Oklahoma Politics

OKLAHOMA POLITICS

ARTICLES

BOOK REVIEW SECTION

THE ROLE OF PARTISANSHIP IN THE
REFORM OF THE OKLAHOMA JUDICIARY

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

As judicial reform movements swept through the states, the method of selecting judges became the center of political debate. One issue was whether or not to let parties nominate judicial candidates and to let these candidates run on a partisan ballot. The method of selecting judges remains an argued point of state government. The debate is among those favoring partisan election, non-partisan election, and some adaptation of the Missouri plan of appointment. A few states have legislatures and executives formally appointing judges (Baum 1994).

This paper concerns Oklahoma's judicial reform in the 1960s. The focus is on how party and partisanship impacted that process, and how the issues of judicial selection were resolved.

THE NATIONAL COURT REFORM MOVEMENT

The court reform movement in the United States has essentially spanned the twentieth century. A good starting point for examining the movement is the series of articles and speeches produced by jurist Roscoe Pound in 1906. In a now-famous speech before the American Bar Association, Pound concluded: "Putting courts into politics and compelling judges to become politicians, in many jurisdictions has almost destroyed the traditional respect for the Bench" (Pound 1906, 395). Pound called for court unification and modernization. From Pound on, the court reform movement had two pillars: court consolidation and unification and "merit" selection of judges. The American Judicature Society and the American Bar Association developed model plans for court reform and as early as 1909 the American Bar Association adopted Pound's reform agenda. By the 1960s, just as judicial reform developed as a political cause in Oklahoma, Pound's ideas had been universally accepted by the judicial reform movement (Berkson and Carbon 1978).

Merit selection usually meant an end to both partisan and non-partisan direct election of judges. Although reform proposals have varied over the years, most recent plans resemble the system adopted by Missouri in 1941. In the "Missouri plan," merit selection begins with the creation of a judicial nominating commission, usually composed of lawyers and lay people picked by the bar and the governor. When a judicial vacancy occurs, the commission produces a short list of nominees (usually three). The governor chooses one of the three to fill the position. After a short period on the bench (one or two years), the judge faces the voters in a retention election in which the vote is "yes" or "no" and the judge faces no opponent. Advocates maintain that this plan gets politics out of the judicial selection process, just as Pound had suggested in 1906. The Missouri plan became synonymous with merit selection in the jargon of court reform, as these ideas approached becoming an ideology nationwide. In many states, including Oklahoma, the central issue in court reform was whether or how much to institute the Missouri plan.

THE CLASH OF TWO CULTURES

The court reform movement has faced serious and persistent opposition over the years because it flies in the face of a deep-seated populist ideology embedded in Oklahoma government and politics. This is at once Jacksonian, populist, and progressive in tone, and all three influences have been felt in the way state governments structure their judicial systems.

The populist theory of government embraces a number of ideas, including a lack of concern over immersing public administration in politics, a long ballot which features many elective offices including judges and a willingness to allow the political party to serve as the mechanism for carrying out the people's will.

Populism was the dominant way of thinking in Western states at the turn of the twentieth century. It produced judicial systems that were decentralized, popularly elected on a partisan ballot, often operated by laymen, and immersed in the political milieu of citizen and democratic politics. Judicial decision-making was seen as part of the political process. Courts respond to public demands rather than to the pressures of an objectified system of legal principles.

Oklahoma's justice of the peace court embodied these populist principles in the judicial system. This bottom-level community court featured lay judges, popular and usually partisan election, little supervision by other superior courts, and immersion in the life and politics of the local community. Elimination of this court was a prime goal of Oklahoma judicial reformers.

Political reformers associated the political party with corruption-ridden boss politics. To the political reformers, democracy could be made pure only with the exclusion of party from politics. This style of thinking gave rise to the non-partisan movement, especially in municipal affairs; however, the non-partisan movement had an impact on the judicial reform movement as well. Many Oklahoma reformers wanted to directly elect judges on a non-partisan ballot and thereby take the courts "out of politics" while at the same time preserving their democratic and electoral nature.

This populist and political reformer drive to democracy ran counter to the ideas of the legal reformers. The legal reformers believed that the courts must first be devoted to legal principles and objective standards of law discovered by experts in the professionally trained legal community. The discovery of these objective principles should be conducted in an atmosphere untainted by popular passions. For these legal reformers, the

administration of justice should be separated from politics and be conducted according to the objective principles of public administration. One of these principles was that administration should be hierarchical. They felt judicial personnel should be highly trained in law. Their selection should be non-political. As a consequence, legal reformers favored eliminating popular election, partisan or non-partisan, of judges. They favored establishing merit selection.

For the legal reformers, merit selection involved legal professionals in selecting judges to the fullest extent possible. Legal professionals, chosen on the basis of their training and devotion to the legal profession, were to work in unified court systems as applying objective principles of law. While being ultimately responsible to the people in a constitutionally democratic order, legal reformers felt the judicial process should be as immune from politics and political pressure as possible.

JUDICIAL REFORM COMES TO OKLAHOMA

When Oklahoma became a state in 1907, the populist ideology dominated the thinking of its founders. This thinking produced judicial decentralization, partisan election of judges, legislative domination of judicial administration and law, and the domination by lay people at the bottom rung of the judicial ladder. From 1907 to 1967, Oklahoma's court system was complex, unrationalized, and open to a variety of political forces. Judges were just another layer of politicians. They too, organized partisan campaigns for election. The legislature continued to elaborate this system producing a maze of courts that only a few understood (Simpson 1991).

Reform ideology of the legal profession began to take serious root in Oklahoma after World War Two. The locus of reform efforts was the Oklahoma Bar Association and the University of Oklahoma School of Law. There were earlier reform attempts, however. In 1906, the territorial bar discussed a non-partisan supreme court, and in 1921 the bar considered a comprehensive judicial reform package which included the method of selecting judges. In 1925, the bar tried to generate interest in a unified court system and the non-partisan selection of judges. By the late 1930s, legal reformers' attention was focused on the Missouri plan of selection. A special committee of the Oklahoma Bar Association studied and promoted the plan. But the Oklahoma Bar Association house of delegates

failed to endorse the Missouri plan in 1946 (Casey 1989). The state bar again began to embrace reform in the late 1950s. Between 1957 and 1959, the bar persuaded the Oklahoma Supreme Court to adopt the America Bar Association (ABA) canons of judicial ethics. In 1959 the state bar executive council endorsed the idea of a court on the judiciary for Oklahoma (*Oklahoma Bar Association Journal* 1959). The plan was later adopted by the house of delegates, and the state legislature voted to submit the system to the voters in a 1964 referendum. With both trial and appellate divisions, the court on the judiciary would be basically a system of judges and lawyers judging judges. This was a move away from the existing populist system as the power of removal would be switched from the voters and the elected legislature to non-elected councils of judges. The plan did not pass in the election of 1964. Although a majority voting on the issue favored the reform, Oklahoma's constitution then required a majority of all votes cast. As there was considerable roll-off on bottom-of-the ballot referendum issues, the measure failed.

The Oklahoma bar developed additional court reform proposals between 1959 and 1964. These included the Missouri plan for selecting appellate court judges and the Missouri plan as an option for selecting trial court judges; the creation of the office of court administrator, the development of a unified general sessions or trial courts; and the abolition of the justice of the peace system (*Oklahoma Bar Association Journal* 1962; 1964; 1966). Section 7 of the reform package adopted in 1962 stated: "No judicial officer appointed or retained in office under the provisions hereof shall make directly or indirectly any contribution to, or hold office in, a political party or organization or take part in any political campaign"(*Oklahoma Bar Association Journal* 1962, 1451). The Oklahoma Bar Association was ready to plan an assault on Oklahoma's populist court system.

A particular target was the partisan (or even non-partisan) election of judges at any level — including the bottom tier Justice of the Peace Court. As early as 1951 the staff of the *University of Oklahoma Law Review* did an extensive study of the judicial system in the state. The staff was highly critical of the partisan and political nature of state judicial selection. Given first and second primary requirements, a judge might face several elections. The ability to raise the necessary campaign funds could be expected to have no relationship to a candidate's judicial competency. "The weight of purely political factors entering into the selection of judges

ideally should be diminished while that of merit and competence should be increased" (*Oklahoma Law Review* 1951, 252). If not the Missouri plan, which staff saw as the best blend of legal professionalism and democratic values, then the law review staff thought Oklahoma should at least adopt non-partisan election.

The bar and Oklahoma law schools held a "Modern Courts Conference" in December, 1962. Sponsors were the Oklahoma Bar Association, the Joint Committee for the Effective Administration of Justice, a national committee led by former Supreme Court Justice Tom Clark, the American Judicature Society, and the Oklahoma law schools. The tone of the conference was reform and the promotion of a modern, unified system of courts. The conference consensus was adopted without dissent and included both the reforms and a political strategy to enact them. The conference proposals included the Missouri plan for judicial selection and tenure; retirement of judges at 70; a less cumbersome removal and discipline procedure; minor court organization and administration which increased elimination of fee-based justices of the peace; and a political strategy to enact the plan. This strategy included education, citizens' organization, a program to put to the legislature for passage, an initiative petition drive if the legislature failed to act, a campaign for success at the polls, and the development of continued interest after reform. The Oklahoma Institute for Justice was founded to promote these objectives (*Oklahoma Bar Association Journal* 1962).

The conference consensus was clear in its intention to discredit the partisan election of judges:

> "Oklahoma has been fortunate in securing many excellent judges under its present system of selection by partisan election. These judges, however, have been excellent in spite of the method of selection, not because of it. Among the many shortcomings of partisan election are: (1) judges are not free to devote all their talents and energies to the only task they should have, the proper administration of justice; (2) voters, particularly in statewide campaigns and those conducted in populous areas, have inadequate information on the qualifications of judicial candidates; (3) many of the persons best qualified to serve as judges are unwilling to undergo the pressures, expense, and uncertainties of frequent election campaigns and thus the public is deprived of the opportunity to have the best possible judiciary.

It is indispensable to the proper functioning of the judicial
system that men who are to be judges be selected solely on the
basis of their qualifications for judicial office rather than on their
ability to campaign and to obtain partisan support.

The objective of any method of selection should be to obtain
judges free of political bias and collateral influence and possessed
of qualities that will lead to the highest performance of their judicial
duties" (*Oklahoma Bar Association Journal* 1962, 2522).

With the Modern Courts Conference, we see the professional and
academic elites of Oklahoma law embrace court reform as it was then
being modeled by the American Bar Association and the American
Judicature Society. Election of judges in competitive elections was seen
as an evil, in either its partisan or non-partisan forms. The legislature
remained the next big hurdle for court reform in Oklahoma and populist
ideas of popular control over public officials remained a powerful force in
that body. However, these populist ideas were about to get an unexpected
jolt.

SCANDAL ON THE SUPREME COURT

As 1964 began, Oklahoma legal reformers had every reason to be
proud of their efforts to bring about judicial reform. Court reform was
alive and well in Oklahoma. As 1964 ended, dark clouds had descended
on the bench, bar, and the general Oklahoma political scene, as the state
supreme court became embroiled in bribery scandals. Much of what the
reformers were saying about the dangers of electing judges seemed to be
coming true: corruption and partisan election were somehow connected,
and voters seemed ill-equipped to select a qualified judiciary.

Just what was the scandal? Apparently from the mid-1930s to the
mid-1950s, one or more justices took bribes to deliver votes on the high
bench. The culmination was one huge bribe of $150,000 in the 1956 Selected
Investments case. Justice Corn swore in an 84 page statement that he
had received $150,000 in $100 bills from Hugh Carroll of the Selected
Investments Company at a 1956 downtown Oklahoma City meeting. The
fate of the company hung on a Supreme Court decision. Corn stated that
he had shared the bribe money with two other justices (Hall 1967).

It is quite clear that the scandal had a great impact on Oklahoma's

court reform. Between 1965 and 1968 the state had a rousing debate on court reform, and the method of selection was at the center of this debate. The role of the political party and partisanship generally came up time and time again, and it became obvious that the old method of partisan selection had been discredited by the scandal. Most close observers concluded that the distance between a campaign contribution and a bribe was indeed a short one, and that the entire judiciary had become tainted by partisan politics. Between 1965 and 1967 struggle over court reform was marked by an extensive debate in the state legislature and a drive by a private citizens' group, Judicial Reform, Inc., to change the court system by initiative petition. These two groups essentially raced each other in the fight to establish their respective versions of a new court system. The citizens' group collected signatures for an initiative referendum while the legislature considered a legislative referendum. Judicial Reform, Inc. pushed for the Missouri model plan of judicial appointment proposed by the American Bar Association. The court scandal came at a time when many other states were considering court reform, Iowa and Illinois, for example. Therefore, a national movement to reform mixed with the internal politics of Oklahoma, producing a powerful force for change. Academic and legal professionals spread reform theories across the state, forcing the legislature to confront the partisan election of judges and court organization. The mostly rural populists fought to save what they could of the old system from the more urbanized legal professionals and advocates of the Missouri plan. In the end the legislature won the race with the initiative organized by Judicial Reform, Inc. The legislature's plan included populist and reform elements.

JUDICIAL REFORM, INC. AND THE "SNEED PLAN"

In his 1965 parting speech as dean of the University of Oklahoma School of Law, Earl Sneed tore into the Oklahoma judiciary, now marked by scandal. He stated his dissatisfaction with the system of justice in the state: "Why in the world is Oklahoma continuing with such an ancient, creaky, inefficient, outmoded, complex, costly and antiquated judicial system — a system that was not good in 1907, and has grown progressively worse in the fifty-eight years since statehood?" (Sneed 1966, 7).

First, Sneed pointed to the justice of the peace system. He argued

that because the system was dependent on the fees it imposed, there was a real risk of denial of due process on the criminal side. For Sneed, paying for justice with tax dollars would yield better qualified judges and better justice. Eliminating the fee-based justice of the peace system would be well worth it: "Justice is worth more than a few dollars" (Sneed 1966, 8).

Sneed also had harsh criticism for the "jumble" of trial courts that constituted the middle layer of the "crazy-quilt" Oklahoma system: "I do not believe that anyone really knows how many and what kind of trial courts we have in Oklahoma." (Sneed 1966, 9-10). Citing numerous examples of confusion, Sneed suggested that Oklahoma was running out of names for its courts. People were running for judicial positions they were not even allowed to hold and others were running for positions many did not know existed.

At the appellate level, Sneed focused on the method of selection; judicial salaries; the lack of a court administrator; and the need to centralize administrative power in the supreme court. In defending the Missouri plan, Sneed criticized the whole process of electing judges. With a ballot containing so many contests few Oklahoma voters cast an informed judicial vote. When a judge drew an opponent, voters could not evaluate their qualifications. Without an opponent at the polls, the voter had no voice at all because Oklahoma does not permit write-in votes. Many judges ran unopposed after a partisan gubernatorial appointment to fill a vacancy. Sneed felt that the people neither know nor care who they are voting for in statewide judicial races. When judges had to campaign it diverted time away from judicial business. They also had to take campaign money which might influence votes on the bench. That system, Sneed asserted, makes the judge a political rather than a judicial animal (Sneed 1966).

Sneed proposed a new judicial article based on the 1962 ABA model for the Oklahoma constitution. This model, with revisions, became the "radical" "Sneed Plan" for court revision. The plan, finally laid to rest in September, 1968, became politically significant in motivating a recalcitrant legislature in the area of court reform.

Earl Sneed, Leroy Blackstock, Oklahoma Bar Association president for 1966, and Clark Thomas, a newspaper editor, formed Judicial Reform, Inc. in June, 1966, in order to organize a public effort for reform. The plan was to organize an initiative petition behind the Sneed plan first laid out in April, 1965. The impetus behind the drive was the failure of the legislature to act on a comprehensive package in 1965. The Sneed plan, with the help

of the metro press and the League of Women Voters, was ultimately placed on the ballot for the September, 1968 primary. But, unfortunately for the plan, the people had already adopted the legislative package in July, 1967. It is to the development of this package we now turn.

LEGISLATIVE ACTION ON COURT REFORM

The politics of developing the legislative plan was much more complicated than Judicial Reform, Inc.'s petition process. The scandal was instrumental in moving the legislature as far as it did. The Sneed plan was forever in the mind of the legislature, and most wanted to blunt at least some of its objectives. The House won the battle in terms of court organization, but the more liberal Senate, with the strong backing of Governor Bartlett, forced the issue on a modified Missouri plan for the appellate courts.

In terms of court reform, the Court on the Judiciary was the major accomplishment of the 1965 session of the legislature. The legislature failed to act on general court reform in 1965 for two basic reasons: first many simply did not support reform, especially the Missouri plan, and, second, there was a conscious decision by John McCune, House Judiciary Committee chairman, to do a lengthy study of the issue of court reform.

On the opposition side, one had no further to look than the Speaker of the House, J. D. McCarty, a fiery populist. The debate on judicial bills in the 1965 session outlined this opposition, and the focus was almost always the method of selection. Saying that McCarty must bear the blame for the death of judicial reforms, especially the Missouri plan and the justice of the peace bill, *The Daily Oklahoman*, Oklahoma's largest newspaper, called for McCarty to put the reforms to a vote of the people. McCarty, had stated that he would rather trust one million voters to select judges than a commission to appoint them. The paper retorted: if the voters are so smart, why not let them choose their system in a referendum (*Daily Oklahoman*, June 20, 1965, 10). After the Senate passed the Missouri plan, McCarty promised a full House debate. The debate came and the proposal was defeated. In the legislature there was a visible hostility toward the organized bar and the proposals that had been put forward by the legal community. Rural populists blamed the bar for the scandal, not partisan elections. The issues between the populists and legal professionals were

clearly drawn.

Before House action killing the Missouri plan, the Senate passed the plan for appellate courts and left open the option for trial courts as well. Advocates felt that judges would have to run on their own record and not have to raise money to campaign from lawyers who practice in their courts. They also felt that the people did not know enough about appellate judges to cast a vote. It was also pointed out that under partisan election judges often drew no opponent at all and were automatically reelected; at least the Missouri plan required that a judge run on his own record with a "yes" or "no" vote. The plan was vigorously attacked by the populists in the Senate. State Senator Gene Stipe, joined by other state senators, asserted that the bar needed reforming, not the courts. However, the plan passed the Senate by 33-11 before it went down to defeat in the House under McCarty's leadership.

After the 1965 defeat of court reform John McCune, Chairman, House Judiciary Committee, organized an intense study of court reform in 1966. New proposals for court reform were placed before the legislature in 1967. McCune's committee held hearings and traveled to Illinois to explore the new court system of that state. The selection issue was still the most controversial, with choice ranging all the way from partisan election to the Missouri plan. Illinois had a system which combined both —initial selection on a partisan ballot with a retention vote at the end of the term. Oklahoma never really considered this system. McCune and his committee favored non-partisan, election of all judges save the appointed special judges. Special judges were to be chosen by the other district judges. Non-partisan election was at the center of the house committee plan, and was passed and presented to the Senate in January, 1967. As McCarty had been defeated in the 1966 elections, he was no longer an obstacle to reform in the House.

The 1965 debate was repeated once again in the Senate, except this time the Missouri plan for appellate judges failed on the floor under the leadership of Senator John Young. However, intense pressure developed to re-insert the Missouri plan for appellate courts in the final conference session between the House and Senate. This pressure came from Governor Bartlett who had endorsed the Missouri plan in his campaign as contrast to his Democratic opponent. It also came from Senate leadership, and the new chief justice, who called partisan election for appellate judges a failure. Chief Justice Halley felt strongly that campaign contributions for appellate

judges had been the source of the corruption that had caused the scandal. The legislative leadership and the governor felt that the public might vote for the Sneed plan (with a full Missouri plan) if the Missouri plan was not put in the legislative package for the appellate courts. A compromise was reached. Let the voters vote on organization with a built-in non-partisan election system on one ballot (a white ballot), but then let the voters vote on a yellow ballot which contained appointment for the appellate courts. The yellow ballot would amend the white ballot if passed, but the yellow ballot would not go into effect if the white ballot failed.

The election on the legislative plan was set for July 11, 1967. McCune led the campaign to sell the legislative package. The alternative was the enactment of the Sneed plan in a referendum schedule for 1968. The Missouri plan for the district courts, as proposed in the Sneed plan, was the central concern of McCune. The legislative plan drew support from a wide range of sources, including organized labor and Governor Bartlett. Even the Sneed group endorsed the plan as a first step in judicial reform. Sensing they had probably lost the fight, Sneed and Blackstock also recognized that the white and yellow ballot votes represented a significant improvement in Oklahoma. Predictions were for a light voter turnout as heavy opposition and solid organization failed to materialize. The justices of the peace did oppose the plan, but they had lost most of the battles up to this point. Shortly before the vote, the bar endorsed the plan. Most felt that the vote would turn on the voters' perception of the source of the scandal. If they saw the scandal as being rooted in how judges run for office, the measures would pass. If they saw the scandal as rooted in the legal profession, it would fail. Both votes passed, but only because of lopsided margins in Tulsa and Oklahoma City. Rural areas voted the other way.

The remainder of 1967 and most of 1968 was spent debating the Sneed plan and passing enabling legislation under the new constitutional provisions. McCune railed that the public would lose its right to elect local judges to an "army" of the governor's commissioners under the Sneed plan. In reply, Blackstock called voting for judges a myth; most, he said, either get appointed or never draw an opponent. At least under the Sneed plan the voter would always get to vote on the judge's record. With the Tulsa and Oklahoma City press divided, the Sneed plan went down to defeat in the September, 1968 referendum. However, it is clear that the fear of the plan motivated the legislature to go further with reform,

especially the proposal to use the Missouri plan for the appellate courts, than it would have otherwise.

REFORM AND THE PARTISAN CLIMATE IN OKLAHOMA

Whether or not to get rid of the partisan selection of judges in Oklahoma was only one dimension of the role of partisanship in the court reform debate in Oklahoma. Another was the ongoing debate between Republicans and Democrats, a debate that was often reflected in the metropolitan press. The Republican base of strength during the 1960s was Oklahoma City and Tulsa. Both the Republican leadership and the press in those two cities were very much in favor of court reform, especially the Missouri plan of appointment. In fact, *The Daily Oklahoman* endorsed and pushed the Sneed plan throughout the court reform debate. The court reform struggle came at a time of Republican resurgence as the state elected Henry Bellmon and Dewey Bartlett Governors for the 1962-1970 period. As the scandal struck, Governor Bellmon acted to secure public confidence in state government by appointing special investigative and study commissions. Dewey Bartlett was elected during the court reform debate in 1966, with Bartlett endorsing the Missouri plan and his Democratic opponent, Preston Moore, opposing the plan. As governor, Bartlett instituted an informal Missouri plan procedure to aid in filling judicial vacancies, and, as previously noted, he was instrumental in getting the Missouri plan for appellate courts inserted in the legislative plan during 1967 (Simpson 1994).

The Republicans, of course, had a lot to gain from the institution of the Missouri plan, while the Democrats had a lot to lose. The Democrats had controlled the state's judicial system since statehood through the partisan election of judges. The Missouri plan would mean a massive transfer of power to the office of the governor, and in the 1960s that meant a Republican governor. Philosophically, the Republicans also had an easier time of endorsing the Missouri plan and court reform. They were more urban based and thereby tied more closely to the legal subculture. The strident press in the metropolitan areas helped to cement this relationship as the rural interests and the Democratic legislature were pounded time and time again. The Democrats were clearly more tied to the rural areas and the populist ideology and the voices opposed to reform almost always

came from the rural Democrats. The scandal, of course, had occurred on the Democratic watch and the mix of forces and cultures was just right in the 1960s to produce court reform.

CONCLUSIONS

The court reform debate in Oklahoma makes clear that the role of political parties and partisanship has been a major concern in the judicial modernization movement. In the drive to get "politics" out of judicial decision making, the ideology of the legal professionals is hostile to the notion that political parties and partisanship have a place in the judicial system. The supreme court scandal in Oklahoma served to accentuate this hostility, as the state searched for the root causes of judicial corruption — the worst sort of political invasion into the judicial world. As the proponents of the populist ideology fought to retain the popular election of judges, they turned to the progressive notion of non-partisan election as the magic cure for political corruption. Oklahoma is a case of classic compromise, as lower courts were left open to popular election with appointment put in place for the appellate courts.

Of course, the entire court reform debate in Oklahoma was based on the notion that reform in the method of selection would produce predictable and desirable results. It is a deep-seated American optimism that governmental structure can be designed to produce certain results. Is this optimism valid? Research indicates that method of selection produces mixed results at best. We now know, for example, that the Missouri plan does not "get politics" out of judicial decision making — it only injects another kind of politics into the process. The public is still largely ignorant of judges' records but yet must vote whether to retain them as Missouri plan judges run on the retention ballot. On the other hand, popular election often turns into an appointive system, as judges, as often as not, fail to complete their terms and the governor fills vacancies. The non-partisan system adopted for trial courts in Oklahoma may be a bad compromise in that judicial candidates still have to raise money and run a political campaign without the system benefiting from the organizing effect of party competition. Perhaps the Oklahoma scandal was fed by the dominance of the Democratic party, where primaries were no substitute for general election competition.

No system of selection can completely stem the tide of corruption or guarantee "better justice," in part because we can never seem to agree on what "better justice" is. Perhaps the best that we can do is to live with the tug of war between the populists and legal professionals and hope this tension produces "better justice."

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EXPLAINING OKLAHOMANS' SUPPORT FOR GAY AND LESBIAN ISSUES: AFFECT, COGNITION, AND PREJUDICE

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

Gay and lesbian issues moved on to Oklahoma's political agenda in 1996 when Oklahoma's first openly gay congressional candidate received a major party's nomination and the legislature passed a law to prevent same-sex marriages. The hope in a democracy is that as our representatives make decisions on these and other issues, they will use the people's interests as a criteria. There is some debate however as to how interests should be defined. Does it mean policy makers should be pollsters gauging the views of their constituents, or should they do what they see as being in the constituent's interests? To some degree the answer to the question depends on the quality of the peoples' views. Are the beliefs well reasoned and thoughtful? To determine the thoughtfulness of Oklahomans' views on gay and lesbian issues, it is important to understand the correlates to those beliefs.

Very surprisingly little research has been done to determine what affects people's support for gay and lesbian issues. This paper shines a light into that void by exploring a social psychological theory that helps us understand attitudes toward gay and lesbians rights.

For a theoretical framework, we rely on recent work by Esses, Haddock and Zanna (1993) who suggest that a combination of cognition and affect explain prejudice. Affect, according to Esses et al. (1993), refers to positive or negative emotions or feelings toward a group. In this study, we examine the feelings individuals have when they are in contact with gays or lesbians. Two key cognitions, according to Esses and her colleagues, are stereotypes and symbolic beliefs. Stereotypes are the characteristics people associate with a particular group and can be consensual or individual. Consensual stereotypes are beliefs about a group that are shared by society. Individual stereotypes are beliefs about a group that are idiosyncratic. For example, most Oklahomans may think of gay males as feminine and lesbians as masculine (consensual stereotypes), but an individual may see gay men as masculine, a stereotype not held by society at large (individual stereotype).

A second cognitive component, symbolic beliefs, concerns how well a group fits with the social norms or the values of society (Esses, Haddock, and Zanna 1993). Individuals who see gays and lesbians as child molesters have negative symbolic beliefs about them, whereas individuals who see gays and lesbians as well educated and upper-middle-class people who support our economy have positive symbolic beliefs.

Prejudice is defined as negative evaluations or attitudes toward a group (Esses, Haddock, and Zanna 1993). Attitudes toward gay and lesbian policies refer to support for policies that affect the lives of gays and lesbians. Although the two are likely to be strongly related they are distinct. Tolerant individuals, for example, recognize that groups they dislike should still be afforded their civil rights (see for example Sullivan, Piereson, and Marcus 1982).

Most examinations of the effect of affect, stereotypes and symbolic beliefs about groups on prejudice have examined each component separately and found that each contributes to prejudice (Katz and Stotland 1959, Rokeach and Mezei 1966, Brigham 1971, Eagley and Mladinic 1989, Esses et al. 1993, Haddock et al. 1993, Sniderman et al. 1993). That is, individuals with negative stereotypes, emotions and symbolic beliefs about an out group tend to have high levels of prejudice toward that group.

However, Esses et al. (1993) used a multivariate approach to measure the relative strength of each of these components on prejudice. After examining Canadians' attitudes toward five social groups (including homosexuals), they concluded that individuals' emotions and symbolic beliefs have strong direct effects on their attitudes, whereas individuals' stereotypes have only indirect effects.

In this paper we expanded the Esses et al. (1993) line of research to measure the effects of individuals' prejudices, stereotypes, emotions and symbolic beliefs on their attitudes toward issues. We expected that individuals who have high levels of prejudice against gays and lesbians will not support policies favorable to gays and lesbians. Except for highly tolerant people, individuals' attitudes toward a group should affect their support of the group's rights. What is less clear is whether individuals' stereotypes, emotions and symbolic beliefs have an independent effect on their support for policies beneficial to gays and lesbians or if their effect is primarily through prejudice. We expected stereotypes to have little direct or indirect effect on individuals' support for gay rights. This expectation is based on the small independent effect that stereotypes had on prejudice (Esses et al. 1993). While emotions may affect support for gay and lesbian policies indirectly through prejudice, there is little reason to expect a strong independent effect. On the other hand, symbolic beliefs are expected to have an independent effect since they relate directly to the part of society that the policy would regulate if enacted.

RESEARCH DESIGN

To test the effects of affect and cognition on attitudes toward gay rights, we surveyed students in four sections of the Introduction to American Government course at Oklahoma State University. Of the 210 students surveyed, 55 percent were male, 75 percent were white, and most self-identified as moderate to conservative in political ideology. While this cannot be considered a representative sample of any population, the concern here is the interrelationship among ideas (attitudes, opinions) rather than the distribution of particular opinions within a population. Whether the interrelationships documented here are typical of other Oklahoma groups will have to be determined in future research. Nevertheless, the subjects, Oklahoma State University undergraduates, are a suitable group with which

to test hypotheses on the sources of support or opposition to gay and lesbian rights. The theory we are exploring should apply.

The survey instrument examined respondents' prejudice, stereotypes, emotions, symbolic beliefs, demographic characteristics and support for key gay and lesbian issues. Although our instrument differed from the one used by Esses et al. (1993), we modeled our items on prejudice, stereotypes, emotions, and symbolic beliefs after their instrument.

The instrument had two forms. One concerned prejudice, stereotypes, emotions and symbolic beliefs toward lesbians and the other form concerned gay men. Americans' prejudice, stereotypes, emotions, and symbolic beliefs concerning lesbians differ from those concerning gay males (Kite and Deaux 1987). For example, gay men are believed to be feminine and lesbians to be masculine. To examine only gays and lesbians as one group would be too general whereas to examine only lesbians or only gay men would be too limited.

Another important feature of the instrument is that respondents were asked directly about their views concerning gays and lesbians and their rights. Although this can lead to socially desirable responses if respondents feel society dictates a certain response, social desirability should not be a problem with studies of gays and lesbians. Because there is not a consensus in society concerning gays and lesbians (Moore 1993; Hugick 1992), respondents are unlikely to feel that they are expected to respond in a particular way.

To measure stereotypes, students were asked to "provide a list of characteristics which you would use to describe gay men" (or lesbians). Students were then asked to indicate on a scale from one to five the favorability rating of each characteristic. Since respondents provided a different number of characteristics the stereotype score is the average favorability rating of the stereotypes listed. The higher the score the more favorable the stereotypes.

To measure emotions or affect respondents were asked to "provide a list of the feelings you experience when you think about gay men" (or lesbians) and to rate the favorability of each of the feelings listed using a five-point scale. Again, the average favorability rating is used as a measure of how lesbians or gay men make respondents feel. The higher the number the more positive the feelings.

To measure symbolic beliefs respondents were asked to "list all the values, customs, and traditions that you believe are helped or hurt by gay

men" (or lesbians) and to decide if each item listed was helped or hurt by gay men (or lesbians). Respondents who felt that a value was greatly helped by gay men (or lesbians) gave the value a four and those who felt a value was greatly hurt gave it a one. The average of the scores was used as an overall measure of symbolic beliefs.

Following the work of Esses et al. (1993), prejudice was measured with a feeling thermometer. The question asked respondents to "provide a number between 0 and 100 to indicate how you feel about gay men" (or lesbians). Respondents were instructed to give a score between 50 and 100 if they had a positive attitude toward gay men (or lesbians) or if a negative attitude, between 0 and 50.

To measure support for policies beneficial to gays and lesbians, respondents were given a list of nine statements concerning gay and lesbian issues and asked to indicate if they agreed or disagreed with the statements using a seven point scale. The total of the scores was used as our measure of support for gay rights. The higher the number the greater the support.

Since demographic characteristics have been found to affect Americans' views about gays and lesbians, we use gender and ideology as control variables (Herek 1988; Gurwitz and Marcus 1978; Moore 1993; Hugick 1992). Gender was coded one for female and two for male. Ideology was measured with a five-point self-identification scale, with one being conservative and five being liberal. Other research (Fisher, Derison, Polley, Cadman, and Johnston 1994; Haddock et al. 1993; Herek and Capitanio 1996; Hugick 1992; Moore 1993) noted variation in attitudes toward gays and lesbians based on religious beliefs and knowing someone who is gay, these were not significantly related to support for gay rights in this study.

Due to the nature of the survey and the number of open ended questions, there were a large number of missing values. Of the 212 surveys returned, only 123 were usable in the multivariate equations. We had some concerns about this and examined bivariate correlations using both pairwise and listwise deletion. The correlations for both were very similar. Thus we feel fairly confident that our conclusions would be similar had the percent of usable surveys been higher. Table 1 lists the means and standard deviations for each of the variables.

TABLE 1

Means, Standard Deviations, and Number of Cases

Variable	Mean	Standard Deviation	Number of Cases
Affect (emotions felt when in contact with gay men or lesbians: higher scores are more favorable).	2.61	1.46	159
Stereotypes (characteristics associated with gay men or lesbians: higher scores are more favorable).	2.53	1.25	158
Symbolic beliefs about gay men or lesbians: higher scores are more favorable.	1.82	0.89	152
Views on gay-lesbian rights (minimum 9, maximum 63, higher scores are more favorable).	36.81	14.28	200
Ideology (1= most conservative, 5= most liberal).	2.66	1.19	203
Gender (1= female, 2= male).	1.55	.50	207
Feelings toward gay men and lesbians (provide a number between 0 and 100 to indicate how you feel about gay men (lesbians): 0= most unfavorable, 50= neutral, 100= most favorable).	30.94	28.62	210

SOURCE: Authors' calculations from Oklahoma State University student survey.

FINDINGS

Our expectations were generally confirmed. In the bivariate relationships individuals' feelings, emotions, symbolic beliefs, and stereotypes were all significantly related to their support for gay and lesbian policies (see Table 2). What is particularly notable is the strong relationship

TABLE 2

Relationship among Attitudes toward Gay Men, Lesbians, and Gay Rights (Pearson's Correlations)

	Bivariate Correlation					
Attitudes Toward Gay Men						
	Affect	Stereotypes	Beliefs	Feelings	Rights	Ideology
Affect	1.00					
Stereotypes	.71*	1.00				
Beliefs	.50*	.53*	1.00			
Feelings	.52*	.56*	.65*	1.00		
Rights	.63*	.59*	.67*	.81*	1.00	
Ideology	.33*	.21	.29*	.33*	.40*	1.00
Gender	-.16	-.08	-.16	-.35*	-.25*	-.14
Attitudes Toward Lesbians						
Affect	1.00					
Stereotypes	.67*	1.00				
Beliefs	.26*	.21	1.00			
Feelings	.35*	.56*	.60*	1.00		
Rights	.33*	.23	.58*	.83*	1.00	
Ideology	.18	.04	.32*	.37*	.41*	1.00
Gender	.08	.27*	.06	.08	-.15	-.04

*significant at the .05 level (two tailed)

For the lesbians form, the number of cases varied from 66 for stereotypes with symbolic beliefs to 101 for gender with feelings. For the gay men form, the number of cases varied from 70 for stereotypes with symbolic beliefs to 105 for gender with feelings.

SOURCE: Authors' calculations from Oklahoma State University student survey.

TABLE 3

Explaining Variation in Respondent's Support for Gay and Lesbian Rights (Partial Slopes)

	Gay Men Survey Form	Lesbian Survey Form
Stereotypes	.99	-.02
Affect	1.27	.42
Symbolic Beliefs	2.42	1.94
Gender	-.92	-5.02*
Ideology	2.03*	.93
Feelings	.25**	.37**
Constant	14.77**	25.40**
R^2	.73	.80
Adjusted R^2	.71	.78
N	66	57

** significant at the .01 level using a two tailed test
* significant at the .05 level using a two tailed test

SOURCE: Authors' calculations from Oklahoma State University student survey.

between individuals' feelings and their support for gay and lesbian issues (r =.81 for gay men and .83 for lesbians).

The findings were very similar to findings on the impact of affect and cognition on feelings toward gay men and lesbians. For both forms of the instrument, respondents' feelings toward gay men and lesbians were positively related to their emotions, stereotypes, and symbolic beliefs. Emotions, stereotypes and symbolic beliefs were also directly related to each other. Men had high levels of negative feelings toward gay males but not lesbians.

To test for the relative value of each of the six variables, we used multiple regression analysis. Table 3 reports these findings. The overall equation explained 71 percent of the variance in support for gay and lesbian issues when looking at views about gay men and 80 percent of the variance when looking at views about lesbians. Almost all of the explanatory power, however, came from feelings toward gay men and lesbians. For both forms of the survey, the strength of the relationship between individuals' feelings

and their support for gay and lesbian policies was such that most of the other variables lost statistical significance. Stereotypes and emotions did not have a direct effect on support for gay rights (see Table 3). However, symbolic beliefs continued to have a recognizable effect on support for gay and lesbian policies especially for the gay male form of the survey. Respondents' ideology also retained its significant relationship with support for gay and lesbian policies after controlling for feelings toward gay men and lesbians. Liberals were more supportive of gay and lesbian policies. Finally, respondents' gender was related to support for the lesbian form of the survey, with women being more supportive of gay and lesbian policies.

Although stereotypes and emotions did not have a direct effect on support for gay and lesbian policies, they may influence support for policies indirectly through feelings toward gay men and lesbians. Table 3 examines the effect of individuals' emotions and cognitions on their feelings controlling

TABLE 4

Explaining Variation in Respondent's Feelings toward Gay Men and Lesbians (Partial Slopes)

	Gay Men Survey Form	Lesbian Survey Form
Stereotypes	-.49	4.02
Affect	7.32**	.42
Symbolic beliefs	11.10**	16.90**
Gender	-15.31**	4.08
Ideology	5.17*	6.37*
Constant	-.90	-34.86*
R^2	.59	.43
Adjusted R^2	.56	.38
N	66	57

** significant at the .01 level using a two tailed test
* significant at the .05 level using a two tailed test

SOURCE: Authors' calculations from Oklahoma State University student survey.

for gender and ideology. The equations explained a large percentage of the variations in feelings (R^2 =.56 for the gay men form and .38 for the lesbian form). As with the Esses et al. (1993) study, symbolic beliefs and emotions (at least toward gay men) have a significant effect on feelings, but stereotypes do not. This finding is particularly noteworthy since it indicates that the effects of stereotypes on support for gay and lesbian issues is quite small. Not only do individuals' stereotypes of gay men and lesbians fail to have a direct effect on support for rights but stereotypes do not indirectly affect policy support through feelings as well.

DISCUSSION

The findings generally supported our expectations. Feelings toward gay men and lesbians and symbolic beliefs have a direct effect on Oklahomans' support for policies beneficial to gays and lesbians. That is, individuals with negative attitudes toward gays and lesbians and who feel that gays and lesbians do not support the values of society do not support gay and lesbian policies. However, once feelings and symbolic beliefs are controlled, individuals with negative emotions or stereotypes toward gays and lesbians are not significantly less supportive of gay and lesbian policies than others.

These findings have several implications. First, it indicates that social psychological research on prejudice can help us understand variations in peoples' policy preferences. Here feelings, and their cognitive and affective components, explained over three-fourths of the variation in individuals' attitudes toward gay and lesbian policies. The findings also indicate that individuals' emotions and symbolic beliefs account for a significant portion of their feelings.

Second, individuals' stereotypes of outgroups do not have much effect on their support of gay and lesbian policies. This finding seems counterintuitive. It is generally thought that individuals who have negative stereotypes will be prejudiced and not support gay rights. However, that view appears simplistic. Individuals' stereotypes main effect on their feelings and policy support is caused by their stereotypes' effects on emotions and symbolic beliefs. When an individual's emotions and symbolic beliefs are controlled for, their stereotypes' effect on feelings and policy support is not significant.

The findings also suggest that individuals' symbolic beliefs are critical factors in explaining support for policy preferences. Symbolic beliefs not only had a moderate direct effect on policy preferences, but also had a strong indirect effect through their effect on levels of feelings. Thus an understanding of individuals' policy preferences on gay and lesbian policies requires an examination of individuals' symbolic beliefs about gays and lesbians.

Finally, that feelings are critical in explaining support for gay and lesbian issues may indicate that representatives should behave like trustees on this issue. That is, assuming representatives are not themselves prejudiced, they should act according to what they believe is right, not according to public opinion. Otherwise, public policy would be based on prejudice.

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THE ART OF JUDGMENT:
A CASE STUDY ORGANIZATIONAL ANALYSIS OF THE OKLAHOMA CITY FIRE DEPARTMENT, APRIL 19, 1995

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The author argues that stories told by managers, and the subsequent judgments they make when engaged in the actual work, are an effective way to communicate useful knowledge to students and practitioners of public administration. The recent Oklahoma City bombing produced a massive response by many government agencies. The Oklahoma City Fire Department was on the scene early and had primary responsibility for safety and rescue. The event produced a complex set of problems for administrators and required changes in rules and procedures that had not been taken into account in planning. Using a case study approach, the author argues that adaptation to a chaotic milieu requires an understanding and appreciation of the human capacity for innovation. This is often not recognized as legitimate by traditional scientific analysis.

Numerous recent critical and interpretive contributions to the study of organizations have contradicted the academic orthodoxy of rationalism and functionalism dominant in much of social science. A few of those works will be recounted here. From a critical historical perspective, Adams and Ingersoll (1990) argue that "technical rationality," defined as a set of beliefs embedded in the culture in which (1) there is complete control of

organizational work processes; (2) there are means for obtaining organizational objectives; and, (3) there is efficiency and predictability that are more important than any other considerations in the organization. Technical rationality is a historical, ubiquitous, and pervasive thought process in which the scientific-analytical mindset is emphasized in the American political culture. Adams (1992) and Adams and Catron (1994) further maintain that historic and current emphasis on classical individualism is socially and politically pathological and misrepresents basic human experience.

Managers cannot isolate themselves from their work and their workers. Within the critical theoretical perspective, Habermas (1971; 1989) demystified the myth of objectivist self-understanding of the human sciences by demonstrating that the so-called observer is an inextricable element of the network of social relations under study. Mitroff (1983, 1) has shown that the "strict separation between where the inside of the autonomous individual supposedly leaves off and where the outside of the collective or society supposedly begins" needs to be bridged in order to heal one of the most fundamental divisions in modern social science. Classic traditional social science has promulgated this tendency of manager-worker separation in both theory and practice (see Pugh 1987).

In addition to the critical and historical approaches, Hummel (1990), coming from an interpretive-phenomenological perspective, maintains that analytical scientists have argued that knowledge acquired by plunging preconceived hypotheses into reality and testing the result is to be accepted because it meets standards of validity (Burrell and Morgan 1979). Rational scientists have determined that knowledge acquired by other methods (such as storytelling) do not meet the same rigorous standards. To Hummel, there are four elements on which reality is constructed by a storyteller (manager) and how it is to be judged by the recipient of the story: (1) Self: can the listener put on the storyteller's shoes?; (2) Other: does the relationship established between the storyteller, and the object(s) of the story have any resemblance with the kind of relationship that one would expect from the storyteller's, others', or one's own relationship to similar objects?; (3) Relationship between the two: is there trust?; and, (4) Coherence of the whole story: does the story ring true? Hummel submits the idea that recalled personal experience through the telling of stories (case studies) engages the listeners more than mere information.

An important organization theory which integrates important aspects

of the aforementioned theoretical perspectives is Sir Geoffrey Vickers' appreciation systems approach (1995). Forester (1995) notes that

> Human systems become recognizable as more than machines only as they honor (or betray) valued norms like impartiality or responsiveness, respect or productivity, or combinations of these. So all management and administration, all planning political action, depend not just on mechanical rule-following, but on practical goal-setting too: on appreciative judgments constructed in the face of ambiguity and uncertainty about what a rule or obligation or goal really means.

Vickers' (1995) system of appreciation consists of elements of the interpretive and critical perspectives and are outlined here.

Reality judgments — making judgments of fact about the 'state of the system,' both internally and in its external relations. These include judgments about what the state will be or might be on various hypotheses as well as judgments of what it is and has been.

Value judgments — making judgments about the significance of these facts to the appreciator or to the body for whom the appreciation is made (Vickers 54)"...the dominance of governing human values must be taken for granted in any study of the process; and it is these values that select and in part create the 'facts' that are to be observed and regulated" (Vickers 1995, 114).

The relation between judgments of fact and of value is close and mutual; for facts are relevant only in relation to some judgment of value, and judgments of value are operative only in relation to some configuration of fact (Vickers 1995, 54).

Instrumental judgments — or 'what are we going to do?' A problem has been posed by some disparity between the current or expected course of some relation or complex of relations and the course that current policy sets as the desirable or acceptable standard. The object of executive judgment is to select a way to reduce the disparity (Vickers 1995, 103).

The incorporation of the epistemological and ethical along with the

instrumental in the single activity of appreciation is a central feature of Vickers' thought. The more economic and analytic treatments of judgment and decision making common in the social sciences provide a means of assessing only the instrumental. Epistemological and ethical judgments are typically treated merely as 'givens'. For Vickers, human action as distinct from reaction, instinct, or reflex, inextricably entails all three forms of judgment. It is a product of judging what is, what ought to be, and what can be done to reduce the difference by selecting specific means from the possible actions at hand (Adams, Catron, and Cook 1995, xix-xx.)

Vickers' appreciation system provides an appropriate means for evaluating real world work experiences shared by managers. "Shared" is the key component of his analytical framework. There is an implication here of the manager being involved in, and not separated from, the work in which she is engaged. The sharing of experiences of human beings in an organizational and communicative setting is the common thread that binds the critical and interpretive theoretical perspectives.

Forester (1994) has observed that Vickers' work teaches us how basic questions of political and social theory are perpetually posed and resolved in the ongoing work of planners and policymakers, and that these issues are never resolved once and for all. Human events are not static; they are ongoing and subject to change. Managers have to adapt to situations in which conditions require a reappraisal of planned responses. Oftentimes they have only a few minutes on any given event and do not have time to consider all analytical scientific theories available to them (Mintzberg 1975). Hummel (1991), makes the observation that the knowledge manager's seek must answer the fundamental question of "What is going on here?" in face-to-face relations with employees before any scientific attempt at measuring what goes on where and when.

The following case study explores "the art of judgment" in a real world situation involving the actions of members of the Oklahoma City Fire Department (OCFD) in the wake of the bombing of the Murrah Federal Building on April 19, 1995. Because of the complexity of the aftermath of the bombing, not all of the day's participants and events are recounted here. The scope of the task would be beyond the time and space limitations of this paper. We will examine how OCFD managers on the scene were compelled to use their appreciative judgments, rather than scientific rational detachment, in a tragic and complex situation.

APPRECIATION AND THE OKLAHOMA RESCUE

The bombing of the Alfred P. Murrah Federal Building April 19, 1995, was the worst domestic act of terrorism in United States' history (Verhovek 1995). Most importantly, there were 168 deaths and nearly 500 people were taken to Oklahoma City area hospitals for injuries suffered as a direct result of the blast (Painter and Ross 1995). Beyond the human costs, the bombing resulted in hundreds of millions of dollars being lost (Martin 1995). The magnitude of the event was unprecedented. The immediate aftermath of the bombing demonstrated, however, how well managers and organizations could respond to a difficult and chaotic situation (National Fire Protection Association 1995). Plans made in the past had to be adapted to change for unforeseen circumstances. After the blast, numerous governmental agencies had to respond to the scene. The Oklahoma City Fire Department is the organization which we will examine here.

COPING WITH CHAOS

The Oklahoma City Fire Department is one of the primary agencies for handling emergency disasters which occur in the city. Assistant Fire Chief Jon Hansen (1995) recounts what firefighters faced immediately after the blast:

> Twenty-two years in the fire service will teach you to be ready for anything. But on April 19, 1995, I learned there are some things you can never be completely ready to face. *You can be prepared and that helps but you can never totally be ready for a disaster of this magnitude* . . . . No one waited for the alarm that we knew was coming. Instinct kicked in immediately . . . . As my car topped Fifth and Walker, I was stunned to see the chaos in front of me . . . . There was dense black smoke everywhere. A thick cloud of brown dust hung in the air. Bricks and debris filled the street . . . . Dozens of dazed people wandered the streets, many with blood streaming down their faces. People were running—some running for help while others were running to help. Paper rained from the sky (7-9). [italics added for emphasis]

Hummel (1991), following Vickers, notes that what makes an event a problem is that it does not fit into existing routines. Furthermore, even if the problem has been encountered in a similar situation before, the manager must still make a judgment as to how the general and repeated pattern of the past fits this event of the present with an opening toward a future solution. The OCFD clearly faced a significant event for which there was no historical precedent to go by based on their experience. Especially in the early stages of the disaster, the managers of the OCFD, working in conjunction with the Oklahoma City Police Department and the Oklahoma Highway Patrol, had to rely primarily upon their own appreciation of the situation.

There was extensive training that the department had undergone in the event of an emergency, but primarily for a disaster response to tornadoes. The management of the situation was adapted to the events which had taken place. After the initial shock, Hansen points to the following:

> It wasn't an accident that our emergency management system functioned as well as it did. Responding to disasters was something we had actually practiced. Less than a year earlier, all our local agencies who would be called in any real-life crisis had spent a week together in training [at Emmitsburg, Maryland].
>
> As a result, when this real-life crisis crashed in on us, we were able to quickly and efficiently coordinate efforts to rescue, evaluate, triage, treat and transport victims . . . . Our fire department was also able to draw on a system of mutual aid that had been developed through years of working with other area chiefs . . . . A lot of trust had been built up over the years. There was a tremendous amount of personal credibility and mutual respect between the lead agencies. When we all came together to form a unified command that morning, it was an impressive thing to witness (Hansen 1995, 14-16).

While training and cooperation were key to the overall success of the operation, managers and firefighters on the scene had to face several dilemmas after the bombing (National Fire Protection Association 1995). Using Vickers' concept of reality judgments to analyze the facts of the situation (i.e., determining the "what is" and "what has been"), we see that Assistant Chief Hansen set about making an assessment of the situation at hand, implementing and adapting his organizational resources

to the crisis and making quality judgments to influence the outcome of the state of "what will be." The OCFD and responding agencies rapidly adapted to the crisis. The coordination of efforts resulted in approximately one hundred rescue workers being at the scene within minutes (Hansen 1995, 18; *Daily Oklahoman* 1995). The quick initial response to the chaotic situation has demonstrated retrospectively the effectiveness of the organization's efforts.

THE "WE" AND "I" IN ORGANIZATIONAL ANALYSIS

Value judgments were also rendered by managers and workers on the scene. One of the most salient facts presented to the rescuers was when there was a second bomb threat while they were in the Murrah building trying to extricate the victims. Firefighters are supposed to evacuate a hazardous situation if their lives are placed in jeopardy. The managers themselves had to make life and death decisions for their charges and for the victims. Word of an imminent second blast taking place caused Fire Chief Marrs and Assistant Chief Hansen to make a reappraisal of the situation:

> The decision to pull out our people was made quickly. In truth, there was no choice to make. The first rule for those responding to an emergency is not to become victims themselves. However, getting everyone to comply was not as simple as giving the order to vacate the premises. First, we had the logistical problem of getting word to rescue workers . . . . When the call came to evacuate, some of our people were working to extricate victims from the debris that trapped them. We learned later that some of those rescuers opted to stay with the injured and ride out the threat. We didn't reprimand any of them for their decision. We felt it was one of those few times in life where there wasn't a right choice. Whatever each rescuer personally chose to do given each specific situation was the right thing to do . . . rescue workers were forced to leave some people who were conscious but trapped. Leaving was extremely tough on everyone who was sent out of the building, but it was obviously far worse for the victims left inside. I don't think any of us can ever really understand how terrible that moment was (Hansen 1995, 18-19).

The facts of the case at hand were laid out to the rescuers on the scene. It is important to note here that the workers had an appreciation of the consequences of their actions. First, all of the rescuers could have left the Murrah building in good conscience and still would have maintained the organization's ethical and legal principles. Individuals made the decision as to whether to leave their respective victim or stay with him or her despite the chance for personal injury or death. This left the rescuers with the highly personal dilemma of "what are we going to do?" or, perhaps more appropriately in this case, in a collective sense, "what am I going to do?" The instrumental judgment made by each person on a case-by-case basis incorporated the epistemological and ethical dimensions of Vickers' theory of appreciation. No rational detachment was going on here. There were no absolute 'givens' for the rescuers and managers to use to decide on an economical-optimal, analytic-scientific or all-possible-options-weighed outcome. Rather, an appreciation of the situation, or human action based on an integration of reality judgments, value judgments, and instrumental judgments (or judging what is, what ought to be, and what can be), is a more appropriate measure of what the managers were actually facing.

Second, OCFD Chief Marrs and Assistant Chief Hansen understood that human action sometimes takes precedence over organizational objectives. Flexibility and innovation are important components of the overall "appreciative system" as Vickers (1995) observes

> The mutual relations that link . . . readiness into a system are threefold. They form part of the system by which the individual makes sense of the *observed* world in which he lives and its configuration in space and time. They form part also of the system by which he makes sense of his *communicated* world that he shares with his fellow men. They form part, too, of the system by which he makes sense of his *experienced* world and hence of himself. . . . A highly organized mind is one that comprehends the variety of experience in a number of conceptual patterns, overlapping but not mutually inconsistent. A flexible mind is one that readily alters its conceptual patterns so as to assimilate change without a prohibitive increase in incoherence. These mental skills have and will always have their limits, though these will be greatly enlarged, when our society has come to regard its appreciative system and those of all its members as precious, irreversible but always unfinished works of art . . . . I find it convenient to regard an

> appreciative system as a net, of which weft and warp are reality
> concepts and value concepts. Reality concepts classify experience
> in ways that may be variously valued. Value concepts classify
> types of relation that may appear in various configurations of
> experience (84-86, his italics).

Thus, under the clear judgment of hindsight, the activities surrounding the
bombing rescue efforts were adjudged to have been successful. The
managers in this case did not punish the firefighters and other personnel
who opted to stay behind with their victims even though the rescuers
knew they could have been violating organizational rules. Their appreciative
systems proved to be appropriate for this aspect of a complex organizational
problem.

An objection could possibly be raised here as to whether it was
merely fortuitous that there was not a second explosion and that then,
perhaps, the fire chiefs would have made a terrible decision, i.e., not forcing
all of the rescuers to leave the Murrah building or subsequently punishing
them. However, this scenario did not occur and in retrospect the decision
made was sound, given all the circumstances involved. Vickers' (1995)
appreciative systems perspective addresses the question of rediagnosing
a retrospective judgment:

> Reality judgments are more susceptible of 'proof'. . . . Some are
> estimates of probability. In the event, the improbable may happen;
> but the estimate is not thereby proved faulty. Some are of facts
> essentially unobservable and never clearly demonstrable, such as
> the state of people's opinions . . . . (86)
>
> What I have called judgments of reality and judgments of value
> must account between them for situations that we use four sets of
> verbs to describe. What we can and cannot do, must and must not
> do, should and should not do are distinguished from what we want
> and don't want to do in ways that are subjectively familiar but not
> always easy to define . . . . Questions in the form, 'Why is he doing
> that?' are misleading unless both asker and answerer supply the
> suppressed termination, 'Why is he doing that *rather than
> something else*?' We have in common speech a variety of ways in
> which we can answer such questions: for example,
>
> • 'because that is what, at the moment, he wants to do';
> • 'because that is what he feels he ought to do';

> * 'because he thinks that will have results that he wants or feels he ought to bring about';
> * 'because that is what in the circumstances he is accustomed to do';
> * 'because that is what his role requires';
> * 'because that is what someone asked him to do'; and so on. Of these, the first and second appear as separate though not necessarily conflicting categories, while the remainder can be readily subsumed under one or other or both of them . . . . (123-124, his italics.)

Vickers reminds us that judgments are rendered subjectively and within the constraints of time and space limitations available for making decisions. None of the rescuers died as a consequence of the judgments made by the chiefs. Also, the question raised above as a possible objection is not in itself value-free. An appropriate response by the fire chiefs to the inquirer of the hypothetical question could possibly be "what are you getting at?" or "what do you mean?" and "what would you have done differently?" Thus, the fitness of a decision is held in the eye of the beholder. The assessments made by the fire chiefs were decided within the context of the organization system, as the entire appreciation was rooted in the culture within which decisions were made (National Fire Protection Association 1995). And the case of the firefighters making the choice to stay behind in the Murrah building after the second bomb threat resulted in personal decision making based on the individual's conscience. The OCFD managers and workers were simply not rationally detached from events which they had to face on a personal level.

The OCFD firefighters have to live with the consequences of their actions. Their effective management of the agonizingly complex situation will have a positive impact upon the citizens of Oklahoma City for years to come. Assistant Fire Chief Hansen (1995) summed up the entire rescue operation:

> Luckily, there are a lot of us who will be dealing with the memories, and just like was true throughout the incident, we will have one another. From the first moment, this effort was about 'we' and not 'I'. It was about dozens of public safety agencies pulling together. It was about lots and lots of people doing their jobs. It was about hundreds more doing things that weren't their jobs; instead their actions were an outpouring of the faith and love that

lies within the people of this great nation. It was about family members who let us all embrace them as we struggled through our pain. This has always been about all of us (174-5.)

SUMMARY

The case study method of organizational analysis offers practitioners and academics the opportunity to demonstrate the concerns and issues of actual managers engaging in the real world practice of management in difficult situations. In sum, managers make decisions within the context of what they deem is important. Managers have an appreciation of the workings of their organization and can oftentimes relate their stories about what is going on within their organization. The stories or case studies of managers may not necessarily meet the highly technical-rationalistic standards of science, but they do offer a glimpse into what really happens in an important singular event. The common, everyday activities of managers may not be complicated to the extent of the devastating and chaotic circumstances met by the firefighters of the Oklahoma City Fire Department in the immediate aftermath of the bombing. But this case clearly demonstrates how effective managers using good judgment can cope with a devastating crisis in one of the worst possible scenarios.

Current renditions of traditional analytic-science, which have also been variously described as technical rationality or objective rational detachment, may be an inappropriate analytical tool for understanding what managers *actually* do in situations which require making reality and value judgments, and not just instrumental judgments. As has been shown, analytic-science makes the assumption that epistemological and ethical judgments are unquestioned givens and not subject to rigorous scrutiny. Interpretive and critical theorists raise the issue that organizational analysis cannot be completely value-free, as the manager in a real situation cannot extricate herself from the ongoing events.

Another issue raised in response to traditional science is that managers simply do not have the time available to them in every case to scientifically analyze every conceivable option which may or may not be available to them, especially in complex situations. Hence, they are dependent upon their workers and often come to rely on their judgment. Managers have common face-to-face human interaction with their employees and most

frequently choose direct communication to exchange information with their workers. Managers, while conversing and interacting with workers in their organization, can also foster a sense of trust in the organization. Furthermore, as shown in this case study, managers can give responsible decision-making authority to employees and encourage them to use their judgment wisely and appropriately.

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THE DELIBERATIVE OPINION CAUCUS:
A NEW MECHANISM FOR
DEMOCRATIC INPUT AND JUDGMENT

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

Recently popular attention has focused on the needs for, and problems of, strengthening democratic participation and governance and reducing excessive bureaucratization and self-interest in political decision-making (Rauch 1994; Elshtain 1995; Lasch 1995; March and Olsen 1995). Academic interest in "social capital" and its role in fostering and maintaining successful citizenries and economies, its role as "the key to making democracy work" has paralleled the critiques (Putnam 1993, 185; 1996;

see also Fishkin 1995; Fukayama 1995).

In these works are strong echoes of Robert Dahl's earlier analyses and his frequent imaginative calls for new mechanisms of public representation and participation. In *After the Revolution?* Dahl suggested the use of advisory councils of citizens randomly chosen by lot periodically to question and advise selected officials (1970; 1990, 123). Later, in *Democracy and Its Critics*, he proposed creation of a "minipopulus" of randomly selected citizens to deliberate and reach "informed judgment" about specific issues for a given period and then to make recommendations regarding them (1989, 340). Similarly, the social analyst and pollster Daniel Yankelovich has called for rejection of simplistic "public opinion" recorded through survey questions, in favor of informed and deliberated "public judgment" and, with the Public Agenda Foundation, has, since 1982, organized "public choice campaigns" and National Issues Forums to develop that special judgment (see Yankelovich 1991).

A more ambitious effort to get beyond the superficiality of usual opinion polling to a better conception of what an informed public would decide is the "deliberative opinion poll" devised by James Fishkin. Proposed in *Democracy and Deliberation* (1991) and elaborated in *The Voice of the People* (1995), the deliberative opinion poll brings together randomly selected citizens prior to a Presidential election to listen to and question candidates directly and to deliberate among themselves to hear different viewpoints before definitively selecting their choices for an opinion poll.

A planned 1992 poll failed due primarily to resource constraints. In 1994, however, a successful poll was held in Manchester, England, regarding not Presidential choices but options for dealing with crime (Fishkin 1995, 177-181). Fishkin reports that British Channel 4 scheduled a deliberative opinion poll for the 1997 British general election (1995, 170). Most recently, the first National Issues Convention was held in January 1996 to identify key election year issues and to hear from Presidential candidates (Fishkin 1995, 172). Although several major candidates chose not to appear, the poll was covered by major news media and televised nationally by the Public Broadcasting System.

The failure of key officials to participate was one problem. There were others. Richard Berke, in his *New York Times Book Review* critique of *The Voice of the People,* questioned the representativeness of people able and willing to pick up and leave family and job for the meeting. He also doubted whether the more serene and deliberative environment of

the poll did not unduly eliminate the vitality and emotion necessary to committed political deliberation (1996, 20). We wait for Fishkin's summary and analysis of the Convention to answer these critiques.

Such criticisms aside, it seems reasonable to ask of the practicality and utility of this polling mechanism beyond the special situations designed by Professor Fishkin. In other words, despite its sound and certainly well-intended purpose, what good is the deliberative opinion poll or similar mechanisms such as Dahl's if they are not, or cannot be, put to wider practical use? How can or will these tools be used on local levels where "social capital" is most effectively constructed and mobilized?

These are not inconsequential concerns. Putnam himself, whom Fishkin cites for "social capital" as a justification for his mechanism (1995, 148-149), ends his *Making Democracy Work* with an appeal to attention to local formation of the valuable resource. Says Putnam, "Those concerned with democracy and development . . . should be building a more civic community, but they should lift their sights beyond instant results. We agree with the prescription of local structures rather than reliance upon national initiatives . . . ." (1993, 185).

Greater attention to broader, more practical use of public participation and judgment in policy development and implementation comes from the consistent work of Peter deLeon, who has frequently called for implementing "critical policy analysis" through implementation of "participatory policy analysis" (1994). According to deLeon, such a procedure would require that "public opinion be sought out conscientiously by the policy analyst, who randomly selects, educates, and then listens to a number of citizens," preferably based on random selection, whose views are recorded through "policy polling" (1994, 205). This procedure would avoid incorporating self-interested views of elites or interest groups and relying on uninformed opinion found in common polling. As with Fishkin's work in Manchester, it could be initiated on any level by any willing official. Moreover, all phases of the policy process, from formulation through evaluation, would be amenable to the proposed procedure (Fishkin 1994, 205). Thus, it is much broader in applicability and more flexible in use than Fishkin's experiments to date.

DeLeon does not ignore the real, practical difficulties of such a process, some of which were discovered by Fishkin. Among predictable problems are: (1) recruitment of representative participants, (2) time and dollar costs, and (3) lack of experience or experimentation to identify the

realities of implementation (deLeon 1994, 205). In addition, one can expect obstacles arising from policymaker inertia and intransigence (deLeon 1994, 208), timing of issues for their salience and relevancy, coordination of participants' schedules, or incentives (monetary to civic) for participation from the beginning (deLeon 1994, 206-207). According to deLeon, "citizens generally are willing to engage in activities that approach these conditions in a spirit of personal morality and civic responsibility that transcends strict economic self-interest and remuneration" (1994, 207).

Specifically then, deLeon proposes "to develop a much more proactive forum procedure in which participants are chosen on a representative basis . . . and will allow participants to share a certain body of information and procedures . . . while being receptive to a wider degree of representation" (1994, 207). This process would not be designed for constant use but for "judiciously" selected opportunities "when feasible" (deLeon 1994, 208). Thus, "(w)ith limited success in carefully chosen situations, critical policy analysis might achieve sufficient currency to be adapted elsewhere" (deLeon 1994, 208). This may "serve as a basis for discussion towards opening and mining a promising research vein" and "if . . . taken seriously by citizens, analysts, and policymakers, it might very well renew what many observers have called a flagging faith in government" (deLeon 1994, 209).

The promise, then, of deliberative polling mechanisms proposed by Dahl, Fishkin, deLeon, and others is two-fold: (1) to provide better citizen input to their officials through informed judgments and (2) to foster greater "faith in government" through opportunities for creation and promotion of more "social capital." While all levels of contemporary government can clearly benefit today from greater success at both goals, public schools may be in greatest need of success. The Institute for Educational Leadership, after conducting three studies of school boards over a period of eight years, developed a number of "must" recommendations. Among these was the proposal that boards should "convene community forums to discuss major education policy issues and to provide leadership for public education" (Danzberger 1994, 372). As officials of an Oklahoma school district in 1994, the authors decided to test the practicality and applicability of the deliberative opinion process to local school districts.

THE 'DOUBLE BIND' OF PUBLIC SCHOOLS IN DEMOCRACY

Dissatisfaction with, and criticism, of public schools and their actions have grown with the wail against government. Traditionally 'expert' and 'in control,' public schools have increasingly discovered a public wanting a greater role in school decision-making and questioning what might seem to be, an unresponsive school bureaucracy (Finn 1991; Toch 1991; Bloom 1992; Marshall and Tucker 1992; Martz 1992; Perlman 1992; Lieberman 1993; Hanushek 1994). While many school districts have 'opened up' to the public, little guarantee has been available that they are not just giving in to special, organized interests. Caught in a double bind, school districts find themselves either succumbing to group pressure without confidence that they are acting for the entire community or stalling or denying the organized groups in the name of 'the public' and alienating group members who believe themselves ignored. Either outcome leaves the school districts perceived, fairly or not, as undemocratic, unresponsive, and self-serving. Clearly a mechanism such as proposed by Fishkin or deLeon designed to get the overall community's 'public judgment' of a topic and to allow widespread participation would help to address the democratic needs and responsibilities of both the public and the school district.

APPLICATION

The Weatherford, Oklahoma Public School District faced problems of public participation in 1994. The school board and superintendent became convinced action was needed to address dissatisfaction with the perceived responsiveness of school officials to public concerns. To that end, the authors, then a board member and the superintendent, designed a local variant of Fishkin's deliberative opinion poll, named "the Deliberative Opinion Caucus" (DOC).

We used it in March 1994 to consider the possible formulation of a policy of 'year-round school', a topic of growing interest in Oklahoma and the nation, but not then under consideration in the district. This allowed testing of the DOC mechanism without the distraction of an issue of immediate consequence. Thus, no personal or institutional resources were at stake. The deliberation would truly be exploratory. No vested interests,

pro or con, would need to fear (and campaign against) the mechanism which deliberated the concept. Written material for and against the topic was sent to participants to consider in advance of the meeting. Presenters familiar with implementing 'year-round schools' were happy for the opportunity to participate. Therefore, the topic maximized information for consideration while minimizing prior controversy which might short-circuit effective testing of the DOC mechanism.

The designers obtained the most recent list of registered voters in the school district from which to randomly unite DOC participants. After consideration, the designers determined that 380 names should be chosen, with the hope of a 50-75 percent acceptance rate. This hope was recognized as likely naive, but mailing costs made larger numbers undesirable near the end of a tight fiscal year. In addition, as students were affected by the topic but would not likely be registered voters, another twenty were randomly pulled from a list of current juniors and seniors.

After randomly selecting invitees from the list, the designers sent an initial invitation with an RSVP to each selected community member. Included in the invitation was a description of the DOC, the 'year-round school' topic and a letter from the Oklahoma Secretary of State commending the DOC as a fine example of the citizen voluntarism in government, an activity his office oversaw. Thus, along with repeated local media coverage of the DOC, strong efforts were made to impress upon invitees the importance and appreciation of participation.

While responses came in, the designers planned the format. A Saturday morning in late March turned out to be the time considered most likely to find the least conflict, for both participant and presenter scheduling. Two groups of presenters, one from Oklahoma, one from Texas, agreed to come to Weatherford to discuss their experience with 'year-round school.' Therefore, the designers decided to begin the session with both sets of presenters describing their efforts. Participants then would be divided into groups of no more than seven to interact and trade perspectives for thirty minutes. A second open discussion period would be held to answer questions and to share group ideas with all participants. At that point the participants would form new groups for another thirty minutes of discussion. At the end of that time they would complete a prepared poll about the topic. Room was left on the survey for any additional questions necessary in light of unforeseen directions and information arising during the discussions. In this way, it was believed that a true 'public judgment' about 'year-round schools' would be obtained.

THE YEAR-ROUND SCHOOL CAUCUS

On March 26, 1994, the Weatherford Public School District held its first DOC. Of the 400 student and non-student invitees, only forty-one agreed to participate and received full information packets with materials regarding the topic. Of those forty-one, none were students, thirty-two actually attended, and thirty-one completed the poll at the end of the four-hour session. Thus, hopes for a statistically representative sample of the entire community were unfulfilled. The presenters mainly discussed year-round applications that involved the same students attending for periods of, for example, 45 days in, 15 out, with shorter summer breaks. The inter-session periods were used for remediation or enrichment courses at either the district's or the family's expense. References to other year-round alternatives, such as trimesters with students and teachers selecting two of the three periods to attend, were negatively and only briefly discussed.

Discussions were generally animated, although common small group problems of one-person domination or no one speaking up were apparent in at least two groups. Sharing of group ideas among everyone after the initial group discussions raised several key points not necessarily tapped by the final poll and added to concerns and interests that the school district needed to consider if and when 'year-round school' made it to its policy agenda.

At the end of the session, participants took five to ten minutes to complete the survey. Each participant received a formal certificate of appreciation for his or her involvement and effort. The results were tallied and comments compiled, as noted in the following section, and made available to the school board and administration and to the local media.

A note is necessary about the poll. If a scientific study had been the intent of the DOC, respondents would have been polled before and after the session for comparisons of changed judgments about the topic. Similarly, extensive personal data would have been requested to allow correlations and statistical analysis. Since the intent of the DOC was to promote open-minded and uninhibited discussion to allow judgment to occur, a scientific approach might jeopardize the program intent. The designers did not want participants to risk crystallizing opinions by stating them formally on a document prior to actual deliberation; they also did not want participants frightened away from revealing actual judgments because of fear of being

identified through demographic or other information. Both are well-known potential effects of traditional polling.

The lack of before-after data clearly damaged efforts to judge the effect of the DOC on judgments made about 'year-round school.' However, this cost was not seen as more important than the full and free participation of all participants in the activities of the DOC, whose successful production was paramount. Future DOCs, once established and legitimated, may allow polling more amenable to traditional scientific study. In any case, this consideration of trade-off needs full deliberation itself by other experimenters and more attention than it has received to date.

THE RESULTS OF THE DOC POLL

For purposes of this analysis, detailed enumeration of poll results about 'year-round school' is not very important. For the readers' information, respondents tended to be somewhat favorable to alternative scheduling but preferred the '45 days in session, 15 out' format of 'year-round school' substantially more than other options after hearing and deliberating. Inter-session activities, such as tutoring and advanced classes, were particularly endorsed. Finally, respondents indicated overall support of the school system generally in its operation. Of more interest for the testing of the DOC itself, respondents strongly approved of the mechanism, averaging 1.53 on a scale of 1 as 'strongly approve' to 7 as 'strongly disapprove' (which was the question format used in our poll). Respondents were also asked open-ended questions as to strengths and weaknesses of the mechanism. Under 'strengths,' responses favored by at least ten percent were the DOC as an informative process (19%), an opportunity to hear opinions and interact (16%), diversity and variety of participants (13%), and a chance to be involved in local school decisions (10%) as double-digit responses. Under 'weaknesses,' they stressed poor attendance (19%), one-sided material (16%), and no student participation (10%). Finally 39% of respondents with no solicitation of the specific response or topic, recommended repeating the DOC with other topics in the future.

POST-DOC DISSEMINATION OF INFORMATION

After the March 26 session, the designers used various local media to disseminate the results and areas of success of the DOC. The local cable television channel recorded much of the presentations and replayed them over the cable system. The local radio station highlighted the DOC on its newscasts and provided 'conversation corner' time the following Monday and Tuesday to the DOC designers for discussion of the results. The local newspaper initially delayed reporting the results, however, running only a picture taken during the session along with a caption indicating disappointment with the number turned out. A later article, however, expressed the satisfaction of the DOC designers with the overall outcome of the session. Thus, the community was fully informed as to the results and judgments of the procedure itself as well as the topic considered.

DISCUSSION

It must first be admitted that not every goal of the DOC was achieved. The small turnout did not allow a statistically reliable measure of confidence in the community representativeness of the findings. The hope of reaching judgments similar to those reached if the entire community participated was not fulfilled.

Furthermore, as the results regarding participant perceptions of the school system indicated, those participating were not critics of the district for the most part. If, then, DOCs are to become means for regaining trust of alienated and distrusting citizens and to build 'social capital,' this experiment did not encourage that. At most it confirms that those supportive of public schools will support proposals of public schools and that those willing to participate possess 'social capital.' Not earth-shaking findings, it is agreed.

The unwillingness or inability of any of the selected students to attend points to potential problems for any DOC trying to involve groups or individuals who might feel particularly out of place in the deliberative setting. Special DOCs may be necessary if special groups need to be tapped, as focus groups can be designed for either general or specific

populations, or special solicitations designed, depending on need. While relying on those already involved in 'social capital' will likely promote and maintain it, no small achievement, problems of representativeness call into question hopes of using these mechanisms to build 'social capital' where it does not exist due to alienation or apathy unless special and innovative action is taken.

In the end, then, since the effort did not match textbook ideals for experimentation and hopes were not totally fulfilled, did the first DOC fail? While the glass may not have been completely full, the designers believed the DOC to be more a success than a failure. Why?

First, the presenters from Texas and Oklahoma specifically stated that they were very impressed with the turnout. In their districts, which had actually put 'year-round school' into effect and held public forums for input, they had not seen groups nearly as big. Thus, while compared to a statistically representative sample the turnout was disappointing, compared to other similar forums and lacking experience from other DOCs which may have established standards of common participation rates, it was, anecdotally, more successful. More reasonable expectations can now be made for future DOCs.

Second, by observing directly, listening to comments, and knowing many participants, the designers felt that the participants ranged across all age and occupational groups in the community, except for students, as mentioned. While not statistically reliable, their judgments nevertheless gave confidence of catching broad segments of the community. As noted, participants themselves appreciated their diversity and variety. Plus, their random selection did legitimately prevent domination by special interests. Written and oral comments were insightful and valuable in and of themselves and mirrored comments and perspectives known to exist in the community in general.

Fourth, as noted, the poll results and comments regarding the DOC were overwhelmingly favorable. Even criticisms were thoughtful and constructive. No participant felt that the DOC had been harmful or a waste of time. A large majority perceived it as valuable, including those otherwise critical of the topic or the school district. A few made oral comments that indicated a complete switch of opinion regarding the topic, demonstrating the ability of the mechanism to open minds to views of more of the overall community perspective. 'Pre-' and 'post-' polling in the future may better demonstrate this.

Fifth, for the reasons above, the designers subjectively and impressionistically came away believing that the project had been successful. Prepared for the worst and disappointed by the low turnout, they nevertheless felt something important had been accomplished. Future DOCs are planned by the Weatherford community strategic planning subcommittee on quality of life issues.

Sixth, academic expectations of high turnout for such experiments are frankly more naive and unrealistic in community settings faced by practitioners with limited resources and few sanctions or rewards. Fishkin's National Issues Convention conspicuously wined and dined participants in Austin, Texas, in return for their agreements to participate, a significant expense not likely to be matched by local governments. Efforts such as DOCs are and will be more like experience with juries, with similar participation rates, than classical experiments with well-done controls. Insistence that efforts be academically successful before continuation or dissemination will doom them, as juries would have been, and might still be, doomed by such criteria. Our results do, however, call into question deLeon's confident reliance on "a spirit of personal morality and civic responsibility" to motivate participants.

Seventh, other practitioners have already agreed as to the value of the procedure for their needs. The National School Boards Association featured the topic in a workshop at its annual national meeting in San Francisco in 1995, as did the fifth annual National Conference on Creating the Quality School in 1996. One school district in Indiana has already requested information and advice for setting up a DOC there. Finally, Public Service Company of Oklahoma is considering the mechanism as part of its statewide community economic development program. Thus, those who understand the practical difficulties as well as the great need for such efforts have assisted its dissemination to other practitioners.

RECOMMENDATIONS

What should be done to improve future DOCs and, perhaps, other participatory efforts, based on the Weatherford experience? Clearly, a larger sample needs to be drawn in order to enlarge final turnout, if and when contact costs permit. It seems unlikely that analysts and policymakers in small communities or underfunded agencies, however, will ever be able

to get a statistically reliable sample to assert representativeness. Perhaps others will be more fortunate with the prestige and coverage of larger, or even national, samples. DOCs and their future cousins will need to be seen as representative of their communities in the sense that juries are rather than as statistically representative samples are. The randomization is still necessary to demonstrate lack of arbitrary favoritism by the governmental unit doing the selecting and to avoid domination by groups 'loading' their members, as can happen in open public forums and debates.

To improve participation beyond results achieved here one might offer financial or other kinds of payments (deLeon 1994). Financially strapped systems, such as Weatherford however, may not have this option. Corporate sponsorship, as Fishkin has received, might be available, but also might be seen as slanting the topics chosen or the results reported. More controversial or relevant topics might also pull interest as might increased and improved before-and-after publicity, although media sources were extensively used in this experiment. Simply having more and more DOCs may also develop a sense of civic duty in community members toward them and gradually improve participation. We must admit decreased naivete and increased doubt, however, about achieving more than 10-20 percent participation from the selected sample.

Another area of improvement of future DOCs would be presentation of more sides of a topic. As noted, a frequent written criticism of the presentations was the imbalance toward favoring 'year-round schools.' Formal groups promoting traditional schedules do not exist and thus could not provide spokespeople, and groups currently critical of public schools, such as the Christian Coalition, which has a chapter in Weatherford and remained silent, have not made 'year round school' a central concern, as of yet. Still, known criticisms of 'year-round school' were made available and discussed. Nevertheless, the asymmetry bothered respondents, who did not recognize that their own expressed experiences and doubts offered much of what they complained was lacking.

The Weatherford DOC provided opponents the opportunity to get on the session agenda with a petition signed by five percent of voters in the last election. No one requested such time, perhaps, admittedly, because the mechanism was not widely promoted. Better promotion might draw more presentations as well as deal with critics' objections and alienation toward the district generally.

The danger certainly exists that other DOC organizers could misuse

the process as a stage-managed co-optation device. While in the short-run such use may be successful, the superficial and inauthentic nature of such practices becomes apparent, especially if too many responsible voices are shut out. Ultimately, this game-playing only further damages the legitimacy and support of the institution using the DOC mechanism.

Analysis of future DOCs would benefit from more in-depth surveys and statistical review. The problem of possible stunting of opinion and discussion described earlier might be overcome by asking participants to volunteer for deeper questioning, as election exit polls do of voters. Researchers will have to be scrupulous in their interpretations and reports of possibly skewed results. This, however, will again add to the costs and negatives of the activity for jurisdictions considering meaningful citizen input or deLeon's specific "participatory policy analysis."

Finally, future DOCs need to follow up better with those who did not choose to participate. The fiscal difficulties mentioned earlier and the nearness of the end of the school year discouraged interest in a follow-up in this case. Granted, asking further responses from those who did not choose to respond initially may not lead to much greater success, but any answers may give insight as to disincentives and attitudes and may enable improvement of other DOCs. Future activity in Weatherford will definitely be more aware of, and focus more on, follow-up.

CONCLUSION

In spring 1994, the Weatherford Public School District experimented with the use of the Deliberative Opinion Caucus in a conscious effort to enhance citizen efficacy in the local democratic process and to provide better insight into community opinions for decision-making. Although a few goals of the DOC were not fully achieved, overall the evaluation of the project was positive, with similar DOCs planned in the future. The success of the effort as judged by an organization of practitioners interested in and needing increased public participation, has been positive.

The Deliberative Opinion Caucus does give hope that citizen input and 'social capital' can be increased and that grander hopes for policy-making such as deLeon's vision of participatory policy analysis, from formulation through evaluation, can be achieved, at least in part. As our experience indicates, citizens will thoughtfully participate, even if they

are not necessarily statistically representative of the community. Even financially strapped jurisdictions and agencies can operate versions of the approach with minimized but explicitly expressed expectations and conclusions. All stages of the policy process can be invoked. If we use juries as our model, widespread use of this and other mechanisms, heeding calls of Dahl, Fishkin, and deLeon, is possible, even if, admittedly, not at this time probable.

Finally, in a time when citizens are increasingly distrustful of, and alienated from, their government and political process, new mechanisms such as the DOC must be developed to build our 'social capital' and to strengthen the ties between the representative and the represented, or, in the eyes of many observers, democracy itself may be threatened. While flaws must be corrected, the Deliberative Opinion Caucus as executed in the Weatherford experiment shows promise for being an effective means to accomplish those ends.

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BOOK REVIEW SECTION

R. Darcy and Richard C. Rohrs, *A Guide to Quantitative History.*
(Westport: Praeger Publishers, 1995) pp. 336. $65.00(hardcover),
$24.95(paperback) ISBN 0275948978 (hardcover), 0275952371
(paperback)

Historians began using more sophisticated quantitative techniques in
the 1970s, but useful guides for quantitative historians have only recently
become available. For most of the early 1980s students relied on Charles
M. Dollar and Richard J. Jensen's *Historian's Guide to Statistics:
Quantitative Analysis and Historical Research.* While Dollar and Jensen
introduced students to quantitative history, the volume did not provide
practical experience in quantitative techniques. Several new books are
now available for training history students in quantitative techniques. The
latest entry into this growing field is R. Darcy and Richard C. Rohrs' *A
Guide to Quantitative History.*

Darcy and Rohrs have produced a volume that could easily become
the standard for teaching the introductory quantitative methods course in
history programs. An excellent introduction traces the development of
quantitative techniques by historians. The authors introduce students to
basic and advanced quantitative techniques for historical research. Their
approach falls between a purely mathematical approach to teaching
quantitative history and a "cookbook" approach. Realizing that many
historians lack a strong mathematics background, Darcy and Rohrs guide
the reader through statistical theories and applications. At the same time,
they do not merely provide a recipe for using particular techniques.

The chapters cover the standard range of introductory statistics: organization of variables, simple descriptive statistics, inferential statistics, t-tests, cross-classification, analysis of variance, measurement techniques, and regression analysis. They explain each statistical method in clear language that is easily understandable. Not only does it include an explanation of methods, but also a history of the method. These discussions of the use of a method over time offer valuable insights to students about how to use and avoid misuse of statistical methods.

Using a practical and applied approach to teaching quantitative methods for historians makes this book valuable. Each chapter includes explanations of different techniques and demonstrates how historians have reached certain conclusions with their quantitative data. They offer a range of examples of how historians have used statistical methods including mass voting behavior, legislative voting behavior, immigration history, historical demography, and economic history. Students can replicate many of the examples given in the book because the data is also printed along with the results. This can be a good teaching tool for quantitative methods. Some data sets used in certain sections can be used to practice other quantitative techniques explained in the book.

While the main audience for this book will be classroom teachers, the index and examples in *A Guide to Quantitative History*, make this a good reference source for historians. Nonquantitative historians should keep a copy of Darcy and Rohrs on hand to refer to when reading quantitative historical articles.

This book will be a valuable classroom resource for anyone teaching historians quantitative methods. Instructors teaching a methods of historical research class should use this book as a supplement to demonstrate the value of quantitative approaches to history. Instructors and students alike will appreciate this well-crafted book. Darcy and Rohrs have produced a valuable teaching tool for quantitative history that surpasses the current books on the market.

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East Central University

Charles C. Alexander, *The Ku Klux Klan in the Southwest*. (Norman: University of Oklahoma Press, 1995) pp. 288. $13.95 ISBN 0806127767

The republication of this fine study, originally released in 1965 by the University of Kentucky Press, is most welcome. Charles Alexander, Distinguished Professor of History at Ohio University, produced a valuable work that helps us understand one of the most violent extremist groups in this century. By the 1990s the various Klan groups added up nationally to fewer than 5000 — a shadow of the 1920s organization conservatively estimated at two million in a population of fewer than 110 million. Alexander states in his 1995 preface to this paperback edition that a total of forty thousand may have been members of Klan organizations as late as 1965.

This book concentrates on the Invisible Empire, Knights of the Ku Klux Klan (KKK) founded in Atlanta in 1915. After World War I, this organization attained its largest size and influence in states outside the deep south. Alexander's focus is the 1920s Klan in Arkansas, Louisiana, Oklahoma, and Texas, "four of the strongest and most violent Klan states." He also demonstrates that the post World War I Klan was not only the largest, but also the "most powerful of the historic Klans."

The man most responsible for the 1915 founding of the 20th century Klan was William Joseph Simmons, a former Methodist minister who had left the clergy in a 1912 fit of pique when he was not given a large church

of his own. He became a fraternal group organizer and attained the rank of colonel in the Woodmen of the World. This was his rationale for calling himself "Colonel Simmons" and, of course for insisting that others, few of whom knew of the title's genesis, address him that way.

During the first World War, Simmons involved the Klan in the "national mania" of the time: self-appointed spying chasing. He made "secret service men" of the Klansmen in Alabama and Georgia, and claimed that he kept in close touch with federal attorneys, judges, and federal secret service officials.

A series of well-documented articles in the *New York World* in September 1921 contributed to Klan growth in the early 1920s. Thinking such pieces would be a wake-up call to "reasonable and thinking Americans" in the South and Southwest, the *World* believed that they had shown the Klan up to the bright light of truth, so to speak, and that the organization would be badly damaged. Alas, the opposite happened: extensive free publicity. Like-minded folk who had never heard of the Klan were attracted. Recruiters visiting northern and western states found thousands of people eager to be enlisted. "Some zealots even mailed their applications for membership on sample forms printed in the newspapers to illustrate the *World's* articles." All this caused Congress to get in on the act and the House Rules Committee held a series of hearing on the KKK. This also backfired and the publicity resulted in more new Klansmen. Naturally, this left many puzzled. As Alexander puts it:

> To hostile observers the Klan was just not supposed to be. It was wholly alien to the democratic ideal, an intruder in American life. In the third decade of the twentieth century, in a nation that had just fought war to make the world safe for democracy and was now resuming its inexorable advance toward the good society, how could this "un-American monstrosity" happen?

Part of the explanation, of course, is that WW I and the years immediately following were times of rapid change and American society grew more complex. These changes increased social tensions. During such times many citizens are less rational and hence ripe for the appeals of extremist group leaders. The Klan was the most successful of such organizations. Alexander points out that during the war, U.S. citizens had been recipients of "the first systematic, nationwide propaganda campaign in the history of the Republic." One purpose of this undertaking was to

teach them to hate—not just Germans, but anything not in conformity with "100 percent Americanism." This reservoir of chauvinistic, even jingoistic, zeal was still nearly full at war's end. For a considerable number, these feelings could be deflected and channeled toward other "enemies" (Jews, Catholics, foreigners, blacks, people who violated regional mores, etc.). The Klan offered a natural home for such people. It offered a "target for every frustration and people from many social strata found their way into it." Limited to white Protestants, the group's membership was "remarkably cross-sectional" and strongly dedicated to the "moral status quo." This, Alexander writes, was the "most powerful stimulus" for its growth in Texas, Arkansas, Louisiana and Oklahoma.

Religious symbolism permeated the Klan both in "thought and practice." Such phrases as "the tenets of the Christian religion," "the law of Christ," and "God being my helper" were extant in their official documents and ritual. They conspicuously played hymns, especially "The Old Rugged Cross" (Why are we not surprised by this?), "Blest Be the Tie That Binds," and "Onward Christian Soldiers" which, Alexander says, became "something of an unofficial anthem of the order."

This is a classic work. Any political scientist, historian or sociologist aiming to understand the largest and most violent extremist organization of this century will find no better starting point than *The Ku Klux Klan in the Southwest*. Many thanks to the University of Oklahoma Press for reissuing this book.

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Malcom E. Jewel and Marcia Lynn Whicker, *Legislative Leadership in the American States*. (Ann Arbor: The University of Michigan Press, 1994) pp. 232. $44.50 ISBN 0472105175

Building on the foundations of a substantial body of Congressional research, Jewel and Whicker formulate a number of theories about state legislative leadership. The work revolves around trying to discover how leaders do their job, what their goals are, what styles of leadership they follow, and what techniques they have developed in an effort to become more effective. Ultimately we seek to determine what makes some leaders strong and more effective than others. How well have leaders adapted to legislative change—the increasing demands on the institution and the changing expectations of members? (1)

The factors Jewel and Whicker explore which shape the answers to these questions are: historical trends, institutional context, leadership party position, leadership tools and techniques, and personal leadership type. Each is carefully defined and reviewed. Borrowing concepts from the presidential leadership literature (chapter two), Jewel and Whicker develop eleven legislative leader roles: gatekeepers, coalition builders, negotiators, communicators, spokespersons, engineers of the legislative process, tone setters for ethics, co-monitors of policy implementation, mentors to younger legislators, trainees for higher office and party leaders.

Chapter three moves on to examine the institutional context of

leadership. After reviewing several institutional powers and limitations, Jewel and Whicker conclude that there is an increasing trend for professionalization of the legislature as well as increasing participation by women and minorities. The fourth chapter looks at the positional context of leadership or partisan politics.

While legislative leaders may not have much control over the institutional setting, Jewel and Whicker argue, they can develop tools techniques to manipulate that setting, which they demonstrate in chapter five. These tools and techniques include committee appointments, use of committees, leadership staff, use of the caucus, providing funds, recruitment, and participation in legislative campaigns.

One of the more engrossing chapters is the sixth, which reviews personal leadership types. Jewel and Whicker's analysis results in an imaginary three by three table in which leadership style of command, coordinating and consensus personalities are matched with power, policy and process goals. This establishes a total of nine legislative leadership types. Each of these nine leadership types is described in detail in appendix.

Of special interest is the chapter devoted to women as state legislative leaders. The authors conclude, "The long-run trends ... are favorable to both the increased political participation of women and to the acquisition of top leadership positions by women" (188-189).

The authors conclude by reporting both positive and negative trends in state legislative leadership. The positive trends include growing professionalism and expansion of tools and techniques and a shift to more participative personal leadership types. The negative trends include term limits, increased partisanship, the gridlock of divided government and the growing burden of campaign fund raising. Jewel and Whicker preface their review of these trends with a challenge for more research.

Each chapter in this work sheds new light not just on legislative leadership but the entire legislative process at the state level. The bottom line is: the reader is enlightened on the complexities of, as well as some of the various factors affecting, the state legislative process and how its leaders cope and try to control it.

Oklahomans have good reason to be interested in this monograph. The authors interviewed legislative leaders in a number of states, including Oklahoma. Those interviewed in Oklahoma include Senate President Pro Tem Robert Cullison, Senate Majority Leader Darryl (they misspelled his

first name) Roberts, Senate Minority Leader Charles Ford, Speaker of the House Glenn Johnson, House Speaker Pro Tem Jim Glover, House Majority Leader Lloyd Benson and House Minority Leader Joe Heaton. This leadership list indicates the interviews were taken during the 1991-1992 period.

Likewise, Oklahoma political scientists are quoted and cited throughout the book. These include Ronald M. Peters, Jr., at the University of Oklahoma and Bob Darcy, at Oklahoma State University.

Finally, there is a very short description of the ouster of Speaker Jim Barker which took place towards the end of the 1989 legislative session. I will have to confess that even I, a long-time state legislative employee, learned something about the Oklahoma Senate. For example, it was not until I read Table 5-4 on page 107 that I discovered that the Oklahoma Senate Republicans had a caucus campaign fund.

There are major strengths and few weaknesses in this volume. The tables and appendices along with the theory building are well worthwhile. A listing of those tables along with their page numbers would have been helpful. A more comprehensive index would make the book more useful. Finally, much of the study was centered on only a few states: Connecticut, Minnesota, Ohio, and Texas.

The next task for researchers is to take up Jewel and Whicker's challenge to build upon the research reflected in this volume in order to further our understanding of this increasingly important part of our governmental system. Whether this happens or not, expect this book to be a standard reference work on state legislative leadership for decades to come. Thanks to this volume, our knowledge of leadership, state government, and the legislative process are all expanded.

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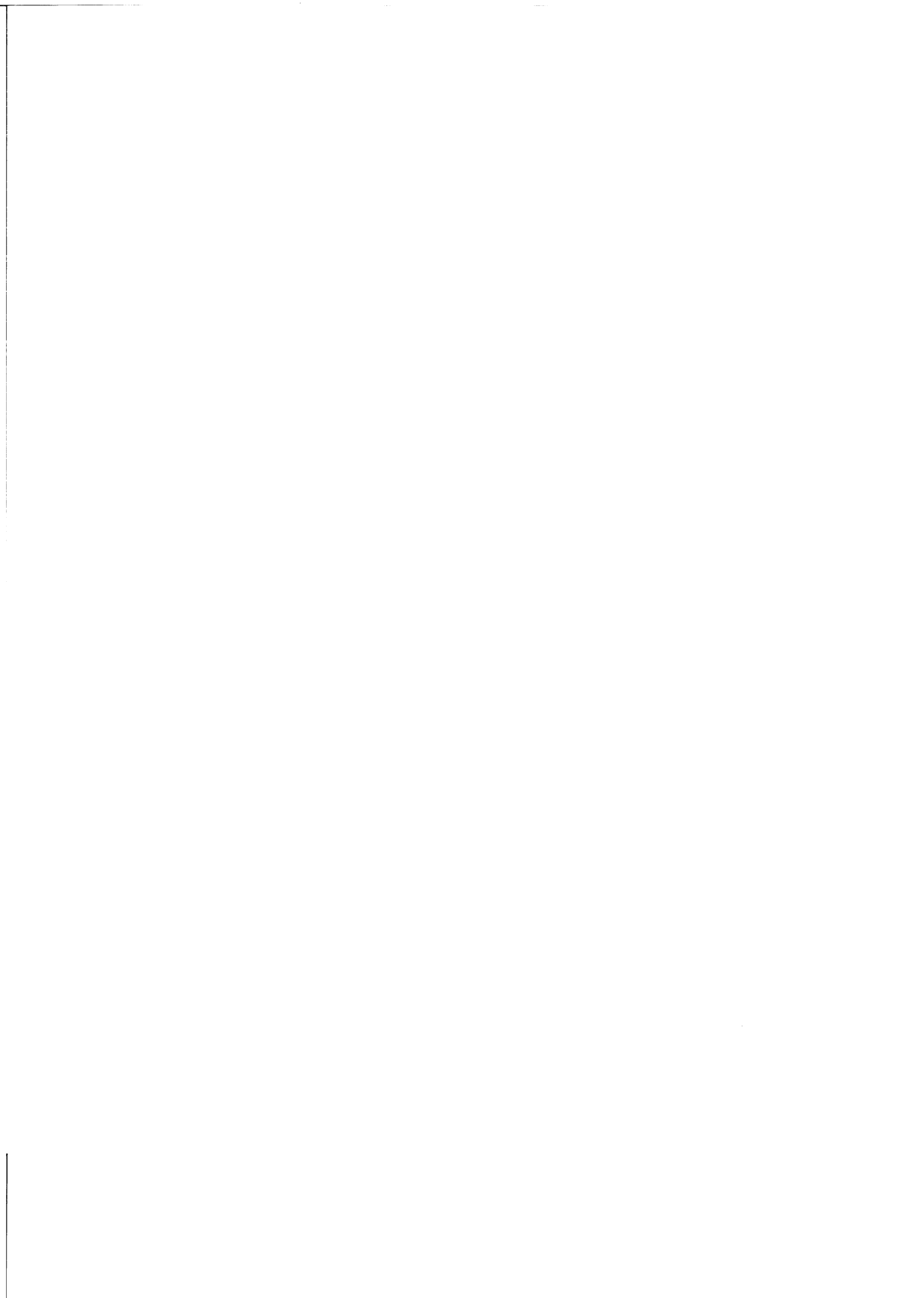
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