relative simplicity and the level at which the data are aggregated, Morgan and Meier's findings have been cited in much additional research, especially on questions related to morality (Gibson 2004; Haier-Markel and Meier 1996; LeDuc and Pammett 1995; Oldmixon 2002; Satterthwaite 2005; Wald, Button, and Rienzo 1996; Wilcox and Jelen 1990). In a study of legislative constraint in Oklahoma, Rausch (1994) uses a similar methodology.

Several hypotheses may explain the voting on the four state questions examined in the present research. The primary hypothesis under examination is that religious affiliation is the key indicator of voting on these state questions. Rausch (2019, 8) describes the support and opposition to State Question 788 and finds that "the coalition organized to defeat SQ 788 included several religious organizations." State Question 780 was endorsed by many organized groups in Oklahoma included numerous religious organizations. The Catholic Archbishop of Oklahoma City was particularly vocal in his support of State Question 790 to repeal the Blaine Amendment. State Question 792 is the legislatively referred constitutional amendment expanding the sale of wine and high-point beer in convenience stores and grocery stores. A review of groups supporting and opposing the state question revealed very little activity by religious organizations.

A second hypothesis considers the urban and rural population in the state. Voters in rural areas are more likely to oppose the state questions on alcohol and marijuana while supporting the repeal of the Blaine Amendment. The two most populous counties in Oklahoma are Oklahoma County and Tulsa County. Voters in both counties were joined by voters in Cleveland County (home of the University of Oklahoma) in exhibiting the most support for State Questions 780, 788, and 792. State Question 790 on repealing the Blaine Amendment showed significantly different patterns of support. The lowest support for the amendment (37.24 percent) was given by voters in Coal County, a small rural county in the

southeastern part of the state. Oklahoma County voters cast 40.40 percent in support of SQ 790 while 40.28 percent of Tulsa County voters sought to approve the amendment. Two of the counties showing the least support of SQ 790 were Cleveland County (home of the University of Oklahoma) and Payne County (home of Oklahoma State University).

A third hypothesis considers the role of political party on the vote decision. While Republican state leaders like the Attorney General worked to keep the citizen initiatives off the ballot and the Republican-led legislature referred the constitutional amendments, there is less evidence either political party worked hard to support or oppose any of the state questions examined here. Testing this hypothesis is made easier by the fact that Oklahomans register to vote by political party.

Using data collected from a variety of sources, the present research assesses the hypotheses while testing for other potential explanations for support for the four state questions. Data were collected on each of the 77 counties in Oklahoma.

The present research employs aggregate data collected at the county level. While individual-level data collected by a survey is preferable to county-level data, the level of aggregation chosen is more practical. The reliability of the data is much greater than a survey because of respondent recall issues. County-level data are useful for examining the political, economic, and social environment in which voters make their decisions on referenda (Giles 1977; Hero 1998; Key 1950; Morgan and Meier 1980; Oliver and Mendelberg 2000; Rausch 1994; Satterthwaite 2005a, 2005b; Smith, DeSantis, and Kassel 2005; Tolbert and Hero 2001).

Election return data are found on the Oklahoma State Election Board website (<https://www.ok.gov/elections/>). The data on religion were compiled by the Association of Statisticians of

American Religious Bodies and published in the 2010 U.S. Religious Census (Grammich, et al., 2012).³ Demographic data are from the United States Census.

MORALITY VOTES IN 21ST CENTURY OKLAHOMA

Before proceeding, a brief description of each state question is in order. State Question 780 was approved by voters in the November 2016 general election. State Question 780 was a citizen-initiated initiative that changed certain non-violent drug- and theft-related crimes from felonies to misdemeanors. When approved by the voters, the initiative had the effect of reducing the number and duration of state prison sentences. The Oklahoma Supreme Court rewrote the ballot language as part of a legal challenge that argued that the ballot language provided by the initiative proponents and the Oklahoma Attorney General were biased or did not include enough information for the voters. Kris Steele, a Republican and a former Speaker of the Oklahoma House of Representatives, was the chief proponent for the state question. Various district attorneys and the Oklahoma Association of Chiefs of Police opposed the measure. State Question 780 was approved 58.23 percent to 41.77 percent.

State Question 790 was defeated by voters. The proposal, a legislatively referred constitutional amendment, would have repealed Section 5 of Article 2 of the Oklahoma Constitution. Article 2, Section 5, prohibits the spending of public money for religious purposes. Supporters of the state question argued that its

³ These data are published in electronic form on The Association of Religion Data Archives website: <http://www.thearda.com/rcms2010/>.

passage would have allowed the erection of a monument to the 10 Commandments on the State Capitol grounds in Oklahoma City.⁴ The proposal was supported by many Republican officeholders and the Catholic Archbishop of Oklahoma City. The American Civil Liberties Union strongly opposed the proposal. State Question 790 was defeated by a vote of 57.12 percent No to 42.88 percent Yes.

Voters approved State Question 792, another legislatively-referred constitutional amendment. The proposal changed constitutional provisions governing alcohol sales and distribution in the state allowing grocery stores and convenience stores to sell full-strength beer and wine seven days a week. In addition to the legislative proponents, the state question was supported by many business interests including the Beer Distributors of Oklahoma, the Oklahoma Grocers Association, and the Oklahoma Petroleum Marketers & Convenience Store Association, among others. The opposition included the Retail Liquor Association of Oklahoma and many liquor stores not attached to grocery or convenience stores. Opponents' concerns primarily focused on the growth of large companies taking over the sale and distribution of alcohol beverages in Oklahoma. Voter approved State Question 792 by a vote of 65.62 percent to 34.88 percent.

The successful campaign to approve State Question 788 in June 2018 was one of several attempts to place a proposition on medical marijuana on the Oklahoma ballot. In 2014, Oklahomans for Health circulated petitions for a statewide vote but the group was unable to obtain the required number of signatures. In 2015, Green the Vote also failed to gather enough signatures to place the issue on the ballot. Oklahomans for Health tried again in the spring of 2016. This time the group successfully obtained the required

4 John Clanton, "State Question 790: Voters Say Public Money Can't Be Used for Religious Purposes," *Tulsa World*, 8 November 2016, https://www.tulsaworld.com/news/local/government-and-politics/state-question-voters-say-public-money-can-t-be-used/article_e354f323-280a-5219-b1af-de0eedb3a32a.html

number of signatures, but the initiative became the subject of a lawsuit after the group accused then-Attorney General Scott Pruitt of changing “the wording of the ballot title to sound as if the state question was calling for full legalization [of marijuana], including recreational use.” In a short ruling issued on March 27, 2017, the Oklahoma Supreme Court sided with Oklahomans for Health and ordered that the original ballot language be restored. On January 4, 2018, Oklahoma Governor Mary Fallin, a Republican, issued a proclamation scheduling the vote on medical marijuana for June 26, 2018, the same day as the state’s primary election.⁵ Oklahomans for Health was the organization that led the drive to place the issue on the ballot and it continued through the campaign as the leading organization to support the state question. The opposition was funded largely by money from energy companies headquartered in Oklahoma, Colorado, and Texas.⁶ Due to the vote occurring with a primary election, there was some confusion in several counties. Some poll workers asked voters if they wanted a State Question 788 ballot instead of automatically giving a ballot to each voter. All voters were supposed to receive the State Question ballot automatically. The state election board reported correcting any problems and inconsistencies across counties.⁷ On June 26, 2018, Oklahoma voters approved SQ 788 with 56.86 percent of voters casting Yes votes and 43.14 percent voting to reject the measure.

5 Eastes, Lang, and Threadgill, “Marijuana Quest.”

6 Who Were the Biggest Donors to the Anti-SQ788 Campaign?” Tulsa World, 2 August 2018, https://www.tulsaworld.com/photo/video/slideshows/who-were-the-biggest-donors-to-the-anti-sq-campaign/collection_18cc90d2-965a-11e8-aabb-737d495e78eb.html#4; Clifton Adcock, “Campaign Filings Show Oklahoma Anti-Medical Marijuana Group was Heavily Financed by Energy Industry,” The Frontier, 1 August 2018, <https://www.readfrontier.org/stories/campaign-filings-show-oklahoma-anti-medical-marijuana-group-heavily-financed-energy-industry/>.

7 Kevin Canfield, “Election Official Acknowledges Hiccups, But Says No Widespread Problems with SQ 788 Ballots,” Tulsa World, 26 June 2018.

MEASURES

SUPPORT FOR THE STATE QUESTIONS

The dependent variables are measured by the percentage of voters in each of the 77 Oklahoma counties who cast a ballot in favor of the state question. There is substantial variation among the voting by county on each of the questions. On State Question 780, the vote ranged from 31.69 percent Yes to 69.89 percent Yes (mean county vote = 48.39 percent). State Question 788 was similar with a range of 28.09 percent Yes to 64.94 percent Yes (mean county vote = 48.73). On repealing the Blaine Amendment (SQ 790), the vote was lower ranging from 37.24 percent Yes to 54.37 percent Yes (mean county vote = 45.61 percent). Finally, on State Question 792 to expand the sale of alcohol beverages, the vote ranged from 44.71 percent Yes to 71.87 percent Yes (mean county vote = 59.30 percent).

Factor analysis reveals that the questions share some commonality. There are two factors with SQ 780, SQ 788, and SQ 792, loading on one factor explaining 59.38 percent of the variance. State Question 790 (repeal the Blaine Amendment) loads on the second factor that explains 31.10 percent of the variance. Despite the commonality, the state questions are examined separately.

RELIGION

Data were collected on the proportion of county residents affiliated with different religions. Religion has been involved in American political life for a long time, but social scientists have only seriously researched the role of religion in politics for about the past forty years (Jelen 1998; Satterthwaite 2005a, 2005b; Wald, Silverman, and Fridy 2005; Wald and Wilcox 2006). Jelen (1998) reviews much literature that specifically examines the role of religion in political behavior. Religious conservatives became

actively involved in the Republican Party in the late 1970s and early 1980s to advocate their positions on a number of social issues (Guth 1983; Oldfield 1996). It was during this period that social science experienced an increase in interest in the role of religion in American politics.

This paper incorporates three variables for religious affiliation: evangelical Protestants; mainline Protestants; and Catholics. Denominations included in the category “Evangelical Protestants” were identified by the authors of the Religious Congregations & Membership Study 2010 as follows:

Evangelical Protestant denominations emphasize a personal relationship with Christ, the inspiration of the Bible, and the importance of sharing faith with non-believers. Evangelical Protestantism is usually seen as more theologically and socially conservative than Mainline Protestantism, although there is obviously variation between denominations, congregations, and individuals within the “Evangelical” category (<http://www.thearda.com/rcms2010/evangelical.asp>).

The proportion of Oklahoma county residents who are Evangelical Protestant is calculated from data published in Grammich, et al. (2012). The percentage ranged from a high of 132.41 percent (not a typo; see next paragraph) to a low of 19.67 percent. The mean was 48.49 with a standard deviation of 17.63. We expect to see a relationship between Evangelical Protestant population and lower support for State Questions 780, 788, and 792, reducing the stigma of alcohol and drug use. Evangelical Protestants may be conflicted about State Question 790 on repealing the Blaine Amendment. They may support the erection of a Ten Commandments monument on the State Capitol grounds, but they may not support giving all denominations access to public funding for church projects.

There obviously is a problem with the data from Harmon County, a small rural county in the far southwestern part of the state. It

is impossible that 132 percent of the population is Evangelical Protestant in part because the data indicate that there also are Catholic and Mainline Protestant residents in that county. The population in Harmon County decreased in the first decade of the 21st Century. In 2000, the population was 3,283. By 2010, the population dropped to 2,922. The 2010 U.S. Religion Census report had a difficult time dealing with this population decrease. We controlled for this irregularity by removing Harmon County from the statistical analyses. We found that the results when we included Harmon County were not much different from the results without Harmon County, so Harmon County remains in the analysis. There are 77 counties in Oklahoma.

Similar data were obtained on the percentage of Mainline Protestants. Denominations included in the category “Mainline Protestants” were identified by the authors of the Religious Congregations & Membership Study 2010 as follows:

Mainline Protestantism is a branch of Protestantism encompassing what are considered theologically liberal and moderate denominations, such as the Presbyterian Church (USA), the United Methodist Church, the Reformed Church in America, the Episcopal Church, the United Church of Christ, and the Evangelical Lutheran Church in America. While Mainline Protestantism is usually seen as more theologically and socially liberal than Evangelical Protestantism, there is obviously variation between denominations, congregations, and individual with the “Mainline” category (<http://www.thearda.com/rcms2010/mainline.asp>).

The range of mainline Protestant populations among all counties was from 2.29 to 47.80 with a mean of 11.58 and a standard deviation of 8.31. Conflict appears in the research literature with some research suggesting that mainline Protestants may be more tolerant of marijuana use, especially for medical purposes.

A review of the history of the Blaine Amendment⁸, both at the national and state-levels, suggests that Mainline Protestants may be more supportive of prohibiting public funds from being spent on religious projects.

The percentage of Catholics in each county was determined using the Religious Congregations & Membership Study (Grammich, et al., 2012). Only the category labeled “Catholic” was included in this classification. The percentage of Catholics ranged from zero to 17.01 percent. The mean was 2.61 with a standard deviation of 2.73. Counties with larger Catholic populations should exhibit opposition to SQ 788; however, it is possible that counties with larger Catholic populations are more diverse in other demographics that may lead to greater support for the state questions, especially State Question 790 repealing the Blaine Amendment.

VOTERS IN RURAL AREAS

The independent variable tapping the effect of residence in rural areas is the percentage of county residents who are rural according to the United States Bureau of the Census. For simplicity, the present research uses “percent rural”; therefore, the remainder of the county population can be considered urban. While there are several counties that have 100 percent of the population living in a rural area, the smallest rural population is 4.78 percent in Tulsa County. Only 6.28 percent of Oklahoma County is considered rural. It is expected that counties with a greater percentage of rural population will exhibit less support for SQ 780, 788, and 792. Rural voters may find comfort in the Blaine Amendment, but there may be some confounding effects with religious affiliation.

POLITICAL PARTY AFFILIATIONS

The third hypothesis holds that Oklahoma counties with differing proportions of party identifiers will exhibit different levels of voting on SQ 788. Oklahomans register to vote by political party.

⁸ An accessible and concise history of Blaine Amendments may be found in Rassbach (2019).

Oklahoma's primary elections are semi-closed. The Oklahoma Republican Party allows only Republican registrants to vote in the Republican primary. The Oklahoma Democratic Party allows independents (voters who declare no party affiliation) to vote in primary elections in addition to registered Democrats. In the present research, each county's Republican registration was determined. The county with the fewest Republicans had 18.11 percent (Coal County), while the largest Republican population was 75.14 percent (Major County). The mean county Republican registration was 43.26 percent with a standard deviation of 14.26. It is expected that counties with more Republicans may oppose the state questions reducing the stigma of alcohol and drug use, but this expectation is tempered by the economic benefit of approving State Question 780 and reducing the prison population in Oklahoma.

CONTROL VARIABLES

Additional independent variables are used as controls in the analysis. These variables are the percentage of each county's population older than 25 with a high school diploma (a measure of educational attainment), each county's median age, and the median household income in each county. The percentage of each county's population who are white also is included in the analysis. The percentage of white population serves as a proxy for diversity; counties with larger percentages of white residents are less diverse.

ANALYSIS AND FINDINGS

The present research seeks to better understand the votes on four state questions decided by Oklahoma voters in 2016 and 2018. In order to allay any concerns about multicollinearity and to determine if there are any potential relationships between the independent variables, a correlation matrix was produced for all variables.

The matrix exhibited few surprises. The county-level votes on the four state questions are correlated, but we found that in the factor analysis. The Pearson’s R between the Yes vote on State Question 780 (reduce drug crimes to misdemeanors) and State Question 788 (medical marijuana) is a strong 0.660 ($p < .001$), despite the fact that the questions were considered in different years. The correlation between State Question 788 (medical marijuana) and State Question 790 (repeal the Blaine Amendment) is -0.550 ($p < .001$).

Table 2 presents a correlation analysis of several selected independent variables. While the variables present significant correlations, the only correlation of concern is the fact that rural counties appear to have older populations.

Table 2. Correlation Between Selected Independent Variables

	(a)	(b)	(c)	(d)	(e)
(a) Median Family Income	1				
(b) Percent Over 25 High School Graduate	-.416**	1			
(c) Percent Rural	-.293**	.538**	1		
(d) Median Age	-.363**	.555**	.645**	1	
(e) Percent White	.559**	.078	.137	.079	1

** Correlation is significant at the 0.01 level (2-tailed).

For each of the four state questions, a multiple regression model was calculated. The results are presented in Table 3. The variables included in the model are the religious affiliation measures, the county median family income, the percent of each county’s population over the age of 25 and a high school graduate, the percent of county voters registered in the Republican Party, the percent of population living in a rural area, the county’s median age, and the percent of county residents who are white. Standardized regression coefficients (Betas) appear in Table 3. The level of prediction (R^2) for the state questions are moderate ranging from .460 to .622, but

they are consistent across the state questions. The low predictive ability of the model for State Question 790 (repeal the Blaine Amendment) can be attributed to the fact that there have been two streams of opinion regarding the amendment. One stream saw the state question as allowing public money to be spent on religious programs, some of which may benefit people who need assistance. The other stream saw the state question as allowing the erection of a Ten Commandments monument on State Capitol grounds.

Table 3. OLS Regression of County Vote for State Questions

	SQ 780	SQ 788	SQ 790	SQ 792				
	Beta	p	Beta	p	Beta	P	Beta	p
% Evangelical Protestant	-.186	.105	-.253	.019	.143	.262	-.362	.001
% Mainline Protestant	-.147	.230	-.315	.007	.215	.117	-.106	.360
% Catholic	-.014	.888	.013	.892	-.051	.656	.005	.956
Median Family Income	.313	.040	.326	.022	-.089	.594	.294	.041
% Over 25 HS Grad	-.169	.148	-.070	.517	.113	.382	-.141	.202
% Rural	-.400	.001	-.360	.002	-.049	.715	-.399	.001
% Republican	.046	.782	-.518	.001	.694	.000	.007	.967
Median Age	.106	.360	.156	.149	.159	.218	.170	.121
% White	-.216	.104	-.090	.464	-.101	.489	.008	.950
	R ² = .564 Adj. R ² = .505 P = .0001	R ² = .622 Adj. R ² = .571 p = .0001	R ² = .460 Adj. R ² = .388 p = .0001	R ² = .610 Adj. R ² = .558 p = .0001				

A striking feature of the models is the effect of rural population across the state questions. Except for SQ 790 (repeal of the Blaine Amendment), voters in rural counties exhibited less support for

the three other state questions. Counties with higher median family income showed stronger support for three state questions dealing with drug and alcohol use. As expected, there is a negative relationship between the votes on the state questions and Evangelical Protestant population, but only on State Questions 788 (medical marijuana) and State Question 792 (expanded alcoholic beverage sales).

On State Question 788 (medical marijuana), voters in more Republican counties were less supportive of the proposal. On this state question, counties with large numbers of mainline Protestants combined with a large population of Evangelical Protestants who registered as Republicans opposed the proposal.

The data suggest that State Question 790 (repeal the Blaine Amendment) was a different kind of proposal. The regression model is slightly underspecified when compared to the other state questions examined in this research. The relationship between Republican voter registration and the affirmative vote overwhelms the other relationships in the model. State Question 790 appears to be a Republican issue that may have been designed to drum up Republican voter turnout in the November 2016 presidential election. Additional research is necessary to more completely understand the appeal of State Question 790.

DISCUSSION

The present research seeks to understand the relationship between morality and support for several pieces of direct democracy in a politically and socially conservative state. Three hypotheses were tested. The first suggests that counties with large Evangelical populations would strongly oppose the three state questions expanding or destigmatizing alcohol and drug use (SQ 780, SQ 788, and SQ 792) and strongly support State Question 790, which

would have repealed the state's Blaine Amendment. The second hypothesis posits that rural populations will oppose the three drug and alcohol state questions while having some difficulty explaining the vote on State Question 790. The third hypothesis suggests that counties with large numbers of Republican voters will oppose SQ 780, SQ 788, and SQ 792 while supporting SQ 790.

The data suggest that there is not a single explanation for voter support across all four state questions. State Question 790 on the Blaine Amendment clearly had the support of voters in heavily Republican counties. State Question 780 on changing drug crimes from felonies to misdemeanors had the support of voters in more urban counties with wealthier families. State Question 788 on medical marijuana had slightly different support, primarily because it was the only state question on the June 2018 primary ballot. The data suggest that party (Republican) and place (rural areas) best predict opposition to SQ 788. Religious affiliation plays a role, however, supporting the large body of research that stretches from the early 1980s. SQ 788 would benefit from more cross-state analysis; however, any cross-state analysis will need to consider SQ 788's uniqueness in its lack of specification of qualifying conditions to receive a license to possess marijuana. Any analysis of SQ 788 also will benefit from any future attempt to legalize recreational marijuana use in the state.

Finally, in considering State Question 792, rural counties and counties with large Evangelical Protestant populations opposed expanding the sale of alcoholic beverages. Counties with more wealthy residents appeared to support the issue. It is possible that recent state questions about intoxicating substances have been cast in the light of economic development. With the declining fortunes present in the energy industry, it is likely that Oklahoma voters will be more willing to approve state questions that provide for additional revenue through sin taxes.

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**AS LONG AS THE WATERS FLOW:
NATIVE AMERICAN WATER POLICY IN OKLAHOMA**

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Native American tribes in Oklahoma have developed a variety of approaches to watershed management and water policy in their national lands. Over half of the land in Oklahoma falls within tribal national boundaries and approximately 7% of the population has a tribal affiliation. Therefore, tribal approaches to water policy, especially in the water-rich Eastern portion of the state, influence the choices for the entire state. This research draws on semi-structured interviews with tribal water policymaking elites in Oklahoma including officials from the Caddo, Cherokee, Chickasaw, Choctaw, Citizen Potawatomi, Muscogee Creek, Pawnee, and Seminole Nations. We analyze tribes' approaches to water policy in contrast with non-tribal stakeholders. We analyzed water as a cultural resource, future use of the land, toleration of pollution, and motivations for sustainability. We also found a variety of different approaches to creating and enforcing water policy among the tribes. These approaches include writing a Water Atlas to protect culturally important sites, cooperating with state and federal agencies on water quality programs, seeking Treatment as a State under the Clean Water Act, and permitting oil and gas activity on tribal lands. The U.S. Supreme Court jurisdiction case *McGirt v. Oklahoma* (2020) makes this research

all the more relevant because tribes may have more jurisdiction to direct environmental regulation in their lands, although the 2005 Midnight Rider puts this jurisdiction into jeopardy.

“Our nations are built on ceremonies, and our nations are built on understanding our relationships with the earth. I always give credit to the drummer for keeping the traditions, keeping the dances, keeping the languages, keeping the cultures, because that is who we are” (Lyons 2007, vii).

-- Oren Lyons, *Faithkeeper, Onondaga Indian Nation*

INTRODUCTION¹

Justice Gorsuch wrote, “On the far end of the Trail of Tears was a promise” (*McGirt v. Oklahoma* 2020, 1). The *McGirt v. Oklahoma* opinion continued to quote an 1832 treaty with the Muscogee Creek Nation: “[no] State or Territory [shall] ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves” (*McGirt v. Oklahoma*, 2020, 1). Justice Gorsuch’s opinion in *McGirt* feels like hope. Few would say that the US Supreme Court or the federal government in general delivers much good news to Indian Country.

Jurisdiction is the authority to act. When jurisdiction is in question, uncertainty is interjected into the decision to act. Indeed, some actors take advantage of the ambiguity in jurisdiction. Such has been the case for water policy in Oklahoma. This paper explores the water policy created for and by the federally recognized tribes of Oklahoma. We began this project probing some basic questions relating to tribes and how they viewed and created water policy. We were specifically interested in whether tribes in Oklahoma viewed water as a cultural resource and if this differed from how

1 This research was sponsored by the Oka Institute Summer Faculty Research Grant. We appreciate the funding for 2018 and 2019.

non-native people viewed water. Additionally, we wanted to learn how tribes sought to protect their water. This question led to the development of a typology of different ways that tribes affect water and environmental policy.

LITERATURE REVIEW

The presidency of Richard Nixon – specifically the year 1970 – marked an important turning point in both environmental protection and the reassertion of self-determination by Native American tribes in the United States. The Environmental Protection Agency (EPA) was created in 1970 and the Clean Water Act (CWA) was passed; Earth Day was celebrated for the first time.

In 1970, the Termination policy put forward by President Truman in the 1950s remained the US government’s official Indian Policy. Federal recognition of tribes such as the Choctaw Nation was nearly ended in 1970 except Choctaw youth urged Congress to repeal the legislation (Debo 1970; Lambert 2007). On July 8, 1970, President Nixon shifted the policy by telling Congress, “As a matter of justice and as a matter of enlightened social policy, we must break decisively with the past and create conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions” (quoted in Trafzer 2009, 178). The era of self-determination was born as tribes were invested with the authority to administer many federal programs.

Ironically, tribes were not consulted at all in the creation of the EPA or early environmental policy (Rodgers 2004). Lefthand-Begay (2014) calls the relationship “undefined” – a condition that sometimes works to the benefit of tribes. Tribal land would be subject to the decisions of the federal government – and in some cases the states – without having a voice despite the new era of self-determination and tribes’ dormant “inherent sovereignty.” Native

lands require more environmental remediation than other places after decades of neglect, active environmental injustice through deliberate dumping, and because of jurisdictional conflicts (Diver 2018).

As tribes, states, and the federal government grappled with how to enforce environmental regulations, it became clear that a gap in jurisdiction existed. Tribal governments have “inherent sovereignty” over their lands, which exists because of the sovereign-to-sovereign treaty relationship that tribes have with the U.S. federal government. This inherent sovereignty cannot be breached by state law or even the plenary power of Congress. In 1987, Congress passed the “Treatment as a State” or TAS provisions to the Clean Water Act, Section 518(e).² Under TAS, tribes could apply to be recognized by the EPA to regulate water quality throughout the borders of reservations. To qualify, tribes must be able to 1) carry out substantial governmental duties and powers, 2) target tribal land with their program, and 3) have the capacity to administer its program consistent with applicable law (Galloway 1995). TAS is an attractive policy and tribes have the ability to carry out environmental policy because they have established governments, fixed territories, and a longstanding commitment to protecting the environment (Rodgers 2004). In 1992, Pueblo of Isleta was the first tribe to receive TAS status and then became the first tribe to create Water Quality Standards (WQS) that were higher than the adjoining state, New Mexico.

Unsurprisingly, there was a legal challenge. Albuquerque, New Mexico, challenged the higher WQS imposed by the Pueblo of Isleta. The case *City of Albuquerque v. Browner* (1996) upheld Pueblo of Isleta’s WQS. This case established the important rule that tribes can set more stringent WQS than the federal minimum.

2 TAS now is said to mean “Treatment Similar to that as a State” in order to highlight the fact that tribes are not states and should not be treated as such.

When tribes consider how to set their WQS, they might consider matching the adjoining states, matching federal EPA requirements, or they may seek to set an independent WQS (Galloway 1995). Tribes may have cultural reasons for setting higher WQS; “Tribes identify with their lands in ways that non-Indian society is only beginning to understand” (Galloway 1995, 202). Is it possible that tribes could set their WQS independent of the state or federal WQS for the sole purpose of protecting cultural resources? “Water is life,” writes Diver (2018, 5). Indigenous water protection is based on human health concerns, access to clean water, and something else: “Indigenous knowledge regarding mutual responsibilities or reciprocal relations between indigenous people and the waters that have long sustained them” (Diver 2018, 6). When indigenous people protect water it will look different than when a non-indigenous person protects water.

Weaver (2015, 325) asks, “What happens to a sacred place when it loses its personality?” He describes the Glass Mountains in Oklahoma and Blue Hole Springs in Tennessee. Both of these locations are sacred because of the flora that exists in them. “Indigenous religious traditions are often site-specific” (Weaver 2015, 333). When the site is lost to contamination or rising sea levels, there is a loss of cultural practice and religion. *City of Albuquerque v. Browner* (1996) also addresses the question of whether a tribe can base its WQS on cultural considerations. The answer is yes. The “Primary Contact Ceremonial Use” standard was upheld (Rodgers 2004). For all living beings, water is life. Deciding how to steward water is a part of every community. When tribes set their own WQS, the incorporation of tribal cultural knowledge should be assumed; “Traditional knowledge is the foundation for how tribes have made decisions about how to manage their land” (Lefthand-Begay 2014, 59).³

3 Cole (2015) makes a similar argument regarding groundwater. She examines the Agua Caliente Reservation under the *Winters* Doctrine and concludes that there may be a right to groundwater as a cultural resource. This argument made regarding water quantity is governed by different legal authority than arguments relating to water quality.

The TAS framework joins other laws such as the Indian Gaming Regulatory Act of 1988 that force tribes into a “dangerous” relationship with states, as Cornthassle and Witmer (2008, 5) would characterize it. These relationships threaten the tribes’ culture and nationhood status. Tribes might come to be viewed by state and local officials not as sovereign entities but rather another part of the service population or as an interest group. However, Cornthassle and Witmer (2008, 54) note that “environmental, land management, and natural resource issues appear to be areas most likely to generate indigenous-state cooperation and nation-building policies.” There is no place where the politics surrounding TAS is more dangerous than Oklahoma.

Two tribes were on the vanguard of seeking treatment as a state: the Osage Nation and the Pawnee Nation. The plentitude of oil in the Osage Nation is well known. The Osage Nation is unique because the tribe owns the subsurface oil and mineral rights for all of Osage County which was formerly the Osage Reservation (Clark 2009). As the tribe produced oil and gas through fracking, it also was forced to handle a large amount of wastewater that is typically injected back into wells in the earth. Injection wells are regulated under the Safe Drinking Water Act which brought them into contact with the EPA in 2004. They wanted to get TAS to handle this issue on their own. Additionally, the Pawnee Nation sought TAS and was the only tribe in the State of Oklahoma to gain this recognition, which it earned in 2004. These activities also demonstrate the rapid increase in administrative capacity and political clout achieved by tribes in the period between 1970 and 2004. No longer were tribes impoverished relics of the past that just happened to live in Oklahoma. They had become politically powerful governments adept at asserting and protecting their sovereignty.

Tribal regulatory activities were alarming to U.S. Senator James Inhofe of Oklahoma who is known to be a friend to the oil and gas industry. Recognizing the ability of tribes to enforce environmental

regulations as a threat to oil and gas extraction and pipelines, he inserted a “Midnight Rider” into the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) on August 10, 2005, that required tribes to get approval from the Oklahoma government before they could be granted TAS. Congress approved the bill the next day without knowing the rider had been added (Nolan 2018). Oklahoma tribes immediately sought support from EPA Region VI officials but they were not successful in repealing the rider. It continues to this day. Thus, although the Pawnee Nation was granted TAS in 2004, the State of Oklahoma has never worked with the nation to finish the process that would allow the Pawnee Nation to set its WQS. Another tribe we interviewed for this project has been pursuing TAS aggressively for more than 10 years to no avail. Secret late-night action on the part of Senator Inhofe to the benefit of oil and gas and the detriment of tribes continues to be a concern.

On July 22, 2020, Governor Kevin Stitt asked the EPA to strip tribes of environmental authority in a speech to the Oklahoma Farm Bureau. He said, “The EPA will regulate environmental issues. That’s good and bad. It’s good right now with President Trump’s environmental folks at the helm. And it could be bad if there’s a switch in the administration” (Murphy 2020, n.p.). By placing regulatory control with the EPA, the status quo will continue with EPA and the State of Oklahoma collaborating to set WQS.

Despite the exclusion of Oklahoma from the benefits of the TAS policy, how has it worked out for other tribes? Diver (2018) analyzes the 330 federally recognized tribes that can take advantage of the policy. She determined that 54 have received TAS status but that only 44 have had their WQS approved. Only about 10% of tribes, then, are affected by the TAS innovation. On the other hand, she notes that fully 75% of tribes have applied and been recognized for TAS under section 106 of the Clean Water Act for a program that monitors water pollution.

Against this regulatory background, let's examine our hypotheses.

HYPOTHESES

H1: Native American Tribes view water as a cultural resource.

H2: Tribes seek more authority to protect their water.

METHODOLOGY

We received East Central University Institutional Review Board approval to interview Native American leaders of federally recognized tribes during the summers of 2018 and 2019. Our script included assuring each person we interviewed that we would not reveal any identifying markers. Indeed, we pretested our interview questions with various tribal officials to make sure that our questions were not offensive. We never asked for specific information that might jeopardize a tribe's sensitive cultural information or the location of sites. Each person was free to answer our questions or not. In this analysis, if a tribe's name is used, it is not based on our interviews but based on publically available information.

We tested our hypotheses using qualitative research techniques, specifically using interviews with tribal elites (N=12). We also visited tribal cultural sites and attended two conferences with significant information about Native American water issues. These are the Sovereignty Symposium, which is hosted by the Oklahoma Supreme Court and the Inter-Tribal Environmental Council (ITEC). We recorded and transcribed the interviews and we made careful notes of the sessions we attended at the two conferences. We studied the Caddo, Cherokee, Chickasaw, Choctaw, Citizen Potawatomi, Muscogee Creek, Pawnee, and Seminole Nations.⁴ These tribes represent all of the Five Tribes

4 They are not numbered in this order throughout the article.

as well as a geographical distribution around the state. Several different cultures are represented, including Southeastern, Plains, and Great Lakes tribes.

We used qualitative research techniques including visiting tribal cultural sites and conducting semi-structured interviews with tribal elites. These elites can be divided into two groups: water policy experts and technicians and cultural experts and storytellers. We conducted 12 interviews with members of 8 different tribes.

ANALYSIS OF HYPOTHESES

H1: NATIVE AMERICAN TRIBES VIEW WATER AS A CULTURAL RESOURCE.

Thirty-nine tribes have been removed to Oklahoma. Much of the cultural information tribes retain regarding water relates to their ancient homeland and not Oklahoma geography. For example, the seal of the Seminole Nation depicts a man in a canoe traversing the Everglades in Florida. Seminole, Oklahoma, could not be more different than Florida. Citizen Potawatomi Nation stories relate to food growing on water. While wild rice is commonly grown in the Great Lakes region, it is impossible to replicate this culturally important practice in Oklahoma. Tribe 7 has ceremonies where tribal members walk into the water. These ceremonies were developed on the gentle slopes of a river in another state. Tribe 7 in Oklahoma abuts a creek, but the water is not the same. The slope is not gentle and the river is not wide.

Weaver (2015) estimates that when the 5 Tribes were removed to Oklahoma, one-third of the plants upon which they depended did not grow in their new land. Tribes were forced to adapt. During one interview with Tribe 1, a storyteller came into the room and began telling us stories relating to water. Some of his stories were about his life and his own experiences, but others are stories relating

to both Oklahoma lands and historic homelands. He mentioned specific spiritually significant practices, such as bathing when the sun is rising or when a hunter might fill or empty his canteen. The Blue River is known as “Mr. Blue” to some people and they pray and talk to the water by bringing it up to their faces in their hands:

One of the stories developed here is Blue River. We know some people call it Mr. Blue because of how old he is. So when we go along the rivers, they’ll actually talk to the rivers and we still kind of see it as that being. They’ll go and pick [it] up. Sometimes you will see a lot of elders pick up the water and they will talk to it. Then they may not drink it, but put it up to their mouth, just so they can feel the coolness. They say that they believe that that’s maybe how they feel the speaking or sometimes they’ll put it up to their face. They can feel that connection with water. That and also Pennington Creek is also part of the Blue River, but when they had Good Springs, they would go to Good Springs for the same reason, for the healing purposes. Here in Sulphur there’s a lot of stories whenever we came here. The very first [tribal] area that the [tribe] came here to make Sulphur its home, it actually in the middle of our park here. Where the headquarters is that was the very first [tribal] home. He would go and get the Sulphur water and bathe in it, drink it, and use it for healing purposes and mineral purposes. That was one main reason they went to Tishomingo because of Good Springs and Blue River. It is also one reason they came here to Sulphur because of the springs here too. So we still have that connection with homelands, but we brought everything with us, all our home times, all our history, all of our culture, all of our stories, we brought everything with us. Everything that we could call ours, it came with us. That is why we pay for our own removal because we made it ours, we made it a significant movement for us. So all the stories, all the culture, history, and medicine, it came here to Oklahoma, so you still see that significant importance too.

Each tribe has a different removal story. The Choctaw Nation specifically scouted for the best land and water they could locate

in Oklahoma. The Chickasaw Nation joined the Choctaw Nation and was able to settle near fine rivers and streams. Other tribes such as the Seminole Nation and the Citizen Potawatomi Nation faced difficult removals with little successful negotiation. Each of these tribes faced shifting boundaries and additional removals that decimated and demoralized the tribes. During each removal, the goal was to settle near good water. The removal treaties continue to shape water rights today.

Tribe 2: “We monitor other federal state and local water policies that get implemented and we try to assist or... guide those in a way that is in accordance with our water settlement as well as... things that we view are good water resource management.”

How is water used culturally? To wash, to use as medicine, to purify the ground, to communicate with, to group important plants, to sustain important animals and insects, trade and transportation, and as a place to locate churches. One tribal official said, “Water is foundationally important to [Tribe 3] culture and you can’t really overstate its importance.”

Zogry (2010) discusses “going to water” which is part of every important ritual in the Cherokee culture, including hunting, warfare, the Cherokee ball game, and the formal transmission of cultural narratives. There is cultural and ceremonial significance in water beyond the life-giving function. Tribe 7 traditionally relied on a year-round water supply with water running out of a cave. Removal to Oklahoma interrupted this cultural practice. A tribal elite at Tribe 1 explained how the tribe regulates water on tribal land and how conflicts are managed. We talked about how tribal cultural knowledge is being used to direct water policy to a greater degree now and that a team is being developed to work with this information. Tribe 1 has a deep connection to water and holds it in high regard beyond just acknowledging its life-sustaining properties. Most interestingly, the official told us that Tribe 1 is compiling a “Tribal Water Atlas” that will mark the

nation's most culturally sensitive areas. This atlas is not for public view – perhaps ever - and she would not share it with us.

Every tribe that we studied confirmed that tribes view water as a cultural resource. Tribe 1 stated that water is valued for culturally relevant plants and animals, water is used for trade and transportation, water is used for ceremonies, churches are built near water, and different forms of water (running versus still, for example) are necessary. Tribe 2 added that water-based stories are critical for teaching children about tribal culture. Also, settling near springs was prized during the days of removal. Tribe 3 confirmed that water is foundationally important; “Clean water is not *like* your blood, it is your blood” one official told us. Tribe 4 emphasized the role of water in stories, including the tribal creation story, and using water to grow food. A water official with Tribe 5 told us that “People can’t drink contaminated water or live on a chat pile. It affects human health . . . culture is important by if there is no one left, the culture dies. She expanded on the importance of a well-regulated environment: “clean water is life. Tribe 1 has a deep connection to water and hold. My tribal council worries about Culture. And sovereignty.”

The Citizen Potawatomi Cultural Heritage Center in Shawnee, Oklahoma, is an excellent place to learn about the tribe. The Citizen Potawatomi tribe is originally from the New York State region but they moved first to the Great Lakes region during the 19th Century and then to Kansas on what they refer to as the “Trail of Death.” They were removed to Oklahoma near Shawnee in 1870-1. The Citizen Potawatomi Nation has 25,000 members. They are known as a “Fire Tribe” but several of their important stories involve water. For example, the homeland they sought in the early days was “the place where food grows on water” (wild rice).

There is support for hypothesis 1, that Native American Tribes view water as a cultural resource. For example, one tribal official

said, “Water is foundationally important to Tribe 3 culture and you can’t really overstate its importance.” Water is used for many different cultural uses including purification, medicine, and communication.

H2: TRIBES SEEK MORE AUTHORITY TO PROTECT THEIR WATER.

It is clear that tribes seek more authority to protect their water. This sentiment was woven through each of our interviews and during many of the sessions of the conferences we attended. For example, a Tribe 1 official – said, “Tribes are here and we’re here to stay.” The strongest example of tribes seeking greater sovereignty is what the Pawnee Nation is doing. It passed the Energy Resource Protection Act in 2017 which created a permitting framework for any company extracting natural resources within the Pawnee Nation. Currently, there are 20 such companies and 19 are complying with the Pawnee Nation’s regulation. Their program might provide a model for how other tribes could seek greater sovereignty over their water. Another interesting strategy is that tribes are working with the Environmental Protection Agency (EPA) to provide water data under section 106 of the Clean Water Act. They are working under a program that designates “treatment as a state.” Many examples of tribes seeking increased sovereignty were on display at the Intertribal Environmental Council meeting that we attended. Dozens of tribes sat on panels and presented information on their environmental programs that included recycling, fish surveys, water monitoring, mapping, cultural preservation of churches near springs, and educational programs for children—Further support of H2, Tribes seek water policy that protects water as a cultural resource.

Tribe 3 has a group of people known as the “Medicine Keepers” who inform policymaking with their cultural knowledge. Tribes employ various strategies to gain and maintain power over their waters. Section 106 of the Clean Water Act allows tribes to apply for “Treatment as a State” (TAS) for grants to administer programs

for prevention, reduction, and elimination of water pollution. Oklahoma tribes face an additional hurdle in attaining TAS because of a “Midnight Rider” that Senator James Inhofe inserted into a transportation bill in 2006. The State of Oklahoma must agree that tribes may receive TAS, which is an unusual diminishment of tribal sovereignty because, in every other state, the tribes and the federal government enjoy a sovereign-to-sovereign relationship without requiring the stamp of approval from the state. It is generally assumed the Senator Inhofe’s close relationship with oil and gas companies led to his sponsorship of the Midnight Rider. TAS is an important tool that tribes can use to protect water quality (although not water quantity) in their nations.

Tribes may seek to permit corporations to do business in their tribal nations. In 2017, the Pawnee Nation passed the Energy Resource Protection Act. All operations doing business in the Pawnee Nation must apply for permits. The Pawnee Nation Department of Environmental Conservation monitors activities under 13 types of permits that may affect water quality. Permit types include extraction of oil and natural gas, pipelines, transport, and easements. If a corporation is found to be out of compliance, the Pawnee Nation may levy fines or file a criminal suit in tribal court. According to our interview with the Pawnee Nation, if the Oklahoma Water Resources Board determined a corporation to be illegally pumping water, the fine is only \$50. In 2019, 19 of 20 corporations operating in the Pawnee Nation complied with the Energy Resource Protection Act.

Tribe 1 has an Environmental Health and Safety Office that was pursuing knowledge to designate culturally important plants and water. This tribe was compiling a “Water Atlas” so the tribal government would know where they should and should not encourage development. The Water Atlas is not a secret as a project, but the contents of the Water Atlas are closely held by tribal officials.

We talked at length with tribes regarding how water policymakers would be made aware of culturally relevant information. In some tribes, this information is common knowledge. Tribe 2 asserted that cultural knowledge is “communal knowledge.” Or perhaps the tribe is so small that the water technician is or knows the people with the relevant cultural knowledge. In Tribe 4, Tribe 5, and Tribe 7 the water person knew the culture person well and they were in constant contact. Thus, the relationship was less bureaucratic and more reliant on personal relationships. In Tribe 3, the person who made the water policy knew that there was a group of elders who would advise her on important water decisions. She would let it be known that she was ready to talk and they would come to her on their timetable. Tribe 1 demonstrated the most formal structures and it actively managed the relationships between the cultural experts and the water experts through formal committees and offices.

What would tribes do if given more regulatory power? Would tribes insist on higher standards in terms of water quality or water quantity? Our research suggests that they would. Tribes view water differently than does the State of Oklahoma or the U.S. Government. Tribes value non-consumptive use and conservation. The State of Oklahoma does not recognize non-consumptive use and conservation as a beneficial use under current water law. When it comes to water quantity, tribes seek sustainable use. Sustainable use and a constant supply of water may be necessary for cultural purposes, or to sustain certain plant and aquatic life, and sustain animal life. When it comes to water quality, non-tribal governmental policy is to pollute until harm is proven. Non-tribal governments see this decision in the opposite way: they would prefer no pollution.

In reviewing the transcripts as well as other background sources, we compiled a typology of water policy and actions that tribes are undertaking to preserve their natural resources (Table). Not all of these strategies are discussed in the paper. However, the variety

of activities illustrated shows what a robust and important policy area this is for tribes.

Table: Typology of Water and Environmental Policy Approaches

	Description	Examples
Intratribal	Collaborations among departments within Tribes	Writing water quality and quantity standards based on tribal cultural knowledge Creating a Water Atlas to guide construction and preservation decisions; Creating a channel of communication between water planners and cultural experts/medicine keepers
Tribal	Collaborations among Tribes	Participating in Intertribal Environmental Council (ITEC) Sharing Technical knowledge; Working together on recycling or pollution program Membership in National Congress of American Indians Participating in water protests such as Dakota Access Pipeline
Forced Federalism with the State	Collaboration between the State of Oklahoma and Tribes	Issuing permits to use water Participating in watershed management Participating in water quantity permitting Participating in water planning Providing data to Department of Environmental Quality (DEQ) for Integrated Report Working with small towns and rural water districts to make sure they have the technical capacity to provide good water to tribal members Providing water tanks to cities with poor water Negotiating settlements such as the Chickasaw-Choctaw-Oklahoma-Oklahoma City Water Settlement
Sovereign-to-Sovereign Relationship with the Federal Government	Collaboration between the US Federal Government and Tribes	Providing water monitoring data to the Environmental Protection Agency Treatment as a State under the Clean Water Act
International	Relationships with governments other than the U.S.; Engagement with superstate actors such as the United Nations	Attending global environmental conferences such as on Climate Change issues Monitoring passage of treaties such as the Declaration of the Rights of Indigenous Peoples

CONCLUSION

“How, in our modern world, can we find our way to understand the earth as a gift again, to make our relations with the world sacred againWater is a gift for all, not meant to be bought and sold. Don’t buy it” (Kimmerer 2013, 31).

Tribal cultural practice will not be truly safe until both the federal government and the states recognize tribes’ inherent sovereignty. It is not enough to force tribes into a coercive federal relationship with the state and the federal government.

In Oklahoma, the state has proven to be faithless vis-à-vis tribal interests. The current governor, Kevin Stitt, is a Cherokee Citizen, but his political actions prove that he neither understands nor respects tribal sovereignty. Under the Indian Gaming Regulatory Act, tribes must compact with states to offer gaming. Governor Stitt has lawlessly ignored the gaming compact passed by the people of Oklahoma in 2004 and has attempted to negotiate other illegal compacts. The chaotic situation is a worst-case-scenario that President Reagan and Congress could not have envisioned in 1988 when the IGRA was passed.

It is against this backdrop that the State of Oklahoma must reckon with the revolutionary case *McGirt v. Oklahoma*. On its face, *McGirt* which is a murder case may not seem to have any application to environmental regulation. However, in his incredible majority opinion, Justice Neil Gorsuch wrote for a 5-4 court that because Congress did not disestablish the Creek Nation’s reservation at the time of statehood in 1907, the Creek Nation reservation continued to exist. Under the Major Crimes Act, states do not have jurisdiction over tribal lands – only the tribes and the federal government do. Therefore, the conviction

for the murder of Jimcy McGirt and any other Indian who had committed a crime against another Indian on Indian land had been prosecuted without proper jurisdiction.⁵

Tribes in Oklahoma are good and willing partners to the State of Oklahoma, the U.S. federal government, and to each other. Tribal leaders wrote an interesting *Amicus Curiae* brief supporting Jimcy McGirt where they stated, “For more than two decades, the Nations’ sovereign authority within their

Reservations and commitment to the cooperative exercise of that authority have provided the framework for the negotiation of agreements that provide legal certainty, economic stability, and a better quality of life for all Oklahomans. For that record of success to continue, the framework on which it relies must also endure” (Cole Brief 2019, 5). The authors are referring specifically to the tribal gaming compact which was approved in 2004, but they are also referring more broadly to the long list of other compacts the tribes and the State of Oklahoma have entered into. These compacts are of mutual benefit and are built on trust. The most notable such agreement is the historical settlement among the State of Oklahoma, Oklahoma City, the Chickasaw Nation, and the Choctaw Nation. Under this innovative agreement, the tribes asserted their rights under the Treaty of Dancing Rabbit Creek to monitor water quantity in Southeast Oklahoma and Sardis Lake to ensure that both they and water consumers in Oklahoma City would be protected.

5 This characterization is broad. It is clearly true that any Indian committing a crime against another Indian on Creek land would be covered. Most legal scholars conclude that the Court’s reasoning would also be extended to the other 5 Tribes, which includes the territory of almost all of the Eastern half of Oklahoma, including the City of Tulsa. It probably includes Osage Country. It might also extend more broadly to other Oklahoma tribes that possess less perfect legal title to their land.

Regulating natural resources in the context of overlapping jurisdictions is difficult. Watersheds do not follow political boundaries such as tribal, county, state, or even national boundaries. Cooperation among different political actors is difficult to achieve especially when trust is broken among them. These various governmental actors do not have the same goals regarding environmental regulation or the resources with which to enforce those resources. With sufficient resources, the policy of tribal governments would most likely seek the highest level of environmental protection. The strength of a tribal government is greatest when it revitalizes its cultural and political forms of government and not when they emulate non-natives (Corntassle and Witmer 2008).

Can tribal self-determination strategies be successful when they exist in a dominant regulatory structure? The entire EPA and Clean Water Act framework was created with no input from tribes. The TAS plan was created without tribal input. At what point will tribes be recognized as the sovereigns that they are? Diver (2018) discusses the challenges of making policy outside of the dominant model and reinventing tribal governance versus working inside existing structures. There is usually tension between the actors but both approaches may be necessary.

As Pappas (2020) argues elsewhere, there are multiple reasons that tribes would be more able to affect sound policy than state governments. For example, tribes plan for the seventh generation rather than the extremely short term, tribes are more unified than the state government is in seeking a goal, and tribes are certainly more insulated against interest group pressure than is the state government (Pappas 2020). Federal regulation and tribal policies are bound together. The effects of colonialism cannot be ignored. The only way to free tribes from this pressure is to maximize tribal sovereignty and tribal citizen self-determination. As a leader from Tribe 5 told us, “Clean water is life.”

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BOOK REVIEWS



Per Bylund. 2016. *The Seen, the Unseen, and the Unrealized: How Regulations Affect Our Everyday Lives* Lexington Books. 192 pages

Each new government regulation creates economic ripple effects that produce unrealized costs. Proponents of regulation focus on the “seen” effects, which are often seem positive. Regulation skeptics frequently focus on the “unseen” ripple effects of the policy, which are usually negative. In his book *The Seen, the Unseen, and the Unrealized: How Regulations Affect Our Everyday Lives*, Oklahoma State University Economics Professor Dr. Per Bylund identifies another set of economic costs that should be included in any regulatory policy analysis, “the unrealized”.

The first four chapters of his book are a highly accessible summary of basic economics. These concepts are presented in such a way that pretty much any reader can understand them. A key point is that “production must precede consumption.” In a free market each person is responsible to produce their own food and shelter. If they produce a surplus, they may be able to trade it to other producers. Without production there is nothing to consume or trade.

Trading allows productive specialization. Specialization creates efficiencies and increased prosperity. Self-interested individuals only generate personal income by serving the wants of others. Bylund explains it this way, a consumer’s “purchasing power ... is a result of one’s contribution to satisfying the wants of others.” As the economic discussion becomes more complex, we must not forget that there is no consumption until there is production.

Of course, those who produce surplus see the need to share with the young, the elderly and the infirmed, those who cannot produce for themselves. That is the purpose of families, clans, tribes and

societies. However, when government gets involved there are always costs.

Free individuals adjust their personal choices to production opportunities they see in the marketplace. When a particular job or industry seems more lucrative, individuals who believe they have the required skills will gravitate toward that opportunity. This leads Byland to conclude, “The market is therefore best understood as an open-ended, undirected process rather than a system or machine.”

The market produces prosperity because free individuals choose to fulfill the needs of others. This freedom of choice moves resources as needs and as wants arise. When government gets involved and limits choice, overall prosperity in the society declines.

Because the economy is not a machine it is very difficult to predict all of the ramifications of government intervention. If government decides to subsidize a product, for example food, people will leave other industries to become food producers. Thus, government has accomplished its goal of more food at lower prices. These are the “seen” effects.

This change in production creates ripple effects. A loss of production occurs in the industries abandoned by the new food producers. This causes a contraction in the economy. Those are the “unseen” effects.

That economic contraction creates limitations for other individuals who would have interacted with those producers if they had not changed jobs. These are the “unrealized” effects. Those who are losing economic interactions do not realize what would have been available to them if the government subsidy had not lured their potential interlocutor into another area.

Byland rightly points out that these unrealized effects are difficult

to quantify and to estimate, but they are real effects with real economic costs. When policy analysts consider the costs and benefits of a government regulation, they need to consider the opportunity that was lost across the economy and not just the effects immediately surrounding the policy.

This easy to read book is valuable in two ways. First, it provides an easy to follow explanation of basic economics for anyone who wants to learn. Second, it raises the important point that the effects of government regulation are far reaching, hard to estimate and generally negative.

As Byland states it, “the main point of this book, is that the choices that are actually made are not the full story—and may even be far from it.” The loss of unrealized economic activity should be a part of any policy analysis.

Rick Farmer

Oklahoma Public Affairs Council

Russell Cobb. 2020. *The Great Oklahoma Swindle: Race, Religion, and Lies in America's Weirdest State* (2020) University of Nebraska Press. 272 pages

Russell Cobb, an associate professor in Latin American studies and creative writing at the University of Alberta, offers a view of his home state that is not particularly flattering, but it's a well-written tome often historically overlooked in textbooks, even today. I know from my experience and talking to historians, both of what Cobb, calls "swindles," the Tulsa Massacre and the Osage Murders were both barely, if ever, taught in our schools before the 1990s.

Cobb begins unabashedly by saying: "This book is about how one state in the union—Oklahoma—was founded and maintained on false information and broken promises from its very beginning. Rather than seeing fake news as a contemporary media problem, in other words, I see it as the touchstone for our political culture. A swindle was at the heart of Oklahoma's state-building project."

He even describes the state's beginning as a "forced marriage" between Indian territories and Oklahoma itself in 1907. The statute still stands in front of the Oklahoma Territorial Museum in Guthrie, Oklahoma. He details another swindle in the robbing of Native Americans their land allotments after oil was discovered on their land.

Cobb even writes about the nearly lost history of how the state started out as a Socialist stronghold through its dismantling by the KKK. He also describes Crazy Snake and his militate as well as far-right preacher Billy James Hargis. Later, he describes the burning down of "Black Wall Street."

But, even today a former Governor Mayor Fallin found prayer a

solution to social problems as well as former attorney general who denies climate change-swindles all. As Cobb says, “the state of Oklahoma was built and is still maintained on a bedrock of lies.” I think this is a much-needed, yet critical supplemental text, especially as a reader for an Oklahoma state and local class. In an interview, Cobb stated he wrote the book because Oklahoma is where he grew up. Even then it was at the bottom rung of states in education, but yet in the top for incarceration. Cobb was writing an article after the book was published, he said: “I started to think of it like a failing state. After I wrote that article, it became clear to me that the next step was to understand how it got that way. How is it possible that a place that is so wealthy – it sits on one of the richest oil deposits in the world, it used to be known as the oil capital of the world – can have so many miserable social and health indicators?”

Few books in Oklahoma ask this question, but they should. After legalized swindle after another, Cobb writes that by “disavowing the Great American Swindle” we can toward a “new way forward.”

I recommend this book to be taught alongside a state and local government of a history main textbook. It would give a competing view of our often-forgotten history.

The fact is Oklahoma, not unlike America itself, is a flawed state with a flawed history. Really, this is not something to be ashamed of, but rather something we need to embrace. Only when we reflect, understand and accept our flaws, “warts and all,” can we learn and grow and move forward.

John Wood

University of Central Oklahoma

Rachel Maddow. 2019. *Blowout: Corrupted Democracy, Rogue State Russia, and the Richest, Most Destructive Industry on Earth*. Crown. 406 pages.

Modern society runs on oil. Today's drillers produce over 90 million barrels of oil worldwide every single day. Oil has become an imperative and with that imperative the people who provide that oil demand payment and control. The tradeoff is logical. However, what happens when the balance is out of whack? According to Maddow, "The oil and gas industry--left to its own devices--will mindlessly follow its own nature. It will make tons of money. It will corrode and corrupt and sabotage democratic governance. It will screw up and-in the end-fatally injure the whole freaking planet. And yes, it will also provide oil and gas along the way!" (p. 365).

In reviewing the cover of Rachel Maddow's new book Blowout, one would not assume that the State of Oklahoma is the subject of nearly half of the book. However, she compares it to petrostates such as Equatorial Guinea. The State of Oklahoma government is no match for Harold Hamm and big oil. News watchers will be familiar with the events that Maddow recounts but the way she strings them all together tells a story that doesn't quite get told in Oklahoma media.

Earthquake swarms started in Oklahoma in 2010 but it wasn't until 2015 that the Oklahoma Corporation Commission finally began to restrain the actions of the oil and gas producers and their injection wells. It took longer than necessary to pinpoint the cause of the earthquakes because oil and gas producers resisted data collection. It turned out not to be the fracking but the waste water disposal wells that were receiving billions of gallons of toxic water per year that were causing the earthquakes. Once the Oklahoma Corporation Commission finally began regulating the placement

of these wells and to keep waste water from being injected into the basement rocks the earthquakes began to abate. They also began shutting down area disposal wells when an earthquake happened.

On April 21, 2014, there was a discussion about taxation on horizontal drilling. Four men met to hammer it out: Harold Hamm, Larry Nichols from Devon Energy, Doug Lawler, and Preston Dorflinger, Mary Fallin's Budget Director. The oil barons set the rate which was rubber stamped by Dorflinger. The deal was passed by the legislature almost identically. Why? And why was this meeting held at Mary Fallin's house yet she did not attend?

Maddow explores the Resource Curse which is the phenomenon when a state laden with natural resources is less democratic and has poor economic outcomes for its people. Dictatorship and extreme income inequality are common in states with coal, diamonds, precious metals, or in the case of Blowout, oil and natural gas. The governments that Maddow details are Russia, Equatorial Guinea, and the State of Oklahoma. She hints that the US government itself could also be added to the list.

Maddow traces the DNA of the oil business back to John D. Rockefeller and Standard Oil. Two things defined him as an oil baron: hatred of government regulation to the point of paranoia and frugality. One does not need to know much about the current oil business in the US to identify both of these traits still at work. Resistance to government regulation and taxation is clear. Leaders like Harold Hamm of Continental Resources often talk of the "ware on fossil fuel" and play hardball to keep taxes low and regulation minimal. Frugality is on display when remembering how little investment oil and gas has put into methods of environmental cleanup. We all know the tanker or pipeline will leak. What is the state of the art methodology employed for cleanup? Super duper paper towels made from the material that line baby diapers. Very few dollars have been spent on mitigation: "there is still no meaningful R&D investment in cleanup technology" (p. 349).

The rise and fall of Aubrey McClendon and Chesapeake Energy features prominently in Blowout. McClendon is the great uncle of Senator Robert S. Kerr, the founder of Kerr-McGee. He started his oil company in his 20s and began to bet that fracking would be the wave of the future in natural gas. He began to buy up rights across the country and his big bets would pay off. At least at the beginning. His big bets would bust in 2016 after being forced out of Chesapeake Energy and being investigated for price fixing. He died in a one-car crash with no skid marks left on the road.

Harold Hamm of Continental made a similar bet on new technology. He bet that horizontal drilling would open up the oil industry like fracking opened up gas. He too was correct and made billions of dollars.

How much is the US government controlled by oil and gas interests? Maddow focuses on two decisions. Keeping sanctions against Russia in place after Donald Trump was elected and whether oil companies would have to disclose payments to foreign governments.

Because Russia depends on outside expertise to run its oil industry – a problem caused by allowing inept oligarchs run the show – it is very limited by US sanctions that were put in place to punish Russia for its role in meddling in the US presidential election in 2016. These sanctions also block most avenues of funding that Donald Trump was depending on to finance a new tower in Moscow. The Trump Administration and Russia both were anxious to shake the sanctions. Maddow counts it as a triumph of bipartisanship that the US Congress voted very quickly in 2017 to bolster sanctions against Russia by making them statutory and not just based on an Obama Executive Order. Perhaps this is true but it doesn't completely show that Congress can act independently of oil interests. Just one major American company – ExxonMobil-- wanted to see the sanctions lifted. The sanctions may actually help American oil interests by slowing the competition.

In the 2010 Dodd-Frank act, section 1504 called for transparency for oil and gas industries operating in developing countries such as Equatorial Guinea. The theory was that transparency would reveal the amount of payments to top government officials and could help address or perhaps just understand the Resource Curse. Rex Tillerson hated section 1504 in 2010 when he was chairman of ExxonMobil and he still hated it as President Trump's Secretary of State. Senator Jim Inhofe authored the bill to kill it and it sailed through the Republican Congress. Senator Inhofe was also delighted to see President Obama's Clean Power Plan reversed and the US withdraw from the Extractive Industries Transparency Initiative (EITI). So on the one hand, Congress was quick to keep Russian sanctions in place that would hobble Russian oil. But it cleared the zone for US oil and gas firms.

Also of interest to scholars in Oklahoma is the muzzling of Austin Holland, Oklahoma's seismologist with the Oklahoma Geological survey during the earthquake swarm of 2009-2014. As he sought to make the link between the injection wells and earthquakes, powerful people including Harold Hamm and OU President David Boren were putting pressure on him to blame the earthquakes on other causes. He eventually left Oklahoma after five years of pressure, but his careful research helped connect the dots between injection wells and earthquakes.

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MORALITY AND DIRECT DEMOCRACY IN OKLAHOMA

John David Rausch, Jr. and Mary Scanlon Rausch

AS LONG AS THE WATERS FLOW:
NATIVE AMERICAN WATER POLICY
IN OKLAHOMA

Christine Pappas and Terrie A. Becerra

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THE SEEN, THE UNSEEN, AND THE UNREALIZED:
HOW REGULATIONS AFFECT OUR EVERYDAY LIVES

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BLOWOUT: CORRUPTED DEMOCRACY,
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