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## THE EFFECT OF TERM LIMITS ON OKLAHOMA LEGISLATORS

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

**With little controversy twenty-nine states** limited Governor's terms (Council of State Governments 1994), including Oklahoma, where a 1966 referendum limited governors to two terms. The controversy began in 1990 when initiatives were proposed in Oklahoma, California, and Colorado to limit state legislative terms. Oklahoma voters limited legislators to a twelve year maximum combined, House and Senate, lifetime service after November 18, 1992.

Executive term limits restricted the personal power and political longevity of individuals, governors and the President of the United States, but were not viewed as affecting the type of person elected or shifting the balance of power. Legislative term limitations, in contrast, were viewed by many, especially political activists, as a means by which the political balance would be affected and political direction changed.

The people of Oklahoma were seeking change in 1990 when they voted to limit legislative members' tenure to a lifetime maximum of twelve years. Nineteen other states quickly followed. Some argue term limits will weaken the legislative process. Others believe the process will be strengthened. Some argue that term limits will have little effect because very few legislators have lengthy tenures (Moncrief and Thompson 1992; Benjamin and Malbin 1992; Hibbing 1991). When scholars applied term limits retroactively to current legislative memberships they found that less than a third would be affected. Thus, they argue that rotation already exists for most legislative seats and term limits are not necessary.

Even if most members are not affected, however, the few prominent leaders who control the legislature will be, because these members typically have

long tenure. David Everson (1992) argues that these are the legislators that voters were targeting when they voted for term limits. Other scholars (Benjamin and Malbin 1992; Price 1992; Rosenthal 1992; Copeland and Rausch 1993) are less enthusiastic about the removal of leadership as this will cost legislatures continuity, experience, expertise, and institutional memory. Term limits may also increase the power of the executive, lobbyists, and staff relative to members (Fowler 1992).

Will legislative term limits affect the composition of the Oklahoma Legislature? How many long-term incumbent legislators does Oklahoma have? How many of the current legislative leaders have more than twelve years of experience? How many current committee chairs have tenure that exceed the limit? Which groups will be most affected by Oklahoma's term limits? If term limits punish certain groups, which groups would be most likely to gain influence?

The previous works that considered these questions for Oklahoma failed to consider the uniqueness of Oklahoma's term limits law. Cynthia Opheim (1994) and Benjamin and Malbin (1992) both applied a stricter standard to Oklahoma's legislators than the 1990 law required causing David Everson (1992) to argue that each state must be examined individually in light of its own unique conditions. Here the questions will be answered by applying Oklahoma's limit to the members of the current legislature.

Oklahoma's term limits law will not affect state legislative re-elections until 2004. The law allows those members who were serving on January 1, 1991 to finish their term before their 12 years began to accumulate toward the limit. Since legislative terms start in November, 15 days after the election, those elected in 1990 were allowed to finish that entire term before they were affected. This means that for House members continually elected from November 1990 their 12 year limited career will span from November 1992 until November 2004. For senators continually elected from November 1990 their 12 year limited career will span from November 1994 until November 2006.

We can only speculate about the political situation at that time. The best guess is that the political situation of Oklahoma in 2004 will somewhat resemble today's, just as today's resembles that of 1988, 1980 and even 1972. So for the purpose of analysis this work considers who would be eliminated and who would gain assuming term limits would affect the 1996 elections. Hopefully this approach will give insight into how, if at all, term limits will alter Oklahoma's legislative membership in 2004.

Term limits may prove a shock to the political system. Price (1992) speculated that electoral trends may change as a result of term limits because different types of candidates will be attracted to the legislature. If he is correct, projections will prove difficult. However, Fowler (1992) and Moncrief and Thomp-

son (1992) consider which groups are currently experiencing electoral success in open seats and argue that it is these groups which will benefit from term limits.

## CURRENT OKLAHOMA LEGISLATURE

All of Oklahoma's 48 State Senators and 101 State Representatives are members of one of the two major political parties. In the House there are 65 Democrats and 36 Republicans, in the Senate there are 35 Democrats and 13 Republicans. Now, as in the past, the Democratic Party dominates the Oklahoma Legislature. Only in 1921-22 did the Republicans manage majorities.

The two parties organize the leadership of both houses. The majority leaders are nominated in the party caucuses and elected by their respective house memberships. The Democratic Caucus by tradition limits the Speaker of the House to three terms. There is no such tradition in the Senate. Nevertheless, no President Pro Tempore has served more than three terms (Oklahoma Department of Libraries 1995a). The party leader has considerable influence in the elections of the other leadership positions by the party caucus and in the House the Speaker appoints the leadership positions below Majority Floor Leader. In Oklahoma there is a distinction between the leadership, the committee leadership, and the leadership team. The leadership positions for the majority include the floor leader and his or her lieutenants. The committee leadership includes the committee chairs, vice-chairs, sub-committee chairs, and sub-committee vice-chairs. The leadership team is an informal brain trust that the majority leader selects. They are his or her inner-circle or kitchen cabinet advisors. Membership in the leadership team is fluid.

Currently the majority House leadership includes 14 members and the minority House leadership includes 9 members. One sophomore member holds two of the majority's leadership positions. The Senate majority leadership includes 6 members, while the minority leadership includes 4. Oklahoma does not have a normal line of succession to majority leader like some other states.

Both houses operate extensive committee systems. Committee chairs are selected by the President Pro Tempore and the Speaker. The House has 27 standing committees, the Senate has 22, and there are 6 joint committees. All legislators except 6 senators and 36 representatives serve in a committee leadership position. Sixty percent of Senate majority members chair a committee and one Senator chairs two committees. Two House members chair two committees.

Representation can mean several different things. A black man, for ex-

ample, can represent white voters by defending their interests in the legislature. Descriptive representation refers to a representative who is like those he or she represents. A woman legislator, for example, provides descriptive representation for women whatever her position on women's issues.

Women and younger people are among those hypothesized to gain descriptive representation from the enactment of term limits (Moncrief and Thompson 1992). Currently there are 7 women in the Oklahoma Senate and 9 in the House. Eight members of the Senate and 10 members of the House are seniors, over the age of 62. Each group is underrepresented compared to its proportion in the population (Oklahoma Department of Commerce 1993).

Even though the Democratic Party controls large majorities in both houses the partisan make-up is still important to the functioning of the legislature as most legislation requires a super majority. By tradition, a majority of the bills passing through the Oklahoma Legislature are declared emergencies. Bills become law 90 days after the legislature adjourns unless they are declared an emergency, in which case they become law immediately upon the governor's signature (or a successful veto override). Budget bills almost always require the emergency clause to avoid havoc and the emergency clause is considered important to other bills as well. An emergency requires the support of a 2/3 vote in each house. If the governor vetoes an emergency clause 3/4 of both houses are required to override. For 6 of the past 10 years Oklahomans have experienced divided government. Republicans have controlled the governorship while Democrats have maintained large majorities in both houses. This has led to a record number of vetoes. A 2/3 vote in each house is required to override the governor's veto of a non-emergency bill. Further, due to a successful 1992 initiative, a vote of 3/4 of both houses is now required for the Oklahoma Legislature to pass a tax increase. Without this super majority the tax increase must be submitted to a referendum. These super majority requirements keep the partisan make-up of the legislature relevant. Even though the Democrats hold a large majority, House Republicans currently have one more vote than needed to sustain a gubernatorial veto or block an emergency. In the Senate Republicans have just enough votes to prevent veto overrides of emergency clauses or to prevent tax increases.

### EFFECTS OF TERM LIMITS

If Oklahoma's term limits were immediate and retroactive, Senate membership would be substantially more affected than the House's. Table 1 compares the effects on various groups within the House and Senate. It shows the Senate would lose proportionally more current members (44 percent) than the

House (20 percent). Half of the Senate leadership would be removed, only 32 percent of the House leadership would be affected. Both Houses would lose their majority and minority leader. The Senate would also lose more committee chairs (38 percent) while the House would lose 26 percent of the committee chairs. Clearly, the impact of term limits will be greater on the Senate than on the House.

Table 1 also shows that in the House, Democrats, men, and seniors would lose more numbers than Republicans, women and the young. In the Senate, term limits would effect these groups more or less equally. Democrats and Republicans would share the burden almost equally in the Senate with Democrats losing 43 percent of their members and Republicans losing 46 percent. In the House, Democrats would lose 23 percent, while Republicans would lose only 14 percent. Men and women would share the losses in the Senate almost

**TABLE 1**  
**Effect of Term Limitations on Current Oklahoma Legislators**  
**if the 12 Year Limits were Effective with the 1996 Elections**

<i>Group</i>	<i>Senate</i>			<i>House</i>		
	<i>Percent Over Limit</i>	<i>Percent Under Limit</i>	<i>Total (N)</i>	<i>Percent Over Limit</i>	<i>Percent Under Limit</i>	<i>Total (N)</i>
Leadership	50%	50%	(10)	32%	68%	(22)
Committee Chairs	38	62	(21)	26	74	(31)
Democrats	43	57	(35)	23	77	(65)
Republicans	46	54	(13)	14	86	(36)
Men	44	56	(41)	22	78	(92)
Women	43	57	(7)	0	100	(9)
Over 62	63	37	(8)	30	70	(10)
Under 62	40	60	(40)	19	81	(91)
Membership	44	56	(48)	20	80	(101)

SOURCE: Author's calculations from Oklahoma's Department of Libraries, 1995b.



equally. But, in the House no women currently exceed the twelve year limit, only men would be removed. Proportionally, seniors are the most affected group. Naturally, age and experience are strongly related. Currently, in the Senate age and experience are related with  $r = .354$ , and in the House with  $r = .314$ . Sixty-three percent of the senators over age 62 would be removed, while only 40 percent of younger senators exceed the limit. In the House only 30 percent of seniors exceed the 12 year limit, and 19 percent of younger members would be removed.

With term limits creating more open seats for some groups than others, it is appropriate to ask which groups are likely to win these open seats. Table 2 compares the characteristics of the 1994 freshman legislators and the current group of members that are over the 12 year limit. Only one new senator was elected in 1994, so all members serving their first term are considered freshmen here. Four Democrat men were newly elected to the Senate in 1992. They join the one Republican woman elected in 1994 to constitute the 45th Legislature's freshman senators.

The immediate imposition of term limits would have little effect on the partisan or gender composition of the Senate. (The minor differences shown in Table 2 on these two characteristics are statistical artifacts that result from differences in group size.) Significant change would take place in the age composition of the Senate with younger Senators replacing those over 62. More significant changes would occur in the House. The party composition of the House would be altered to favor Republicans; 61 percent of the new House members would be Republicans compared to 25 percent of those leaving. In the House no women would be removed, while 17 percent of the freshmen would be women, producing dramatic gains for them. The age composition of the House would also become younger: 15 percent of those leaving would be over 62 compared to only 4 percent of the freshmen. In the competition for seats opened by term limits, Republicans, women, and younger members would make important gains in the House while there will be smaller changes in the Senate.

## DISCUSSION

Paradoxically, Senators would be much more affected than members of the House, although the group composition of the Senate will change less. If 20 House members with 12 or more years service were barred from seeking reelection Oklahoma could expect Republicans to have a net gain of 7 seats. This would bring their total to 43 of 101. The Senate is a bit more complicated. The partisan losses in the Senate are virtually equal and the mix of current first

TABLE 2

**Comparison of 1994 Freshmen State Legislators and Member  
over the 12 Year Limit in 1996**

<i>Group</i>	<i>Senate</i>		<i>House</i>	
	<i>Percent Over Limit</i>	<i>Percent Freshmen</i>	<i>Percent Over Limit</i>	<i>Percent Freshmen</i>
Democrats	71%	80%	75%	39%
Republicans	29	20	25	61
Men	86	80	100	83
Women	14	20	0	17
Over 62	24	0	15	4
Under 62	76	100	85	96
Total Percent	100	100	100	100
Total N	21	5	20	23

SOURCE: Author's calculations from Oklahoma Department of Libraries, 1995b.

termers would not change the balance of power in the Senate. However, in 1992 all of the newly elected senators were Democrats. In 1994 the only new senator was a Republican. In these data it is difficult to find the trend if the current mix of freshmen senators indicates who would be successful in the 21 open seats that an immediate application of term limits would create, Democrats may gain some seats in the Senate. If they gained just one seat, that would significantly alter the balance of power in favor of the Democrats.

However, the partisan shift in the House would substantially affect the traditional operations of the legislature. Democrats would not control the super majorities required to pass emergencies or override vetoes in the House. They would be required to negotiate with Republicans or use methods that do not require super majorities. In times of divided government, like the current situation, Democrats in the legislature would have to work with the Republican Governor.

Women could expect to gain representation. If they won 20 percent of the

21 seats opened by term limits in the Senate, women would gain 1 seat, bringing their total to 8 seats. In the House they would gain 4, for a total of 13. These changes would leave women still at about half of the national average of women's state legislative representation, currently at 20.7 percent (National Women's Political Caucus 1995).

Seniors, those over age 62, would lose representation in both the Senate and the House. Currently seniors make up 17 percent of the Senate; with immediate term limits they would only retain 3 senators. While one freshman in the House was a senior, three would be lost to term limits. This shift is occurring at the same time that the population is aging and senior issues are becoming more important.

If these electoral trends hold there will be a shift in the partisan balance of power in the House. The shift will be at least sufficient to alter Democrats' ability to control the super majorities that they are so accustomed to using. We have examined only the first election, subsequent elections should strengthen these trends. The loss of experienced leadership and committee chairs may also shift the structural balance of power toward the governor. Most observers find the structure of Oklahoma government leaves the governor very weak. While term limits are unlikely to create a strong executive, with less experienced leaders in the legislature, the governor's hand may be strengthened. To counter this, new leaders with limited tenures are likely to alter the rules and social norms of the legislature to facilitate their particular goals in the limited time available to them.

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**IMPLEMENTATION OF THE EMERGENCY PLANNING  
AND COMMUNITY RIGHT TO KNOW ACT IN OKLAHOMA:  
ELITE DOMINANCE AND  
COMMUNITY NON-PARTICIPATION**

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

**Environmentalists hailed** passage of the Emergency Response and Community Right to Know Act (EPCRA) in 1986 as a breakthrough in citizen access to knowledge about chemical hazards in their community (Elkins1987). Industrialists, on the other hand, expressed concern that the new legislation would force them to disclose information which might reveal trade secrets or cause panic among lay publics. Passed as Title III of the Superfund Amendments and Reauthorization Act (42 U.S.C.A. § 1100 et seq.), EPCRA was the United States Congress's response to the deaths of 2,500 people in Bhopal, India, from a chemical accident at the Union Carbide facility. The new law instituted "community right to know" about toxic chemicals stored by local industries and provided for response planning to chemical emergencies.

EPCRA was intended to alert citizens to chemical hazards in their midst (Administrative Conference of the United States 1989). The law established a network of Local Emergency Planning Committees (LEPCs), composed of locally elected representatives and fire, police, hospital and other emergency response personnel, working closely with industry. The LEPCs are charged with

the development and implementation of emergency preparedness and response plans tailored to the specific needs of the community; and with the implementation of risk communication programs. LEPCs are to receive reports about toxic chemicals stored by local industries, and to share this information with the local public. In Oklahoma, there are seventy-seven of these committees, one for each county.

This paper examines implementation of EPCRA in Oklahoma, with emphasis upon the role of the LEPCs and the extent to which risk communication and citizen involvement objectives of the statute are being achieved. The objectives of this research are: (1) to describe and explain the patterns of implementation of EPCRA in Oklahoma; (2) to evaluate the Oklahoma experience in terms of the goals of EPCRA; and (3) to suggest changes which might improve implementation of the statute in the future. The relationship between LEPC activism and the structure, size, recruitment patterns, resources, and role orientation of LEPCs will be investigated in the context of theoretical literature on policy implementation, citizen participation and regulatory "capture." We will assess the extent to which the citizens' "right to know" has become a reality in Oklahoma. Based on the EPCRA implementation literature from other states, we expect to find that implementation of EPCRA by LEPCs in Oklahoma has fallen short of the statutory goals.

### THEORETICAL PERSPECTIVES

Shortly after EPCRA was passed, the Director of the Environmental Protection Agency's (EPA) Office of Toxic Substances, Charles Elkins, predicted a public "armed" with a tidal wave of new information about chemical hazards and able to make "informed, reasoned...decisions" which would reflect the needs and values of citizens" (Elkins 1987). Yet subsequent studies indicate that implementation of EPCRA has fallen short of these worthy goals, with considerable variability among the states in how the various provisions of the law are being carried out (Conn et al. 1988; Conn et al. 1990; Mason and Clark 1991; 1992; Soyst and St. Amand 1993). This has been especially true with respect to the manner in which LEPCs have interpreted their responsibilities for communicating information about hazards to the general public. A few have taken an activist view of their role, and engaged in ambitious outreach activities (Mason and Clark 1991; 1992; Rich et al. 1993). Most, however, have been more restrained — some existing only on paper, meeting only once or not at all (Solyst 1991). We expected the Oklahoma LEPCs to follow the same pattern.

This pattern is consistent with the theoretical literature on public policy

implementation. Policy implementation encompasses “those actions by public and private individuals that affect the achievement of objectives set forth in prior policy decisions” (Van Horn and Van Meter 1976). Among the numerous factors impinging on the implementation process, Sabatier and Mazmanian (1979) identify three broad categories of variables which are suitable for guiding our analysis: (1) those relating to the tractability of the problem; (2) those relating to the statutory structure of implementation; and (3) non-statutory variables affecting implementation.

Where the first of these categories, tractability, is concerned, problems of emergency planning and “community right to know” about chemical hazards have characteristics which make them relatively intractable, especially: the fact that highly technical information must be communicated to “lay” publics, and the necessity to coordinate a diversity of target groups ranging from corporate executives and local firefighters to citizen groups and unorganized individuals. Also problematic is the second category, statutory structure, including the clarity and consistency of statutory objectives, the sufficiency of start-up funds, and the integration of implementing agencies. Statutory objectives of EPCRA are ambiguous, leaving considerable latitude to implementing LEPCs to decide whether a proactive or reactive posture *vis-a-vis* the citizenry is appropriate (Rich et al. 1993). The federal statute provided no funds for implementation, thereby passing the responsibility for funding to state and local authorities, with widely varying results (Conn et al. 1990; Musselman 1989). EPA, State Emergency Response Commissions (SERCs) and LEPCs are loosely integrated, with wide discretion left to the LEPCs to define their role and priorities without much guidance or interference from federal or state authorities (Solyst 1991).

Of the non-statutory variables, public support, attitudes and resources of clientele and access by outsiders are directly relevant to any program designed to inform the public. Rich et al. (1993) note that for EPCRA to be effective, “citizens must aggressively utilize the information provided to monitor industrial practices and press for risk reduction.” Yet research to date shows the difficulties of generating the necessary levels of citizen involvement (Baram et al. 1990; Pease 1991; Rich et al. 1993). Citizen participation can occur at different levels, ranging from largely symbolic involvement to actual citizen power (Arnstein 1969; Boyte 1980). At the lowest levels are “manipulation” and “therapy” to make the citizenry feel that they are being considered by decision makers. This involves an essentially one-way flow of information from decision makers to target publics. Above that level are various forms of “tokenism”, including placation and consultation, in which citizens are given a hearing without necessarily influencing decisions. At higher levels, citizens have degrees of actual influence over decisions. Studies of LEPCs indicate that citizen involvement has



generally remained at the manipulation-therapy stage and has rarely achieved actual degrees of citizen influence (Baram et al. 1990; Rich et al. 1993).

Yet corporate-industrial interests have been actively involved with the LEPCs because of the legal requirements of disclosure under EPCRA. In other fields of regulation, "capture" or "co-optation" of regulatory agencies by regulated industries is alleged to be widespread (Bernstein 1955; Cohen 1986; Downs 1972; Huntington 1952; Peltzman 1974; Pinkston 1984; Selznick 1949; Stigler 1971), although some scholars have challenged the inevitability of the process (Meier and Plumlee 1978; Meier 1985; Mitnik 1980; Quirk 1981; Stone 1982). Since community "right to know" has been characterized as a form of "indirect regulation" or "regulation through information" (Rich et al. 1993), it is pertinent to consider the extent to which the LEPCs may have succumbed to co-optative pressures.

## METHODS

In this comparative case study, we conducted in-depth interviews in the fall of 1992 with representatives of eight LEPCs randomly selected from Oklahoma's seventy-seven committees and with representatives from four separate regulatory agencies involved with LEPCs. To assure confidentiality, we agreed that the LEPCs would not be identified in our report. The LEPCs include three which were identified by the Region VI EPA administrator as "successful." Each 1991 chairman of these local units had received a plaque for outstanding efforts. Three of the other LEPCs have been relatively inactive, with little to show in five years of existence. The remaining two are transitional — one characterized by increasing activity, while the other showed confusion about many issues and meets increasingly less often. The three state officials interviewed included a sitting member of the Oklahoma Hazardous Material Emergency Response Commission (OHMERC), a staffer for the chairman of the OHMERC and a designee for another OHMERC member who attended most OHMERC meetings. The EPA Region VI liaison to the State of Oklahoma SERC and LEPCs was also interviewed.

Persons interviewed were listed as the local contact by OHMERC, and in five of the LEPCs, that contact was the chairperson. Of the federal and state regulators interviewed, three of the four agencies with membership on OHMERC were interviewed. The fourth agency has very little contact with LEPCs. The EPA representative is one of five working with LEPCs in the five states which make up EPA Region VI and was the only agent assigned to work with Oklahoma.

Two sets of open-ended questions were administered — one set for LEPC

contacts and another for the state and federal administrators. Questions were pre-tested with persons having a working knowledge of EPCRA programs.

## FINDINGS AND ANALYSIS

The data clearly indicate a wide disparity in the structure, capabilities and approaches of the various LEPCs. No two LEPCs were identical, but there were some common patterns.

### LEPC COMPOSITION AND ORGANIZATION

The four most active LEPCs are currently chaired by industry. One of these LEPCs changes chairpersons every year, and has been chaired by public sector employees in the past; but the program has always had strong support from industry, and at least one industry representative has been an officer each year. The EPA representative stated that sometimes industry involvement "may seem like the foxes watching the chicken coop and that's a valid concern, but without them there would be no LEPC" in many places. Indeed, the four communities with the least active LEPCs have little or no involvement from industry.

Non-industry members came largely from emergency response occupations, such as firefighters, and from political public service roles, such as mayor. The former tend to define the role of the LEPC narrowly in terms of the task of preparing a technically sound emergency plan and one-way communication of risk to the public. The latter had many other responsibilities besides LEPC assignments, and often complained about being over-extended.

Four of the LEPCs had no representation from local citizens' groups. In most cases, efforts had been made to recruit citizen groups, but few felt they were successful in getting citizen participation. All interviewees admit that there is little involvement by many of the committee members.

Two LEPCs met monthly but one of these mentioned moving meetings to a bi-monthly schedule in the near future. Two LEPCs met bi-monthly, although one had met monthly for the first several years and the other group has a subcommittee which meets most months. Another LEPC initially met monthly, but two years ago changed the by-laws to schedule quarterly meetings. One LEPC has tried to meet annually in conjunction with the county's storm spotting school. Two of the committees no longer meet, although one had met a few times in 1987. Remarkably, one that had not met in four years had completed a plan

regarding the chemical risk in the community.

Most of the LEPCs had completed and updated a plan several times. One admitted to a very general plan which it is in the process of expanding. Two had no plan, although one of these had developed a risk analysis of the community which was published in the local paper.

There appears to be little relationship between committee activity and length of experience *per se* on the LEPC. The LEPC that met only to approve a plan and never again has formally been headed by the same chairperson for five years. Two other LEPCs that are relatively inactive are chaired by five year veterans of the EPCRA program. The LEPC with no plan, no meetings and no chair is "run" by two individuals in the emergency management office with two years or less experience with LEPCs. On the other hand, three of the most active chairpersons are veterans of the program; but the LEPC making the most progress has a chair with two years involvement with LEPCs.

## UNDERSTANDING OF THE LAW

Each interviewee was asked to define certain terms used in EPCRA and to explain the intent of the law. The intent of the law was not clear to many. Only three LEPC respondents thought that the law was designed to provide information to the general public. Three felt that the major goal of the legislation was to assist emergency responders in planning for a chemical emergency. Three others characterized the law as an overreaction to Bhopal. Two stated that the primary objective was to inform the public of chemical hazards and to help responders with emergency plans, while one of these stated that the law provided a way to inform the public of chemical hazards in their community.

Although most agreed that the phrase "right to know" referred to the general public or citizens, two referred only to the rights of emergency responders. One interviewee insisted that the county had several LEPCs, and indicated confusion between the LEPC and rural volunteer fire meetings. Another interviewee had basic knowledge of the law but was unaware of recent changes in interpretation and often mentioned a state employee who had retired more than three years previously.

Only one regulator knew that the law requires an effort of public outreach including publishing one available location and of planning information and hours. Three said that no outreach is required. One respondent not only saw no requirement for LEPCs to conduct outreach, but stated that the SERCs should be responsible for these activities because the LEPCs lacked the resources.

Industry representatives were required to be current with compliance issues as part of their job and were often the best informed members about the

particulars of the law. Others working with the LEPC were busy with many other jobs, primarily in the public sector, and were less well-informed about the particulars of the law. In one county, a mayor chaired the LEPC while carrying out a wide variety of other responsibilities to which he assigned far greater priority. Another chairman, who also acted as Assistant Fire Chief, complained: "It's always the busiest people who are asked to do more."

Most LEPCs had participated in educational activities for LEPC members, including sending representatives to the state LEPC conference, hosting regional LEPC workshops, and presenting training for members as part of regular meetings. One LEPC is working with the state to review computerized modules for LEPC members.

## COMMUNICATING WITH THE PUBLIC

Several questions dealt with the interaction between members of the LEPC with members of the general public. Few of those interviewed reported being asked a single question about chemicals in the community by a member of the general public.

Only one LEPC had reported citizen calls, and these were about a specific company which was often in the newspaper headlines for environmental violations. Another mentioned inquiries from a consulting group wishing a list of potential clients. Another had been approached by a public service group looking for a "community project" to receive the proceeds of a bake sale. Others had received questions from industries about how to comply.

Without probing, few of the LEPC representatives could list outreach activities directed toward the general public. Many had not conducted any outreach activities at all or had confined their efforts toward the regulated industries. Three LEPCs had no policy or procedures in place for citizens' requests for information. The others had policies ranging from "the records are available any time for anyone" to elaborate procedures requiring a written request to be voted on at an LEPC meeting before information could be provided. All LEPC interviewees acknowledge that there is little public awareness that the information which they have gathered exists.

LEPCs had tried various methods to alert the general public of meetings, and the availability of planning documents. Methods include (in descending order of use): publishing an annual schedule in the local newspaper; following the Oklahoma Open Meeting Act, publishing meeting notices for each meeting or special meetings; posting signs in downtown windows; community talks; sending communications to public officials; publishing an annual schedule in a brochure; and depending on word of mouth. Three LEPCs had combined outreach

activities with other emergency management activities — e.g., discussing chemical safety issues at the annual storm spotting schools and mentioning chemical emergencies in tornado safety literature.

Interviewees considered community talks successful because “people keep asking for more.” Several years ago, one city had a large public meeting to explain the LEPC program and about 200 of the general public attended. Three local committees published brochures, but only one thought they were successful. One group had handed brochures out at the county fair with little response. Another had spent at least forty-five minutes arguing about where to put the brochures because some industry representatives objected to having them in every hotel; as a compromise, the brochures were put only in convenience stores.

We asked interviewees to describe their relationship with the local media. Most felt dependent on the local newspapers for getting out information. Half stated that they get along “well,” although most acknowledged that it was difficult to get information published. Three said they have major problems with the media and “beg a lot” to get the media to use information. Two said they do not work well with the media. Most agreed that “The media is not particularly interested” in what an LEPC does. OHMERC expressed concern that a statewide letters-to-the-editor campaign had brought no response. Not one editor had called to clarify the information.

Although EPA has touted the value of training exercises to inform and involve the public, two of the committees had no such programs and three had relied on exercises conducted by another agency. Only one LEPC used citizens in the area surrounding the site of an exercise as participants.

## COMMUNICATING WITH INDUSTRY

Considerably more LEPC effort has been devoted to communicating with regulated facilities. At least one entity on the SERC has worked almost exclusively with industry outreach. LEPCs chaired by industry representatives were more inclined to conduct outreach activities with regulated facilities. However, all LEPCs except one had participated in some outreach activities targeting such facilities, including: participating in or providing compliance workshops, in cooperation with EPA; visiting industrial sites of those who have not complied, or contacting them by phone; including informational material in monthly mailings to all facilities filing forms with the LEPC; providing guidance documents and reference material in libraries; asking for enforcement actions by EPA; and publishing newspaper articles specifically geared to such facilities. Most LEPCs

at least attempted to publish newspaper articles specifically geared to facilities.

Of these various activities, interviewees rated the EPA compliance workshops highest. These were well-organized, with a great deal of effort by EPA to reach the industries in need of information. As an example of success, the EPA staffer stated that the first workshop increased compliance dramatically. Prior to the workshop only 36 facilities in the county were reporting to the LEPC. Now 230 facilities report. One LEPC chairperson further stated that among major industries compliance rates are approximately 100 percent. A respondent remarked "The EPA letterhead carries more weight" than the letterhead of the local LEPC.

Site visits and telephone follow-ups to industry were also rated highly successful. Other facility outreach activities achieving some measure of success included delivery of brochures or flyers to area industries and the provision of reference and guidance documents in local libraries.

#### RESOURCES AND CONCERNS FOR THE FUTURE: INDUSTRY CO-OPERATION OR CO-OPTION?

Over half of the LEPCs contacted had no plans for future outreach activities of any kind to any group. The remaining three planned a variety of activities which were geared primarily to facility and LEPC education. These included: continuation of on-going mailings of regulatory material, site visits, working with EPA on local workshops for facilities, and working with the *ad hoc* committee. Five of those interviewed stated that lack of funding is a major roadblock for LEPC advancement. Unlike some states, there is no funding structure for LEPCs in Oklahoma. Three interviewees remarked on both the inability to keep abreast of changing laws and the problems of data management as a result of an increasing number of forms and plans. The same number also expressed a concern for the burdens placed on volunteers, and the lack of support from locally elected officials.

Two interviewees complained of a lack of meaningful support from state agencies and OHMERC's failure to provide clear leadership. This was followed by the expressed hope that changes with the recent consolidation of Oklahoma environmental agencies in a Department of Environmental Quality would improve the situation. Two experienced LEPC officers commented on the difficulty of maintaining active members and the problem of burnout. Two stated that a full-time staff person should be assigned to an LEPC to make sure things got done.

Each of the following concerns were stated by at least one interviewee:

facilities that should be in compliance are not; there should be more cooperation between all levels — industry, citizens and government; maintaining current levels of compliance may be difficult without added resources; local government and industries are ignoring EPCRA in the hopes that it will go away; local government expected industry to handle and fund everything; more facilities should take an active role; and the LEPC lacks real authority. One interviewee suggested that if each LEPC could be funded at only \$100 per month, the impact of the LEPC could be felt for the first time. This funding problem is not limited to counties. The state has no one devoted primarily to working with LEPCs or collecting EPCRA data. EPA has one person to work with the entire state and has considered cutting that position.

Both EPA and OHMERC interviewees suggested LEPCs build a closer working relationship with industry in hopes of securing additional funding. Indeed, the three most active LEPCs represented in the Oklahoma study were currently chaired by industry representatives, had *ad hoc* committees consisting primarily of industry representatives, and had some services supplied by industry, such as assistance with training material, printing of the plan, and mailing of meeting announcements or other information.

One regulator noted inherent problems in asking industry to provide most of the personnel and funds for an active LEPC. However, there are instances in which no LEPC would exist if industry did not take the lead. For example, one regulator remarked that as one facility was fined for not reporting to an LEPC even though none existed in that county except on paper. Part of the fine included having the company furnish a chair and operating funds for the new LEPC for a two-year period.

## CONCLUSIONS

This research confirms for Oklahoma a pattern which other studies have found for other states: the community “right to know” provisions of EPCRA are not uniformly effective in involving the general public in informed monitoring of chemical risks (Conn et al. 1990; Hadden 1989; Lindell and Meier 1991; Lynn 1989; McCallum et al. 1990; Pease 1991; Rich et al. 1993; Sutton 1989). The Local Emergency Planning Committees included in this study have taken a narrow view of their duties under the law and are failing to inform the general public of the existing chemical risks in their communities. There is little public awareness that such information exists, and few LEPC members believe that community outreach is an active responsibility of the LEPCs. Instead, the bulk of LEPC outreach activities are directed toward the facilities which must com-

ply with the reporting requirements.

This study also provided support for the hypothesis of co-optation of the LEPCs by industry. Ironically, to the extent LEPCs have been active in carrying out their outreach responsibilities, it has been as a result of industry support. The most active LEPCs are chaired by industry representatives and have relied on industry for funds or services, in the absence of adequate federal or state resources for the programs. Although Oklahoma LEPCs have benefitted from industry support, the potential for regulatory capture is considerable.

The most obvious solution to the problem, increased funding from federal, state and local governments, is unlikely to occur because of severe budgetary constraints at all levels. Absent this solution, other measures might improve the community outreach functions of LEPCs and reduce the pressures for co-optation by industry. In terms of the Sabatier-Mazmanian framework (1979), much can be done to improve the statutory structure of implementation.

The priority to be given to the goals of public information and involvement should be made more explicit and emphatic so that LEPC members will not be in doubt about the importance of community outreach. Recruitment to the LEPCs and SERCs should be modified to include greater representation of environmental groups and other citizens' groups. Rich et al. (1993) recommend that one-quarter of the LEPCs be drawn from such groups — a change which could dramatically alter the pro-industry orientation of these bodies.

This assumes, however, that EPCRA is to be taken at face value. A more cynical view is that the law is serving its intended purpose of providing symbolic reassurance to the citizenry that the community's "right to know" has been recognized and protected, while allowing regulated facilities effectively to control the information process. Opinion toward chemical emergencies appears to follow the classic cyclical "issue at attention" pattern identified by Downs (1972) — intense public interest in the wake of the Bhopal disaster, followed by diminishing interest after the EPCRA structure was created to "deal" with the problem. In the absence of efforts on the part of federal or state authorities to provide funds, direction or other encouragement for the LEPCs, they remain an example of elite dominance rather than citizen control of information about chemical hazards.



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## REFORM AND RETALIATION: CORA DIEHL AND THE LOGAN COUNTY ELECTION OF 1891

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This is an account of the election of the first woman in public office in the new Territory of Oklahoma. The Logan County elections of 1891 pitted the majority Republicans against a fusion of the minority Democratic and People's parties. Cora Diehl was the People's Party nominee for County Register of Deeds. Later she was endorsed by a fusion convention for that office. This fusion proved successful and Diehl was elected. But elements within her own party, as well as the Republicans, challenged her election — a challenge that ultimately went to the Oklahoma Territorial Supreme Court which upheld Diehl's election. This article examines the elements that contributed to her defeat for re-election. Most significant of these was the adoption of the Australian ballot. The single ballot format, rather than the previously used partisan ballot, discouraged fusion. The new ballot had a specific impact on both Populist "mid-roaders" and on the expanding black voting population in Logan County. It is the assertion of this article that the Republican victory of 1892 was directly attributable to the antifusion nature of the Australian ballot and that the decline of the third party movement also resulted from the changed ballot format. As a result, women and blacks lost their political voice.

**On April 22, 1889**, settlers poured into Oklahoma Territory in a Darwinistic struggle that captivated the imagination of the Gilded Age. Many of these settlers brought with them the radical politics of the Populist movement. In the four years prior to the opening, 11,000 Kansas farm families had suffered foreclosure. Fully one-half of the farms in western Kansas had failed. Populists sought not only a fresh start but an opportunity to build an entirely new economic system — one that rewarded the laborer, the farmer, or, in their language, the "producer" of wealth rather than the landlord, the middleman, the banker, the speculator, the railroad tycoon, the capitalistic "Money Power."<sup>1</sup>

Among these first Oklahomans was the family of Hiram Diehl. Espousing the Populist cause, this family of Kansas reformers included a daughter, Cora Victoria. Her father had raised her to the work of reform, and she was already a seasoned campaigner in the Greenback Party and the Populist-based Farmers' Alliance. In 1891, at the age of twenty one, she won the unanimous nomi-

nation of the Logan County People's Party for the office of Register of Deeds.<sup>2</sup> She helped negotiate a fusion with the minority Democrats, and with her father as a chaperone, stumped the county in her quest for votes. Promoting the People's motto, "Equal Rights for All, Special Privileges for None," on February 3, 1891, Cora Diehl became the first woman to hold elective office in Oklahoma Territory (Willard and Livermore 1893). Her election provoked controversy, betrayal, legal action, and violent confrontation. Reaction revealed deep fissures in the People's Party and threatened Republican hegemony. Retaliation shortened Diehl's elective career. It would also threaten the Populist cause. Indeed, the response to the threat represented by Diehl would significantly alter the ability of the electorate to influence public policy through third party politics.

With its frontier quality, the political nature of Logan County in 1891 was inchoate and highly fluid. Guthrie was the Logan County seat and also the territorial capital. The 1890 county population was 12,770; growing daily, it would more than double in the next ten years (Logan County History 1980). County officials were Republican appointees of territorial governor George Steele, an appointee of President Benjamin Harrison. Steele called the first territorial elections in August 1890 to elect delegates to the initial legislature. Logan County had been settled predominantly by Kansans, and as expected, Republicans had dominated in that election. The elections of February 1891 were the first to elect county officials in the new territory. Most expected Logan County would post another Republican victory. While the southern counties in the new territory had been settled primarily by southern Democrats, they were few and despised in Logan County. The complicating element in the 1891 election proved to be the third party, established in Oklahoma in the summer of 1890 — the People's Party (Miller 1987).

The People's Party was the political embodiment of the Populist movement; as such it was composed primarily of two factions. Both factions were active in Kansas, and both spilled into Oklahoma Territory. The first was an extremely potent labor faction espousing the activist producerism of the Knights of Labor. In the wake of the Southwest Railroad Strike of 1886, the Union Labor Party assumed labor's political voice. Two years later, Kansas Republicans exposed the anarchist threat of the Secret Order of Videttes, an auxiliary of the Union Labor Party, and in that same year, a bomb attack on the railroad depot in Coffeyville, Kansas underscored the extremism of the labor movement. Strongly implicated were the Vincent brothers, Leo and Henry (Miller 1987; *Weekly Oklahoma State Capital* 6 June 1891). The Vincents, editors of the Kansas-based *The American Nonconformist*, provided a communication network between all Populist elements in the hopes of broadening the electoral base. However, they assumed the new People's Party was primarily a voice for

labor. Leo Vincent relocated to Oklahoma Territory (Miller 1987).

Matching the labor faction was an agrarian component whose organizational base was the Farmers' Alliance. Drought, falling commodity prices, and soaring interest rates had left farmers increasingly vulnerable to the sheriff's forced auctions. Alliancemen asserted that unrestrained free enterprise subverted rather than enhanced individual initiative. Alliance goals involved organizing farmers into cooperatives that might effectively fight the price-fixing railroads and commodity markets through the use of the boycott and coordinated buying and selling. Along with the laborers, the agrarian elements favored restructuring the monetary system by supporting government-managed fiat currency — so-called greenbackism, the monetization of silver, federal loans to farmers, income tax to redistribute the wealth, and the single tax plan to tax profit from property speculation.

While radical labor and agrarian activism often proved to be uncomfortable allies, a third element complicated matters further. Women were active in both the Union Labor Party and in the Farmers' Alliance, and they participated in the Populist cause with evangelical fervor. They sought to tie their own political interests with those of Populism. The Farmers' Alliance was particularly receptive to women's participation.<sup>3</sup> The original Alliances had modeled themselves after the Grange, which had been formed primarily as a social organization. Also, the Alliance was powerful in Kansas which had a long tradition of reform-minded women dating back to its pre-Civil War abolitionist origins. Reform crusades had included not only abolition but temperance and suffrage, with an extended speaking tour by Elizabeth Cady Stanton in support of a suffrage referendum. Suffrage had been on the ballot in Kansas in 1867 (Griffith 1984). But while unrest over women's issues might have simmered quietly for years, economic issues turned up the heat. In both the labor and agrarian wings of the Populist movement, women found a ready forum for their own issues of gender inequity including such broad reform topics as the sexual double standard, prostitution, the right to divorce, women's property ownership, the right to earnings, temperance, peace, and of course, suffrage. In the Alliance, women served as lecturers, organized new sub-alliances, penned tracts, ran newspapers, wrote incendiary novels, and served as local and state officers. Several ran for public office.<sup>4</sup> Neither the Farmers' Alliance nor the People's Party on the national level ever officially endorsed any women's issue, but unofficially most who endorsed the Populist movement also supported women's rights. The movement certainly used the reformist zeal of these women to spread the gospel of Populism. Similarly, women used the pulpit that Populism provided to urge the reforms they sought.

The cause of Populism appealed to more women beyond the zealous re-

formers. By far the most compelling reason why women participated in Populist politics was their visceral response to having their homes auctioned to the highest bidder. The capitalistic assault of the Money Power on the sanctity of their nineteenth century separate sphere motivated many ordinary women throughout the south and midwest to abandon their traditional role and attempt to influence politics. Their rhetoric was fervent:

Mothers of America! At a terrible cost our immortal sires purchased for us the grand inheritance of liberty. Shall not that glorious inheritance be transmitted to our children unimpaired? ... Shall we sit supinely by and not utter a voice of protestation... while this system of legalized robberies is going on which is to enslave those we hold most near and dear... we have fortunes wrecked; homes destroyed; hopes ruined; families severed and thrown into the streets; aspirations blighted; hearts broken; manhood de-throned; womanhood abandoned; soul and body barely held together, waiting for a pauper's burial. And the great throbbing, yearning, liberty loving heart of America cries out in judgment against it and like Rachel of old, weeping for her children, cannot and will not be comforted (Weaver 1882:303-4).

By 1891, young Cora Diehl was part of a movement that offered her not only reform-minded women to model herself after, but also a vocabulary that served her well in her Logan County campaign.

While the newly formed People's Party tried to juggle the diverse interests of radical labor, agriculture, and women, the Logan County Republicans had their own uneasy coalitions. The most significant of these was with a rapidly expanding population of southern blacks. During the decade of the 1890s the black population of Logan County grew from five percent to twenty-three percent.<sup>5</sup> Blacks were close to thirty percent of the voting population. It proved a challenging task to reconcile the *laissez-faire* boomerism of the early territorial Republican Party with the interests of blacks who still carried in their collective memory the idealism of the party of Lincoln. Throughout the south, the People's Party had successfully attempted coalitions with pre-Jim Crow black voters. In so doing, they temporarily abandoned the politics of race and instead realigned according to class interests. There, the threat was to Democratic hegemony, and the threat was extreme (Woodward 1951; Gaither 1977). But in Logan County, Republicans would suffer from the loss of a substantial voting bloc should the People's Party successfully lure blacks away from their traditional party.

While several surviving newspapers cover the election in Logan County, the only detailed coverage of the campaign itself can be found in the highly

partisan Republican *The Weekly Oklahoma State Capital*. As the 1891 election approached, the editor, Frank Greer, aggressively courted black voters. He warned blacks of a potential coalition between the People's Party and the loathed Democrats: "(Democrats) came to Guthrie to purchase Farmers' Alliance and Colored votes. On Wednesday this whining whelp in our midst placed his poisoned political pork in convenient smelling distance of the Farmers' Alliance and colored nostrils." Greer continued, "He represented himself to have \$2000 worth of political pork alive with disease germs. To Hades with such doubly damnable party plans. The breath of such a man is a stench to high heaven. A prating peon, a cringing cur..." (*Weekly Oklahoma State Capital* 24 January 1890).

The black leadership in Guthrie publicly pledged their continuing support to the Republican Party: "We, the colored citizens of Guthrie and Logan County take pleasure in affirming our allegiance to the Republican party... We hereby pledge our individual support and nine of every ten colored voters to... the whole Republican ticket" (*Weekly Oklahoma State Capital* 24 January 1890).

As the campaign of 1891 approached, the Republicans also tried to tempt the Populists back into the fold: "Would it not be better for those who think themselves grievously oppressed by unwarranted legislation to form an alliance with one of the two great political parties instead of forming into a separate organization" (*Weekly Oklahoma State Capital* 26 July 1890). Urging that the party be Republican, the editor continued, "All legislation of any importance that has gone to effect reform... has been framed and passed under the supervision of the Republican Party." But the majority party did not need the Populist votes enough to alter their own platform. To enact any of their reforms, the People's Party needed the leverage of a minority "fusion."

Greer had been correct when he warned of a People's Party-Democratic Party coalition. Republicans, with the crucial support of the black voters, formed the majority in Logan County. Along with courting the black vote, a majority of the Logan County People's Party actively sought to "fuse" with the minority Democrats. Fusion involved the process of two minority parties fielding the same set of candidates and thereby achieving a majority. Throughout the midwest and west, the People's Party would attempt this coalition. Just as eager to fuse were the Democrats who were trying to expand their own electoral base in the new territory.

On January 23, 1891, two weeks before the county election, the Democrats and the People's Party met in convention and nominated one slate of candidates for all county offices including County Clerk, Attorney, county commissioners, Sheriff, and Register of Deeds. Cora Diehl, who had served as deputy Register of Deeds in Great Bend, Kansas, was the unanimous selection



for the office of Logan County Register of Deeds. Though Democrats were represented on the combined ticket, People's Party candidates dominated. The People's Party endorsed the St. Louis platform of the Farmers' Alliance, the Industrial Union, and the Knights of Labor with their motto, "Equal Rights to All, Special Privileges to None." The Democrats declared: "That the difference between the two so-called parties are initial and that the farming and laboring classes have our full sympathy, and we pledge ourselves to aid and support their doctrines" (*Weekly Oklahoma State Capital* 24 January 1891).

The Logan County Republican press voiced the outrage of its party. Fusion was abhorrent to the system. The headlines ran: "The Alliance and Democrats Form a Combination to Defeat Republicans ... BUT IT WILL NOT WIN... 'you tickle me and I'll tickle you' is the motto of the Combine ... JUST LIKE A HORSE TRADE ... The Mongrel Ticket at Last In the Field ... Anything to Win" (*Weekly Oklahoma State Capital* 24 January 1891). In fact, it is difficult to recreate the outrage provoked by fusion in this historic period of extreme partisan politics. In Oklahoma Territory particularly, partisan politics took on not only its ideological arguments, but also old sectional animosity erupted. Roughly equal numbers of settlers from the north and the south confronted each other in what was, in fact, a very real territorial struggle. Fusion permitted southern Democrats — the secessionists — to challenge a slipping northern Republican majority.

The method of voting heightened the anxiety. This 1891 Logan County election still employed partisan balloting; that is, individual parties printed their own ballots which would then be handed out to be cast by the supporting voter. Partisan balloting proved ideal for fusion politics. Two parties could run the same slate of candidates; Populists could vote for them as Populists; Democrats could vote for them with a Democratic Party ballot. Voters could be completely unaware that their candidate also represented another party. Because of the highly partisan culture, fusion was far more difficult if either party had to vote another party's ballot. Partisan balloting greatly enhanced any third party's ability to impact the outcome of an election. In Oklahoma Territory, the party in control — the Republicans — had a great deal to lose from easy fusion, and while both parties urged election reform, it fell to the Republicans to orchestrate their own brand of "reform" (Argersinger 1980).

Significant members of the People's Party leadership opposed fusion with the Democrats. The state party itself was officially antifusion, finding that such a compromise with the Democrats was a threat to the ideological purity of the People's Party (Miller 1987). Nationally the People's Party revealed this same fissure. These antifusion, "mid-roaders" dominated the People's Party in Oklahoma Territory but not in Logan County. Nevertheless the issue was hotly — at

times bitterly — contested, and the Republican Party was quick to take advantage of the division. Calling attention to the sacrifice of Populist principle, the *Weekly State Capital* reported: “Lost, strayed, or stolen — the People’s Party; last seen in or near the democratic convention on last Saturday ... True men of the Alliance will submit to no such political business ... on the 3rd of February, the alocs who concocted this diabolical scheme will be made to feel the people’s wrath” (24 January 1891).

Though Republican rhetoric turned to vitriol as the campaign intensified, press treatment of Diehl was restrained. In fact, the remarkable feature of the coverage is that it was completely lacking. The historic campaign warranted not one mention of Diehl’s sex or the fact that she was the youngest woman in the nation ever to mount a campaign on her own behalf. Perhaps the silence indicated a lack of any perceived threat. Her opponent, war hero M.D. Losey, brought only this modest endorsement: “Losey ... was a happy selection. No man in the county has more friends than Losey. All the old soldiers love him” (*Weekly Oklahoma State Capital* 24 January 1891). That was the extent of the editorializing about the campaign for Register of Deeds, an office that no doubt had more significance in a city where deeds of importance were being registered every day.

Far more controversial was the campaign for County Clerk waged by People’s Party candidate Henry H. Bockfinger. “What is he Bockfinger?” the *Capital* demanded (*Weekly Oklahoma State Capital* 24 January 1891). “The demo-alliance nominee for county clerk is a nice fellow now ain’t he?” The newspaper continued by accusing Bockfinger of cheating settlers out of their homes. A former Republican, Bockfinger had sought an appointment from Governor Steele, but Steele had rejected his overtures. Abandoning the Republicans, Bockfinger then joined the Knights of Labor and became a convert to the People’s Party. *The Weekly Oklahoma State Capital* reported that Bockfinger then “bobbed up serenely for a place on the mongrel ticket.” Further it accused him of being “a smooth schemer, and...one of the slickest gamblers in the territory. He is one of those blood suckers who have ... hung upon the community like so many vipers, harassing and impoverishing honest settlers...The people of Logan County...will lay him up, stark, and white on the beach of the political sea” (*Weekly Oklahoma State Capital* 24 January 1891). Rather than Diehl, for the Republicans, it was Bockfinger, the traitor to their own ranks, the embodiment of the evils of fusion, that threatened their power in Logan County.

As the People’s Party-Democratic Party fusion sought to bring its mid-roads into line, and the Republicans attempted to keep their black contingent from slipping into the Populist camp, election day approached. A Republican victory was anticipated. But on February 3, 1891, all ten of the fusion candi-

dates swept into office.<sup>6</sup> Cora Diehl polled 1475 votes to Losey's 1311, or a majority of fifty-three percent, becoming the territory's first woman office holder. Henry Bockfinger became county clerk (*Weekly Oklahoma State Capital* 7 February 1891).

The "nine of ten" votes that black leaders pledged to the Republicans never materialized. In two of three predominantly black townships, Losey did garner sixty per cent of the vote. But in the most populous, Antelope township with the still tiny black community of Langston, 130 voters turned in a sixty-six percent margin for Cora Diehl. In the races for other county offices, the majority was even more dramatic (*Weekly Oklahoma State Capital*, 7 February 1891). Clearly the People's Party message, one of unified class interests superseding old and obsolete party loyalties, penetrated the black community and partially influenced the black vote. Republicans had every reason to be concerned that they would lose the support of this crucial component of their constituency.

Previous Republican county office holders did not relinquish their power easily. Louis Laws had been the appointed County Clerk and Register of Deeds. He refused to acknowledge the legality of the election. On the day the new officers, including Cora Diehl, were to take control of the county's business, Laws locked all the records — even the county seal — in a vault in the Territorial National Bank in Guthrie. Apparently with the approval of District Judge Edward B. Green, the newly elected officers, along with their supporters, blasted their way into the vault. Mob violence broke out. Federal Marshall William Grimes intervened along with Sheriff-elect John W. Hixon. The Republican newspaper urged calm, and with embarrassment endorsed the will of the people. Bockfinger took possession of all county records and began to administer the county's business (*Weekly Oklahoma State Capital* 28 February 1891).

Louis Laws was still unwilling to accept defeat, and sensing the weak link, he challenged the legality of Cora Diehl's election. In the Logan County District Court, Laws claimed that the office of Register of Deeds did not exist independently of the office of County Clerk and because the election was illegal, the office belonged to him. He then claimed that Cora Diehl could not hold office because she was a woman (*Duvall v. Diehl* 1892).

Newly-elected fusion county commissioners, all nominated at the same convention that nominated Diehl, tried to reconcile the problem, at least temporarily. The three new commissioners, including two People's Party members, could not declare the election invalid without negating their own victories, but they did turn on Cora Diehl. Because of her sex, they declared her election illegal, and in her place they appointed Edward Duvall to complete her term (*Weekly Oklahoma State Capital* 21 March 1891). The editor of the Guthrie-based People's Party newspaper, *The Oklahoma State Journal*, endorsed the

action of the commissioners. The fusing faction of the Logan County People's Party completely abandoned the interests of their ally.

Not to be outdone, Bockfinger responded to the challenge of both Laws and Duvall. He claimed that Laws had been right in asserting that the office of Register of Deeds did not exist independently of the office of County Clerk, but he, not Laws, was the duly elected County Clerk. Therefore, the office of Register of Deeds belonged to him — Bockfinger (*Duvall v. Diehl* 1892). Remarkably, three men — two from her own party — challenged Diehl for the office to which the people of Logan County had elected her.

On March 28, 1891, while the contested election was being adjudicated, the non-fusing, mid-roaders of the Logan County Spring Valley Township Farmers' Alliance issued a manifesto on equal rights, openly challenging those in their party who had betrayed Diehl. The Alliance asserted: "...one of the cardinal principles of said organization is 'Equal rights to all, special privileges to none,' regardless of race, color, sex or creed and that a large majority of said members are in sympathy with and in favor of woman suffrage and their undeniable right to hold office in a county which compels them, to perform the most arduous kind of labor in order to earn a living. But compels them to pay taxes." The Alliance continued, "And we further believe all such laws are unjust and wrong and belonging to a barbarous age, which compels man or woman to pay taxes and deprives them of representation...We nominated and elected Cora Diehl (not as an ornament to grace the ticket) but a young woman having the necessary qualifications to fill the office by virtue of her ability and experience and that her election to said office would result in a benefit to the public at large and reflect credit on the wisdom and justice of the party who elected her" (*Weekly Oklahoma State Capital* 28 March 1891). Further, the manifesto condemned the county commission and the People's Party representatives. It lambasted George Duvall and Bockfinger and the editor of the *Oklahoma State Journal*. The Spring Valley Alliance sent copies of the manifesto to all area newspapers, to the Kansas press, and to the Vincent brothers' *Nonconformist*, a paper that had a national circulation.

Deciding the issue of who was to be the Logan County Register of Deeds was a task ultimately put before the Oklahoma Territorial Supreme Court. In one of its earliest opinions, in the case *Duvall v. Diehl*, the High Court ruled in favor of Cora Diehl (*Duvall v. Diehl* 1892). Rendering his opinion, Justice John C. Clark declared:

That said Cora V. Diehl...was duly elected to said office, and is qualified to hold same. That the office of Register of Deeds exists by virtue of the laws of Oklahoma. That the right of Louis H. Laws to exercise the duties of the office...expired when Cora V. Diehl was elected...That Henry H.

Bockfinger cannot legally exercise the duties of Register of Deeds...That the complaint of...Edward R. Duvall be dismissed and costs of this proceeding taxed against him...it is therefore considered, ordered and adjudged by the court that Cora V. Diehl have immediate possession of the office of Register of Deeds of Logan County, Oklahoma Territory...and that Edward R. Duvall, Henry H. Bockfinger, and Louis H. Laws at once surrender to her the possession of all books, records, instruments of writing, papers, desks, stationery, safes, vaults, and all things whatsoever appertaining to the office of register of deeds, and that each of them refrain from exercising any of the functions of said office in the future, or in any wise interfering with the said Cora V. Diehl in the exercise of the duties of said office.

The Territorial Supreme Court rendered its opinion in January of 1892, almost a year after Diehl's election. In March of that year, the reluctant Bockfinger turned over the relevant county records to Diehl. The following November, after serving seven months, she stood for re-election. During Diehl's abbreviated term of office, four distinct issues emerged to influence the 1892 election. The first of these was the publication of the final report of the Kansas legislative investigation of the Coffeyville bombing. In June of 1891, the Republican *Weekly Oklahoma State Capital* abandoned its usual practice of publishing serialized fiction and esoteric foreign stories on its front pages and instead printed the entire text of the Kansas Legislative findings. Though stopping short of implicating the Farmers' Alliance, the report found that the Secret Order of Videttes, the Vincent brothers, and the *Nonconformist* were "in full sympathy with the red flag anarchist of the Chicago stripe." *The Capital* was not so reticent. In his introduction, editor Frank Greer accused the Farmers' Alliance of complicity (*Weekly Oklahoma State Capital* 6 June 1891). Threats of anarchy resonated with the population of Logan County in these early days of the 1890s, and these implications could not help the cause of the People's Party. Greer, himself, planned to run for a seat in the territorial legislature.

The second factor to affect the 1892 election occurred six months later, in February of 1892, at the national convention of the Farmers' Alliance. Delegates buried the cause of women's suffrage. In an attempt at national compromise, the Alliance refused to endorse women's suffrage, along with the far more controversial tandem issue of temperance, in their national platform. The two issues had become irreparably intertwined, and women were told that both issues would fatally divide the Alliance (Brady 1984-5). Particularly painful for these reforming women was the abandonment of women's suffrage by black Alliancemen (Brady 1984-5). The work of reform had memorable roots in abolition; women felt betrayed. Alliance women had sensed the disaffection and

formed their own National Women's Alliance. The People's Party betrayal of Diehl's election illustrated what became a broader division in the national party. The loss of the unconditional, united, and enthusiastic support of women for the People's Party was incalculable.

Yet another factor determining voter sympathy was the rapidly expanding black population. Despite the importance Republicans clearly placed on this crucial component of their constituency, they simply would not adapt their platform to accommodate these voters. This became most evident with the issue of school segregation. The first territorial legislature failed to mandate segregation throughout the territory. Rather, legislators passed a provision for county option (Miller 1987). In the fall of 1892, immediately prior to the election, the Republicans endorsed segregation for Logan County public schools (*Weekly Oklahoma State Capital* 22 October 1892). Black citizens were irate and threatened to bolt the party.<sup>7</sup> The Republican press attempted to smooth over the issue with assurances that segregation was in everybody's best interests, but blacks remained unconvinced. With the election immediately forthcoming, the possibility of a massive continuation of the disaffection of 1891 loomed. The potential for a major party realignment caused the People's Party to rejoice at Republican ineptitude.

By far the most important influence on the re-election bid of Cora Diehl was not an issue at all, but rather the method of casting ballots. The Australian system of voting was instituted in Logan County for the first time in the April 1891 Guthrie city elections. According to the *Capital*, "The City (was) Rescued From the Hands of the Enemy...The Australian system was in force and met with the approbation of all...no hoodlums...no bulldozing..." (*Weekly Oklahoma State Capital* 1 April 1891). The Republicans might have added: no fusion. As part of Republican election reform, the Australian ballot guaranteed far more than secrecy. Because, for the first time, the ballot was public rather than partisan, the controlling party — the Republicans — could fashion a document that favored its candidate. This could be accomplished in several ways to discourage fusion. The most obvious way to manipulate the ballot was to make it difficult for a third party to be represented or to exclude it altogether. But a more frequently employed tactic was to prohibit a candidate from appearing on the ballot more than once. As a result a candidate could not be double-listed for the same office in both a Democratic and a People's Party column. Double listing replicated partisan balloting where the same candidate could have appeared on two different parties' ballots. With prohibitions against double-listing, a candidate's name would appear representing only one party. No name would appear under the column of the cooperating party. The electorate would simply need to know of the fusion; the ballot itself would offer no clue. Antifusion laws

— laws that prohibited double-listing — passed through legislatures in most states where the People's Party threatened the existing power structure and it passed the Oklahoma territorial legislature. But even without such laws the single ballot format with double-listing revealed any attempted fusion to all the voters. In this period of extreme partisanship, such knowledge would certainly influence a significant number of voters.<sup>8</sup>

In the case of the fusion candidacy of Cora Diehl and the election of 1892, no examples of the Australian ballot remain. Antifusion legislation prohibiting double-listing did not pass the Oklahoma Territorial legislature until 1895; thus, Diehl may have been double-listed as both a People's Party candidate and a Democrat, or, as the evidence strongly suggests, she may have been singly-listed as a Democrat. She was not singly-listed as a People's Party candidate.<sup>9</sup> Historians disagree about the effectiveness of Republican attempts to control third party politics through such antifusion devices as the Australian ballot. But, in the Logan County election of November 8th, 1892, using the Australian ballot for the first time, the Republicans reversed their previous defeat to recapture virtually all of the county offices, including the Register of Deeds. In that election Diehl failed to win a majority by 141 votes out of 4205 cast.<sup>10</sup>

Regardless of whether or not double-listing was employed, the Australian ballot itself put the candidacy of Diehl and the other fusion candidates at a distinct disadvantage. Those members of her party whose ideological purity did not entertain fusion would not cross over to vote for a candidate who represented the Democratic Party. The loss of this mid-road vote was formidable. But far more devastating to the Populist cause was the reluctance of disaffected blacks to vote for their old antagonists, the Democrats. Experiencing increased tenancy, removed from the immediacy that had fostered their old party loyalties, angry at their traditional Republican Party over the issue of segregation, this voting population was clearly ready to move into the People's fold. The previous election had revealed the opening wedge of realignment. As the campaign of 1892 progressed, the Republican press scurried to respond to the threats of bolters. At the same time they published story after story about the lynching of blacks in the south, as if to remind the renegade Republicans of their previous oppression at the hands of the southern racist Democrats. On election day black voters confronted the choices on their newly-fashioned Australian ballot, saw that the People's Party candidates were also Democrats, and chose to remain in their traditional party.

In fact, the voting records substantiate this supposition. Antelope township, the district where Langston voters cast their ballots, had previously given Diehl sixty-six percent of their vote. In 1892, black voters, rather than support anyone who might be a Democrat, reversed their previous pattern and awarded

the Republican a fifty-seven percent majority. Diehl received 80 votes to Dobson's 113 there.

Throughout the midwest and west, the threatened Republican majority instituted antifusion tactics. The Australian ballot was simply the opening volley of a decade-long assault on fusion in state legislatures. The restrictive legislation inhibited the ability of the People's Party to elect its candidates. Indeed, the future of third party politics, with its individualistic, democratic impulse, suffered a crippling blow, as the two party system became enshrined as public policy. Over time, any deviation from the two established parties began to be perceived as destabilizing, suspicious, even kooky. With the decreased political threat of a strong third party challenge, the two dominant parties felt little obligation to respond to dissenting opinion. Furthermore, the dominant parties felt no compunction in abandoning the interests of their own constituents if it proved politically expedient to do so. Particularly vulnerable were minority groups and those members of the population who suffered economic oppression. Without easy political recourse, options for these voters — indeed all voters — decreased. From this historic high point, voter participation began to decline as the population perceived the limitations of its own influence.

Logan County was the nation writ small. As elsewhere the ability of a minority to influence policy suffered in Logan County. The assault on fusion damaged both the cause of blacks and that of women. In 1904, two years after the official death of the Oklahoma People's Party, Logan County Democrats and Republicans agreed "in the final elimination of the negro politically in Guthrie, Logan County and the territory at large."<sup>11</sup> Such action was unnecessary for women, whose suffrage remained stillborn in the legislature. With limited power and a restricted franchise, both groups had found even third party support elusive. With the third party system impaired, attempts to find support within the two major parties would prove doubly daunting. For both groups, the challenge of the twentieth century would be to recover the political voice lost in this last decade of the nineteenth.

Cora Diehl retired from elective politics after her 1892 defeat though she did not abandon the Populist cause. She began to tour with the radical and controversial Mary Lease. Lease's admonition to farmers to "raise less corn and more hell" has earned her a more prominent, though perhaps a less respected place in history. Though Diehl never achieved Lease's notoriety she did receive the recognition of her peers. Acknowledged as one of the nation's most influential women at the turn of the century, she was included in the biographical compilation, *A Woman of the Century* (Willard and Livermore 1893). With great courage this young woman confronted a legal, economic, and political system that attempted both literally and figuratively to lock her out. In the inter-



est of understanding her defeat; it is crucial not to lose sight of her victory. At the turbulent birth of the Territory, Cora Diehl not only lost. Initially, and with determination, she also won.

## NOTES

1. Lawrence Goodwyn called the Populist movement the "largest democratic mass movement in American history." Populism arose in the 1870s as the still largely agrarian population found itself threatened by economic forces beyond its control. The market, with its cash crop, had created dependency in the previously self-sufficient farmer. He increasingly resorted to credit. Interest rates soared. The economics of the post-Civil War Gilded Age encouraged railway and commodity market monopoly and price-fixing. The farmer was caught in the middle. Foreclosures increased; tenantry expanded as capital gravitated into fewer and fewer hands. Under the umbrella of the Farmers' Alliance, farmers banded together in a cooperative movement that spread throughout the south, midwest, and eventually included mining interests in the west. With their economic agenda, the Alliance joined with older third parties including the Union Labor Party and the Greenback Party to form the People's Party. The People's Party proved effective in several states including Oklahoma. Throughout the 1890s, the People's Party in Oklahoma formed a significant minority that had impact on the policy of the early territory. For the history of the Populist movement in Oklahoma I rely on the exhaustive work of Worth Robert Miller (1987; see also Goodwyn 1976; Hicks 1931; Pollack 1962; Clanton 1991; Argersinger 1974; McMath 1993; Woodward 1938; Hofstadter 1956; Nugent 1962; McNall 1988).

2. The People's Party of Oklahoma formed in June of 1890 after a meeting in Oklahoma City that included the Knights of Labor, the Farmers' Alliance and the Union Labor Party. They followed both the Republicans who established their organization in January and the Democrats who established their organization in March. See Miller, (1987) The formation of the People's Party in Oklahoma paralleled similar activities in Kansas, Nebraska, and other plains states.

3. The scholarship on women in the Populist movement is regrettably sparse. By far the best source remains the dissertation of Maryjo Wagner (Wagner 1986). For the perspective of Southern women see: (Jeffrey 1975; Brady 1984-85).

4. Six women novelists and their novels, most from Kansas, include: Alliance lecturer Anna Weaver, *Richard's Crown: How He Won and Wore It*; Margret Holmes Bates, *Shylock's Daughter*; Colorado activist Emma Ghent Curtis, *Fate of a Fool* and *The Administratrix*; Kansas Alliancwoman Fannie McCormick, *A Kansas Farm; or the Promised Land*; Mary H. Ford *Which Wins? A Story of Social Conditions*, and free love proponent as well as Chicago anarchist Lizzie Holmes, *Trix: The Tale of a Kansas Home*. These novels were only slightly veiled political tracts calculated to enter farm homes and educate farm wives about the evils of capitalism. All are available on microfilm from the Library of Congress. References for other Populist women include Nelson (1992), Thornton (1982), and Blumberg (1978).

5. *Logan County History* (1980). E.P. McCabe hoped to establish a black colony in the new territory. To that end he circulated his newspaper, *The Langston Herald*, throughout the South. Thousands of southern blacks relocated to Oklahoma Territory as a result.

6. *The Weekly Oklahoma State Capital* (February 7, 1891). The official election returns are on page 3. Curiously, Miller (1987) reports this Logan County election as a Republican victory — a relevant factual error in light of his assertions regarding the ineffectuality of antifusion legislation passed by the Territorial legislature in 1895 and subsequently repealed. The oversight also precludes Miller from any awareness of the election of the territory's first woman official — a Populist.

7. *Weekly Oklahoma State Capital* (October 22, 1892). The head of the black Republican Party, E.P. McCabe, himself led this revolt, urging blacks to withhold their support from the Republican ticket. In response, Republicans put a black candidate on the ballot, J.F. Norris, for County Clerk. In Antelope township, he polled only 107 votes to his opponent, true Democrat-fusion candidate, J.H. Havinghurst's 89. Throughout the county Havinghurst was victorious — the only fusion victor in Logan County in 1892.

8. See Argersinger (1980). Miller (1987) dismisses Argersinger's argument by pointing out that the Oklahoma People's Party vote was unaffected by the antifusion law of 1895 and its subsequent repeal. Miller never addresses the fundamental antifusion nature of the Australian ballot generally. Also, because of Miller's oversight regarding the results of the Logan County election of 1891, his dismissal of Argersinger's argument seems questionable.

9. This assertion is based on both the attitude of the Logan County Republicans toward election reform in this campaign and on the official returns. Republicans criticized election laws but never made the point that they objected to double listing of candidates. Also when voting instructions were provided by the *State Capital*, no mention was made of the fusion. On the official returns, all the fusion candidates were listed as Democrats, while candidates representing the People's Party were listed as such.

10. The final vote was George H. Dobson — 2,173 to Cora Diehl — 2,042. Thus Dobson received fifty-one percent of the vote (*Weekly Oklahoma State Capital* 19 November 1892).

11. *The Daily Oklahoman*, 26 August 1904, quoted in Teall, (1971):175.

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**THE WASTEWATER TREATMENT CONSTRUCTION GRANTS  
PROGRAM:  
THE IMPACT OF "NEW" FEDERALISM**

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

**The 1972 wastewater treatment construction grants program (WTCG)** was established with its three subsequent revisions to help US localities and states comply with federal standards on water quality. This intergovernmental program exemplifies the innate struggles within federalism over fiscal and political responsibility and administration. The program was designed to implement the national goal of clean water, compensate for inadequate state and local funding for wastewater treatment, and provide fiscal incentives to convince states and localities to cooperate in correcting the problem of spillovers and externalities (Dilger 1989). This article will provide an historical context to the current situation, a brief technical section on wastewater treatment facilities, a description of the current situation, and an evaluation of the WTCG's condition and its future based on materials and information gleaned from interviews with state (Oklahoma) and local (Norman, OK; Muncie, IN) officials. The lapse of all federal funding for the WTCG after 1994 has created a "new" federalism of federal mandates without compensatory funds for state and local governments. This may heighten intergovernmental tensions and spell disaster for the quality of water in the United States.

Anton (1989) argues that federalism scholars are not only divided over notions of accountability, but also over the use of coercion or cooperation incen-

tives in the implementation of intergovernmental programs. This argument illuminates the continuous struggle among intergovernmental actors from the very beginning of the WTCG to the intensified battle during the Reagan administration and beyond. Although Peterson, Rabe and Wong (1986) would classify the WTCG as a redistributive program that necessitates national responsibility and administration, political arguments over the structure and fate of the WTCG have yet to clarify whether the program is redistributive (national responsibility) or developmental (state and local responsibility). Utilizing Nice (1987), it can be seen that conflict over wastewater treatment has persisted since the 1970s. Despite the current legislation, debates over who the actors should be, what the rules should be, and what the goal(s) should be, are unresolved. The states emerge as the focal point for struggles over the WTCG because the program's funds are allocated to the states on the basis of a multifaceted formula. This produces formulamanship in Congress as the various actors struggle to influence the formula. Also, the state emerges as the focal point because the state allocates funds it receives on the basis of local applications for the categorical grant. This stimulates grantsmanship (Dilger 1983). Clearly, the WTCG deserves scholarly attention because of its intergovernmental aspects and because of the overwhelming concern for the improvement of water quality in the United States.

### WASTEWATER TREATMENT FACILITIES

The WTCG provides funds for three stages: planning, design and specifications, and construction. All of these grants also cover nonconstruction costs. The costs of WTCG projects vary tremendously because of the wide number of variables. Wastewater treatment involves collection systems — collector sewers, interceptors or main trunk lines, pumping stations, and assorted other line systems — which tend to be capital intensive and politically sensitive (EPA 1981). The primary focus of the WTCG has been on the wastewater treatment plant itself, in the form of upgrades, construction of new facilities, and plant rehabilitation. Wastewater treatment at a plant involves at most three levels of treatment, primary, secondary and tertiary, and subsequent disposal of waste products. Primary treatment simply involves the use of mesh screens and settling chambers that remove from 93 to 97 percent of solids. Secondary treatment, which increases this to 98 to 99.5 percent of the solids, can involve a number of processes including trickling filters of bacteriologically activated rock beds to chemical disinfection of the wastewater held in settling tanks after screening. Secondary treatment is the federally mandated goal of the WTCG. Tertiary treatment brings this to over 99.5 percent of the solids removed and

tends to rely on expensive chemical and mechanical systems.

After the treatment process comes the necessary task of sludge management, which "can be the most complex and costly part of wastewater management" (EPA 1984). The plants must follow the restrictions of their National Pollutant Discharge Elimination System (NPDES) permits, which are defined by the Environmental Protection Agency (EPA) or state agency, or jointly, during the treatment process. The end product of the process — sludge — can be landfilled, applied as fertilizer to farmlands, sold, incinerated, or disposed of in the ocean depending on the NPDES permit and the costs involved. Municipal costs that are eligible for the WTCG fall into two general headings. First, construction costs include estimates on design flow and treatment levels, plant component costs (mobilization, site preparation, electrical and dewatering systems, labor, and so on), and unit process costs (concrete, steel, equipment, labor, and so on). Second, nonconstruction costs include preliminary planning costs, design, and administrative and legal costs, architectural and engineering fees, relocation costs to move those affected by the project, the contingency fund, and so on. Clearly, the technical costs of a WTCG project can be enormous, but here the interest is the political costs.

### A LIMITED SCOPE OF CONFLICT BEFORE 1972

The federal government first got involved in the policy of wastewater treatment and disposal with the 1899 Refuse Act which established a permit system for the discharge of pollutants by municipalities and industries. The federal government did not reenter this "local" concern for nearly fifty years and then only with the 1948 Water Pollution Control Act, which was not implemented due to the lack of funding. The rapid suburbanization of the United States and the greater economic prosperity in the 1950s, brought increased industrial and agricultural pollution in addition to that provided by the growing population. This all began to seriously undermine U.S. water quality. As a result, the scope of conflict widened as cities and towns continued to discharge their wastewater at increasing levels downstream to other municipalities and states. During this period wastewater treatment was the sole responsibility of the localities (although they received some assistance from the state capital). These localities relied on user and hookup fees, property taxes and general revenues to finance their minimum treatment facilities (Davis 1987c).

In 1956 Congress passed the Federal Water Pollution Control Act in recognition that water quality was worsening and because of complaints from state



and local officials over the increasing levels of raw sewage coming from upstream. The Act established the Sewage Treatment Grant Program (Davis 1987c; Dilger 1983). This provided \$50 million in total annual allocations to help localities construct treatment plants and interceptors. The federal share of the cost was 30 percent or \$250,000, whichever figure was lower. During the program's ten year existence, small cities and towns were the only entities to effectively utilize the funds because of the low cost ceiling. The 1966 Clean Water Restoration Act removed the cost ceiling, raised the federal share to 40 percent, and authorized \$3.5 billion to be spread out over fiscal years 1967-71. The federal commitment from 1956 to 1972 for wastewater treatment construction grants totaled \$5.2 billion and provided funding for almost 13,800 municipal projects (Davis 1987c). Despite increased federal commitment to this "local" problem, the General Accounting Office stated in 1969 that although the three levels of government spent \$15 billion since 1952, over 1,400 cities still discharged untreated waste into rivers and streams and only 70 percent of Americans were served by some sort of wastewater treatment system (Dilger 1989). Increased pressure from the states (e.g., National Governors' Association) and localities (e.g., US Conference of Mayors), the growing environmental awareness of the United States, and the growing realization that water quality was a national concern, led to the "most comprehensive and expensive environmental legislation in the nation's history" (*CQ Almanac* 1972).

### A NATIONAL CONCERN? EXPANSION OF THE SCOPE OF CONFLICT

Richard Nixon wanted to devolve powers from the unresponsive and bureaucratic federal government to the localities, which would presumably be more responsive and efficient. He believed that wastewater treatment was a local concern to be paid for by local government. But continued pressure from the public, the National League of Cities, and fledgling environmental groups convinced Congress that the federal government should assist the municipalities over the short term to improve their water quality standards. It created the Environmental Protection Agency to administer national standards and provided the "carrot" of grant monies (Davis 1985; Davis 1987c). The 1972 Federal Water Pollution Control Act provided \$18 billion over fiscal years 1973 to 1975 to subsidize the construction of publicly owned treatment plants (potwvs). The federal government would assume 75 percent of the costs of construction using the "best practicable technology" as designated by the EPA. The Act was designed to limit the discharge of pollutants and improve U.S. water quality. In

order to accomplish this, the old permit system was replaced with the NPDES system to be administered by the EPA or by the states (subject to EPA approval). In addition, the Act created the National Commission on Water Quality and set the national requirement that all potws must have at least secondary treatment by July 1, 1977. The long-term goal was the elimination of water pollution by 1985.

The 1972 Act was passed over Nixon's veto in the House by 247 to 23 and in the Senate by 52 to 12. Obviously, wastewater treatment had become a national concern and a matter of constituency interest. This expanded the scope of conflict on the policy. In spite of the increasing salience of wastewater treatment as a national issue, congressional supporters of the 1972 Act believed that federal assistance would only be needed for a short duration. Title II of the Act provided for the WTCG, and required local officials to fill out application for treatment schemes for EPA review. The EPA would oversee the management of the WTCG, but state officials were encouraged to create regional planning organizations (that would receive 100 percent EPA funding for three years) to lay the foundation for an efficient, effective state and local system. Grant funds were to be determined and allocated by the EPA to the states, which then would distribute the funds to municipalities for constructing plants, interceptors, collectors, and most other wastewater treatment construction. The 1972 Act set up a three-stage grant process (facility planning, design and specifications, actual construction) that required municipalities to submit a new application to the EPA for each stage of improving wastewater treatment.

Unfortunately, the ideals of the policy soon succumbed to the realities of a controversial intergovernmental program. Problems plagued the WTCG from the beginning. Nixon impounded \$9 billion of the \$18 billion allocated for the program in 1972. This was not released until a February 1975 Supreme Court ruling (*CQ Almanac* 1976a). In addition to this funding delay, a wide array of other problems soon surfaced. These included bureaucratic red tape at all levels, the absence of local expertise to deal with the complexities of the project and application process, the inefficient and timely processing of applications by the EPA, and the natural wariness on the part of state and local governments about a new intergovernmental program. Also, the declining national economy and rising inflation turned many localities away from the program because their 25 percent share was beginning to look much more daunting. The program was further tainted by EPA exceptions to regulations and lax enforcement. The 1972 Act also established a pre-treatment system, but the EPA failed to set regulations on the enforcement of this part of the program until 1978. This uncertain situation forced many localities to set up their own system of regulations based on the water quality at the end of the treatment process. Ultimately

this ran counter to the technological bias of the EPA (Stanfield 1985).

Application of the program showed that Congress had both underestimated the costs and the time necessary for the improvement of wastewater treatment. Another problem that emerged was the reliance of state agencies and municipal governments on federal funding to supplant rather than supplement state and local funding (Johnson and Heilman 1987). According to the Congressional Budget Office (1985), the level of federal outlays for the WTCG from 1970 to 1977 rose from \$500 million to \$6 billion (in 1983 dollars), while the local contribution fell from \$4 to \$1.5 billion over the same period. John Rhett, an EPA official, pointed out in February, 1977 that the federal government had allocated \$11.9 billion since 1972 (the additional \$6 billion that had been authorized was to be allocated soon) to over 9,400 grants, while state and local governments had only allocated \$11 billion over the same period (*CQ Almanac* 1977). Many federal officials felt that municipalities had abused the program by spending the grant funds on exorbitant potws with built-in excess capacity that only spurred on additional demographic and economic growth, further burdening the already strained treatment system (Davis 1987c). Localities argued that if anyone was at fault it was the EPA, which was supposed to oversee the program but had done an exceedingly poor job. The 1976 EPA needs survey discovered that contrary to the WTCG's primary goal of better potws, municipalities actually needed new and better collectors, interceptors, and corrections for combined sewer overflows (csos). Older lines carrying both sewage and storm water were made illegal in 1972. At least \$150 billion would be needed for the municipalities to meet the national standards (*CQ Almanac* 1977). The House, which is usually more responsive to local concerns (because of the reelection principle), argued throughout the period that the program could be improved if states were given more responsibility over the application process since they were more responsive to local needs. But the Senate and environmental groups, which feared the lack of environmental sincerity of many states, argued for even more national control of the program. The National Commission on Water Quality argued in March 1977 that the states should be given total control of the whole program as long as they could meet the national standards. Congress should promote stability (a state and local concern) by allocating \$5-10 billion annually over 5-10 years in order to at least give the municipalities a chance to meet the goals of the 1972 Act (*CQ Almanac* 1976b).

The battle over the reauthorization of the 1972 Act, now called the 1977 Clean Water Act, took place in an atmosphere of growing federal commitment under President Carter; heightened local pressure (e.g., the National League of Cities); and the disheartening fact that less than one third of the nearly 13,000 US municipalities had been able to meet the July 1, 1977 deadline for secondary

treatment. The 1977 Act authorized for the WTCG \$4.5 billion for fiscal 1978 and \$5 billion annually for fiscal years 1979 to 1982; continued the 75 percent federal share of the costs, raised to 85 percent for alternative treatment methods (determined by the EPA); and provided each state with a minimum allotment of 0.5 percent of the total authorization, with additional funds to be distributed according to the criteria of population and needs as listed under the state's priority list. Under this proposal, Indiana for example, would receive \$124.6 million in 1978 and \$138.4 million annually from 1979 to 1982, and Oklahoma would receive \$41.8 million and \$46.4 million respectively. The states were given greater authority over the composition of their priority lists but were still limited by EPA oversight and the requirement that public hearings be used to approve their selections. In response to local concerns, the states were authorized to allocate up to 25 percent of their grant monies for collectors, interceptors and cso corrections. Also, the compliance deadline for secondary treatment was extended from 1977 to July 1, 1983. It appears that no municipalities were denied this extension because of the broad criteria used to make the decision, which included allowances for construction delays or shortfalls in federal funds.

### THE REAGAN ADMINISTRATION AND THE CHANGING SCOPE OF CONFLICT

Ronald Reagan ushered in a new era of intergovernmental relations that would greatly transform the nature and treatment of programs like the WTCG. Anton (1989) argues that Reagan's stance on federalism and intergovernmental policies was backward looking and arrogant. Dilger (1983;1989) proposes that the Reagan era, which continued under George Bush, relied upon a system of macroeconomic theory for intergovernmental relations that would always relegate intergovernmental programs behind economic concerns. Johnson and Heilman (1987) point out that Reagan's focus on reducing federal involvement and responsibility for domestic programs while increasing the responsibilities of state and local officials and the private sector failed to integrate intergovernmental policies. Nice (1987) argues that Reagan's concentration on restructuring intergovernmental relations by clearly dividing functions and responsibilities through reductions in federal grants and severing ties with local governments quickly led to policy confusion and political and administrative frustration among all actors.

Reagan did not like the [WTCG] Program. An advocate of state's rights, he argued that water pollution was a local issue that ought to be dealt with by local citizens in consultation with state and local government officials ... [he would] let local citizens decide for themselves what was an acceptable water quality standard for their area ... [that would require] a trade-off between better water quality and higher taxes and reduced business growth (Dilger 1989, 179).

Reagan's desire to devolve the responsibility and cost of the WTCG to local and state governments threatened to localize the conflict over a policy that had come to be considered a national concern needing national support. Bush maintained the contraction which was counter to the national concern and cemented the inability of most localities to meet national mandates.

Reagan's coattails ushered in a Republican Senate, a perceived popular mandate, and a temporary honeymoon period that would profoundly restructure the WTCG and redirect the processes of intergovernmental relations. As a first step for his "new" federalism Reagan quickly turned to the WTCG, which he and conservatives regarded as an expensive pork barrel program that had done little to improve water quality and had made countless controversial allocations (Dilger 1983). The 1980 EPA states needs survey determined that the country needed to allocate around \$120 billion to meet the standards imposed in 1972. Of this the federal government would be responsible for \$90 billion through the year 2000 (Dilger 1983). On the basis of this survey Indiana's needs were \$4 billion with \$3 billion paid by Washington, while Oklahoma's needs were placed at \$624 million with a federal share of \$468 million. Reagan blasted the survey's conclusions as budget-busting and said that he would only accept a federal share of \$23 billion, which would only give Indiana \$330 million and Oklahoma \$104 million. Future allocations would not include a minimum state guarantee. Only secondary or advanced treatment and interceptors would be eligible for funding. Reagan appeared unstoppable, given the fact that he had already received a \$1.7 billion rescission for the remaining fiscal 1980-81 funds (Dilger 1983).

Reagan's proposals shocked state and local officials who had been constantly complaining about the inadequacy of the federal grants to meet the costs of fulfilling the mandates set out in 1972 (Dilger 1989). In addition, some city governments argued that the federal government, which had hindered the realization of national goals from the beginning, should not only pay 100 percent of all future WTCG costs, but also should pay the operating and maintenance costs of this national program. Large cities argued, and rightly so, according to EPA figures, that states had spread out the grant monies to smaller municipalities in order to accrue political benefits. This left them incapable of meeting federal

standards. Environmentalists declared that every level of government had tried to get around the spirit of the WTCG, which was clean water. The federal government (i.e., EPA) had continued to make allowances for noncompliance and had not committed itself fiscally or politically to the much-touted national standards. State and local governments built exorbitant potw's, misappropriated funds, and continually struggled to either get around the law or get allowances from the EPA. In 1972 the WTCG had been enacted with high hopes largely based on ignorance. Now it seemed that under Reagan the states and localities were to pay for this good deed gone awry.

Under intense state and local pressure Congress finally passed a 1981 Clean Water Act that Reagan could accept. The 1981 Act retained the 0.5 percent minimum guarantee for states; authorized \$2.4 billion annually for fiscal years 1982 to 1985 for grants to construct secondary and advanced treatment facilities and interceptors; and retained the 1977 formula preferred by state and local officials for 1982 but adopted a new formula for following years. The federal government would maintain its 75 percent share, up to 1984 when it would be reduced to 55 percent. Plants could now only be constructed to meet existing capacity (20 year lifetime), but after 1984 states could spend up to 20 percent of the grant funds received on ineligible categories. Under the new act, twenty-seven states would benefit, although Indiana's allocation would fall after fiscal 1982 (\$65.5 million) to \$58.9 million annually from 1983 to 1985, as would Oklahoma's (\$22.0 million to \$19.7 million). A process of formulamanship adjusted construction formulas and eligibility criteria to get the necessary House votes. This underscored the fact that there was an "absence of objective criteria of need" (Dilger 1983), and that the WTCG was on the way to becoming the sacrificial lamb for Reagan's macroeconomic goals. The "coalition" of Congress, state and local officials and environmentalists were able to wrest a verbal agreement from Reagan that the federal government would continue funding for at least another ten years however (Davis 1987c).

Many felt that the federal government had done a fairly good job of making the program work, although others felt that state and local officials had only shoved a costly, politically unspectacular, program onto the federal government. From 1972 to 1984 the federal government contributed over \$40 billion to the WTCG, while state and local governments only contributed \$17 billion (Stanfield 1985). During these years, municipal wastewater discharges had grown by over seven billion gallons while the level of pollutants that were discharged remained stable. The statistics continued to show that state and local governments consistently used federal funds to replace their own, and that if they had retained their "traditional" levels of spending, water quality would have improved dramatically. The diversion of the supplanted funds to more "flashy" projects, like in-

dustrial parks, enabled officials to electorally capitalize on a broader array of constituency services. In 1984 the EPA estimated that the municipalities would need at least \$110 billion from 1985 to 2000 to meet the 1972 mandates for local compliance, which had been extended in 1981 to July 1, 1988 (Stanfield 1985). Of this estimated cost, only \$53 billion would be eligible under the WTCG with the federal share set at \$36 billion (\$2.1 billion a year to 2000) and the state and local share set at \$17 billion (\$1 billion a year) under the WTCG plus the additional \$56 billion to be independently covered by either the states or the municipalities (CBO 1985).

The plight of the localities in the changing intergovernmental situation seemed dire for many, while some non-local officials regarded the changes as a positive step towards realizing the goals of the WTCG. The Association of Metropolitan Sewerage Agencies, the US Conference of Mayors, the National League of Cities, and other local organizations argued that the federal government was abandoning the cooperative WTCG cause and dumping the costs of a national policy on municipalities to solve its budget problems (Moore 1986). Both state and local officials argued that the blame for the program's shortcomings and high costs should rest with the EPA, which had not developed universal guidelines on pollutant levels and instead had relied on a technological fixation that had no regard for costs or efficiency (Stanfield 1985). Washington's measures indicated an ignorance of the budgetary constraints that states and localities are facing. The decaying and insufficient wastewater treatment system may continue to suffer from inadequate funding or it may send many municipalities over the fiscal brink as they struggle to meet national mandates. State and local officials are understandably afraid they are losing the "carrot" of grant funds and will solely face the "stick" of enforcement that has been lax up to this point. Leonard Simon, official for the US Conference of Mayors, laments the short-sightedness of federal policy makers on such a long-term problem. He argues (Stanfield 1985, 313):

[T]he preeminent issue is the survival of the construction grant program ... It's unfortunate that we have to deal with the whole question of wastewater policy with the funding gun staring us down.

Cathy Reynolds, vice president of the National League of Cities, points out that the WTCG is a shared commitment that should remain so until its goals are attained, but that grant reductions for "federal mandates could prove to be the straws that break the backs of local governments" (Moore 1986, 2366).

Not everyone was pessimistic about the changes enacted in the WTCG and in intergovernmental relations in general. Federal officials, especially those in the administration and the EPA, viewed the changes as a positive move to

restore local government program accountability. A congressional study (CBO 1985) utilizing multiple regression analysis showed that as local shares of the cost of potw's rose, the lifetime costs of the plant and supporting system dropped. In addition, the public became more involved in policy discussions over water quality; there were shorter construction periods; local oversight of plant operation increased; and the overall costs of the plants fell by an average of 30 percent. As the local costs increased, municipalities were less willing to wait around for the application process, which often took up to ten years, to be concluded. They often seized the initiative in construction and refurbishment. One of the major limitations to this increased local cost-effectiveness was that local operating costs had nearly doubled since 1972 and account for 90 percent of available local wastewater treatment resources.

Johnson and Heilman (1987) expand upon this notion of rising local costs to point to the limited phenomenon of privatization of potw's that began to blossom with the incentives provided by the 1981 Economic Recovery Act and the 1982 Tax Equity and Fiscal Responsibility Act. Privatization of wastewater treatment includes not only private development and ownership of the plant. It includes the delivery of the service to the locality, which pays a standard service fee and may help finance the project by loaning bond proceeds to the private operator. Only eight municipalities decided to undertake this nontraditional method (all were in the Southwest), but they netted an average savings of 20 to 30 percent over the traditional intergovernmental method (Johnson and Heilman 1987). The 1988 deadline for municipal compliance and the removal of federal incentives (1986 Tax Reform Act) effectively ended this innovative experiment. Only one municipality has since privatized. One obvious problem with privatization is that wastewater treatment is often costly and has the possibility of being politically volatile. Thus some municipalities turned to the next choice — the state.

Many states already oversee their water quality standards and issue and enforce NPDES permits. About forty states augment federal funding anywhere from 5 to 20 percent (CBO 1985). In addition to the states' own limited resources, they can draw extra funds from the Community Development Block Grant, Economic Development Administration Grants, and others to help pay for shortfalls caused by the decline and ultimate elimination of the WTCG. Because none of these measures comes anywhere close to meeting the gaps caused by Reagan's policies and growing construction costs, the CBO in 1985 proposed that a revolving loan fund be established with federal and state contributions to be administered by the states with minimal federal oversight. States would be able to utilize a self-sustaining source of revenues to meet the national standards on water quality.



Lester is much less hopeful regarding the option of state financing and administration because "most state governments [have been] unable or unwilling to maintain service levels in the face of federal aid cuts" (1986, 154), and "state legislators have more pressing priorities [than wastewater treatment], such as higher education, health care, and housing" (1986, 165). Lester argues that the states' replacement of lost federal funds is largely determined by the states' level of fiscal dependency on the federal government and the states' commitment to environmental quality. It is interesting that the fourteen states, including Indiana, that were classified as independents (cuts in federal dollars would not effect environmental programs) and the fourteen states, including Oklahoma, that were classified as dependents (cuts in federal dollars lead to the collapse of state environmental programs) failed to perform according to his typology (Lester 1986). In fact none of the typologies were very accurate; only two states (Delaware and Missouri) replaced the federal cuts with their own funds. Lester acknowledges (1986, 161) that the primary reason for the discrepancies was that state officials "consider wastewater treatment a local responsibility." It appears that everyone seems eager to shift the responsibility and the costs of wastewater policy on to someone else.

Reagan shocked Congress and state and local officials with his fiscal 1986 proposal for the WTCG which called for its elimination despite his 1981 promise. Reagan's plan allocated only \$6 billion for the program, which was to be completely phased out by 1990. This announcement initiated a political row with Congress which favored the WTCG because it enabled members to say they were saving the environment and bringing federal funds back to their states and districts. In response to Reagan and state and local concerns, Congress created a \$20 billion proposal (\$18 billion for WTCG and \$2 billion for administration and regulation) that would retain the federal commitment until 1994. In October 1986 the proposal passed the House 408-0 and the Senate 96-0, but was pocket vetoed by Reagan. Reagan followed the veto with a new \$12 billion proposal, but the House (406-8) and Senate (93-6) repassed the vetoed bill in January 1987, and overrode Reagan's subsequent veto in February (House 401-26, Senate 86-14). Congress seemed to realize that budgetary constraints and program problems did not necessitate the politically unpopular move of terminating federal support for national policy, at least for the time being.

The 1987 Clean Water Act proposed profound changes in a program that had never fulfilled expectations. But if this attempt also failed then it would be the responsibility of state and local governments to meet the federal mandates without any federal assistance. The Act authorized \$2.4 billion annually for fiscal years 1986-88, \$1.2 billion to the states to be used as grants and \$1.2 billion to the states to be used as loans for State Revolving Funds (SRFs) in

fiscal 1989-90, \$2.4 billion for SRFs for fiscal 1991, \$1.8 billion for SRFs in 1992, \$1.2 billion in 1993, and \$0.6 billion in 1994. The deadline for municipal compliance with the 1972 standards was extended for the "last" time to October 1, 1992, and the federal share of WTCG costs was set at 55 percent. Neither the states nor the EPA would be allowed to lower the treatment standards of municipalities to levels below the 1981 levels in order to prevent potw's backsliding. The funds would continue to be allocated by formula; for example, Indiana's annual share would decline from \$59 to \$58.5 million through 1991 and Oklahoma's share would decline from \$19.8 to \$19.6 million (Davis 1987a). Until 1994, states would control the distribution of funds in accordance with annual priority lists that had to be approved by the EPA. The SRF program was limited to those projects on state priority lists and the states had to match federal contributions with a 20 percent share for the revolving loans (the interest and principal went back into the state funds) that could last up to twenty years at interest rates from zero to the market figure (Davis 1987b). Fines for noncompliance were raised to \$25,000 per day and up to one year in prison for the first negligent permit violation, \$50,000 per day and two years in prison for subsequent violations, and \$100,000 per day and six years in prison for knowing and repeated violations (Davis 1987b). The EPA could impose additional sanctions if it so decided. Given the track record of EPA regulation, these measures arouse little concern.

### STATE AND MUNICIPAL CASES

Probably because the 1987 Act was the WTCG's last hurrah, Congress responded to a variety of state and local concerns. The 1987 Act required the EPA "to agree in advance which costs of a construction project are eligible for grant funding" because the agency had reneged on numerous designations in the past (Davis 1987b). The 1987 Act contained a provision that allowed 20 percent of a state's authorization to be set aside for use at the governor's discretion for noneligible projects. But the SRFs were to be the miracle that would finally enable states to assume the cost and responsibility for this "local" problem that was still legally a national concern. The case of Oklahoma exemplifies the positives and negatives of a new intergovernmental system that imposes mandates for national policy and provides for fines for noncompliance, without any measure to help municipalities meet the mandates. The cases of Norman, Oklahoma and Muncie, Indiana provide some indication of municipal responses and capabilities in regards to the changes in the WTCG and intergovernmental relations. With the 1987 Act, the national government has finally given up deal-

ing with the wastewater problem. Thus the SRFs provide the easy way out with threats of the stringent use of the "stick" of regulations and fines. The experiences of states (Oklahoma) and localities (Norman and Muncie) are strongly re-enforced by comments from officials dealing this transformed policy and underscore the potential for nonfederal wastewater treatment. But they force us to recognize that abandonment by national policy makers makes *national* improvement of water quality virtually impossible.

In July 1988 the Oklahoma state government approved the creation of the Wastewater Facility Construction Revolving Loan Accounts (SRFs) to be a permanent fund separate from the general state budget. The fund was to be administered by the Oklahoma State Department of Health (OSDH), but the Oklahoma Water Resources Board (OWRB) would dispense the loans to eligible municipal treatment projects according to the regulations of the 1987 Clean Water Act. The state law required that OSDH and OWRB carefully examine the proposed project costs, the level of municipal loan requested, the assets and liabilities of the applicant, and set an appropriate repayment schedule before disbursing any funds. Because the 1987 Act stipulates that SRFs can only dispense loans, not grants, interest rates would be kept low so as to stimulate local participation in the program. Currently, the rate on interim one year loans is 4.25 percent plus an annual 0.5 percent loan administration fee (both the interest and principal are to be paid in full at the end of the term); while long-term loans (up to twenty years) are funded by 60 percent from the state's Financial Assistance Program (FAP) at 3.375 percent interest (this includes the administration fee) and 40 percent from the SRF at zero percent interest (OSDH and OWRB 1991). The OSDH and the OWRB have the prerogative of designating solely SRF long-term loans, but since the FAP repayments go back into the SRF program it is in the state's best interest to dispense the joint loans, especially since the 1987 Act requires a state match of 20 percent of federal funds anyway. OSDH and OWRB are required to submit an annual priority list which tallies the estimated needs for the upcoming five year period to the EPA. The list is revised quarterly by the OSDH and is submitted as the "Intended Use Plan" after congressional and state legislative appropriations are made. But it does not get enacted until public hearings are held and final OSDH adjustments are made. In addition, the OSDH and OWRB must submit an annual report to the Governor and legislature, and must make themselves available for annual audits by the State Auditor.

According to the OSDH (1989), eligible construction costs for SRF funding are secondary and advanced treatment, major rehabilitation of sewer systems, new collectors and interceptors, correction of csos and inflow problems, and certain nonconstruction costs to be determined by OSDH. The SRF priority

list is compiled annually by the OSDH based on the type of project the municipality is proposing and the project's segment ranking based on the severity of the pollution and uses of nearby waters, effluent quality, and public health concerns. Those projects with the most priority points (5000 or more) are given top SRF priority. The fiscal 1992 priority list contains 53 projects that have made it through the lengthy approval process for a total of nearly \$260 million in loans, but it is estimated that only the top thirteen (\$39 million) will be dealt with anytime soon (OSDH 1991a; Hodge 1991). Currently, there are 499 potws (all with 20 year design lives) in Oklahoma, and it is estimated that 5 percent of these will either need to be replaced or rehabilitated every year (OSDH and OWRB 1991b). The 1988 OSDH and EPA needs survey estimated that Oklahoma would need \$480 million over the next 20 years to meet the standards (OSDH and OWRB 1991b), which is probably an underestimate because of the lag time in funding and construction and the likelihood that water quality standards and regulation will be increased.

OSDH has had to deal with a lot of questions from, and concerns of, local officials since the creation of the SRF program in 1988. Paul Hodge (1991), the SRF Program Director, argues that the uncertainty and suspicion of the new program have been greatly aggravated by deliberate misinformation put out by bond firms. The following points (OSDH 1991b) are illustrative of the responses of OSDH officials in their attempt to alleviate local misgivings about the program. In order to prevent any accusations of political bias, OSDH and OWRB will make SRF loans available to all Oklahoma communities. Contrary to reports by bond firms, SRF planning costs are not 30 to 50 percent above those of locally issued bonds, but only range from 2.5 to 6 percent above these. For example, under the SRF four loans have been authorized so far (all to Tulsa) that totaled \$25.9 million, which was nearly 16 percent below the engineer's estimate of \$30.7 million. In addition, SRF projects do not take any longer to complete than locally financed projects because designs and specifications are included in the municipality's application; the state wholly administers the program; and the SRF program promotes a much more secure project because of its stricter regulations and oversight, such as the requirement of a one year performance period to be monitored by the architects and engineers. Finally, the OSDH requires that the application establish a user fee system before, not after, the project is approved to cover the operation and maintenance of the facility and to pay for any future replacement costs, which enables the municipal government to economically and politically prepare for the costs of the project.

Oklahoma appears to have done an outstanding job in quickly establishing a sound alternative to the WTCG. The task was quite daunting given the fact that the state has to meet sixteen federal requirements just to dispense the loans

(Hodge 1991). The uncertainty of the current situation and the future was underscored in an interview with Paul Hodge (1991). He noted that the WTCG and SRF programs never received the total amount of funds authorized by Congress (see Table 1). This greatly hindered Oklahoma's ability to meet the state's needs. The unfortunate legacy will carry over into the future (see Table 2). Hodge speculates that if a Democrat had been in the White House during the 1980s then the program would not have continually been shorted and may even have received additional support. As it stands now, Oklahoma will not even come close to being able to meet the state's needs as expressed in the fiscal 1992 priority list, which he estimates only documents about half of the municipal needs for wastewater treatment in the state. Although the state legislature has been willing and able to meet the SRF needs, Hodge wondered about the future as costs continue to rise in a state that has no centralized environmental organization — there are seven different agencies that deal with environmental concerns including the OSDH, the Oklahoma State Department of Pollution Control, and others. There exist two possibilities that would enable Oklahoma and the nation to meet the water quality standards. First, the elusive peace dividend could be used to subsidize the SRF program, which is currently the only preventive measure available to protect the future health of Americans and their environment. Hodge sees the alternative to be increased and more stringent enforcement of environmental regulations by EPA and state officials. This

TABLE 1

**Oklahoma State Revolving Fund  
Maximum Available Through Capitalization Grants**

<i>Fiscal Year</i>	<i>Federal Authorized</i>	<i>Actual Federal Appropriation</i>	<i>State Match (20 Percent)</i>	<i>Total Available</i>
1988	\$ 9,400,000	\$ 9,278,000	\$ 1,855,600	\$10,762,480
1989	\$ 9,800,000	\$ 7,597,400	\$ 1,519,480	\$ 8,812,984
1990	\$ 9,800,000	\$ 7,862,000	\$ 1,572,400	\$ 9,119,200
1991	\$19,600,000	\$16,580,619	\$ 3,316,124	\$19,233,518
1992	\$14,700,000	\$14,112,000	\$ 2,822,400	\$16,369,920
1993	\$ 9,800,000	na	\$ 1,960,000	\$11,368,000
1994	\$ 4,900,000	na	\$ 980,000	\$ 5,688,000
1995	0	0	0	na

SOURCE: Hodge 1991; OSDH and OWRB 1991a; OSDH and OWRB 1991b.

TABLE 2

## Annual Needs v. Available Funds

<i>Fiscal Year</i>	<i>Annual Needs</i>	<i>Total Available Funds</i>	<i>Gap</i>
1990	\$23,076,954	\$28,694,664	+\$ 5,617,710
1991	\$29,407,636	\$21,269,403	-\$ 8,138,233
1992	\$27,636,160	\$17,052,000	-\$10,584,160
1993	\$57,306,250	\$11,368,000	-\$45,938,250
1994	\$33,908,400	\$ 5,688,000	-\$28,220,400
1995	\$29,619,000	0	-\$29,619,000

Total Available Funds includes estimated carryovers where appropriate and OSDH—OWRB predicted estimates.

SOURCE: Hodge 1991; OSDH and OWRB 1991a; OSDH and OWRB 1991b.

would force localities to comply as fines mounted and would provide the catalyst for local politicians to work on this politically unpalatable problem. The case of Oklahoma exemplifies the limited capacity of states to address the needs of municipalities trying to meet national policy standards.

The following two municipal cases highlight some of the major intergovernmental components in the evolution of wastewater treatment policy. Interviews with two municipal officials, John Craddock, Director of Water Quality Control in Muncie, Indiana, and William Bart Hines, Director of Public Works in Norman, Oklahoma, illuminated the wide range of municipal fates in this new, uncertain arena. Muncie possesses one of the few local water quality control agencies in the United States and has successfully met or exceeded its water quality standards overall. This example of the fruitful mingling of local professionalization and environmental improvement provides useful insights into which direction state and local officials should take to meet national water quality mandates without national funds.

Craddock (1991) notes that since 1972 Muncie has had its own water quality control agency that sets local standards. This has been the major reason why Muncie can operate from 50 to 95 percent below its NPDES permit limits. The potw was constructed in the 1930s and upgraded in the 1950s and 1960s using the advice of local and state policy professionals. Improvements contin-

ued to be made, in particular, the creation of the local agency, but the transformed scope of conflict under Reagan and Bush put the city to the test. An illustrative example of the changed nature of intergovernmental interactions involves the \$450,000 lawsuit brought by the EPA in 1984 against the Muncie Sanitary District for discharging excessive levels of pollutants into the White River from 1981 to 1984. The lawsuit was only initiated after investigatory and legal action by the Indiana Department of Environmental Management and the Indiana Attorney General's Office. Craddock argues that the 1981 Act required the federal agency to be a third party in the dispute. This does not bode well for other municipalities whose states are not as concerned with environmental and health policy. The lawsuit brought against the city in 1984 resulted in the city financing \$3 million worth of cso corrections and plant rehabilitation. Because of Muncie's commitment to water quality, its major problems since 1972 have been correcting mechanical difficulties and reducing discharges of toxic materials (a future concern of the national legislation), not policy problems. Craddock speculates that (using EPA data) up to 50 percent of municipalities are not meeting their NPDES permit limits and that these limits will probably be tightened with the next Clean Water Act. The case of Muncie illustrates the importance of a local commitment towards wastewater treatment and water quality in general; the usefulness of having local policy professionals; and a cooperative approach to intergovernmental relations if problems arise.

The next case involves Norman, Oklahoma. In the early 1980s Norman attempted to obtain WTCG funds for a \$26.6 million proposal to upgrade its present plant to more advanced secondary treatment; expand its sludge management capabilities; and construct the needed interceptors and collectors (EPA 1983). This example illustrates the complexities generated by the changed scope of conflict on wastewater treatment and the problems other municipalities will face. The Norman city council was forced to rewrite the required environmental impact statement several times because of objections raised by the public at hearings, objections from the OSDH, and concerns expressed by the EPA. The revisions and mobilizations of support required the creation of a citizens advisory committee, extensive local commitment, and the machinations of several local facilitators who struggled to please all sides. Muncie's future seems to be positive, but Norman's fate seems to be anything but positive according to William Bart Hines, the Norman Director of Public Works. Hines argues that the unpredictability of federal funding and the poor decisions of local officials led to the construction of a poorly designed, limited treatment plant that will plague Norman for years to come.

Hines (1991) states that the WTCG was an environmental success and unfortunately was turned over to the inadequate fiscal bases of the municipali-

ties when Reagan reduced allocations and placed a double burden on local government of high program costs and taxes. Although some localities misused the program by constructing "cadillac" plants, most cities such as Norman struggled to achieve the basic minimum. Norman's poor design and poor local decisions have placed the city on a "collision course to disaster" because the city is only barely meeting its permit requirements, and then not all the time, for the current capacity. Since Norman continues to grow the system will soon be unable to meet any of the standards. The two main problems are the dire lack of funds (he longs for a return of the grant system) and the problems of eligibility in an intergovernmental situation characterized by EPA mandates without money and state control. This usually means that cities like Norman do not get their "share." Norman seems to be in an especially troublesome situation that is compounded by the fact that Cleveland County (Norman is the county seat) lacks a wastewater policy and that none of the surrounding autonomous, "unfriendly" cities are willing to help each other solve this impending disaster. The shortcomings of municipal action in light of national policy changes, the uncooperative and suspicious nature of intergovernmental relations, and the dire environmental consequences of these illustrate the negative implications of the changes wrought under Reagan.

## CONCLUSION

The reforms of the WTCG enacted under Reagan have created a troublesome situation of national policy being carried out by state governments without federal assistance (after 1994). This policy situation continued under Bush, who affirmed his aversion to pork barrel projects like the old WTCG. The new scope of conflict has aroused local uncertainties and suspicions. These will become increasingly directed at state governments as they manipulate the SRF program to their own political gain. The commitment of states to wastewater treatment appears to be highly variable (Lester 1986). Privatization has been touted as the best option because it is believed to be cheaper and it is driven by market forces, not intergovernmental relations (Johnson and Heilman 1987; O'Toole 1989). State and local officials are extremely concerned about the situation after 1994 when they will be solely responsible for wastewater treatment meeting national standards. This concern is aggravated by tensions between states and localities and continued budgetary constraints faced by all three levels of government. Dilger (1989) notes that local governments alone will have to come up with \$90 billion over the years 1987 to 2000 to meet the national standards. He feared that unless there is a Democratic president and Congress in the 1990s that are



favorable towards the program, the standards will be lowered due to state and local pressure and the deadline for compliance will be pushed back once again. The election of Bill Clinton in 1992 probably will spark renewed federal interest in wastewater treatment in spite of the large national deficit, but the attention may easily exceed the availability of funds.

From the very beginning the cost of improving wastewater treatment has been underestimated. This *national* policy concern benefitted from a cooperative scope of conflict in the 1970s (except for Nixon's impoundment of funds) that was first demoralized through budget cuts and then transformed into an artificial intergovernmental construct of national policy, state "control," and local burden under Reagan. The abandonment of the program by Washington after the creation of the still inadequate SRF fund, which it will cease to support after 1994, may well be followed by abandonment by the states, which will return the issue of wastewater treatment back to localities that are already overburdened by the other legacies (cutbacks, taxes) of the Reagan years. Under this "new" federalism, the problem of wastewater treatment seems headed for disaster. Based on the above cases, the only possible solution to the dilemma seems to be a restructuring of intergovernmental relations so that Washington will continue to provide funding for a national policy, preferably through the SRF program which stimulates mutual commitment and responsibility, combined with local professionalization. The lessons learned from the analysis of the wastewater treatment construction grants program against the backdrop of changes in intergovernmental relations could readily be applied to other infrastructure problems like bridge construction and maintenance and the national highway system. Water quality is a national, state, and local concern that deserves the attention of all three arenas. Increased regulation and increased funding may finally resolve this issue. Wastewater treatment is a preventive program, neither redistributive nor developmental, that necessitates some sort of cooperative, interdependent federalism that would reflect the universality of the problem. National wastewater treatment will prevent environmental degradation, health problems, interlocal and interstate conflicts, but it will require the commitment and cooperation of the public, the professionals, and the politicians.

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## TRENDS IN OKLAHOMA'S AGING PRISON INMATES

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

**Four trends are converging** on state correctional systems with dangerous speed. First, baby boomers, the enormous birth cohort born from 1946-64, may generate larger numbers of older offenders than prison systems have historically handled. Second, political pressure demands legislation such as habitual offender laws, truth-in-sentencing and minimum mandatory sentences. Requirements for federal grants in the recent federal crime bill necessitates longer incarceration for future convictions. These two trends guarantee that increased numbers of older offenders will be dealt with through conventional criminal justice systems. The third trend, the inadequate funding of most, or all systems, virtually ensures that these older, longer-term offenders will be processed through traditional correctional methods and systems rather than less-expensive alternatives. Although alternative correctional methods may relieve prison budgets, they would add new spending to other already tight budgets. Finally, with modern medical technologies and lifestyle changes, people, including offenders, are living longer.

The question for the future, then, is: How will state correctional systems handle issues created by the increase in aging inmates? How will they handle the two different offender cultures that arise — younger, short-termers with little stake in long-term prison environments, and older long-termers with great stake in establishing the best possible quality of life under the circumstances? How will state correctional institutions handle the treatment of older offenders by younger inmates who will likely see of their elders as prey? How will they handle the different needs for recreation, food, vocation, health care, and other concerns of the offender fifty years old and older?

Unfortunately the current literature is of mixed value. While the problems of an aging inmate population have been deliberated, most of the useful studies are from the 1970's and early 1980's. Ironically, Chaiklin and Fultz lamented at the peak of the period for relevant research that, "The literature on the aged offender does not develop a comprehensive picture of who they are as individuals, what their needs are, and how they could be helped while in prison or for a life after prison" (1983, 2). Indeed, a 1990 U.S. Department of Justice report states that "The research that is available is limited both in terms of the number of issues examined and in terms of applicability to other jurisdictions" (1990, 91).

Oklahoma is not protected from these problems. In fact, as a state with one of the highest per capita rates of incarceration and the state with the greatest percent increase in per capita incarceration from 1989 to 1993 in those figures (Hoberock, 1994), Oklahoma may be the state most affected by an aging population. As a result, the state is well advised to begin consideration of the long-term costs related to such pressures.

This study details the state's current position concerning aging offenders and the direction in which it seems to be headed. Once the parameters of the present situation are outlined, we will present a possible scenario predicting increased costs of health care for that population to indicate the potential impact on Oklahoma's future budgets.

## OKLAHOMA PRISON TRENDS

Oklahoma prison trends will be discussed for several different categories describing the Oklahoma inmate population for the selected years of 1980, 1983, 1986, 1989, 1992 and 1994. Three separate sets of data, provided by the Oklahoma Department of Corrections, were combined to create the data base of approximately 58,756 records used in this study. The first data base was provided by the 1993 study, *Trends in Sentence Length and Time Served in Okla-*

*homa Corrections:1900-Present*, (Connelly and Holley, 1993). The data termed "present" with release dates from 1980 through 1992, about 36,645 records, were included in this study. Also included were two data bases provided by the Department of Corrections' Planning and Research Unit in 1994, a data base of 5,241 inmates released from prison in 1993, and a third data base containing 16,870 records of active, in-facility inmates as of June 1994.

Individual records were selected from the entire data base for inclusion in this study if the inmate was in prison serving his or her sentence on January 1 of the study year. Using the 1980 study year as an example, if an inmate's receipt date into the prison system was before 1980 and his or her release date was after 1979, the inmate was considered to be in facility and the record was selected. All records for the 1980 study year were active, in facility, inmates as of January 1, 1980. Subsequent years were calculated using the same procedure with the exception of changing the dates to correspond to the study year being processed. The ages represented in the tables were also calculated and represent the inmate's age for the particular study year, creating an accurate account of active inmates for the specific year.

## REVIEW BY AGE AND STUDY YEAR

Table 1 shows the trend by age and study year. The totals show the growth of the entire inmate population from 1,746 in facility inmates in 1980 to 13,689 in 1994, a 684 percent change. The percent change for the total shows a fluctuating range from a high of 102 percent for the change from 1980 to 1983, to a low of a 24 percent change from 1986 to 1989. In addition there was a 23 percent increase in the first six months of 1994.

The top section of Table 1 shows the breakdown of all the age groups. In 1980 and 1983 more than half of the inmate population was between the ages of 10 through 29. The group of inmates between 30 and 39 followed with 28 percent of the inmate population in 1980 and 26 percent in 1983. Looking only at these two age groups, a trend becomes evident beginning in 1986. The percent of the under 30 age group shows a steady decline while the 30 to 39 age group shows an increase, surpassing the 20 to 29 age group in 1994.

The other age groups are also displaying trends of increasing percentages within the age breakdown. The group 40 through 49 has increased from 9 percent in 1980 to 16 percent in 1994. In the actual counts there was a 1338 percent change. In fact, 40 through 49 is the fastest growing of all the groups. The second section of Table 1 consolidates the age breakdowns into two groups, those under 50 and those 50 years of age and over. Although an overwhelming

TABLE 1

## Oklahoma Prison Trends: Breakdown by Age and Study Year

<i>Age Group</i>	<i>Jan 1980</i>	<i>Jan 1983</i>	<i>Jan 1986</i>	<i>Jan 1989</i>	<i>Jan 1992</i>	<i>Jan 1994</i>	<i>June 1994</i>
10 - 29	58.71	60.27	50.22	43.42	40.69	38.69	36.60
30 - 39	27.72	26.06	32.22	36.62	37.90	38.93	39.20
40 - 49	8.71	9.46	12.23	14.36	15.41	15.96	17.30
50 - 59	3.95	3.35	3.82	4.07	4.49	4.99	5.30
60 - 69	0.92	0.71	1.17	1.22	1.28	1.19	1.30
70 - 89	0.00	0.14	0.32	0.29	0.22	0.23	0.20
Total	1746	3519	5283	6553	10262	13689	16870
Percent Change		101.55	50.13	24.04	56.60	33.40	23.24
Under 50							
Percent by Year	95.13	95.79	94.66	94.40	94.00	93.58	93.11
Percent Change		102.95	48.35	23.70	55.93	32.80	22.62
50 and Older							
Percent by Year	4.87	4.21	5.34	5.60	6.00	6.42	6.89
Percent Change		74.12	90.54	30.14	67.85	42.69	32.20

SOURCE: Authors' calculations.

majority of inmates are under 50, this proportion is declining.

The patterns discussed above illustrate several points. Oklahoma's inmate population is growing at a steady rate, and certain segments of that population are growing faster than others. Since here we are concerned with those inmates 50 and older, the data show that, although this group composes only six percent of the inmates as of January 1, 1994, it is growing at a faster rate than those under 50. In addition, the groups to watch in the future are those currently between the ages of 30-39 and 40-49. These are the fastest growing segments of the inmate population, and, if the trends represented in Table 1 continue, these segments should pass forward into the older age groups as the current prisoners age and as the baby boomer population, approximately ages 31 to 49 today, pushes its way through the older age categories.

## REVIEW BY RACE AND SEX

Table 2 displays the breakdown by race of inmates 50 years of age and older during the given study year. Looking at the percentage distribution by race for each study year, we see no dramatic trends. Percentages of blacks and native Americans have declined from 1980 to 1994, blacks dropped from 24 percent to 21 percent, and native Americans from 8 percent to 6 percent. Hispanics increased slightly, from 0 to 2 percent in the same period. Whites increased from 67 percent of the ethnic and race breakdown in 1980 to 71 percent in 1994 and remain the clear majority. The breakdown by sex for inmates 50 and older has remained constant over the 14 year period with inmate population composed of approximately 94 percent males and 6 percent females.

TABLE 2

**Oklahoma Prison Trends:  
Breakdown by Race and by Sex for Inmates 50 and Older (Percents)**

	<i>Jan 1980</i>	<i>Jan 1983</i>	<i>Jan 1986</i>	<i>Jan 1989</i>	<i>Jan 1992</i>	<i>Jan 1994</i>
<b>Race</b>						
Black	24.42%	18.92%	21.35%	21.53%	21.66%	21.46%
Hispanic	0.00	2.03	1.42	1.91	2.12	2.05
Native American	8.14	4.05	6.05	5.72	5.05	5.59
White	67.44	75.00	71.17	70.84	71.17	70.89
<b>Total</b>	100.00	100.00	100.00	100.00	100.00	100.00
<b>Sex</b>						
Male	94.19%	96.62%	94.33%	97.00%	94.48%	94.31%
Female	5.81	3.38	5.67	3.00	5.52	5.69
<b>Total</b>	100.00	100.00	100.00	100.00	100.00	100.00

SOURCE: Authors' calculations.



## REVIEW BY RECEIPT AGE

Table 3 explores the possible trend of changing receipt ages for the elderly inmate. It depicts the age upon receipt into the Oklahoma prison system of each inmate who was over age 50. Over half the inmates were received into prison at the age of 50 through 59 in all study years, followed by ages 40 through 49. The age groups 30 through 39 and 40 through 49 are once again those showing increasing trends from 1980 to 1994. Age groups 50 through 59 and 60 through 69 show decreases in that period in their percentage share of the receipt age breakdown.

## REVIEW BY SENTENCE

Several sentence trends are seen in Table 4. Sentences under ten years, although increasing in number, are decreasing in the percentage breakdown within each period. In 1980, the under ten year sentence constituted 53 percent of the total sentenced, while in 1994 the percentage is only 45 percent. The sentence increasing by the largest percent is the over 20 years. Life and life

TABLE 3

**Oklahoma Prison Trends:  
Breakdown by Receipt Age for Inmates 50 and Older (Percents)**

<i>Age at Receipt</i>	<i>Jan 1980</i>	<i>Jan 1983</i>	<i>Jan 1986</i>	<i>Jan 1989</i>	<i>Jan 1992</i>	<i>Jan 1994</i>
10-29	1.18%	1.35%	1.07%	1.37%	2.28%	2.16%
30-39	3.53	4.05	3.91	4.37	5.04	7.29
40-49	24.71	16.89	18.51	24.32	25.53	26.31
50-59	55.29	62.84	57.30	53.55	52.52	51.37
60-69	15.29	12.84	14.59	13.66	12.20	10.71
70-79	0.00	2.03	4.63	2.46	2.28	2.05
80-89	0.00	0.00	0.00	0.27	0.16	0.11
Total	100.00	100.00	100.00	100.00	100.00	100.00

SOURCE: Authors' calculations.

TABLE 4

**Oklahoma Prison Trends:  
Breakdown by Sentence for Inmates 50 and Older (Percents)**

<i>Sentence</i>	<i>Jan 1980</i>	<i>Jan 1983</i>	<i>Jan 1986</i>	<i>Jan 1989</i>	<i>Jan 1992</i>	<i>Jan 1994</i>
Low-10 Years	53.49%	57.43%	58.16%	46.32%	44.48%	45.39%
20 Years-High	29.07	26.35	26.60	32.15	34.90	33.45
Life	16.28	14.86	14.18	19.62	18.34	18.32
Life Without Parole	0.00	0.68	0.35	0.27	0.32	1.14
Death	1.16	0.68	0.71	1.63	1.95	1.59
Total	100.00	100.00	100.00	100.00	100.00	100.00

SOURCE: Authors' calculations.

without parole for those 50 and older also showed slight increases of 2 and 1 percent while the death sentence remained relatively constant. All of these percentage changes, it must be remembered, are calculated on a rapidly growing base population. These changes indicate then that, not only is the 50 and older population growing in number, it is also receiving longer sentences, further adding to the implications of the aging inmate population.

#### REVIEW BY STATUTE

The tables in this section illustrate the changes in crime patterns over the years of study. Table 5 represents the statute groups broken down by violent crime, property crime, and other nonviolent crime, including driving under the influence (D.U.I.), controlled substance and sex offender statutes. The totals found on this table are lower than the previous totals because not all possible statutes have been included in this study.

The breakdown for inmates 50 and older based on statute groups has changed from 1980 to 1994. In 1980, 70 percent of inmates had committed violent crimes, followed by property and other nonviolent crimes. The trend from 1980 shows the violent and property crimes percents declining. Other nonviolent crimes, however, have increased.

The percentage change within each statute from one study year to the next is erratic. Violent crimes show a relatively steady decrease in percent

TABLE 5

**Oklahoma Prison Trends:  
Breakdown by Statute Group (Percents)**

<i>Statute</i>	<i>Jan 1980</i>	<i>Jan 1983</i>	<i>Jan 1986</i>	<i>Jan 1989</i>	<i>Jan 1992</i>	<i>Jan 1994</i>
<b>Violent</b>						
Percent by Year	69.70%	54.55%	55.51%	59.72%	46.54%	41.80%
Percent Change		43.48	90.91	36.51	40.70	35.95
<b>Property</b>						
Percent by Year	16.67	19.01	13.66	11.81	6.92	14.99
Percent Change		109.09	34.78	9.68	5.88	227.78
<b>Other Non-Violent</b>						
Percent by Year	13.64	26.45	30.84	28.47	46.54	43.20
Percent Change		255.56	118.75	17.14	195.12	40.50
<b>Total Prisoners</b>						
Percent Change	66	121	227	288	520	787
		83.33	87.60	26.87	80.56	51.35

SOURCE: Authors' calculations.

change averaging approximately 40 percent per year (except 1983 to 1986). Property statutes showed a high percentage increase of 228 percent in 1994, and a low 6 percent change for 1989 to 1992. Other nonviolent crime is also erratic, showing a 256 percent increase between 1980 and 1983, and only a 17 percent gain in 1986 to 1989.

Table 6 addresses the violent crime category in more detail. Violent crimes are broken down into five types: assault, murder, manslaughter, robbery, and rape. Reviewing the percent breakdown by type of violent crime within each type, the data show a positive percentage change from 1980 to 1994 for assault and rape. The percent of violent crime represented by murder remained relatively constant over the years, with declines in manslaughter and robbery.

Of violent crime in 1994, the major type committed is murder, composing 42 percent of the violent crime category, followed by rape, robbery, assault, and manslaughter.

Turning to property crimes (see Table 7), we see that, in 1980, 64 percent property crimes were attributed to larceny, 27 percent to burglary and 9 percent

**TABLE 6**  
**Breakdown of Violent Crimes by Statute Type and Study Year**  
**Inmates Aged 50 and Older (Percents)**

<i>Violent</i>	<i>Jan</i> <i>1980</i>	<i>Jan</i> <i>1983</i>	<i>Jan</i> <i>1986</i>	<i>Jan</i> <i>1989</i>	<i>Jan</i> <i>1992</i>	<i>Jan</i> <i>1994</i>
<b>Assault</b>						
Percent by Year	4.35%	9.09%	11.90%	13.37%	12.40%	11.25%
Percent Change		200.00	150.00	53.33	30.43	23.33
<b>Murder</b>						
Percent by Year	41.30	37.88	34.92	36.05	39.67	41.64
Percent Change		31.58	76.00	40.91	54.84	42.71
<b>Manslaughter</b>						
Percent by Year	15.22	24.24	23.81	13.95	9.50	9.73
Percent Change		128.57	87.50	-20.00	-4.17	39.13
<b>Robbery</b>						
Percent by Year	23.91	13.64	19.05	19.77	20.25	16.72
Percent Change		-18.18	166.67	41.67	44.12	12.24
<b>Rape</b>						
Percent by Year	15.22	15.15	10.32	16.86	18.18	20.67
Percent Change		42.86	30.00	123.08	51.72	54.55
<b>Total</b>						
Percent by Year	100.00	100.00	100.00	100.00	100.00	100.00
Percent Change		43.48	90.91	36.51	40.70	35.95

SOURCE: Authors' calculations.

to forgery. The counts associated with these percentages are small, allowing small changes to result in large percentage changes. As a result, general patterns should not be inferred, with the exception that larceny and burglary compose the larger percentages of property crime each year.

There is a relatively large overall increase in property crime with a percent change from 1992 to 1994 of 228 percent. The majority of the increase can be credited to changes in larceny, followed by forgery. Both show a higher number of older prisoners committing the crimes.

The last category is other non-violent crime by inmates 50 years old and

TABLE 7

**Breakdown of Property Crimes by Statute Type and Study Year  
Inmates Aged 50 and Older (Percents)**

<i>Crime</i>	<i>Jan 1980</i>	<i>Jan 1983</i>	<i>Jan 1986</i>	<i>Jan 1989</i>	<i>Jan 1992</i>	<i>Jan 1994</i>
Property Burglary						
Percent by Year	27.27%	39.13%	48.39%	32.35%	69.44%	38.14%
Percent Change		200.00	66.67	-26.67	127.27	80.00
False Ck.						
Percent Change	0.00	0.00	0.00	0.00	5.56	0.00
Percent by Year						-100.00
Forgery						
Percent by Year	9.09	13.04	9.68	5.88	5.56	10.17
Percent Change		200.00	0.00	-33.33	0.00	500.00
Larceny						
Percent by Year	63.64	43.48	32.26	55.88	8.33	44.92
Percent Change		42.86	0.00	90.00	-84.21	1666.67
Stolen Vehicles						
Percent by Year	0.00	4.35	9.68	5.88	11.11	6.78
Percent Change			200.00	-33.33	100.00	100.00
Total	100.00	100.00	100.00	100.00	100.00	100.00
Percent Change		109.09	34.78	9.68	5.88	227.78

SOURCE: Authors' calculations.

older shown in Table 8. The most prominent finding in this data is the growth of sex offenses by the elderly. In 1980 and 1983 there were only two cases each year. In 1994 there are 205 sex offense crimes, contributing to 60 percent of other non-violent crime for the inmate 50 and older. The individual statute contributing to this category is lewd or indecent proposal or acts to a child. In addition to higher elderly crime, the rise in this crime can probably be attributed to the higher profile and prosecution of this type of crime. The other area showing a growth trend is controlled substance. In 1980 controlled substance crime accounted for only two cases. In 1994 it accounted for 87 offenders, or 26 percent of all other non-violent cases.

## HEALTH CARE COSTS AND AGING INMATES

Given the increasing population of inmates 50 and over in Oklahoma prisons detailed above, we must ask what the budgetary implications for the state might be. Spending on elderly inmates can be devoted to special recreational, dietary, security, and facility requirements and total millions of dollars otherwise assignable to other state programs or left in taxpayers pockets. However, the area of greatest probable need and future expenditure facing correctional officials everywhere is health care.

We sent mail surveys to all fifty state departments of corrections or their equivalents and received responses from thirty-one. Of those responding, twenty-seven said that medical needs and related factors were the most important or significant variables with respect to their costs for aging inmates. Yet twenty-two indicated that their states do not currently have programs or policies spe-

**TABLE 8**  
**Breakdown of Other Non-Violent Crimes**  
**by StatuteType and Study Year**  
**Inmates Aged 50 and Older (Percents)**

<i>Crime</i>	<i>Jan 1980</i>	<i>Jan 1983</i>	<i>Jan 1986</i>	<i>Jan 1989</i>	<i>Jan 1992</i>	<i>Jan 1994</i>
<b>Other Non-Violent</b>						
D. U. I.						
Percent by Year	55.56%	81.25%	81.25%	34.15%	16.94%	14.12%
Percent Change		420.00	50.00	-28.21	46.43	17.07
<b>Controlled Substance</b>						
Percent by Year	22.22	12.50	14.29	23.17	22.13	25.59
Percent Change		100.00	150.00	90.00	184.00	61.11
<b>Sex Offender</b>						
Percent by Year	22.22	6.25	30.00	42.68	60.74	60.29
Percent Change		0.00	950.00	66.67	320.00	39.46
<b>Total</b>						
Percent Change	100.00	100.00	100.00	100.00	100.00	100.00
		255.56	118.75	17.14	195.12	40.50

SOURCE: Authors' calculations.

cifically directed toward the needs of those inmates, presumably because current budgets are so tight and tomorrow can be worried about tomorrow.

The problem is real. Edith Flynn cites a 1980 U.S. Department of Justice finding on future needs for medical treatment of aging inmates in federal prisons. The study reported that older inmates will "have many chronic health problems requiring specialized, continuous health care, including special diets, pharmacy services, physical therapy, skilled nursing care, and other supportive services" (Flynn 1992).

These needs will cost substantially more than those of the nonelderly population. The Illinois Department of Corrections estimated in 1994 that geriatric inmates cost 50 percent more to imprison than nongeriatric, with most of the difference attributable to medical needs (1994). Another study cited by Durham stated that "the elderly convict suffers from an average of three chronic illnesses, tripling the costs of his care from a yearly average of \$23,000 to over \$70,000" (Durham 1994).

Precise prediction of future medical costs for inmates 50 and over is virtually impossible. This is due, among other factors, to the current instability of the health care market, inadequate record-keeping within the correctional system, and changing policies in response to political and economic pressures associated with an aging population generally, and in prison. The best researchers can do is to propose alternative scenarios to provide guidance and ideas to other analysts and to policymakers (Patton and Sawicki 1993).

Scenarios have an important role in policy development, implementation, evaluation, and decision making. According to Patton and Sawicki, they are helpful "to describe future states of the world in which one or more alternatives are being implemented" (1993, 313). They "help the analyst think about political problems and pitfalls in a realistic way" (1993, 315). Scenarios can project qualitative and quantitative trends and variables in meaningful ways to clarify and highlight potentially vital concerns.

The Federal Bureau of Prisons (BOP) provided one such scenario concerning health care costs for aging inmates in 1989. Its study identified projected costs of four categories of illnesses generally associated with inmates 50 and over: two forms of cardiac disorder and two forms of hypertension disorder (BOP 1989). According to the study, "[t]reating these four medical problems consumes one-third of the annual budget for outside care" (BOP 1989). As Table 9 demonstrates, a roughly 60 percent expected increase from 1988 to 2005 in federal inmate population 50 years old and over with these four conditions translated into an \$87 million increase in costs in inflated health care dollars. While the assumptions underlying the projected cost increases are certainly debatable, the exercise nevertheless highlighted for federal officials a possible

**TABLE 9**  
**Projected Bureau of Prisons Population Age 50 & Over,**  
**the Number Having Four Types of Medical Problems**  
**and Projected Annual Cost for Outside Care to Treat Them**

<i>Year</i>	<i>July Proj. Population 50+</i>	<i>Percent of Population 50+</i>	<i>Cardiac I</i>	<i>Cardiac II</i>	<i>Number Hyper I</i>	<i>Number Hyper II</i>	<i>Outside Cost in 1988 Dollars</i>	<i>Care with 14% Inflation</i>
1988	5014	11.748	426	178	632	374	\$6,731,000	\$0
1989	5043	11.570	427	178	635	376	6,750,000	7,695,000
1990	5086	11.471	430	179	639	378	6,792,000	8,826,883
1991	5147	11.416	433	181	645	383	6,857,500	10,159,688
1992	5234	11.440	438	183	655	388	6,943,000	11,726,450
1993	5398	11.649	449	187	672	398	7,114,000	13,697,399
1994	5526	11.786	457	190	687	403	7,236,500	15,883,919
1995	5651	11.924	465	193	701	415	7,381,500	18,470,497
1996	5761	12.044	473	196	714	423	7,510,500	21,424,350
1997	6078	12.620	494	204	749	444	7,852,000	25,534,300
1998	6307	13.027	510	210	776	460	8,112,000	30,072,979
1999	6553	13.470	528	217	804	477	8,398,500	35,494,012
2000	6807	13.938	546	223	834	495	8,683,500	41,836,277
2005	7930	16.055	637	259	974	577	10,120,500	93,882,456

SOURCE: BOP, 1989.



future and the need to plan for undoubted expenditure increases if action were not taken.

A similar scenario can be prepared for Oklahoma corrections. Using the population projections of the Oklahoma Department of Corrections (ODOC 1994) in Table 10 we can begin with estimated inmates from 1994 through 2001. The 1994 number is the actual population as of January 1, 1994; as we recall from Table 1, it had swelled to 16,870 by June 28, 1994. We can then estimate the size of the inmate population aged 50 and over by starting with the actual percentage of inmates 50 and over on January 1, 1994 and increasing that percentage each year through 2001 by the mean annual percentage rise of 0.5 percent in that population experienced by the ODOC between 1983 and 1994, the years of steady increase. Multiplying the estimated overall population by its estimated percentage 50 and over gives us an estimate of the population 50 and over each year through 2001.

Of immediate note here is the increase in the inmate population 50 and over to a larger size than the entire inmate population in 1980. Even conservatively assuming a constant mean increase in its percentage of the total inmate population rather than the growing rates of increase actually seen since 1983, the inmates 50 and over will rise to 2,400 by 2001 if nothing is done to reverse the trends. In 1980 the total inmate population was "only" 1,746. In effect, the costs and concerns of the entire correctional system in 1980 will likely be more than matched simply by inmates aged 50 and over, with their greater needs and expenditures. As discussed, one of the greatest needs will be health care.

To calculate how many aged 50 and over will need additional health care, we apply a conservative estimate of 30 percent of the total estimated elderly population. This is based on the percentages used by the BOP in its 1989 study and is, in fact, slightly less than its estimated percentage of inmates 50 and over needing care for the four conditions outlined there. The intent is to use an estimate that will be based on credible supposition previously documented by other researchers. The 30 percent calculation gives us a likely underestimate of the actual future numbers.

Similarly, we use the BOP study as a base for likely health care costs. We assume that the cost per inmate 50 and over will not exceed the mean \$4,181 found in 1988 for the four treatment areas in the BOP analysis and then inflated at 10 percent a year through 1994 and to 2001. The effect, again, is to be conservative in estimated costs as clearly more than the four medical problems discussed by BOP can be expected. Moreover, a 10 percent inflation rate in health care costs has frequently been exceeded in recent years and is less than the BOP analysts used in their study.

TABLE 10

**Estimate of Additional Outside Care Health Costs  
for Oklahoma Aged Inmates  
1994 - 2001**

<i>Year</i>	<i>Total Inmates</i>	<i>Percent of Total Pop 50 &amp; Over</i>	<i>Percent of Inmates 50 &amp; Over</i>	<i>Number Needing Health Care</i>	<i>Outside Care Costs</i>	<i>Total</i>
1994	13,689	6.4	879	264	\$7,441	\$1,964,424
1995	18,690	6.9	1,290	387	8,185	3,167,595
1996	19,895	7.4	1,472	442	9,004	3,979,768
1997	21,045	7.9	1,663	499	9,904	4,942,096
1998	21,895	8.4	1,839	552	10,894	6,013,488
1999	22,697	8.9	2,020	606	11,984	7,262,304
2000	23,310	9.4	2,191	657	13,182	8,660,571
2001	24,002	9.9	2,376	713	14,500	10,338,500
TOTAL						\$46,328,649
1995 - 2001						\$44,364,225

SOURCE: Authors' calculations.

Multiplying the estimated population 50 and over needing extra health care by the estimated inflated costs provides us with very conservative estimates of the increase to state corrections budgets predictable from its growing aging population. By 2001, costs over 1994 will be more than five times greater, and the total costs of the eight year period will add over \$46 million to the state budget to the extent that the assumptions underlying the scenario hold.

We realize that the preceding exercise is at best an informed guess. However, it is based on demonstrably reasonable assumptions that are similar to other accepted projections and are, in fact, very likely to be underestimating overall increases, *ceteris parabus*. The point is not to fix an exact total but to demonstrate the potential enormity of the impact of the growing aging population on state resources. Faced with this or other possible scenarios, state analysts and policymakers must begin to consider less expensive alternatives to imprisonment for offenders aged 50 and over. Or it must find alternatives to the

public services displaced by their incarceration and the special facilities (and even more funding) necessary to maintain the inmates. Failure to provide adequate health care will, of course, leave the state subject to potentially greater costs through resulting litigation and court judgments.

## CONCLUSION

The steady and growing aging of the inmate population in Oklahoma poses hard questions to states and decisionmakers, just as an aging population has raised for the entire nation. A variety of factors discussed herein continue to push inmates generally, and inmate populations aged 50 and over specifically, higher and higher. The impact of legislation currently being considered is not yet knowable. Therefore, projections of the future costs of Oklahoma prisons must begin with the current trends and estimate their continued consequences. The scenario put forth in this study makes reasonable, if debatable, assumptions about health care costs and populations into the next century and projects substantial expenditure increases. If state policymakers understand the potential enormity of those costs, under any of many possible scenarios, they can plan action which will nullify the projections and save money for other public or private purposes. For example, as the Department of Corrections plans less expensive community incarceration and other alternative sanctions, it may direct special attention to long-term inmates past the common age of most criminal activity. Or, as the department plans new prisons, the special needs of the elderly inmates in the area of recreation, health care, dietary requirements, and, in general, the aid to daily living, may be taken into account in the facilities. If they do not take appropriate actions, the dollars allocated to correctional programs for aging inmates will continue to increase as dramatically as the number of such inmates themselves.

## NOTE

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Eldon J. Eisenach, *The Lost Promise of Progressivism*. (Lawrence, Kansas: University Press of Kansas, 1994) pp. 291. \$27.95 ISBN 0700606254

**The recent resurgence of conservatism** in national politics, accompanied by pronouncements of the “death of liberalism,” marks a shift in American politics away from the course charted by the New Deal and Great Society programs of the past sixty years. To evaluate the significance of this shift it behooves students and observers of politics to understand the intellectual origins of progressivism in the writings of late nineteenth and early twentieth century progressives and the influence of progressivism on liberalism’s emergence and its supposed demise.

Presuming an in-depth understanding of progressive literature on the part of the reader, Eldon Eisenach seeks “to restore intellectual, moral and institutional coherence to the new ideas and new identities called into being by progressive intellectuals and reformers” (pp. 2-3). Eisenach identifies nineteen influential, mostly academic, writers who sought to redefine the way Americans view our moral, social, economic, and political life.

These progressive intellectuals created new ideas, institutions, networks, publicity techniques and opinion shaping organs based on common bonds of religion, region, cosmopolitanism and anti-party attitudes. The overwhelming majority were protestant, lived in what Eisenach calls the “core” (an industrial axis from New York to Chicago), had studied in Germany, and had ties to the “anti-party” reform wing of the Republican party.

Deeply critical of the prevailing “old regime” of a rights-based language of constitutional law, local democracy, local economy, national courts, coalitional parties, and individualism; these progressives sought a new view of American nationality based on inner character, shared values, spiritual progress, social knowledge, and an active virtue in civic life articulating ideas of national good. In their view, good citizens shared common ends and integrated those ends into their individual lives, including their rights claims.

The “new regime” emerged in voluntary institutions claiming national public good outside of established formal governing institutions. New cultural, intellectual, religious, and journalistic institutions in the form of universities, academic and professional associations, inter-church boards and societies, and mass circulation monthly magazines interwove to challenge the assumptions of the defenders of the old regime in the “periphery” (the backward agricultural south and west), and supplant their vehicle, the mass political party.

For progressives, party government meant compromise of principle, medi-

ocracy, and inferiority. A good partisan could not be a good citizen. Purging state and local governments of the parochialism and corruption associated with parties through reform measures such as direct primaries, short ballots, and non-partisan and city manager forms of local government would allow the emergence of truly national parties by destroying coalitions of separate local interests.

National parties held together by principle were the only effective means of reform through articulating a "new" public opinion. Public opinion was transformed from collections of individual preferences into an "engine of social control and transformation...constituting the standards, codes, policies, ideals, tastes, faiths and creeds of society" (pp. 74, 75). Thus a new "National Religion" was created, with the university lectern as pulpit.

One chief article of progressive faith was that "laissez faire is unsafe in politics and unsound in morals" (p. 139). Laissez faire stood as a barrier to an emerging social ethic. In the view of progressives, huge industrial combines and monopolistic trade unions in the core could better inculcate wage laborers with civic virtue, competence and cooperation, than hundreds of isolated and under-capitalized farms or little shops in the periphery. Economic structures such as pools, trusts, and monopolies drove innovation and economic growth generating the social surplus to invest in society to insure future growth.

These structures were encouraged because they helped break down the division between individual and society. Large financial, business, and industrial corporations were the only institutions outside of universities willing to reward training, loyalty, and self-discipline. Right acting and successful trusts were essential to the achievement of any vision of the national public good.

Another article of faith for the progressive centered on a redefinition of personal freedom. Rejecting the old regime concept of rights and individualism as the basis for American national democracy, progressives argued that self government was not the origin of government but the goal to be reached by means of government.

A generalized individualism is connected to the democratic liberation of personal capabilities, securing for each individual a right to count in the order and movement of society as a whole. If an individual is not afforded the opportunity to discover and express one's identity in the larger society, the individual will have no choice but to be in perpetual opposition to society. In turning against others he destroys himself. The distracted and bitter individual must be a bad citizen.

Individual rights language reemerged within the framework of social duty. Society has a duty to restrict working hours and Saturday labor and laborers should demand these restrictions as a right so as to use leisure time for self-help,

self-improvement and voter education which benefits society and the worker. Society has a duty to encourage, and workers the right to form, trade unions so as to make individual workers loyal, enlightened, competent citizens. Society should provide compulsory schooling, and every child has a right to an education as it is a prerequisite for self government.

For Eisenach the end of progressivism comes with the 1912 election of Woodrow Wilson. Ironically this is when progressivism was reaching its zenith in terms of public acceptance and influence. All three major parties, Democratic, Progressive, and Republican urged progressive measures to a greater or lesser degree. Wherever one looked progressive reform measures were taking hold, ranging from new municipal government to the regulation of railroads and coordinated international trade policy to higher and enforced standards governing the relationship between business and government.

Progressivism's end was hidden in the fact that with the election of Wilson and the Democrats, the periphery reasserted itself by using the newly expanded resources of the federal government to subsidize and preserve the values and way of life that had previously been protected by the old regime. Had it not been for war preparedness brought on by World War I, the national government under Wilson might have been transformed into the equivalent of a gigantic patronage political party using the resources of the industrial core as "manna from heaven" to subsidize its peripheral electoral clientele.

This, then, is the transformation of progressivism to New Deal liberalism, described by Eisenach as the "revenge of the periphery." Wilsonian progressivism, anchored in the old regime, was coupled with the new regime emphasis on large national economic aggregations of power, producing a democracy of "elite consensus" or "the liberal establishment." Progressive institutions in the national government and the economy were preserved and augmented by New Deal legislation, but the high minded ideals of the "national religion" were discarded and replaced with the reassertion of old regime "rights talk."

As with any book there are things with which to quibble. The book is not easy to read. Its jargon-laden tenor makes it difficult to follow. In terms of method, the nineteen influential progressive intellectuals cited were included on the basis of subjective criteria; in order to be selected, the author's textbooks had to be reprinted for an extended period of time and the author had to be discussed in three widely diverse books examining social reform. One might question why others, such as Upton Sinclair, whose works were very influential then and were continually published for many years, were not included.

Taken as a whole Eisenach's work gives great insight into the development of progressive public doctrine. The book laboriously explains the distinctions between the underlying assumptions of populism, progressivism and liber-



alism. All too often the profound differences between the three are overlooked in order to simplify them on a contemporary left-right continuum. Eisenach reminds us that progressives set the tone for future political discourse in America.

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Gregory M. Scott and Stephen M. Garrison, *The Political Science Student Writer's Manual*. (Englewood Cliffs, N.J.: Prentice Hall, 1995) pp. 302. \$20.00 ISBN 0130606340

**In their note to professors** adopting this manual, the authors, Gregory M. Scott, a political scientist, and Stephen M. Garrison, a professor of English, ask “How many times have you assigned papers in your political science classes and found yourself teaching the class how to write the paper — not only content, but form and grammar as well” (p. xv)? They offer their book as a remedy. That it is not a remedy is no fault of the manual itself.

A manual, according to my dictionary, is a handbook, “a book containing in concise form the principles, rules, and directions needed for mastery of the art, science, or skill” (*Webster's Third New International Dictionary*). The art described in this manual is political science writing and the “principles, rules, and directions” are on writing *per se* (the two chapters in Part One), on doing research (the five chapters in Part Two), and then quite specifically on eight different types of political science papers (presented each in a separate chapter in Part Three).

Part One, on the basics of writing and Part Two, on research techniques, format, bibliographic style, etc., are handy distillations of principles. Frankly, I would prefer any of the more comprehensive manuals used in college composition courses; and, for writing style, even a dog-eared copy of Strunk and White would do. But the basics are here, they are accessible, and the special merit of this manual is that they are aimed at developing in students an appreciation that writing is central to their future professional lives as political scientists. As the authors say, “the act of writing [is] not... an empty exercise undertaken only to produce a grade, but... a powerful learning tool, as well as the primary medium by which political scientists accomplish their goals” (p. xiii).

For professors of political science, Part Three is where this book really begins. The authors point out that “This text... allows you to assign one of the papers explained in Part Three with the knowledge that virtually everything the student needs to know, from grammar to sources of information to citing sources, is here within one book” (p. xv). In each chapter of Part Three the authors describe the purpose and characteristics of a given type of paper, describe steps for writing it, and suggest an appropriate format. Thus, assigning a paper is as simple as deciding what type of paper one wants. Is it to be a book review? Refer students to Chapter 8. A traditional research paper? That's Chapter 9. 1

Political analysis papers are described in chapter 10, position papers in 11, policy analysis, administrative case studies, case briefs, and public opinion surveys in Chapters 12 through 15 respectively. Professors can assign the paper and proceed forthwith with their own course content.

Within each of these chapters, Scott and Garrison provide a definition of the specific type of paper (e.g., “Policy analysis is the examination of the components of decision to enable one to act according to a set principle or rule in a given set of circumstances [a policy],” p. 214), an operational statement of that definition (“A policy analysis paper evaluates a decision by reviewing current and potential government policies,” p. 222), a statement of what one might call the real-world uses of that specific type of paper (“The objective of a policy analysis paper is to inform policy makers about how public policy in a specific area may be improved,” *ibid.*), and examples of it (e.g., the Brownlow Commission Report and the Report of the Commission on Health Care Reform, pp. 213-214). Then, in true manual fashion, they set forth a step-by-step guide on preparing and presenting the type of paper. Throughout, the emphasis is upon professional applications. Thus, the chapter on case briefs says nothing about doing a classroom brief of a Supreme Court case, the entire discussion being on *amicus curiae* briefs prepared by those who, in the broader world of politics, would submit their views to the Court.

Without referring to it as such, these chapters offer also some of the politics of doing political science writing and some of the science of writing about politics. “Policy analysis,” for instance, “is never completely ‘technical.’ It is conducted within and immediately affected by numerous currents of political influence” (p. 213) — and as an instance of this, the authors cite the pressure group and media activity around the work of the Task Force on National Health Care Reform. “Policies almost always arise from genuine needs,” they say, “but they often reflect the needs of one part of the population more than others” (p. 227), — and with this warning they admonish writers to take the social, physical, economic, and political environments into account as they do policy analysis (*ibid.*) and to be scrupulously honest in reporting them. “*Never omit important factors merely because they tend to support a perspective other than your own*” [Authors’ emphasis, p. 223].

A position paper, by contrast, entails advocacy and problem-solving. Here, a writer “takes a *position* on how to solve a particular problem” (author’s emphasis, p. 196) — and though they are not clear on it, that is presumably the ground upon which the authors commend the position paper for use in introductory classes. Even so, it is for its political use beyond the classroom that we assign such a paper: “A position paper is ... an entirely practical exercise... The

object is to persuade a public official to take the course of action you recommend” (p. 196).

The authors address the science of political science one small piece at a time, integrating discrete bits of methodology into the actual process of student writing. They incorporate benefit-cost analysis, for example, into their discussion of how to do policy analysis and how to write position papers. In telling how to do political analysis, they describe the practical uses of systems analysis, structural-functional analysis, analysis of the state, and decision-making analysis. A treatment of sample selection, questionnaire construction, and data analysis is found in the chapter on public opinion survey papers and some of the basics of legal research are in the chapter on case briefs. In this manner, the authors take a step in the direction of making method a useable, practical tool rather than an abstraction — and that is much to be praised.

However, having armed our students with a manual, are we better off than before? Realistically speaking, once adopted, the manual must then itself be taught — either that, or ignored by the professors, be likewise ignored by the students. Were we to teach the manual, course content would have to give way — which may explain why many of us assign what the authors call a “traditional research paper” and let it go at that. This paper, the generic academic paper, appropriate to many subject matter fields, is taught in the basic composition course because it is generic; and presumably our students learned there how to write it. Since it has already been taught, we can assign it in our courses and, hardly missing a beat, get on with content.

A point underlying this manual, however, is that political science writing is not generic, that it has its own kinds of papers, a large number of them, and that a truly professional preparation of our students would at least introduce and practice some of the papers in their variety. Professionally speaking, writing is content.

A faculty might agree to teach political science writing in the Introduction to Political Science course; they might agree to adopt this manual for that purpose and require that students add it to their professional “kits;” and they might then agree to refer to this manual as standard when they assign writing in their own courses. It is presumably with this use in mind as a textbook in Introduction to Political Science courses that the authors have opened the book with an otherwise incongruous and distracting introduction on the discipline of political science, a twenty-three page history and overview of the field, only one section of which — that on testing hypotheses - has anything to do with writing — and how even that is so is not there made clear. Whether a faculty can agree to treat the Introduction to Political Science course as such a basic “tools” course is

is quite another matter. So, too, is the question whether that course should be made prerequisite to all others — or, in some departments, whether it should even be offered early enough in the undergraduate program to make it foundational for other courses.

Which brings us back to where we started. Some instructors may decide to adopt this manual as supplement in their individual courses. Those who do will have to teach it on their own and it will inevitably intrude upon “content.”

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Greg Russell, *John Quincy Adams and the Public Virtues of Diplomacy*. (Columbia and London: University of Missouri Press, 1995) pp. 295. \$42.50 ISBN 082620984X

**John Quincy Adams** was the quintessential public servant. His career as an author, ambassador, senator, president, and, lastly, congressman, was marked by a willingness to serve, not pander to, the American public. His constant pursuit of what he considered to be the public welfare often left him at odds with his political party, colleagues, and friends. His public actions can only be understood in light of his carefully considered political theory.

Although much has been written about Adams, Greg Russell's work fills a gap in the literature by, in his words, "bringing together Adams's political and literary careers, by looking at his statesmanship as an expression of distinct intellectual and diplomatic traditions. Foremost among these was Adams's reliance upon the classical and Christian backgrounds of American constitutionalism" (p. 6).

Russell begins his book with an overview of Adams's life and accomplishments. The chapter is a useful introduction for readers who do not know much about Adams, but it will also be of use to experts because of its analysis of his intellectual development. Russell then provides a detailed discussion of Adams's political ideas, with a special emphasis on his moral theory. Regarding the latter, he convincingly demonstrates that Adams's religious views led him to accept a strong version of natural law upon which he based his theory of international law and natural rights.

The core of Russell's book is an examination of how Adams's political theory relates to his view of international relations. Russell's arguments are too numerous and detailed to be summarized here, but one issue deserves mention. Perhaps the most interesting subject that he explores is Adams's solution to the perennial tension between idealism and realism. Adams joined the idealists in their firm belief that statesmen should take morality seriously. Like the realists, however, he recognized that humans, while capable of progress, are essentially self-interested. Therefore, steering a middle course between these two views he became, in Russell's words, a "principled realist" (p. 141).

Adams's principled realism led him to adopt a number of policy positions which, at one time or another, offended just about every American citizen. For instance, he rejected the popular moral arguments for intervention in the Latin American rebellions because he recognized that America did not have the power to do so effectively. Conversely, late in life he opposed the popular Mexican war

and eventual annexation of Texas because he thought such actions were unjust and unconstitutional.

Russell concludes his work by arguing that Adams has much to teach us today. On a theoretical level, he provided carefully considered arguments for the importance of religion and virtue in American life and politics. More practically, his insights regarding America's place in the world and the proper relation between morality and power politics are worthy of consideration by contemporary international theorists and policy makers.

Russell's book is well-written, thoughtful, and engaging. He might have been more critical of Adams at times, but on the whole he provides a balanced treatment of the statesman. One minor weakness of the work is its lack of discussion of the relevant secondary literature on American political theory, especially that on the classical republican tradition. Yet this weakness pales in light of the volume's many strengths. Overall this book makes an important contribution not only to the literature on Adams but also to that on American history, politics, and theory.

Mark Hall  
East Central University

Richard Lowitt, ed., *Politics in the Postwar American West*. (Norman, OK: University of Oklahoma Press, 1995) pp. 50. \$19.95 ISBN 0806127414

*Politics in the Postwar American West* is a collection of works by prominent historians and political scientists representing nineteen Western states. Authors were allowed to focus on a single key event in the recent political life of their state (such as an election), a single theme which dominates the politics of the state over time, or a more general analysis of the political evolution in their state in the period since 1945. This diversity of focus is the source of both the strengths and weaknesses of this volume: because the authors are given wide latitude in shaping the content and direction of their chapters, the focus and scope of the book is decidedly uneven. However, the advantage is this structure also allows a degree of richness and detail a more unified effort might very well overlook.

Two important themes emerge from this text: the West is historically distinct from the rest of the country and it is politically distinct. Individual chapters then focus on a wide range of evidence in support of these themes. Of particular note, the text provides significant insights into a number of political themes endemic in Western politics that contribute to this distinctness: water rights; relations with native Americans; economic development; environmental politics; and tensions between roles of the federal and state governments. These explorations are the most substantive contributions made by the text. In fact, the chapters which specifically center on water rights, the environment, or which deal extensively with native Americans are among the best of the chapters to be found here. Outstanding examples include Peter Iverson's "The Cultural Politics of Water in Arizona," Peter Coates' "The Crude and the Pure: Oil and Environment Politics in Alaska," and Hoover and Emory's "South Dakota Governance Since 1945."

In addition to such issues as water rights and relations with native Americans, one of the most distinctive aspects of Western politics has been the cast of political characters to emerge from the region. Without doubt, no other region of the United States could produce personalities running the gamut from Ann Richards to Evan Meacham, or from Ronald Reagan to Jerry Brown. Sadly, *Politics in the Postwar American West* rarely captures the flair of personality so often associated with Western politics. However, there are several notable exceptions. Chapters which especially capture the personality of Western politics include those covering California politics ("A Half-Century of Conflict: The Rise and Fall of Liberalism in California Politics, 1943-1993"), Texas ("The Texas Gubernatorial Election of 1990: Claytie Versus the Lady"), and New Mexico ("The Star General, Three-Time Loser: Patrick Hurley Seeks a Senate Seat in New Mexico").

Two other chapters will be of special interest to us in Oklahoma. The Chapter on Oklahoma politics — "The More Things Change...: Oklahoma Since 1945," by Danney Goble — is one of the standout efforts in *Politics in the*



*American West*. Goble manages to work within a broad thematic framework while still including much of the depth, character and personalities which mark the politics of Oklahoma. In particular, Goble does a superior job of relating various aspects of political culture, regionalism and economic development to the changing political landscape found in Oklahoma. Goble successfully balances historic and political themes and presents them in a way which is insightful as well as interesting — a comment which does not fit all chapters in this text. This chapter is a must read for students interested in either Oklahoma politics or history. Unfortunately, this chapter went to press before the 1994 election; Goble's comments on that election would provide an interesting post-script to his chapter.

The other chapters which, in light of the bombing in Oklahoma City, is of topical interest to Oklahomans is the chapter on Idaho. Steven Shaw traces the social and political roots of white supremacist and terrorist groups most active in northern Idaho in, "Harassment, Hate, and Human Rights in Idaho." As increased media, government, public and scholarly attention has recently been focused on right wing, anti-government groups in response to the Oklahoma City tragedy, it should be noted that Shaw's chapter is one of the few recent scholarly efforts focusing on these groups which predates the events of April 19, 1995. Shaw focuses on various branches of the Aryan Nation movement including their religious, philosophical, and economic ties as well as some of their more notorious activities (including various bombings). He not only catalogues the basic structure and appeal of these groups, he also examines the political debate and backlash that accompanies discussion of such groups. This chapter is interesting and topical as well as chilling.

Despite its many strengths, there are several shortcomings in this text. As mentioned earlier, the lack of a tight thematic focus can be confusing to the reader. At various points the reader may wonder if he or she is reading a history text, a public policy primer, or a rather straightforward analysis of partisan politics and trends. In addition, the chapters are uneven in their quality. Some are excellent and provide significant insights into state politics in the region; others, frankly, are tepid and yield limited understanding. Finally, a concluding chapter by the editor, drawing together themes found throughout the text, would help leave the reader with a better sense of perspective for the work as a whole. Such a chapter would lend a sense of unity to the project, which is somewhat scattershot, as well as reiterate the common political themes which make the politics of the West distinctive.

Overall, *Politics in the Postwar American West* is a worthy effort on several levels and it deals with important subject matter. However, regardless of its merits, the book fails to fully deliver on its promise.

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Gary W. Copeland and Samuel C. Patterson, eds., *Parliaments in the Modern World: Changing Institutions*. (Ann Arbor: University of Michigan Press, 1994) pp. 50. \$ 17.95 ISBN 0472082558

**Why should this book** be reviewed by *Oklahoma Politics*? On the surface there are three reasons: (1) the book is a product of a conference on legislative institutions held at the University of Oklahoma a few years ago, (2) one of the editors is among the more prominent researchers on legislative politics currently resident in the state, (3) perhaps least known is the fact that the other editor, an internationally-renowned scholar of legislatures, started his career as a faculty member at Oklahoma State University, 1959-1961.

But a more substantial reason for considering this book is that increasingly political science is comparative in design and theoretical implications, including not only comparisons across countries and states, but also comparisons across different levels of government. The concept of legislative institutionalization, first developed in the 1960s, is an example of this. Studies of how it works in one polity can be applied elsewhere, even at different levels of government.

This relatively short book contains eight chapters, including both an introduction and a conclusion by the editors. The six country and region-specific chapters, are, with one exception, authored by prominent scholars from these areas — Philip Norton on Britain, Suzanne Schuttemeyer on Germany, Maurizio Cotta on Italy, Erik Damgaard on the three Scandinavian parliaments of Denmark, Norway, and Sweden, and Ilter Turan on Turkey. The one paper neither originally presented at the conference nor written by native scholars concerns the newly-developing democratic parliaments of Central and Eastern Europe, by John Hibbing and Samuel Patterson.

Institutionalization is a hardy concept — although — little developed since the 1960s. Here it is used basically as a synonym for “change” or “development” of legislatures in democracies, established or aspiring. As such, it rests lightly on the individual chapters of the book. More impressive is the variety of theoretical perspectives used including types of legislative responsiveness (Turkey), the significance of fundamental institutional choices of parliamentary/cabinet or congressional/presidential democracy (Central and Eastern Europe), cycles of majoritarian and consensus (centripetal) tendencies (Italy), the strength of cooperative impulses despite importance of interest groups in affecting legislation (Britain), and newly-found parliamentary assertiveness against the executive (Scandinavian countries).

Aside from the wealth of information about particular legislatures, in devel-

opmental perspective, to be gained from this volume, what do these essays have in common? For one thing, they show that not all parliamentary regimes function in Westminster fashion, with an ongoing legislative majority composed of one or more parties, subject to the possibility of the government chosen by parliament losing a vote of confidence and being replaced if cooperation and/or party discipline of the majority breaks down. Not only is there a persistent tendency for minority governments in some countries, especially the Scandinavian democracies, but in some instances the constitution makes it difficult or impossible to have an election before the next regularly scheduled one, thereby restricting dissolution as a possible alternative to a sitting government.

Another theme that emerges from this body of work is the decreasing utility of the distinction between arena and transformative legislatures, i.e., between those which merely reflect partisan debate without having much impact on the direction of government and those which can affect policy. The Italian, British, German, Scandinavian, and Central and East European cases indicate that legislatures are not helpless in the face of overwhelming outside forces such as executives and disciplined parties, even if their independence does not rival that of most legislatures in the United States. One unresolved issue, however, is the relative contribution of such elements as parties, electoral systems, bicameralism, decentralization of politics (whether it is called federalism or not) and political leadership to the nature of legislatures. Different chapters emphasize different variables.

The chapters usually compare legislatures with their own previous practices rather than with other legislatures. A broader theoretical orientation would examine legislatures on several different dimensions, such as cooperation versus conflict (among parties, chambers, in relations with the executive, and with other levels of government), individualism versus group-induced behavior (whether party, interest group, or chamber), recruitment and turnover (including societal sources of legislators, how frequently they are replaced, and why), internal structure (the role of committees, methods of selection and powers of leadership) and what effects these variables have on legislative behavior and public policy. The ultimate aim of such an exercise is to determine how much relative power each legislature possesses both within and across politics.

For instance, the chapter on Scandinavia does not even mention that these legislatures have been increasing their women members to the point that now they are three of the top four in the democratic world in percentage terms. Does that have any influence on legislative behavior, as feminist scholars (see Sue Thomas, *How Women Legislate*) have contended? Only four of the six chapters, those on Germany, Italy, Turkey, and Central and Eastern Europe, contain information, sometimes fragmentary, about legislative recruitment or

turnover. Similarly, Cotta's argument about cycles in the Italian parliament needs to be compared, both in terms of concepts and time periods, with development elsewhere.

Schuttemeyer makes a striking argument that the tendencies toward cooperation in the German parliament are stronger than ideological differences of the parties and the formal institutionalization of federalism within the legislature through the frequent need for policy approval from the upper house, the *Bundesrat*, which is often in opposition hands. Her figures about the lack of defeats in the *Bundesrat* and how parties vote on second and third readings there beg to be compared with Norton's well-known data on parliamentary dissent in Britain and Richard Rose's contention that patterns of votes on second and third readings show British government to be more consensual of legislation that may suppose. But such a comparison will not be found in this book because Norton's chapter, as noted above, goes in a different direction.

Nevertheless, this book makes a useful contribution toward resurrecting the field of comparative legislative studies, rather moribund since its heyday in the 1970s. Events in the 1990s have provided further impetus which may herald a renewed interest in this subfield. Democracy has continued to survive in the former Eastern bloc countries, and some of them have had changes of government. The Italian party and electoral systems have been transformed. The status of democracy in Turkey continues to be uncertain. The Free Democratic Party may be on the verge of disappearing as a legislative force in Germany. It will be interesting to see how developments such as these, and others elsewhere (Japan, Canada, New Zealand, and the United States spring to mind) affect the performance of legislatures.

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## AUTHOR'S NOTES

**Rita S. G. Anderson, M.S.**, has held numerous positions in emergency management, as chair of the Kay County Local Emergency Planning Committee, member of the Alliance for Uniform Hazmat Transportation Procedures for the U.S. Department of Transportation, Region VI Secretary of the National Coordination Council of Emergency Managers, liaison to the Alliance for Uniform Hazmat Transportation Procedures, and environmental officer for the Kaw Indian Tribe. She is currently a consultant and grants writer in Louisiana.

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## REVIEWERS

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

Jerry Boyer

John Conant

James Davis

Rebekah Herrick

Stephen King

James Lawler

James Lester

Gary Moncrief

Brian Rader

Harjit Sandhu

Philip Simpson

John Ulrich

Joseph Van Ness

Karen Youngblood





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