

6-4-2009

The Incorporation of Direct Democracy : Populism and Initiative Practices as Contested Terrain

Larry Galizio
Portland State University

Follow this and additional works at: https://pdxscholar.library.pdx.edu/open_access_etds



Part of the [Urban Studies Commons](#), and the [Urban Studies and Planning Commons](#)

Let us know how access to this document benefits you.

Recommended Citation

Galizio, Larry, "The Incorporation of Direct Democracy : Populism and Initiative Practices as Contested Terrain" (2009). *Dissertations and Theses*. Paper 5942.

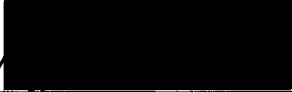
<https://doi.org/10.15760/etd.7812>

This Dissertation is brought to you for free and open access. It has been accepted for inclusion in Dissertations and Theses by an authorized administrator of PDXScholar. Please contact us if we can make this document more accessible: pdxscholar@pdx.edu.


DISSERTATION APPROVAL

The abstract and dissertation of Larry Galizio for the Doctor of Philosophy in Urban Studies were presented June 4, 2009, and accepted by the dissertation committee and the doctoral program.

COMMITTEE APPROVALS:


Gerry Sussman, Chair



Richard Clucas


Richard Ellis


Charles Heying


David Horowitz
Representative of the Office of Graduate Studies

DOCTORAL PROGRAM APPROVAL:


Ethan Seltzer, Director
Urban Studies Ph.D. Program

ABSTRACT

An abstract of the dissertation of Larry Galizio for the Doctor of Philosophy in Urban Studies presented June 4, 2009.

Title: The Incorporation of Direct Democracy: Populism and Initiative Practices as Contested Terrain

What are the democratic implications of the increasing professionalization of direct democracy?

The dissertation takes a critical approach to the “initiative-industrial complex” and offers a counter-thesis to prevailing scholarly research on the substantial growth in the use of political consultants in initiative campaigns. The political economic analysis approaches direct legislation campaigns and elections as constituent parts of a system of legitimation for the existing set of social relations.

An historical analysis reveals that the contemporary era of initiative activity rivals that of its frequent use during the populist and progressive eras; and that in the early 21st century direct legislation represents a significant element of the political landscape of the 24 states permitting its use.

The analysis concentrates specifically on Oregon's initiative system during the 2000 to 2008 election period, with a focus on 4 high-stakes campaigns (2 from the 2000 election and 2 from 2006).

The contemporary era of direct democracy reflects the ascendancy of the principles of neoliberalism and includes unprecedented financial flows into initiative campaigns in Oregon and other states with a system of direct legislation. The Oregon

initiative campaigns discussed in the study demonstrate the heightened technification, industrialization, and “scienticization” (Habermas) of direct democracy campaigns and elections.

The study found that wealthy organized and elite interests exploit the populist origins of the initiative process for political and ideological advancement, and that “crypto-initiatives” are employed to force labor and public sector advocates to expend valuable financial and human resources in their defense. Moreover, it finds that technologically-mediated campaigns construct voters as consumers approaching them in the manner of private exchange relations and therefore have questionable secondary educational and/or civic benefits.

THE INCORPORATION OF DIRECT DEMOCRACY: POPULISM AND
INITIATIVE PRACTICES AS CONTESTED TERRAIN

by

LARRY GALIZIO

*A dissertation submitted in partial fulfillment of the
requirements for the degree of*

DOCTOR OF PHILOSOPHY
in
URBAN STUDIES

Portland State University
©2009

**To my beautiful son, Giovanni Michael KunHyung Galizio,
who proves that words are inadequate**

ACKNOWLEDGEMENTS

During difficult moments in the dissertation writing process I would contemplate the acknowledgments page, as it would signify that I had finally advanced to the final stage. Now that this moment has finally arrived, the list of people I would like to thank has grown significantly. I only hope that I manage to get it right.

First and foremost I want to thank Dr. Gerry Sussman, chair of my dissertation committee, and more importantly, a mentor and a friend. Dr. Sussman spent untold hours challenging me, answering questions (sometimes the same question multiple times), and providing unparalleled guidance and support during this extended endeavor. I am forever grateful for his unwavering support and intellectual influence.

All of the members of my committee provided inspiration, insight, and the necessary instruction to truly make this a learning process. Richard Clucas provided perspective both as a political scientist and as a one-time doctoral candidate seeking to balance work, family, and scholarship. David Horowitz's enthusiasm and feedback for the project during my defense was reassuring as well as thought provoking. Richard Ellis was kind enough to serve on my committee despite residing in Salem, Oregon and teaching at Willamette University. Having written the best book on the initiative system, *Democratic Delusions*, Dr. Ellis's knowledge and advice were extraordinarily helpful. Charles Heying, from whom I had the good fortune to take more than one course, was overly generous with his time and always helpful in suggesting issues, scholarship, and authors to consider. I also want to thank Regina Lawrence for serving on my committee through the colloquium and for the helpful

feedback that she provided before leaving to teach at LSU. Finally, I would like to extend a heartfelt thanks to Sy Adler, Carl Abbott, and Melody Rose from PSU. All three were very generous and helpful throughout my tenure at PSU.

Support from my colleagues and the institution that has been my place of employment for the past 15 years, Portland Community College, was important as well. Thank you to Doris Werkman and Steve Ward for their consistent support of my efforts during the course of my doctoral work. In difficult economic times, tuition assistance and professional development are easy targets for cuts, yet the benefits to the institution and especially the students attending PCC clearly outweigh the costs. I hope Portland Community College continues to support its faculty and staff in their professional development endeavors.

Although my foray into electoral politics in 2004 complicated my schedule and delayed the completion of the dissertation, it did provide access to individuals and experiences that were valuable additions to the project. I want to acknowledge the valuable assistance I received from my legislative assistant, Katharine Ryan, who has the patience and intelligence to problem-solve software glitches and cryptic instructions on formatting and other stylistic matters. I would also like to thank all of the Oregon politicians who were kind enough to give up some of their time to discuss direct legislation in Oregon. Particularly helpful and generous with her time was Janice Thompson of Democracy Reform Oregon. Ms. Thompson and Democracy Reform Oregon do fantastic work following the money in Oregon politics.

Closer to home, I want to thank my brother Michael and his wife, Bobbie Metzger, for their consistent encouragement and help over the years.

Finally, Janice O'Malley Galizio (a.k.a. "the dissertation widow") has been the constant in my life that has kept me anchored enough to complete this difficult project. There is nobody with whom I would rather navigate the waters than my exquisite partner in life.

TABLE OF CONTENTS

ACKNOWLEDGMENTS ii

TABLE OF CONTENTS..... v

LIST OF TABLES viii

LIST OF FIGURES ix

CHAPTER ONE: INTRODUCTION 1

 THE PROFESSIONALIZATION THESIS 4

 POLITICAL CAMPAIGN CONSULTANTS..... 5

 A CRITICAL APPROACH TO I&R CAMPAIGNS..... 7

 NEOLIBERALISM..... 8

 OREGON AND DIRECT LEGISLATION 13

 THE CONTEMPORARY ERA OF DIRECT LEGISLATION 16

 FAUX-POPULISM 18

 RESEARCH APPROACH 20

 FINANCING DIRECT DEMOCRACY 21

 RESEARCH QUESTION 29

 RESEARCH METHODS..... 30

 DATA SOURCES..... 36

 PLAN OF THE STUDY 40

CHAPTER TWO: THEORETICAL APPROACH AND LITERATURE

REVIEW 41

 NEOLIBERALISM..... 41

 APPROPRIATING POPULISM 44

 LEGITIMATION 48

 THE PUBLIC SPHERE..... 52

 MASS MEDIA AND ELECTORAL CAMPAIGNS 54

 CONSTRUCTING THE POLITICAL SPECTACLE 57

 POLITICAL ECONOMY..... 59

 CURRENT THEORY ON INITIATIVE PROFESSIONALIZATION..... 62

 INDUSTRIALIZATION NOT PROFESSIONALIZATION 66

 CITIZENS/VOTERS AS TARGETS/CONSUMERS..... 71

 COUNTERARGUMENT ON EDUCATION 74

 POLITICAL MARKETING 76

 CITIZEN PARTICIPATION..... 83

 NO PLACE FOR AMATEURS..... 85

CHAPTER THREE: THE DEMOCRATIC PROMISE OF DIRECT

LEGISLATION..... 87

 REFERENDUM U'REN..... 88

SOCIALISTS AND THE I&R.....	93
THE STRATEGIC SHIFT OF I&R ADVOCATES	95
CHAPTER FOUR: POPULISM AND INITIATIVE PRACTICES AS CONTESTED TERRAIN.....	106
INITIATIVE ADVOCATES	108
BILL SIZEMORE – OREGON’S TOP INITIATIVE INDUSTRIALIST.....	112
PROFESSIONALIZATION	121
STRUCTURE OF PROFESSIONALIZATION.....	124
SCIENTIFIC MANAGEMENT OF PUBLIC OPINION	132
FOCUS GROUPS	134
BENCHMARK POLL.....	136
DIAL-TESTING.....	137
TRACKING POLL.....	138
MICROTARGETING.....	138
REGRESSION ANALYSIS.....	139
CHAPTER FIVE: THE INCORPORATION OF DIRECT DEMOCRACY: CASE STUDIES IN.....	142
INITIATIVE PROFESSIONALIZATION	142
CASE STUDIES: OREGON BALLOT MEASURES 48 AND 41 IN THE 2006 GENERAL ELECTION AND MEASURES 98 AND 92 IN THE 2000 GENERAL ELECTION.....	148
THE TABOR SPENDING LIMIT (48) AND THE FEDERAL TAX DEDUCTION (41) MEASURES IN OREGON’S 2006 GENERAL ELECTION.....	153
MONEY IN INITIATIVES I: THE TABOR SPENDING LIMIT (MEASURE 48) IN OREGON’S 2006 GENERAL ELECTION.....	156
MONEY IN INITIATIVES II: MEASURE 41 IN OREGON’S 2006 GENERAL ELECTION ..	177
CONTRIBUTIONS AND EXPENDITURES IN OPPOSITION TO MEASURES 48 AND 41.....	184
BEHIND THE SCENES MANEUVERING: MEASURE 41.....	186
THE CAMPAIGNS TO OPPOSE MEASURES 48 AND 41 IN OREGON’S 2006 ELECTION	188
MEASURES 98 AND 92 IN THE 2000 GENERAL ELECTION	203
THE OPPOSITION TO NO PUBLIC RESOURCES FOR POLITICAL PURPOSES (98) AND PAYROLL DEDUCTION LIMITATION (92)	209
ELECTION RESULTS FOR MEASURES 98 AND 92 IN OREGON’S 2000 GENERAL ELECTION.....	227
CHAPTER SIX: CONCLUSIONS, LIMITATIONS, AND FUTURE RESEARCH.....	232
DEMOCRATIZING I&R CAMPAIGNS AND ELECTIONS.....	249
REFERENCES.....	252
APPENDIX A: 2000-2008 OREGON I&R.....	273
2008 GENERAL ELECTION INFORMATION.....	273

2007 SPECIAL ELECTION.....	277
2006 GENERAL ELECTION.....	279
2004 GENERAL ELECTION.....	282
2000 GENERAL ELECTION.....	290
APPENDIX B: POLITICAL PROFESSIONALS & INITIATIVE ACTIVISTS	
INTERVIEWED	297
ENDNOTES.....	300

LIST OF TABLES

Table 1, State Adoption of Initiative and Referendum..... 16

Table 2, Top 20 Donors to Sizemore for Governor/Oregon Taxpayers United, 1998..... 118

Table 3, Notable Expenditures in the 2006 Ballot Measure Election 177

Table 4, Notable Expenditures in the 2000 Ballot Measure Election 215

LIST OF FIGURES

Figure 1, Top Initiative Users 1904-2008 13

Figure 2, Number of Initiatives By Decade..... 17

Figure 3, Contributions to Ballot Measure 27, 2002 Election 23

Figure 4, Contributions to Measure 48, 2006 Election..... 161

Figure 5, Groups Funded by Howard Rich/Americans for Limited Government .
..... 164

Chapter One: Introduction

In his classic study of direct democracy¹ in the United States, Thomas Cronin describes the tension inherent to a republican form of government with a strong historical/cultural valuation of individualism and personal liberty. Cronin observes that “[D]efinitional and political debates over ‘consent of the governed’ are a constant of our political culture” (Cronin, 1989, p. 20). A provocative illustration of this conflict was examined by historian Michael Schudson in an essay critical of a proposal by 1992 presidential candidate, Ross Perot. Perot’s idea was to consider replacing Congress with nationwide electronic town meetings, using direct plebiscitary decision-making. In his critique of Perot’s scheme, Schudson quotes nineteenth-century figure Lord Bryce, who contemplated an era when the will of the majority might “become ascertainable at all times, and without the need of its passing through a body of representatives, possibly even without the need of voting machinery at all.” Thus, in Bryce’s words, “public opinion would not only reign but govern” (Schudson, 1992).

Although Perot’s recommendation ultimately went nowhere, it exemplifies a powerful strain of populism that runs through American political life, as well as the surface appeal of empowering voters with a more direct means of crafting public policy. Indeed, reconciliation of individual rights and personal liberty with effective governance has been a source of tension in American politics since the nation’s inception (Cronin, 1989; Goebel, 2002). In contemporary American electoral politics at the state level, debates over “consent of the governed” have been especially vigorous among advocates and skeptics of direct legislation or the system of the

initiative, referendum, and recall. Although issues concerning direct legislation are numerous and complex, for many of the most vocal advocates in support of, or in opposition to, the system of direct democracy, they ultimately come down to a philosophical position in support of the voter as sovereign or one favoring a Madisonian preference for a republican form of government (Broder, 2000; Waters, 2001).

Still, politics and elections are first and foremost about power, and in approximately half of the states in the union in the early part of the twenty-first century, the politics of direct legislation constitute an important arena in the struggle for political and economic power. This, in turn, leads to several questions germane to this study, including: how does the system of direct democracy help to consolidate or distribute power among organized interests and the citizenry? Which organized interests or citizens participate in direct legislation campaigns and elections? Do initiative campaigns and elections possess distinct features increasing or diminishing their utility for organized interests seeking to possess or maintain political power? Or, does the system of direct democracy empower the citizenry to overcome, or at least subdue, entrenched interests in state capitals in the 24 states permitting its use?

As explored in greater depth in Chapter Three of this study, historical accounts of the origins of the system of direct legislation in the United States attribute the rise of the initiative and referendum (I&R) to both the economic populism of the Populist movement and the governmental reform tenets of the Progressive era (Schmidt, 1989; Cronin, 1989; Goebel, 2002). Cronin (1989) describes a widely held belief in the

1880s and 1890s that government officials at all levels were controlled by the very special interests that were perceived as primarily responsible for the devastating economic conditions confronting farmers, laborers, and merchants during that era. Likewise, in Thomas Goebel's study of direct democracy from 1890 to 1940 he observes that:

The call for the initiative and referendum in the 1890s, triggered by the example of Switzerland, unfolded within a model of political economy that located the origins of oppressive monopolies, corporations, and trusts in the special privileges bestowed on private parties by dishonest lawmakers and legislative assemblies (2002, p. 4).

And if the government was the handmaiden of the powerful railroads, trusts, and monopolies, then it was necessary to enact change by creation of an alternative Populist (a.k.a People's) Party and to restructure the political system to ensure that the true producers of wealth had an opportunity to counteract a corrupted government (Cronin, 1989; Goebel, 2002).

Since the initiative and referendum in the United States emerged from a progressive historical era and from a collection of groups with limited economic wealth and political power, it is controversial whenever vast sums of money are spent on initiative campaigns or when powerful organized interests themselves are responsible for, and playing major roles in, direct legislation campaigns. This is increasingly the case in many state I&R in the first decade of the twenty-first century. Moreover, when economically powerful interests employ the services of the most sophisticated political campaign tools and personnel, for some, it signifies that a

system created by and for common citizens to fight the oppressive power of moneyed interests has been co-opted by those very concerns (Broder, 2000; Schrag, 1998; Smith, 1998).

The Professionalization Thesis

If the initiative process was created precisely to counteract powerful entrenched legislative interests, the use and growth of political consultants in direct legislation gives rise to several issues concerning this citizen-inspired lawmaking practice (Cronin, 1989; Schultz, 1996; Lee, 1989). As McCuan suggests, the *professionalization* (i.e. campaigns employing paid signature gatherers, campaign consultants, and other paid political professionals) of this supposed amateur process poses an interesting paradox for scholars of direct legislation (2001). Furthermore, as McCuan explains "we know relatively little about the process behind how groups conduct their campaigns, and where the campaigns allocate their money. Moreover, we know even less about the individuals who are involved with these campaigns advising interest groups where and how to spend their money" (McCuan, 2001, p. 4).

A more complete discussion of McCuan's arguments regarding the causes and effects of what is generally referred to as increasing "professionalization" in initiative campaigns is found in Chapter Two. In brief, McCuan reassesses the cost/benefit analysis of the contemporary initiative process by considering the critical role of interest groups. Essentially, he argues that a kind of "spillover effect" takes place, as the growth of the cadre of political professionals working on candidate races has led to a greater supply for interest groups to employ for ballot measure campaigns.

Political Campaign Consultants

The scholarly literature on the history and significance of the use of political consultants in campaigns focuses primarily on candidate-campaigns (McCuan, 2001; Farrell, 1996; Sabato, 1981; Thurber & Nelson, 2000). Scholarship concerning the origins of campaign consulting posits that those first consultants were likely volunteers in the elections of Thomas Jefferson and John Adams (Thurber & Nelson, 2000, p. 1). The availability of commercial techniques and the need to communicate with voters over a wider range of territory have led to the adoption of such commercial approaches in the political arena (McCuan, 2001; Newman, 1999). Kamarck observes that once Calvin Coolidge used radio in 1924, the campaign potential of this technology became immediately apparent to the major political parties (1998, pp. 3, 4). Medvic explains that the use of the informal campaign manager goes back to Lincoln in 1860, but that the phrase "campaign manager" had entered the political vocabulary by 1882 (1997, p. 31). Still, as it relates to I&R, the political consulting firm of Whitaker and Baxter are generally recognized as central figures in the so-called professionalization of campaigns (Kelley, 1956; Sabato, 1981; McCuan, 2001; Medvic, 1997).

By 1933, Clem Whitaker and Leone Baxter, with their firm, Campaigns, Inc., was the nation's first full-time, full-service political consulting firm (McCuan, 2001). The firm was hired by Pacific Gas & Electric (PGE) to work in opposition to the Central Valley Project Act in California. The law provided for the development of Central Valley water resources and was supported by local Chambers of Commerce,

then-Governor James Rolph, and then-Senator Hiram Johnson, among others (Goebel, 2002). However, because the act permitted public agencies to buy the project's power, private utilities, most notably PGE, brought it to the ballot in the form of a voter referendum. On behalf of their client PGE and other private utilities, Whitaker and Baxter were successful in their referendum campaign (Kelley, 1956). Journalist and scholar Susan Rasky argues that not only were Whitaker and Baxter pioneers, but the means by which they sought to strengthen their clients' chances of winning should be viewed as important as well. Their use of billboards, direct mail, planted news stories, radio spots, and movie trailers, presaged the era of sophisticated public relations techniques of contemporary initiative and candidate campaigns (Rasky, 1999, pp. 52, 53). One pioneering technique that remains popular in both initiative and candidate campaigns is the creation of campaign committee names that belie the interests financing the effort. Under the direction of Whitaker and Baxter, private utilities, led by PGE, raised and spent campaign money as the Greater California League and the People's Economy League (Goebel, 2002, p. 161).

Most scholarly work on the rise of the so-called professionalization of political campaigns emphasizes the changes in communication technology and its impact on the increasing employment of those with greater proficiency in its use (Sabato, 1981; Bowler & Farrell, 1998; Thurber, 1999). Additionally, the recognizable shift in resources from parties to individual campaigns is evident by the decade of the 1960s (Nimmo, 1970). Moreover, advances in marketing techniques, including more sophisticated public opinion research, is also viewed as boosting the importance of

experts offering specialized knowledge and understanding of the growing arsenal of campaign technologies (Newman, 1999). Such conventional views of political campaign professionalization, the professionalization thesis, posit an inexorable evolution in communication technologies and the need for technical know-how and assistance as central to the growth of the rising corps of political consultants in candidate and initiative campaigns (Scammell, 1999). Finally, the weakening role of political parties in elections and the transfer of resources to individual campaigns are other major factors consistently highlighted in the literature (Sabato, 1981; Bowler & Farrell, 1998; Thurber, 1999).

A Critical Approach to I&R Campaigns

In contrast, this study takes a critical approach to the so-called professionalization of direct legislation campaigns. A critical approach seeks understanding of the “professionalization” of initiative campaigns within the broader context of the contemporary era of *neoliberalism*, sophisticated political marketing, and *productive surveillance*. By “critical,” I mean an approach that recognizes the need to examine the broader context and social forces, including political economic and technological forces that affect the system of direct legislation, our understanding of it, and its implications for democratic theory. A premise of a critical approach is that social reality is historically constituted, and that to achieve a greater understanding of social relations it is necessary to identify and examine contradictions, conflicts, language and power dynamics. Finally, specific to the present study, a

critical approach will be employed to examine the broader political economic and technological context within which the system of direct democracy exists.

Neoliberalism

Broadly speaking, neoliberalism refers to the set of principles supporting so-called free trade and free markets, and which emphasizes the superiority of market forces and privatization over governmental control and influence over institutions and individuals. The importance of "market choice," the privileging of the individual over the community, and the powerful ethos of the "marketplace as supreme," parallels arguments in support of direct democracy. The philosophical principles of neoliberalism naturalize the increasing significance of money as a determining factor in elections as well as the acceptability of initiative campaigns treating voters as consumers and objects to be managed, as opposed to citizens invited to participate in grassroots campaigns. The market-centered logic of neoliberalism rationalizes multimillion-dollar campaigns and unrestricted contributions and expenditures viewing it as a matter of choice if wealthy individuals and powerful organized interests choose to invest their capital in this manner. Faith in the market also rationalizes the increasing expense of purchasing the best political consultants and political/commercial technologies for initiative campaigns as simply the cost of business. Similarly, neoliberal principles encouraging privatization, consumer choice, individualism, and personal responsibility, construct citizens as consumers. To paraphrase Garnham, campaigns do not appeal to voters as rational beings with concerns about the public good; instead voters are addressed in the mode of

commodity advertising. As such, voters as consumers are appealed to as individuals with largely irrational appetites whose self-interest must be purchased. Consequently, citizens are addressed within the set of social relations created for different purposes (Garnham, 1990). For what is a political campaign if not an exemplar of the free marketplace of ideas (and dollars), wherein individual citizens have the opportunity to signify their preference for the most compelling products with the most persuasive marketing campaigns? And what better venue for “market choice” than a political realm in which amateurs are responsible for the very products for which citizens are casting their ballots?

Essentially tracking historically the significant increase in the number of initiatives confronting voters in the past quarter century, neoliberalism has become the dominant global political economic and cultural paradigm of the late twentieth and early twenty-first century. And as explained by Sussman (2005), politics, following neoliberal principles, is now more privatized. Therefore it is not surprising that both candidate campaigns and elections, and as argued here, initiative campaigns and elections, have witnessed significant growth in the use of private consultants largely financed by wealthy organized interests. Initiative campaigns, especially in states such as Oregon where voters may face anywhere from four to ten ballot measures or more per election, place a premium on political marketing expertise and the ability to sell images and ideas to an often overburdened and time-constrained public.

In this study, I also take the position that the significance and sophistication of capital-intensive, technologically-mediated twenty-first century initiative campaign

represent an important yet neglected element in the scholarship on direct democracy in the United States. Although communication technologies continually evolve and political campaigns have always sought to exploit their power and reach, the unrestricted financial resources permitted in initiative campaigns provide great leverage for organized interests with the wherewithal to employ them. Equally important, the sheer sophistication of the tools and techniques utilized by political operatives in I&R campaigns, necessitates closer scrutiny if we are to properly understand direct legislation campaigns in the early part of the twenty-first century. Scholarship concerning direct democracy in the United States in the past three decades has produced a considerable amount of work on the relationship between initiative campaign expenditures and election won/loss records (see especially Lupia & Matsusaka, 2004; Stratmann, 2006). However, a critical approach, one that places the initiative system within the dominant neoliberal political economy, to the so-called professionalization of initiative campaigns in the era of microtargeting and increasingly sophisticated political marketing tools and techniques, is relatively uncharted territory in the academic literature.

In this study, I borrow the term, *productive surveillance* from critical communication studies scholar, Mark Andrejevic, who uses it to describe the function of interactivity in the genre known as reality television. For Andrejevic, the promise of interactivity offered by surveillance technologies such as the web cam, and now cellular phones, which allow your friends to know where you are at any moment, uses the promise of participatory interactivity to act as a form of productive surveillance

allowing for the commodification of the products generated by what he describes as “the work of being watched” (Andrejevic, 2004, p. 2). In Andrejevic’s analysis, so-called reality television induces subjects to voluntarily submit to comprehensive monitoring as a means to participate in a medium that has traditionally relegated spectators to the sidelines. For Andrejevic, this arrangement serves as “an advertisement for the benefits of submission to comprehensive surveillance in an era in which surveillance is increasingly productive.” Thus, promoters of electronic commerce (e-commerce) invite consumers to subject themselves to ever more precise forms of surveillance, with the promise of more individualized marketing and production — so-called mass customization. Mass customization refers to marketing and manufacturing processes that seek to use low unit costs of mass production, with the flexibility of individual customization (Pine, 1992). Thus, individuals purchasing a product online can request particular features (customization) by providing sufficient data about themselves and their particular product specifications. Put even more succinctly, “viewers and consumers are invited to subject themselves to forms of interactivity that monitor their behavior with the promise that this interactivity offers an outlet for creative self-expression” (Andrejevic, 2004, pp. 2, 3).

In similar fashion, political consultants surveill voters through online and in-person focus groups, promising participatory political interactivity that ultimately serves to fashion the very campaign themes and images used to move voters into the win column for highly-paid consultants in initiative campaigns. Participants in the

focus groups are offered nominal remuneration, or none at all, yet willingly participate in productive surveillance by generating highly valuable information that is subsequently commodified by consultants and the financiers of initiative campaigns. The information is highly valuable for the reason that political marketers seek maximum data collection about the potential targets of their campaign communication and to inform their resource allocation decisions. While it is arguable whether participating in focus groups and surveys constitutes creative self-expression, it does follow the mass customization marketing approach that promotes submission to monitoring when such activity is increasingly productive. Although the value of voter's reactions to campaign language, themes, and overall political marketing strategy is difficult to quantify, to the extent such information is representative of likely voters, it is indispensable to campaign financiers and their hired political operatives.

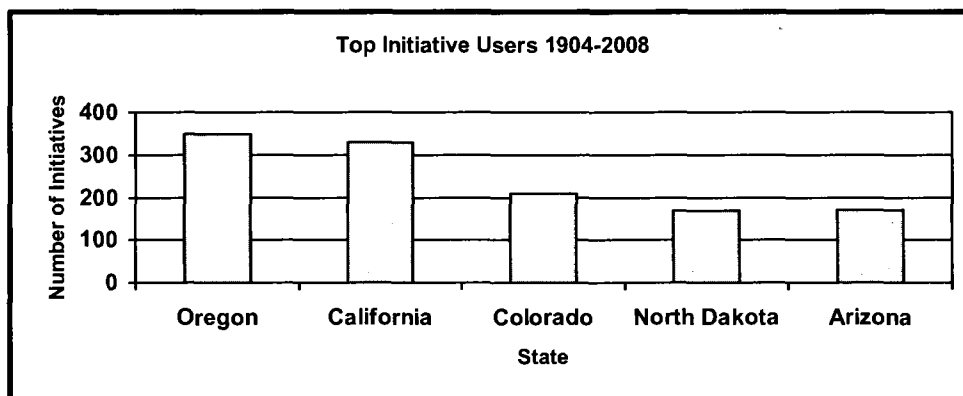
With these factors in mind, some of the concerns animating this study include: what techniques and strategies are employed by capital-intensive initiative campaigns in the first decade of the twenty-first century? What functions do campaign professionals fulfill in these citizen-initiatives? How do campaign consultants and their activities in direct legislation campaigns construct citizen/voters?

Because the research and case studies in this dissertation focus on the state of Oregon, before detailing the specific focus and methods, I offer a synoptic history concerning the state of Oregon and its experience with direct legislation.

Oregon and Direct Legislation

Since adopting a direct legislation option in 1902, Oregon is the most prolific user of the initiative process in the nation. In fact, from 1904 — the year in which Oregon held the nation’s first election with direct legislation on the ballot — through 2008, Oregon voters have faced more initiatives (353) than any other state in the union. Oregon’s large neighbor to the south, California, with more than nine times the population of Oregon, has been the second most prolific initiative state, with a total of 327. Oregon also has the highest average initiative use — 6.6 per general election — the most statewide initiatives and referenda (Initiative and Referendum Institute, 2008) on the ballot in a single year, with 28 in 1912 (Ellis, 2002, p. 34). Finally, Oregon is the state where the first legal challenge to the initiative and referendum occurred. The central argument in the case was that direct legislation violated the guarantee of a republican form of government. The case went all the way to the Oregon Supreme Court of 1903 where the verdict held that direct legislation “...does not destroy the republican form of government...” (Goebel, 2002, p. 52).

Figure 1, Top Initiative Users 1904-2008



Source: Initiative & Referendum Institute, 2009

Exactly why Oregon is the state with the most extensive initiative system is not fully understood. In 1896, members of the Populist Party (one of the progenitors of the direct legislation option) constituted approximately one-sixth of the Oregon legislature. However, by the following election the Populists had effectively disappeared (see Chapter Three for a discussion of the decline of the Populist Party). In 1897, creation of the Non-Partisan Direct Legislation League symbolized a shift in support away from the Populist Party and toward a group of establishment figures including the president of the State Bar Association and the conservative Republican editor of the state's largest newspaper, the *Oregonian* (Ellis, 2002). Support for direct legislation among the aforementioned prominent establishment figures in Oregon certainly facilitated its popularity in the early years of its use.

Historians chronicling Oregon's early prolific use of I&R also inevitably cite the efforts of William Simon U'Ren (Cronin, 1989; Ellis, 2002; Waters, 2001). U'Ren was a central force in the creation of Oregon's Joint Committee on Direct Legislation, which was an umbrella group consisting of members of the Oregon Knights of Labor, State Grange, Oregon Farmers' Alliance, and Portland Federated Trades. The Joint Committee advocated for direct legislation, and U'Ren did so as a Populist Party member of the Oregon State Legislature in 1896. U'Ren's efforts and advocacy have earned him the designation as the founding father of Oregon's initiative system (Ellis, 2002, pp. 29, 30). It was through repeated attempts by U'Ren and others that direct legislation was approved in the 1899 and 1901 legislatures with Oregon voters

ratifying the constitutional change in 1902 (Cronin, 1989, p. 50). U'Ren, recognized nationally for his advocacy of direct legislation, will always earn mention as a driving force in Oregon's early adoption and frequent use of I&R.

During the first decade after constitutional adoption, Oregonians confronted over 100 statewide initiatives and popular referenda on the ballot (Ellis, 2002, p. 32). The early years of I&R saw prolific use not only in Oregon, but also in California (which adopted the initiative in 1911), Colorado (1910), Arizona (1911), and North Dakota (1914). States such as Arkansas (1910), Michigan (1908), and Nebraska (1912) held far fewer I&R (Barnett, 1915, p. 81; Ellis 2002, p. 32). Nevertheless, in Oregon and other states resorting to heavy use of direct legislation in the early twentieth century, activity slowed considerably between the early 1940s and 1971 (Waters, 2001; Ellis, 2002, p. 34). The nation's preoccupation with three significant wars is most often cited as a primary causal factor in the reduction of the use of direct legislation in Oregon and throughout the nation during this period (Waters, 2001). Thus, in Oregon elections from 1940 to 1970, there were 39 I&R on the ballot. In contrast, Oregonians saw 52 I&R in just the two elections of 1912 and 1914 (Ballotpedia, 2008).

Table 1, State Adoption of Initiative and Referendum

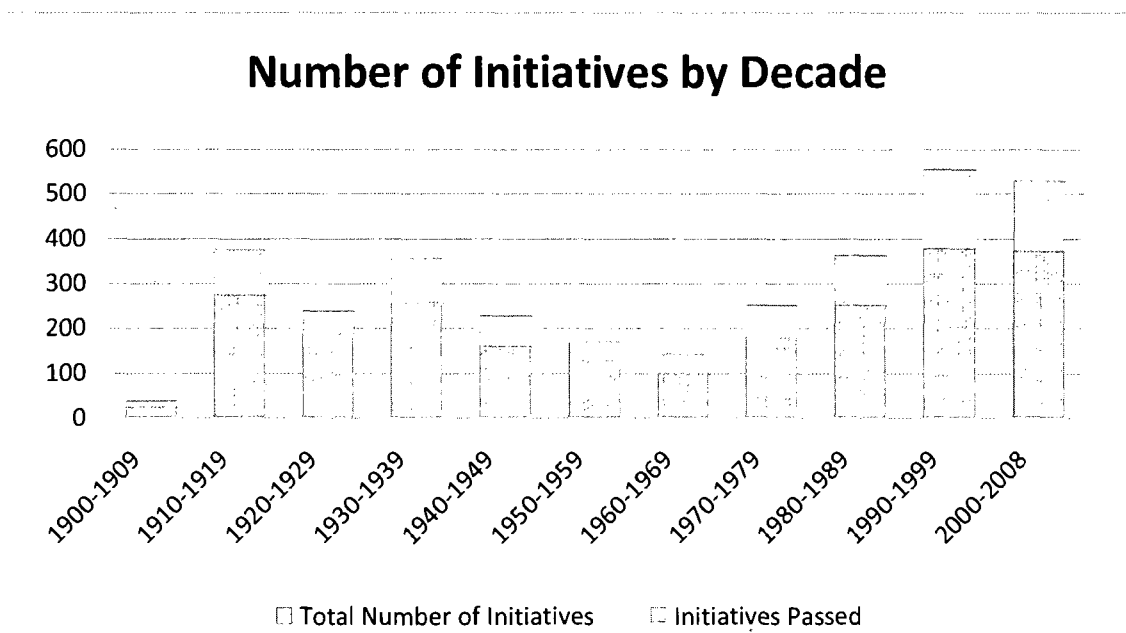
State Adoption of Initiative and Referendum, 1898-1940	
<i>State Adoption of Constitutional or Legislative Initiative</i>	<i>State Adoption of Legislative Referendum</i>
1. South Dakota (1898)	1. South Dakota (1898)
2. Utah (1900)	2. Utah (1900)
3. Oregon (1902)	3. Oregon (1902)
4. Montana (1906)	4. Nevada (1904)
5. Oklahoma (1907)	5. Montana (1906)
6. Maine (1908)	6. Oklahoma (1907)
7. Missouri (1908)	7. Maine (1908)
8. Arkansas (1910)	8. Missouri (1908)
9. Colorado (1910)	9. Arkansas (1910)
10. Arizona (1911)	10. Colorado (1910)
11. California (1911)	11. Arizona (1911)
12. Idaho (1912)	12. California (1911)
13. Nebraska (1912)	13. New Mexico (1911)
14. Nevada (1912)	14. Idaho (1912)
15. Ohio (1912)	15. Nebraska (1912)
16. Washington (1912)	16. Ohio (1912)
17. Michigan (1913)	17. Washington (1912)
18. North Dakota (1914)	18. Michigan (1913)
19. Massachusetts (1918)	19. North Dakota (1914)
	20. Kentucky (1915)
	21. Maryland (1915)
	22. Massachusetts (1918)
<i>Sources: Cronin 1989; Schmidt 1989; Council of State Governments 2000.</i>	

The Contemporary Era of Direct Legislation

The contemporary era has witnessed direct legislation usage rivaling, and sometimes surpassing, I&R frequency during the populist and progressive periods. In fact, between 1990 and 2000 alone, there were 458 initiatives nationwide, making it the most prolific era of initiative use in the nation's history (Ellis, 2002, p. 35). While

the majority of initiative states have used direct legislation infrequently, California and Oregon have been its most habitual users. This has been especially true in recent decades. In Oregon, voters faced 56 statewide initiatives during the 1990-2000 decade. And California voters saw more initiatives on the ballot in the 1980s and 1990s than they had the previous half-century (Ellis, 2002, p. 36). Still, other states, specifically: Colorado, North Dakota, Arizona, and Washington have considerably active initiative cultures as well.

Figure 2, Number of Initiatives By Decade



Source: Waters, 2003

In the modern era of direct legislation, it is often claimed that California’s property tax limitation, Proposition 13, championed by Howard Jarvis in 1978, ushered in the reemergence of direct legislation’s prolific use (Waters, 2001; Schrag, 1998). The success of California’s Proposition 13 is widely credited with heralding

both the contemporary era of initiative use nationally, as well as spawning “anti-tax” efforts such as Oregon’s Measure 5.² The argument holds that active supporters of Oregon’s Measure 5 (a significant restrictive property tax measure passed in 1990) and similar ideological interests around the country, realized that substantial economic policy changes could be garnered through deft political campaigning and an attractive “anti-tax” populist message (Waters, 2001). Yet, as pointed out by Ellis, prior to Proposition 13 in California, in 1976-77, there were 52 initiatives nationwide, which is the most since the 1938 to 1939 election (Ellis, 2002, p. 36). Moreover, it was not until 1988 that the number of initiatives on the ballot increased dramatically. Still, whether it is the increasing strength of interest groups, court decisions permitting unlimited contributions and expenditures, intransigent legislatures, neo-populist entrepreneurs, particular laws, requirements, and political histories of certain states, or simply the current political zeitgeist in the nation, the fact remains that direct legislation has become a significant part of the political landscape in several states, including Oregon.

Faux-Populism

Regardless of the most compelling arguments for its resurgence, more central to the present study is the critique found in Smith’s (1998) important work on what he labels “tax crusaders.” Smith’s analysis of California’s Proposition 13 and other so-called tax revolts illustrates that despite the populist rhetoric and mainstream media coverage of an “amateur grassroots campaign,” proponents of the “property tax revolt” ran a very well-funded professional operation. Smith counters what he considers the

myths surrounding three prominent anti-tax initiatives by demonstrating how powerful moneyed interests effectively portrayed their campaigns as populist revolts and grassroots efforts. At the same time, despite the increasingly substantial financial contributions and expenditures in initiative campaigns, and the fact that sophisticated, professionally run campaigns have become the rule and not the exception, the notion of the grassroots, citizen-driven plebiscite largely continues. And while there is scholarship documenting the contrast between the image of the amateur constructing a policy proposal on the back of a napkin versus the reality of well-funded “professionalized” efforts (Broder, 2000; Schrag, 1998; Smith, 1998), a critical approach to the so-called professionalized, capital-intensive initiative campaign appears absent from the literature on direct legislation.

Notwithstanding the competing arguments concerning the genesis of increased use of direct legislation in the past three decades, from both an historical perspective as well as a contemporary exemplar of direct legislation, Oregon’s extensive experience merits investigation. In fact, so profound is the link between Oregon and direct legislation that during the first half of the twentieth century I&R was referred to nationally as “The Oregon System” (Ellis, 2002). Commenting on this connection and the aspirations of supporters of direct legislation, the 1911 editor of *Hampton’s Magazine* proclaimed Oregon as “the most complete democracy in the world” (Ellis, 2002, p. 33). Voters in Oregon have seen initiatives on everything from women’s suffrage and physician-assisted suicide, to comprehensive healthcare, the labeling of

genetically modified foods, and an extensive array of tax measures and amendments to its state constitution.

Research Approach

At a minimum, practical understanding of Oregon politics requires serious consideration of this integral component of its governing structure. More broadly, analysis of Oregon's *initiative-industrial complex*³ provides a useful examination of a state with the most active and prolific initiative system in the United States. Apart from placing more total initiatives on the ballot than any state in the nation, according to some political consultants and observers interviewed in the course of my research, Oregon is viewed by some as a kind of proving ground for interest groups considering a multi-state strategy for particular policy proposals (Wimmer, personal communication, 2008; Wagner, personal communication, 2008; Black, personal communication, 2008). It was suggested that because Oregon has a relatively small population, less expensive media markets than California or other states, and has no distribution requirement for signature-gathering or other overly burdensome obstacles, that it offers a practical testing ground for national groups.

Equally important, and similar to other states with a direct legislation option, Oregon has witnessed significant growth in the "professionalization" of its initiative process. From professional signature-gatherers and election attorneys, to pollsters and direct mail specialists, the "citizen-initiative" has become a highly "professionalized" and increasingly expensive endeavor. As is discussed at greater length in the ensuing chapters, political consultants, campaign marketing firms, and the entire panoply of

surveillance and communication technologies employed in campaigns, constitutes a substantive change in the contemporary system of direct legislation. Paid political consultants, lobbyists, and an entire direct legislation campaign infrastructure now comprise a more or less permanent part of the Oregon initiative landscape. And it is the activities and the democratic implications of these political consultants, their modus operandi, and the powerful moneyed interests financing these efforts that together comprise the focal point of this research.

Financing Direct Democracy

As earlier noted, inextricably linked with so-called professionalization is the financing of direct legislation, both in terms of the costs of getting measures on the ballot, and the expenditures for consultants and promotional efforts throughout the campaign (i.e., the initiative-industrial complex). Even a decade ago, Oregon and many other states with direct legislation, witnessed a significant increase in the amount of money spent on these campaigns. Nationally, in 1998 alone, issue committees spent almost \$400 million promoting and opposing direct legislation (Sabato et al., 2001, p. 76). Similarly, while the Republican and Democratic parties raised \$193 million in soft money during the 1997 to 1998 election cycle, and congressional committees raised another \$92 million, the combined amounts are less than the total amount raised and spent on ballot measures during that same period (Ballot Initiative Strategy Center, 2003). In the 2004 general election, over \$398 million was spent on 59 initiatives in 18 states. Of that total, measure committees in just four states, California, Florida, Michigan, and Oregon, accounted for \$338

million, or 85 percent of total expenditures for the November 2004 election cycle (Smith, 2006, p. 3). In the 2006 election in California, Proposition 87 was the most expensive initiative campaign with over \$156 million spent on the race. Proposition 87 would have allotted approximately \$4 billion for alternative energy research and would have imposed a profit tax on energy companies. Proponents spent approximately \$62 million in what was ultimately an unsuccessful campaign. Notably, environmental activist, Stephen Bing, contributed \$49.5 of the \$62 million, or approximately 80 percent of the total, in support of the measure. Opponents, primarily large oil and gas interests, financed the \$94 million opposition campaign (Ballotpedia, 2009).

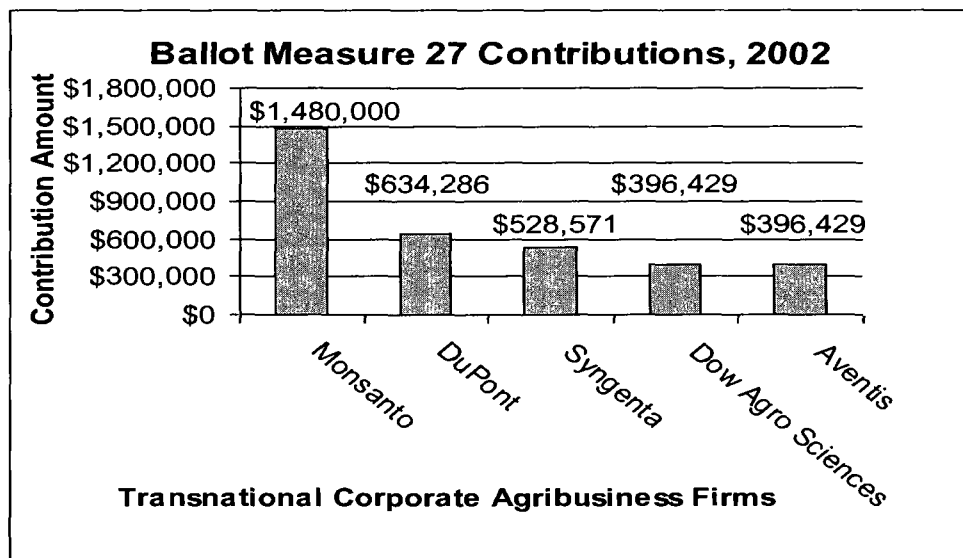
In Oregon, with a population of approximately 3.4 million at the time, \$10.4 million was raised for the 12 initiatives on the 2002 ballot (Oregon Secretary of State, 2008). To contextualize this, in Florida, with a population of 15.9 million, approximately \$14.4 million was raised for the 10 measures during the same election period (Nelson, 2002, Appendix A). In one recent example calling into question the notion of grassroots popular support, Oregon businessman Loren Parks gave \$918,406 to three committees advocating two ballot measures pertaining to judicial elections on the state's 2002 ballot. Parks provided 98.4 percent of the total funding for the respective measures and over 99 percent of the contributions paying signature-gathering firms to achieve ballot access (Thompson, 2002).

Another relatively recent example of the cash-consultant nexus was Ballot Measure 27 in Oregon's 2002 general election. The initiative sought to require

Introduction

labeling of genetically engineered foods sold or distributed in the state. Transnational corporate (TNC) agribusiness firms spent approximately \$5.5 million in opposition to the proposed law (Cole, 2002, p. B1). Among the TNCs financing the opposition effort was: Monsanto (\$1,480,000); DuPont (\$634,286); Syngenta (\$528,571); Dow Agro Sciences (\$396,429) and Aventis (\$396,429) (Oregon Follow the Money, 2002). These TNCs coordinated their spending under the name “Crop Life International,” providing the bulk of spending for the “Coalition Against The Costly Labeling Law” initiative committee. The overwhelming majority of the expenditures were used for paid media working through the political consulting firms Opinion Dynamics, Winner & Mandabach, and Target Enterprises LTD (Oregon Secretary of State, 2002). This well-funded opposition effort was successful with an ultimate cost of approximately \$6.50 per voter (Cole, 2002, p. B1).

Figure 3, Contributions to Ballot Measure 27, 2002 Election



Source: Wetherson & Thompson, 2008

An even more recent example of capital-intensive ballot measure campaigns would be Oregon's November 2007 special election. With just two legislative referrals on the ballot, funders on competing sides of measures concerning land-use policy and a cigarette tax proposal contributed over \$22 million dollars (Thompson, 2007). In comparison, aggregate expenditure totals for the 10 most expensive state legislative candidate races in the 2008 general election (20 candidates) were \$7.2 million (Mapes, 2008). And in the November 2006 election, with 10 initiatives on the ballot, the top 10 contributors alone supplied over \$11 million (Thompson, 2006).

The bulk of the funds for all of the aforementioned ballot measure campaigns was spent by and for political campaign consultants for the following purposes: broadcast media creation and production, fundraising consultants, direct mail, voter database creation and maintenance, signature-gathering, phone banking, legal assistance, field staff, general consultants, get-out-the-vote, and other professional campaign functions and services (Oregon Secretary of State, 2008). Scholarship focusing on the increasing use of political professionals in the initiative process, both in Oregon and in the other 23 states with the direct legislation option, although increasing, fails to adequately capture the significance of the phenomenon. While scholarship addressing the significant increases in money for direct legislation campaigns does exist, the focus has largely been on its impact on electoral outcomes. Nevertheless, research locating the system of direct legislation within the larger political economy, as well as the attendant increasing technification of I&R campaigns, has not received the attention that it merits. Moreover, much of what has

been written about political consultants and the "professionalization" of direct legislation is largely atheoretical (Broder, 2000; McCuan, 2001; Thurber, 2000). After reviewing much of the literature on the subject, one of the few scholars to have written extensively about the so-called professionalization of direct legislation, McCuan concludes that "a fundamental problem remains the dearth of data on the actions and the role of political professionals in direct democracy" (McCuan, 2001, p. 14). Finally, despite Oregon's more prolific initiative use, most of I&R literature focuses on California.

This study seeks to help address this gap in the scholarly literature. It analyzes the so-called professionalization of Oregon's initiative process during the 2000 to 2008 election period, with a particular focus on four specific initiative campaigns that took place during these years. This period reflects the continued strength of neoliberalism (and its resistance to regulation) unprecedented campaign expenditures for initiatives in Oregon and beyond, and exemplifies the heightened *technification*, *informatization*, *industrialization* (Sussman, 2005; Gandy, 1993) and *scienticization* (Habermas, 1974) of direct democracy campaigns increasingly evident in Oregon and states with the most active initiative systems in the nation. The scienticization of politics concerns the increasing use of instrumental means to control voter behavior, information processes, and election results. Technification refers to the increasing employment of information and communication technologies for a growing number of campaign purposes. It also concerns how technologies and their uses in I&R campaigns mediate and construct the relationship among measure advocates, their

hired consultants, and the consumers of campaign communication. Some of the key elements constituting industrialization include segmentation of tasks and the division of labor, standardization of processes, and the substitution of technology for labor. Finally, informaticization describes the increasingly data-driven, surveillance activities and regimes constructing social relations in the twenty-first century.

From 2000 to 2008, the period under consideration, Oregon voters faced a total of 52 initiatives and referenda on the ballot, with 21 of those being proposed constitutional amendments (Oregon Secretary of State, 2008). From a research standpoint, this eight-year period is also one in which most campaign and expenditure records are available from the Oregon Secretary of State's Office, as the Oregon Secretary of State's Office only maintains readily accessible and comprehensive initiative contribution and expenditure records for the most recent six-year period. This eight-year period also is one in which many of the individuals involved in the campaigns remain available for interviews. And while scholarship debating the implications of big money and ballot measures has been rigorous and plentiful, consideration of the links between funders and initiative outcomes, and the "professionalization" of the campaign process have received much less scrutiny. Considering the egalitarian and democratic objectives of the founders of I&R, as well as its extensive use in Oregon and nationally, the "professionalization" turn of direct legislation, and its implications for democratic theory merit further examination.

Although the involvement of political consultants in initiative campaigns is by no means unprecedented historically, significant distinctions exist within the

contemporary era of initiative "professionalization." Campaign practitioners today employ ever-more powerful surveillance technologies, and have access to ever-more comprehensive demographic and psychographic information about voters. Moreover, at a more generalized level, one might heed the observations of Stanley Kelley, sex-biased language notwithstanding, in his 1956 study of public relations professionals in political campaigns:

Political campaigns are the principal institution in which this interaction between politician and electorate occurs, and the most striking role of the public relations man is that of a campaigner. The particular kind of campaign activity with which he is most often concerned has, in terms of the theory and aspirations of democratic government, an importance all its own. For the public relations man is occupied with directing the course of public discussion as it relates to the selection of government officials and the settlement of controversial issues of public policy. While, in practice, discussion has not always had a decisive influence in the determination of these matters, our theory has always held that it should. Any assessment of the quality of public discussion, any reckoning of the degree to which it is achieving the purposes which our political system makes it imperative to achieve, today calls for a consideration of the role of the public relations man in our political life (Kelley, 1956, pp. 7, 8).

Specifically, this study offers a counter-thesis to prevailing research and opinion on the so-called professionalization of the initiative process, both in terms of its causal factors and its implications for democratic political theory (McCuan, 2004; Tolbert & Smith, 2004). Current scholarship on political professionals essentially views the increasing use of political operatives and technologically-mediated I&R campaigns simply as a logical response to a greater demand for technical experts and individuals with significant campaign experience. In short, it is simply a supply and demand response to market conditions and modernization. In contrast, the present

study's critical approach situates higher dollar amounts, more political operatives, and increasing use of technology in I&R campaigns within a political economy based on neoliberal principles that includes, among other features, the increasing privatization of public spaces and the substitution of technology for labor. I argue that identifying political consultants as “professionals” naturalizes the capture of a political process created to counter the very corporate and elite-interest power now in ascendance. Furthermore, I will argue that while the “secondary effects” or educative aspects of the initiative process, (i.e., the way it informs voters), as posited most recently and comprehensively by Tolbert and Smith (2004) is significant, I call into question several of the claims and the analyses presented in their research.

In brief, while the secondary and educative effects of the initiative system are an important and legitimate concern for anyone seeking to analyze the democratic implications of the process, the present study challenges many of the sanguine conclusions Smith and Tolbert (2004) et al. derive from their research. In-depth interviews with political professionals, examination of their campaign strategies and techniques, and analysis of expenditures and campaign rhetoric, calls into question the claim that initiative campaigns produce democracy-enhancing educative and so-called secondary effects. In fact, the evidence gathered in the course of my research has led me to conclude that strategies and tactics, including voter surveillance, market segmentation, microtargeting, and appeals to citizens as individual consumers, serve to undermine the democratic outcomes sought by populist and progressive champions of direct legislation. Beyond the increasingly significant aggregate contribution and

expenditure numbers for initiative campaigns, lies a sophisticated, professionalized *political marketing*⁴ campaign regime. Analysis of an ostensibly grassroots, “citizen-initiative” process that constructs voters not as citizens to be engaged, but rather as consumers and objects to be surveilled, microtargeted, and “moved,” constitutes an important element of this research.

Research Question

The central question guiding this study is: What are the democratic implications of increased professionalization of Oregon’s initiative process? The dissertation seeks to inform theory on the professionalization of the initiative process by offering a counter-thesis to prevailing research and opinion concerning professionalization’s causal factors, and its implications for democratic theory. Equally important, I argue that the *industrialization, technification, informatization* (Sussman, 2005; Gandy, 1993) and *scienticization* (Habermas, 1974) of modern initiative campaigns have been largely overlooked in the scholarly literature on direct democracy, and that the strategies and techniques in the campaigns themselves raise questions about the secondary or educational effects of the initiative process in the United States as described by Tolbert and Smith.

The purpose of the research is not to claim that Oregon, and the particular cases identified and discussed, are somehow representative of all states, all initiative systems, and all campaigns throughout the United States. Yet, precisely because Oregon is the most prolific user of the initiative and referendum in the entire country, with more than a century of experience with this plebiscitary mechanism, it presents

an empirical example of the prevailing condition of direct legislation in the United States. Although each state has its own set of political dynamics and historical idiosyncrasies, it is hoped that analysis of Oregon's initiative-industrial complex will prove instructive to scholars and policymakers alike. Moreover, increasingly professionalized and capital-intensive campaigns have become progressively more common in most states with a similar system of direct legislation. It is hoped that applying a critical approach to direct legislation campaigns, and broadening the scope of the analysis to include a political economy that is functionally and ideologically driven by the principles of neoliberalism, will both enhance our understanding of the initiative system in the United States, and generate further scholarship that locates the system of direct democracy within the larger political economy.

Research Methods

This collective case study will analyze Oregon's initiative process during the 2000 to 2008 period, with a detailed examination of four measure campaigns that took place during that period. The principal focus will be on the so-called professionalization of Oregon's initiative process. Professionalization in this context refers to the privatization of public sector activities, employment of political consultants, firms offering campaign and election services and expertise, and includes the financial resources necessary for their remuneration.

The primary purpose of this study is to inform theory on the professionalization of the initiative process in the United States, as well as to argue for a different understanding of the significance of professionalization and its implications

for direct legislation and democratic theory. Scholarship investigating the role of political professionals in the initiative process is a relatively recent phenomenon (McCuan et al., 1998; Gerber, 1999; Johnson, 2001; McCuan, 2001). McCuan writes: “We know relatively little about the process behind how groups conduct their campaigns and where the campaigns allocate their money. We know even less about the individuals who are involved in these campaigns advising interest groups where and how to spend their dollars” (McCuan, 2001, p. 4). There is also general acknowledgement in the campaigns and elections and direct legislation literature that political professionalization is undertheorized (Thurber & Nelson, 2001; McCuan, 2001; Thurber, 1998). Although more has been written about the professionalization of candidate than initiative campaigns, the lack of theory is lamented by Thurber, “Much of the work on political consulting is atheoretical, produced by journalists or by practitioners whose writing consists of insider accounts of campaigning and ‘how-to’ books” (Thurber, 1998, p. 145). This study seeks to help address this gap in the scholarly literature, and provides a heretofore unexamined link in I&R scholarship between changes in the larger political economy and the current state of direct legislation. Furthermore, my analysis of the professionalization of direct legislation campaigns includes a rejoinder to recent research concerning the educative or “secondary effects” claimed most explicitly by Smith and Tolbert (2004). In brief, claims that direct legislation elections increase political knowledge, civic engagement and political participation are analyzed critically.

This analysis will include a close examination of four Oregon initiative campaigns taking place during the 2000 to 2008 time period selected. Specifically, those campaigns include Measures 98 and 92 in the 2000 election, and Measures 48 and 41 in 2006. Briefly, Measure 98 in the 2000 election was initiated by the operation of chief petitioner and Oregon's most prolific initiative author, Bill Sizemore, and it was a proposed constitutional amendment that would have prohibited payroll deductions for political purposes without specific written authorization. Measure 92 in 2000, another constitutional amendment from chief petitioner Sizemore, would have prohibited payroll deductions for political purposes as well. Although the impact of the measures was essentially similar, the specific language of the measures necessitated that they be distinct measures on the ballot. In the 2006 election, Measure 41 was brought to the voters by the Oregon Taxpayer Association, and it would have allowed a state income tax deduction equal to the federal exemption for individual filers. Measure 48 for that year was also introduced by the Oregon Taxpayer Association and was a proposed constitutional amendment that would have limited any increase in state spending from one biennium to the next to the increase in population plus inflation from the prior biennium.

The four campaign cases chosen for greater scrutiny arguably represent initiatives that are both representative and perhaps unrepresentative of the larger subset of all initiative and referenda to which they belong. The campaigns for these measures are representative of the increasing number of capital-intensive campaigns that take place in Oregon in several ways. First, they involve both statutory and

constitutional amendment campaigns, and Oregon has seen a considerable number of both types of initiatives employed by proponents in the contemporary era. Second, the four initiatives involve what has become the persistent biennial political rivalry between Oregon's major public employee unions and anti-union interests from both in and out of state. This now dependable competition plays out in states such as Oregon, Colorado, California, and others with similarly active systems of direct legislation. Third, all four initiatives exemplify what one prominent direct mail consultant cryptically called the "political consultant full employment act" which exists when you have a system that allows for unlimited contributions and expenditures and moneyed interests with distinct agendas seeking to emerge victorious on election day (Wiener, personal communication, 2008). Finally, these initiatives are representative of the capital-intensive initiatives that have become increasingly common. The millions of dollars in campaign contributions and expenditures in these initiatives demonstrate the importance of these cases for the interests involved.

And while these particular campaigns primarily involved public employee unions versus anti-union interests, Oregon and other states have witnessed similar high-stakes battles involving the insurance industry, trial attorneys, physician groups, and other prominent concerns. Finally, three of these ballot measures, Measure 92, Measure 98, and Measure 41, are repeat measures. Oregonians have seen either identical or very similar measures before them in past elections. Nevertheless, it would be inaccurate to claim that the majority, or even a large percentage of initiatives on general election ballots in Oregon during the past three decades, are repeat

measures. Still, similar to Smith's study of "tax crusaders," the focus here is not on the content of the particular measures, and whether or not they make for effective public policy, rather, the focus is on the procedural side of these measures and their campaigns. The argument here is not that these measures are representative of all ballot measures. Rather, they are "limiting" or "critical cases" and not "normal cases." In fact, these repeat measures are more likely to be statistical outliers. However, they are valuable cases for the very reason they are statistical outliers (Smith, 1998, p. 14).

The initiatives in this study are supported by the most prolific initiative "entrepreneurs" in a state with the most active initiative system in the country. They represent populist themes according to their supporters and by their very repetition on the ballot imply a sense of public demand and a degree of urgency. Also, they are largely financed by wealthy individuals and out-of-state special interests, and are packaged by private political consultants and "astroturf" facades. (The term "astroturf" is often used rhetorically to refer to efforts of professional organizations, politicians, corporations or others in positions of power, who construct public relations efforts that will be perceived as grassroots or of the people). Finally, the particular initiatives under investigation arguably represent an attempt to force their political opponents to expend substantial resources to fight the measures as well as seek to drive higher voter turnout among their natural constituency to influence the outcome of other items on the ballot. As noted by Smith in his study of "tax crusaders," as such efforts become more and more common, other citizen-initiatives employing similar

strategies and tactics become suspect (Smith, 1998, p. 14). In other words, since citizen-initiatives ostensibly represent the popular will, what should be made of initiatives repeatedly placed on the ballot, only to go down to defeat? Do they actually represent the popular will? If not, than what do they represent? And what is their actual purpose? According to Oregon initiative petitioner Sizemore, forcing public employee unions to expend valuable resources (time and money) to oppose his ballot measures, is admittedly one purpose of such efforts (*Oregonian* editorial, 2008). A related claim of initiative skeptics is that such ballot measures are deployed with the hope of influencing voter turnout (Tolbert et al., 2001). Finally, critics of the initiative process often employ the term “astroturf” campaigns to contrast with genuine grassroots efforts ostensibly representing actual popular sentiment (Sanchez, 1996). Granted, not all initiatives are repeat measures placed on the ballot by interests seeking to force their political opponents to expend resources and drive voter turnout, and not all employ phony or astroturf campaigns. However, measures with these strategies and tactics do exist, and they represent a standard feature of the initiative system in Oregon.

Essentially, these exceptional cases can be used to “confirm, challenge, or extend” current hypotheses about the initiative process, which can facilitate better understanding of the process and direct future research. As mentioned by Smith, in his case study analysis of tax crusaders: "Because qualitative research tends to be exploratory or descriptive, in-depth case studies that stress the importance of context, setting, and subjects' frame of reference can highlight complicated patterns or nuanced

relationships that are frequently discounted or overlooked in more quantitative studies” (Smith, 1998, p. 14).

This study will employ the case study approach that recognizes the utility of investigation of one or multiple cases, not in an attempt to find a representative example allowing for generalization to the larger set of objects, but rather to inform theory on direct democracy in the United States. As Yin argues, the goal of the case study researcher is analytic generalization as opposed to statistic generalization. The purpose of the case study is “to expand and generalize theories” (Yin, 1989, p. 10). Furthermore, the case study method is useful in analyzing a contemporary phenomenon with a high degree of complexity and where contextual conditions are critical. Although the present study will focus on a finite recent historical period, not only does the phenomenon of ballot initiatives continue many of the players and certainly the elements of the initiative industry remain active. Finally, as the case study method relies on multiple sources of evidence, the current study will include information from campaign expenditure reports as well as interviews with political consultants, initiative activists, and others involved in the process during the period under investigation (Yin, 1989, p. 13).

Data Sources

This study will employ a variety of methods to investigate the so-called professionalization of the ballot initiative process in Oregon. Examination of the historical record concerning Oregon’s experience with direct legislation provides necessary background information and context for this study. This material has been

culled from government documents, newspaper articles, books, and journals chronicling the history of the system of I&R.

To trace the organized interests funding Oregon initiatives and their campaigns during the 2000 to 2008 period, an examination is undertaken of the *Summary Reports of Campaign Contributions and Expenditures*, published by the Elections Division of Oregon's Secretary of State, as well as the recently constructed ORESTAR⁵ online database supplemented by media accounts and nonprofit groups, such as Oregon Follow the Money, the Ballot Initiative Strategy Center Foundation, and the Initiative & Referendum Institute. All of the sources document campaign finance data and related information on direct legislation. The purpose of examining contribution and expenditure reports is to learn which interests or individuals contribute to campaigns and perhaps more importantly, the amounts and expenditure choices of the campaigns themselves. Campaign expenditures offer evidence of the priorities and strategies of the political consultants running campaigns, as well as identifying the financiers of those efforts.

The study also includes extensive interviews with Oregon-based political consultants, initiative authors or chief petitioners, and individuals either active in or familiar with Oregon's initiative process. Both face-to-face and telephone interviews were conducted over the period of this study. Interviews ranged from 30 to 90 minutes contingent on the availability of the subjects, as well as their knowledge and experience with the issues pertinent to the study. Additionally, on a personal note, although it had not been anticipated prior to undertaking this research, the author has

been serving in the Oregon State Legislature as a state representative since 2004, and therefore has had the opportunity to have numerous informal conversations with individuals who have been involved with Oregon State Government during the period under investigation and beyond. Moreover, working directly as a policymaker in state government has provided the researcher the opportunity to witness firsthand some of the impacts of initiatives and referenda on the budgeting and lawmaking processes, as well as to hear from colleagues on their respective views of direct democracy in Oregon. The interviews provide more than mere individual perspectives on the system and specific campaigns. Conversations with several key players in Oregon initiative campaigns have resulted in observations that have been repeated or contradicted, thus providing useful background information. Also, through the interviews I have garnered more in-depth information concerning the strategies employed in campaigns, the technologies used to implement the strategies, the extent to which citizen-volunteers are utilized, and details concerning the entire process — from construction of the measure through the end of the campaign.

Since the drafting and petition component of initiative campaigns deals directly with the question of ballot access, this little studied but essential element of the process requires attention. In addition to the data concerning contributions and expenditures at this initial stage, to the extent state records permit, the research will include analysis of contributions and expenditures during the petitioning stage of the process. This evidence will help indicate the degree to which ballot access is circumscribed by money and the use of paid signature-gatherers. Somewhat

analogous to candidate primary campaigns, what are the democratic implications if money has become a necessary and sufficient condition of accessing the ballot?

Examination of contributions and expenditures during the campaign component will be analyzed with the following questions in mind: have campaign contributions and expenditures increased significantly during the period under investigation? Do campaign contributions derive from a variety of sources? What patterns, if any, emerge from analysis of campaign expenditures? What does money purchase in initiative campaigns?

Further, analysis of campaign expenditures combined with interviews with political consultants will help illuminate the degree of *technification* of initiative campaigns. Questions guiding this analysis include: To what degree do initiative campaigns mirror a globalizing neoliberal regime that replaces labor with technology? To what degree are initiative campaigns capital or labor-intensive? To what extent are efforts made to recruit campaign volunteers? To what extent do initiative campaigns employ electronic data and impression management similar to commodity advertising? Analysis of expenditures and consultant interviews will shed light on the degree to which initiative campaigns resemble the strong democracy and citizen participation articulated by Barber (1984) and staunch initiative advocates.

Also, to understand the legal and legislative environment within which Oregon's initiative system exists, I will examine and discuss relevant state and federal cases. The primary focus will be on court decisions and legislation concerning initiative campaign finance and signature gathering. This will include both federal and

state statutes relevant to issues surrounding the professionalization of Oregon's system of direct legislation.

Plan of the Study

In Chapter Two, I lay the groundwork for a critical theoretical approach to the so-called professionalization of Oregon's initiative system, with a literature review supporting the introduction and discussion of the core concepts anchoring the study. In Chapter Three, I describe the democratic promise, animating principles, and historical interests and circumstances fostering the direct democracy movement in Oregon and the United States. In Chapter Four I present a discussion of the contested concept of populism and its implications for the contemporary I&R. In Chapter Five I provide a detailed description of four ballot measure campaigns, two from Oregon's 2000 election and two from the 2006 election. I then apply a critical theoretical approach to these initiative campaigns supplemented by access to internal campaign documents and interviews with consultants and activists involved in the campaign. Finally, in Chapter Six I summarize the analysis and findings from the study as well as suggestions for future research.

Chapter Two: Theoretical Approach and Literature Review

In this chapter I review literature concerning neoliberalism, issues relevant to democratic theory, and the so-called professionalization of campaigns, as well as scholarship that directly addresses the initiative system in the United States. I also identify and discuss key concepts informing the current study's critical theoretical approach to direct legislation campaigns. Unlike more conventional approaches to direct democracy, the present study locates the initiative system, the "professionalization" of its campaigns, and its purported secondary and educative aspects, within a global political economy dominated by the principles and logic of neoliberalism.

Neoliberalism

Media studies scholar Robert McChesney refers to neoliberalism as “the defining political economic paradigm of our time.” He describes neoliberalism as committed to market-oriented principles and policies that favor privatization, liberalized trade and finance, untrammelled competition, and the proliferation of markets (McChesney in Chomsky, 1999, p. 7). Critical geographer David Harvey explains that a neoliberal political economy reflects and privileges the interests of private property owners, businesses, multinational corporations, and financial capital. Equally important to a predominant neoliberalism is a political and cultural system reinforcing the principle that individual freedoms are guaranteed by freedom of the market. Harvey expounds that once neoliberal goals and priorities become embedded in a culture's way of thinking, institutions will engage in that mime and extend

neoliberal principles. Finally, he argues that for a way of thought to become dominant, “a conceptual apparatus has to be advanced that appeals to our intuitions and instincts, to our values and our desires, as well as to the possibilities inherent in the social world that we inhabit” (Harvey, 2005, p. 5). With unrestricted financial flows, direct-to-consumer marketing campaigns, and extensive voter surveillance regimes, the twenty-first century initiative campaign exemplifies and reinforces a market-oriented paradigm for what is considered our most democratic electoral option.

Labor and public sector advocates successfully opposing measures argue that they have little choice but to participate in the relentless fundraising and electioneering activities deemed necessary to compete in the contemporary I&R regime. With a \$250,000 to \$1 million investment to procure space on the ballot, neoliberal interests force labor and public sector advocates to occupy their time raising funds and organizing opposition campaigns in lieu of activities arguably more beneficial to their overall project. The capital-intensive campaign emanating from the unlimited money permitted in the I&R means labor unions are not spending limited time engaging in more democracy-enhancing activities such as union recruitment, on-the-ground, face-to-face political discussion, and

At the heart of neoliberal capitalism is the belief that barriers to capital flow are inherently bad. A largely unregulated and efficient marketplace will permit individuals and businesses maximum freedom of choice in deciding where to invest and expend resources. From this perspective, I&R campaigns and elections are superior to candidate-campaigns since in most states and at the federal level,

candidate-campaign contributions are limited. In contrast, I&R campaign contributions are virtually unregulated. Such an electoral regime fits neatly within the dominant ideology of market fundamentalism and naturalizes the increasingly large sums of money spent on ballot measure campaigns. And while individual corporate and wealthy interests may differ on the margins on particular issues or even ballot measures, on balance, there is a great deal of consensus on the principles of neoliberal capitalism that include deregulation, a weakened union movement, and the penetration of privatization and market-fundamentalism into spheres previously off-limits or out of the purview of the marketplace.

Consequently, the populist anti-government origins of direct legislation, and the common perception of it as a grassroots endeavor representing the will of the people, provide an appealing instrument for powerful organized interests seeking to capitalize on its populist and progressive beginnings. As chronicled by scholars of populism, the populist tradition in the U.S. includes a mistrust of the elite, belief in the wisdom and goodness of the common person, and the right of ordinary people to govern themselves by majority rule. The political economic origins fostering the rise of populism included an ever-expanding industrial capitalism, fervent anti-monopoly sentiment, and corporate control and capture of state legislatures (Haskell, 2001; Cronin, 1989; Smith, 1998). According to one researcher on the origins of direct legislation in the U.S., the key principles of populism could be summed up as: “The people know better; the distant elite establishment controls government illegitimately against the wishes of the majority of average men and women, today; ordinary people

Theory and Literature Review

are stymied in their efforts to gain access to the political system” (Haskell, 2001, pp. 33, 34).

Harvey observes that contemporary neoliberalism has significant impacts on virtually all institutions, including electoral mechanisms and increasingly expensive political campaigns. Importantly, to the extent direct democracy is viewed as representing the fight against a tyrannical government, and the embodiment of freedom, true democracy, and individual liberty, it will remain a powerful means for moneyed interests seeking to advance a policy agenda and influence public opinion. Advocates of the system of direct legislation consistently claim that it embodies the aforementioned populist principles. Haskell describes the connection between the principles animating the populist movement and the procedure of direct democracy:

Populism is really, then, more than just an impulse in American political culture; it is a full-fledged theory of democracy that can be summarized as the belief that a legitimate democratic political system should be arranged to ascertain the popular will (usually by the majority-rule principle) and then to implement that will as public policy (Haskell, 2001, p. 21).

Appropriating Populism

Nevertheless, within the current neoliberal political economy, powerful corporate interests have increasingly employed the initiative system to advance an agenda largely at odds with the fundamental principles animating the origins of the system of direct democracy (Broder, 2000; Schrag, 1998; Smith, 1998). That agenda appears to include not only policy goals such as weakening labor unions and decreasing the capacity and regulatory role of government, but co-optation of a system

conceived historically by individuals and interests seeking to counteract powerful organized interests and captured state officials.

Although mistrust of government has been a hallmark of American politics and culture from the nation's founding, an exceptionally well-funded effort to shift the locus of American's skepticism from powerful corporate interests and Wall Street elites to the failings and evils of big government really began to hit its stride during the presidency of Ronald Reagan. The late communications scholar, Alex Carey, explains that in the wake of Watergate and Vietnam, public regard for American institutions, certainly including big business, became especially low. In 1975, the Advertising Council,⁶ seeking to counter the rising tide of public skepticism of corporate capitalism, expanded a public relations campaign that had initially begun in the post-World War II era (referred to as "economic education"). At the same time, American business was spending approximately \$1 billion annually to persuade the citizenry that corporate interests were essentially indistinguishable from the interests of the American public. The success of the campaign was documented in a poll concluding that by 1980, the proportion of Americans perceiving there to be too much government regulation had risen from 42 to 60% (Carey, 1995, p. 89).

A well-documented effort at public opinion management included the work of several corporate-funded think tanks beginning in the 1970s. Some of the most prominent conservative think tanks advocating the principles of neoliberalism have included the American Enterprise Institute, Hoover Institute, Hudson Institute, Conference Board, Manhattan Institute, Heritage Institute, and Cato Institute, among

others. Overall, the growth in the number of active think tanks between 1970 and 1996 went from fewer than 60 to more than 300. Scholar Andrew Rich calculated that of the 165 explicitly ideological think tanks, roughly two-thirds, or 65 percent, were conservative. Moreover, the ratio of avowedly conservative to liberal think tanks at the state and local level is even greater at three to one having an ideologically conservative platform. Furthermore, conservative think tanks have outspent liberal think tanks by more than three to one during that same period (Rich, 2001, pp. 54, 56; & Rich, 2006, p. 20). A core group of 12 conservative foundations have provided the financial backing for think tanks promoting a neoliberal agenda, including the Bradley Foundation, Carthage Foundation, Earhart Foundation, Koch and Lambe charitable foundations, Phillip M. McKenna Foundation, JM Foundation, John M. Olin Foundation, Henry Salvatori Foundation, Sarah Scaife Foundation, and Smith Richardson Foundation. In 1994, these 12 foundations controlled more than \$1.1 billion in assets. A substantial portion of these conservative foundations' largesse was "particularly critical in the shift of the economic debate to the right and provided much of the groundwork for the radical change in policy taking place from 1978 through 1981" (Covington, 1998, pp. 1, 2). This three-year period coincided with the national tax discussion shifting to enact supply-side economic theory and was the basis for the Reagan Administration's Economic Recovery Tax Act of 1981, which reduced federal income tax rates by 25 percent (Feldstein & Poterba, 1996, p. 5).

More recently, organized economic interests have continued to spend heavily on public relations and marketing recognizing the significance of fostering legitimacy

for their respective enterprises and activities. Chair of the Commission on Global Public Relations Research and adjunct professor at New York University, Toni Falconi, estimates that the global economic impact — annual expenditures plus associated outlays — of the public relations industry is between \$130 and \$230 billion (Falconi, 2006, p. 8). The growth in awareness and practice of what is referred to as “branding” represents further evidence of the extensive resources and the scope of the efforts aimed at marketing and promotion. One researcher estimates that branding can account for as much as 40 to 60 percent of a company’s worth, and that branding could now account for as much as one-third of global wealth (Curry Jansen, 2008, p. 125). In brief, recent direct legislation campaign activity by wealthy organized interests should be seen as a constituent part of much larger campaign promotion activities and agenda setting by powerful neoliberal capitalist interests. Essentially, marketing and electoral activities represent privileged efforts to achieve legitimacy and justification for the policies and activities of powerful organized groups.

Conventional analyses of direct democracy view significantly increased campaign spending, greater use of political consultants, and increasingly sophisticated voter surveillance efforts as the natural outgrowth of technological progress, modernization, and business efficiency (McCuan, 2001; Bowler & Donovan, 2000; Waters, 2000). In contrast, the present study places these features of twenty-first century initiative campaigns within the larger political economy recognizing that corporate interests and business elites view elections as necessary elements and important opportunities to set the public agenda and to engineer consent. Moneyed

interests favoring a neoliberal agenda maintain financial and structural advantages for a direct legislation system that allows unlimited financial contributions and expenditures, and which necessitates and rewards sophisticated direct-to-consumer marketing efforts.

Consequently, I now discuss the concept of legitimation and its import for organized interests working within political systems self-defined as democratic.

Legitimation

Understanding the vital role of managing public opinion as it relates to direct democracy, this study approaches direct legislation campaigns and elections first as constituent parts of a system of legitimation. The work of Habermas, (1975, 1978) Gramsci, (1971; & cited in Femia, 1987; & Kellner, 1989) and Chomsky (1988; 1989) conceptualizes legitimacy and its significance to nations self-defined or generally referred to as democratic. For governments self-identified as democratic, legitimacy requires that the domestic population perceives that it is operating under democratic principles, and its general direction is subject to the will of the people. And since the presumed purpose of elections is to identify the will of the people, they play a major role in fostering legitimacy for interests seeking to gain and/or maintain power. Chomsky explains that in a democratic system “necessary illusions cannot be imposed by force. Rather, they must be instilled in the public mind by more subtle means.” And, “what is essential is the power to set the agenda” (Chomsky, 1989, p. 48). As will be discussed in greater detail in the ensuing chapters of this study, initiative campaigns and elections represent opportune occasions to set the agenda for public

discourse in addition to achieving policy victories. Seventeenth-century British political philosopher John Locke, in his discussion of the social contract described how issues of legitimacy are linked to those of consent. In his *Second Treatise*, Locke posited that government is not legitimate unless it has the consent of the governed (Ashcraft, 1991). In Dahl's discussion of legitimacy, he employs the metaphor of a reservoir. Dahl argues that as long as the reservoir of goodwill is maintained at a certain level, there will be stability (Dahl, 1971). However, should it fall below this minimum level, instability will occur.

Advocates of I&R argue that its very nature represents the will of the people, and therefore, for some, has a greater degree of legitimacy than does the more indirect republican system of governance. Quite simply, a consistent premise of those advocating on behalf of I&R is that the outcome of a direct plebiscite reflects the will of the people, and that policies enacted via initiative by definition have the consent of the governed (Haskell, 2001; Clark, 1998; Smith, 1999). Recent prolific use of the initiative system indicates that the legitimation function of direct democracy elections is not lost on wealthy organized interests participating in the process. Moreover, within the current global neoliberal regime, powerful corporate and political interests spend heavily on public relations, branding, and marketing, clearly mindful of the significance of fostering legitimacy for their activities. Such efforts represent the cost of doing business, and the financing of initiative campaigns denotes a logical extension of such activities. Additionally, ongoing public relations and marketing efforts by moneyed organized interests make them well positioned to participate in

initiative campaigns and elections. For electoral campaigns, although unique in certain aspects, are essentially marketing and public relations campaigns not unlike corporate marketing and branding operations.

Chomsky (1988; 1989) describes ostensibly democratic regimes as requiring “necessary illusions” and the “manufacturing of consent” to foster legitimacy for power and to uphold the existing set of social relations. Whereas totalitarian or fascistic regimes employ blunt force to maintain order, democratic systems demand the broadly perceived legitimacy of the domestic population to endure. Gramsci (1971), in his discussion of *hegemony*, argues that democratic structures rely on hegemonic ideology to legitimate and maintain the existing set of social relations. As described in Kellner (1989), Gramsci identifies the process of hegemony as the social construction of reality through certain dominant ideological institutions, practices, and discourses. For Gramsci, ideological hegemony is a type of assenting behavior that is bound up with the concept of legitimacy. Essentially, through the institutions and technical instruments that create and diffuse thought, hegemonic ideology legitimizes ruling class power and the existing set of social relations. Electoral campaigns, and especially those involving “citizen-initiatives,” ostensibly represent a means to understand and affirm the will of the people and the consent of the governed. To this end, they comprise an essential ingredient for the legitimation of the existing set of social relations.

Habermas argues that crises of capitalism necessitate state intervention. Yet active engagement by the state, specifically administratively socialized production

with the continued private appropriation of surplus value, must be legitimated. A substantive democratic state of affairs would raise consciousness about the contradiction inherent in this decidedly undemocratic structure. Habermas contends the aforementioned inconsistency is resolved through a system of formal symbolic democracy that creates diffuse mass loyalty while avoiding true participation. Gramsci, similar to Habermas, viewed the elaborate structure of liberal democracy (parliaments, courts, elections, etc.) as creating a façade of freedom and popular control by educating the citizenry in the ways of bourgeois politics (Habermas, 1975; Femia, 1987).

In Gramsci's analysis, hegemony is never established once and for all but is continually subject to contestation. As a terrain of contesting groups and forces, society features the ruling class trying to smooth out class contradictions and incorporate potentially oppositional groups and forces (Kellner, 1989). Similarly, in discussing Weber's concept of legitimate authority, Habermas states that:

as belief in the legitimacy of an existing order vanishes, the latent force embedded in the system of institutions is released — either as manifest force from above (which is only a temporary possibility) or in the form of expansion of the scope for participation (in which case the key to the distribution of chances to legitimately satisfy needs, that is, the degree of repression, also changes) (Habermas, 1975, p. 96).

A reasonable claim can be made that the historical conditions in late nineteenth and early twentieth-century America that gave rise to the populist and progressive movements (creating the system of direct legislation) exemplify an expansion in the scope of public participation. Assessing the class struggle of the times, Goebel writes:

The call for the initiative and referendum in the 1890s...unfolded within a model of political economy that located the origins of oppressive monopolies, corporations, and trusts in the special privileges bestowed on private parties by dishonest lawmakers and legislative assemblies” (Goebel, 2002, p. 4).

The Public Sphere

Both Gramsci and Habermas discuss the ideological effects of institutional structures, forms, and technologies as well. That is, participation in the processes themselves constitutes a form of ideological control. As such, examination of the *public sphere* provides an important additional theoretical construct through which to examine the role of the initiative process as a democratic phenomenon. The public sphere, the conceptualization of which is typically credited to Habermas, refers to an arena of discursive relations not an arena of market relations, a space for democratic deliberation (Fraser, 1990). The claim is that the public sphere mediates between the private sphere, and the sphere of public authority. The private sphere refers to the realm of commodity exchange and social labor, and the sphere of authority deals with the state, police, and the ruling class. The public sphere crosses over both of these realms — through the vehicle of public opinion it put the state in touch with the needs of society (Habermas, 1989, p. 31).

Although the public sphere may be more of a utopian model of democratic communication than a definitive post-Enlightenment historical reality, the significance of public debate, discussion, discourse, and the formation of public opinion is central to every theory of democratic politics. Significant for this study’s analysis of direct democracy campaigns is Habermas’s description of the decline of the public sphere in

the mid-to-late twentieth century; what he refers to as its “refueledization.” Habermas argues that the spread of the public relations and lobbying culture made contemporary debate a false version of the public sphere (Habermas, 1975). As outlined by Frank Webster, Habermas describes two features of the public sphere that led to this decline. First are the elevation of capitalism that privileges privatization and the domination of the state by capital. Consequently, powerful organized interests used the state to further its own ends (Webster, 2002). Habermas argues that the existence of extensive public relations efforts by powerful interests indicates that the contestation over the public sphere is an enduring struggle. Yet, even though the need for legitimacy necessitates major efforts on the part of powerful interests, the methods employed by such interests often conceal the parties responsible, thus producing a spurious forum for public debate. Quite simply, if the public is unaware of the source(s) behind a persuasion campaign, then it is an inauthentic mode of public discourse.

For instance, in the early years of Oregon’s experience with direct democracy, with 25 initiatives on the ballot in 1910 and 28 in 1912, there was no requirement that initiative campaigns disclose the sources of their funding, nor the amount they had received. Moreover, it was not until 1913 that Oregon’s Secretary of State was required to record the name of the individual who had filed the petition for initiative. This meant that voters facing 53 initiatives in two general elections were not only ignorant of the financiers of the measures, but the very sponsors as well (Ellis, 2005, in Clucas et al.). In 2009, Oregon campaign and election laws regulating the initiative process are considerably more transparent for voters motivated to identify the interests

qualifying and financing ballot measures. Still, in a state where registered political action committee names have included, “Don’t Let the Wackos Get Away with the Lies This Time” in support of Measure 34 in 1996 seeking a statutory change allowing the use of dogs for cougar hunting, and “Let’s put Children First” for Measure 95 in 2000 supporting teacher merit pay, voters are still often unaware of the specific sources financing initiative campaigns.

Mass Media and Electoral Campaigns

Another factor leading to the decline of the public sphere is the development of mass media into monopoly capitalist organizations. As tools of profit-seeking interests, media function more as propagandistic arms of capital and as sellers of audiences to advertisers, than as providers of public information (Webster, 2002). I use the term "propagandistic" here not in its contemporary pejorative sense but rather as it was employed, for example, by public relations pioneer Edward Bernays and journalist Walter Lippmann in the early twentieth century. Bernays and Lippmann were both members of Woodrow Wilson's Creel Commission that worked to sway public opinion to enter the First World War. Bernays, in his classic book, *Propaganda*, speaks very frankly of the necessity of "engineering public consent." Both Bernays and Lippmann believed that a necessary condition of democracy was for members of the ruling class to use strategies and techniques to shape public perceptions and to direct behavior. As Bernays explains in the first sentence of his work, *Propaganda*, first published in 1928, "The conscious and intelligent manipulation of the organized habits and opinions of the masses is an important

Theory and Literature Review

element in democratic society” (Bernays, 2005, p. 37). Both Bernays and Lippmann argued that a “specialized class,” the elite of the society, was to manage public opinion for the ultimate benefit of all classes of society; even those they viewed as unfit and incapable of participating in the management of the democracy.

This figures prominently in the construction of political campaigns, which have become enormous revenue streams for media concerns selling advertising time to organized interests and candidates (McChesney, 1999; Witcover, 2001; Bennett, 2001; Schudson, 2003; Edelman, 1988). Thus, in 2008, media corporations received approximately \$2.6 billion in political advertising (Seelye, 2008). Political reporter, Jeff Mapes, of Oregon’s largest circulating daily newspaper, the *Oregonian*, recently described a local Oregon example of the political advertising/mass media nexus. In 2007, Oregon voters were confronted with Ballot Measures 49 and 50 — both legislative referrals. Measure 49 concerned land use and Measure 50 a sizeable cigarette tax. By October 30, 2007, campaigns for and against the measures had already spent over \$8 million on television advertising in Oregon, a state with less than four million residents. In just the two months leading up to the election, Portland, Oregon television stations had earned approximately 10 percent of their entire quarterly revenue from initiative campaign spending on advertising (Mapes, 2007).

Ballot measure campaigns are particularly lucrative for broadcasters since, in contrast to candidate campaigns, there are no restrictions on how much broadcasters can charge clients seeking advertising slots. Evan Tracey, head of Campaign Media Analysis Group, explains that approximately three-quarters of total campaign

spending are for local broadcasters. As Mapes observes, “ballot measures have become a big business” (Mapes, 2007). One 2002 study by the Lear Center found that nationally, of the 4,850 half-hour local news broadcasts analyzed in a study of local news in the country's 50 largest media markets, just over one in three (37 percent) carried any campaign coverage. In contrast, almost three of four (72 percent) of these same broadcasts aired at least one paid political advertisement, and over half (52 percent) aired at least two political commercials (Lear Center Report, 2002). Such a state of affairs further rationalizes a political system ensconced in money favoring the very corporate entities broadcasting the political spectacle (Edelman, 1988; McChesney, 1999; Boggs, 2000).

In the status quo political marketplace, corporate media outlets have a financial incentive to limit coverage of ballot initiative campaigns, thereby necessitating the purchase of expensive advertising time by advocates and their opponents. American mediated political campaigns thus become consultant and corporate media entitlement programs as much as anything else. In addition, as conservative entities benefiting handsomely from neoliberal federal communication policies, campaigns and elections are covered as the most important elements of a functioning democracy. This is evident in the sheer volume of media coverage of campaigns and elections, as well as in the constant repetition of phrases such as, “the people have spoken,” and paeans to the peaceful transition of power — even following the debacle that was the presidential election of 2000. While campaigns, elections, and voting are key components of any working democracy, they represent a part of the necessary

conditions of a functioning democracy. More importantly, in the coverage of campaigns and elections, rarely discussed is the fact that a majority of eligible voters in the United States do not participate in the electoral process, that a very small percentage of the population contributes money for political purposes, and a relatively small number closely follows political news (Edelman, 1988; Boggs, 2000; Sussman, 2005). In the United States, despite the exception of the uptick in the 2008 general election, over the last 50 years the percentage of eligible voters choosing to exercise the franchise has been on the decline with more than 40 percent of population not participating in general elections (U.S. Census Bureau Web site, 2008).

Additionally, there is a great deal of research concerning several deficiencies in corporate media's coverage of campaigns and elections. Thus, for example, of the local news broadcasts in the Lear Center Study cited above, the average election story length was 87.5 seconds on the top-rated early evening news, and 63.7 seconds on the top-rated late-evening news, for an overall average of 75.6 seconds. Furthermore, of the 2,487 political stories captured by the sample, 40 percent included sound bites from candidates. The average length of a sound bite was 11.2 seconds for early and late news combined (Lear Center Report, 2002). Local news broadcasts in Oregon and other states represent the most likely source of information about ballot measure campaigns not emanating directly from the campaign themselves.

Constructing the Political Spectacle

Unquestionably, campaigns and elections represent important rituals maintaining and supporting democratic regimes. Swanson and Mancini list several

essential functions of campaigns and elections including, their symbolic power.

“Symbolically, campaigns legitimate democratic government and political leaders...both the practical outcomes and symbolic meaning of campaigns are important to the health of democracies.” They continue:

The manner in which democracies conduct their election campaigns is in some ways as important as the results of the voting. Governments are regarded as democratic not because their rhetoric describes them as such, but because their manner of choosing decision makers is consistent with some recognizable conception of democracy (Swanson & Mancini, 1996, pp. 1, 2).

Chomsky discusses a prevalent ideology promulgated in elite circles in the early twentieth century about the necessity of managing public opinion and reinforcing powers of a “specialized class,” to use the words of journalist and political critic Walter Lippmann, to direct policy ostensibly for the common good (Chomsky, 1989). With about 1,600 American companies self-identifying as public relations firms, approximately 150,000 practitioners by the year 2000 (Campbell, 2002, pp. 431, 432), the practice of public opinion management has grown to a multibillion-dollar industry. Political campaign professionals represent an important subfield of public relations and opinion management, and their specialty is the electoral campaign. Their expertise in the construction of the political spectacle (Edelman, 1988) focuses on the credibility and electability of their client — whether that is a candidate or an interest group financing a ballot measure. In short, legitimation is one of their primary functions. In discussing the symbolic and legitimation functions of elections, political scientist Murray Edelman observes: "The intense publicity given to voting and

elections is itself a potent signal of the essential powerlessness of political spectators because elections are implicitly a message about the *limits* of power" (Edelman, 1988, p. 97; emphasis in the original). To the extent that initiative campaigns are constructed and understood as exemplars of citizen-generated ideas and policy prescriptions, their potency as a form of legitimation is considerable. The initiative election spectacle largely masks the activities of organized interests financing efforts to qualify measures for the ballot as well as the often-extensive activities of political consultants running the campaigns.

Political Economy

The study is also informed by a critical *political economy*. As an approach, political economy prioritizes efforts at "understanding social change and historical transformation through the study of the social relations, and particularly the power relations, that mutually constitutes the production, distribution, and consumption of resources" (Mosco, 1996, p. 25). Political economy seeks to uncover the linkages among structures and those interests and entities both constructing and benefiting most from the existing material conditions, as well as those with the power to control resources. Thus, understanding contemporary U.S. electoral processes, including the initiative process, requires examination of the global industrial order and the new technological mode of industrial, cultural, and political production (Sussman, 2005; Sussman & Galizio, 2003).

Political economy links control of politics with the defense of organized political and economic power. It views U.S. electoral processes as demonstrating the

increasing global concentration of wealth, the privatization of public space, and the commercialization of the public sphere. As elections have become more commercial, industrialized, and more expensive, powerful private and state interests find natural allies in political consultants, mass media, and firms constituting the political marketing industry (Sussman, 2005; Sussman & Galizio, 2003). Political economy directs our focus to the core concerns implicated in the *initiative-industrial complex* and the commodification of politics of direct legislation. It compels an inquiry into the *industrialization* of the system of ballot initiatives, and what Habermas (1974) referred to as the *scientificization* of politics (Swanson & Mancini, 1996, p. 14).

Habermas (1974; 1978) chronicled the increased use of campaign professionals, pollsters, public relations practitioners, and the panoply of experts and firms responsible for the marketing of political candidates and initiatives today (Mancini & Swanson, 1996). The capital-intensive campaign reflects the larger political economy where subcontractors and professional specialists “use flexible forms of media and digital technologies for the collection, processing, and editing of data and images” (Sussman & Galizio, 2003, p. 7). In such a system, potential voters are constructed not as citizens constituting the polis, but as consumers to be surveilled, test-marketed to, and sold a product.

Campaign technologies deployed in initiative and candidate campaigns alike include: campaign software to assist in fundraising, volunteer list management, media-buying, and campaign expenditure accounting ledgers. Databases and CD-ROMs permit data harvesting for voting targeting, information sharing among interest groups,

and voter analysis. Computer-assisted dialing services are used for get-out-the-vote efforts, fundraising and survey efforts. Direct mail and direct marketing employ sophisticated customized databases and graphic design technology to mobilize targeted segments of the electorate. Psychographic data from hand-held perception-analyzers during focus groups shape messages and are central to the creation of campaign rhetoric.

Such technologies and their use in the contemporary capital-intensive campaign reify systems of power (Sussman & Galizio, 2003). The very logic of the system is embedded in the methods serving to reinforce and legitimize the money focus of contemporary electioneering. Capital-intensive initiative campaigns now feature political marketing techniques indistinguishable from the corporate branding and selling of consumer goods and services. In sum, “politics has become commercial, market-oriented, commoditized and industrialized, privatized and less public, centralized while more decentered” (Sussman & Galizio, 2003, p. 8).

Ballot initiative campaigns and elections are run similar to marketing blitzes for Hollywood films or other products hawked to consumers (Sussman, 2005). The use of sophisticated marketing techniques mined from corporate America situate citizens as consumers, treating them as customers to be marketed to rather than as voters and residents of a state making significant policy choices affecting their lives. Nicholas Garnham makes perhaps the most cogent statement of this campaign approach:

Politicians appeal to potential voters not as rational beings concerned for the public good, but in the mode of advertising, as creatures of passing and largely irrational appetite, whose self-interest they must purchase. The campaigners thus address citizens within the set of social relations that have been created for other purposes. Thus the citizen is addressed as a private individual rather than a member of the public, within a privatized domestic sphere rather than within public life (Garnham, 1990, p. 11).

While Garnham uses the term “politicians,” the observation also holds true for initiative campaigns employing the same political operatives and their marketing techniques to win consent. One consultant working for progressive causes argued that the reason conservative forces were so much more successful at placing initiatives on the ballot was because liberals tend to view government, the state, as serving a public collective good, whereas conservative philosophy holds that individual freedom and smaller government should reign supreme. Thus, initiatives attacking government (i.e. the collective good) is a logical target of conservative interest groups (Blazak, personal communication, 2009).

In the next section I discuss the scholarly literature concerning political consultants, including theory relating to their role in the system of direct legislation. After summarizing recent scholarship on political consultants and their functions in campaigns and elections, I introduce the present study’s critical theoretical approach to the so-called professionalization of direct legislation.

Current Theory on Initiative Professionalization

To date, McCuan has taken the most in-depth look at the role of political consultants in direct legislation. While his focus is on the state of California, the

analysis and discussion refer to the national phenomenon of initiative growth in the post-Proposition 13 era as well as to the overall increased use of political professionals in direct legislation campaigns. In accounting for the significant growth in the use of political consultants in I&R campaigns, McCuan points to a favorable cost-benefit analysis of the initiative process by interest groups,⁷ increased technological sophistication in electioneering, and the subsequent demand for political campaign professionals familiar with these campaign technologies and techniques (McCuan, 2001, p. 7).

McCuan cites the lack of general theory in the scholarship of political consulting in general and a “dearth of data on the actions and role of political professionals in direct democracy.” He notes two broad conclusions reached by those in the subfield of campaigns and elections: 1) that new technologies contributed to changes in political campaigns, and 2) the scope and level of professional assistance has changed as the need for specialized consultants emerged. McCuan seeks to learn why the role of political professionals has increased in ballot measure campaigns in the last 20 years. If this is not an entirely new phenomenon, then what accounts for this significant change? He concludes that virtually all interest groups employ political professionals in the initiative process. “The whole process is virtually professionalized across each stage from the drafting of ballot language, to the collection of signatures, to the actual campaign stage” (McCuan, 2001, pp. 14, 22, 26).

McCuan identifies three primary factors that resulted in what he refers to as the “spillover” of campaign professionals from candidate to initiative campaigns.

Specifically, he points to: 1) changes in the regulatory environment following the 1974 Political Reform Act,⁸ 2) the recognized utility of consultants as showcased in California's Proposition 13, and, finally, 3) the supply of services offered by political professionals in candidate campaigns created a demand among those involved in direct legislation efforts. This supply and demand model argues that initiative campaigns offer political professionals opportunities to increase their exposure and develop their business models (McCuan, 2001, p. 88).

McCuan concludes his study of the growth of political professionals in California initiative campaigns with several important points. First, he observes that professionals are essential to most campaigns for signature gathering, drafting ballot language, framing the message, and for carrying out legislative and legal compliance throughout the process. However, he argues that the increased number of political consultants in the initiative process does not merely represent a "linear development of more wide-ranging developments in campaigns and elections." Rather, the increase can be attributable to the high profile of campaigns, such as California's Proposition 13 and its successful use of direct mail, television advertising, and professional consulting services. Second, McCuan cites an increase in interest group activity using the initiative process from the 1960s onward, coinciding with "a revolution in campaign technology." This convergence has served to benefit political professionals, as their expertise is perceived as vital to successful year-round initiative battles. Lastly, McCuan points to a spillover effect, as the supply of campaign professionals from candidate races to initiative contests is fostered by the stringent regulatory

environment along with the greater use of ballot measures by interest groups.

McCuan concludes his study with many more questions than answers. His focus on how political professionals affect the initiative process is an important step in creating an understanding of a long-standing phenomenon that only lately has been receiving scholarly attention (McCuan, 2001, pp. 230, 231).

Analyses of the phenomenon of increased use of political consultants for initiative campaigns by McCuan and others (see Donovan, Bowler, & McCuan in Sabato et al., 2001) supports a “professionalization” thesis extant in the literature on candidate campaigns (see esp. Scammell, 1998; Faucheux, 1996; Mancini & Swanson, 1996; and Farrell, 1996). One major premise of the professionalization thesis is that as campaign technologies (including mass media outlets) have become more numerous and complex, the demand for technical expertise offered by political professionals becomes increasingly useful. Another is that campaign regulations and election laws necessitate the employ of consultants conversant with the complexities of election law. A third is that parties have weakened and the electorate has become more mobile and reliant on mass media for political information, campaign communication experts provide strategically critical advice on the ways and means to persuade the electorate.

Magleby and Patterson (1998), as well as Schrag (1998), envision a consultant-driven initiative industry whereby political professionals actively seek new business by pitching novel initiative ideas to interest groups in the hopes of drumming up clients. Apart from being a rather narrow interpretation of an initiative-industrial

complex these authors convincingly argue that issue-advocacy groups and economic interests, not political professionals, are driving the demand for initiatives. They point to anti-tax lobbies, environmentalists, and others with an institutionalized presence and very professional lobbying operations as being central to the increase in initiative use (Magleby & Patterson, 1998, p. 130). Additionally, Magleby and Patterson, as well as Schrag, also cite economic interests with specific industry-related concerns as another group responsible for the increasing number of initiatives on the ballot.

Industrialization not Professionalization

In contrast, Donovan, Bowler, and McCuan, in their survey research and examination of the initiative-industrial complex, disagree with the analysis by Magleby and Patterson and Schrag, and essentially view the initiative process as simply one more point of access to the political system. In other words, they view the initiative as simply another means by which interest groups can achieve policy goals. Accordingly, similar to lobbying the legislature directly, communicating with voters directly requires significant financial expenditures. Donovan et al. conclude their examination of the initiative-industrial complex with several claims. First, they believe that population growth necessarily leads to reliance on mass media to stimulate interest and persuade voters. They argue that almost all initiative campaigns require the use of campaign professionals and that contemporary initiative politics do not resemble the progressive idea of an open forum. Moreover, ballot access requires significant financial resources, professional assistance and “corporate and economic interests have greater ability to employ professionals needed to wage modern

campaigns” (Donovan et al., 2001, p. 134). Despite this nod to the power of money and organizational power, the authors claim that wealthy interests merely have more defensive than offensive advantages and that the initiative system still does offer another access route to the political system for groups that might otherwise remain virtually shut out. The first conclusion is reinforced by other studies of expenditures and initiative election outcomes. However, focusing merely on electoral outcomes ignores significant secondary effects of ballot qualification, such as agenda setting, pressuring legislators, and so-called crypto-initiatives.⁹

In contrast, the proposed study’s political economic perspective hypothesizes that political professionals serve as brokers and retailers within the logic of a system in which powerful organized interests and wealthy individuals have largely captured the political processes, including the ballot initiative. While much has been written on the subject of campaign finance and its impact on electoral outcomes, what remains largely uncharted territory is scholarship that links changes in the political process, including ballot initiatives, to the larger political economy. Prolific initiative campaign spending not only lines the pockets of political operatives in the initiative industry, but it arguably privileges well-heeled neoliberal interests and wealthy individuals. The presence of big money in initiative elections not only raises the barriers to entry for true grassroots movements (as opposed to “astroturf” facades), it enables powerful organized interests to maintain a disproportionate hold on political discourse, agenda-setting, and forces citizen interests to go begging for money from the very interests they seek to counter. Further, corporate capital, wealthy individuals,

and pressure groups maintain relationships with experienced, well compensated political campaign consultants, thus securing the rhetorical and strategic advantage of the top public relations and symbol manipulating professionals (Sussman, 2005; Sussman & Galizio, 2003).

A system that ostensibly places power in the hands of citizen-inspired grassroots political movements and strengthens the public sphere is now firmly ensconced in the system of private exchange relations that privileges wealthy interests (Sussman, 2005; Sussman & Galizio, 2003). Indeed, the rhetorical elements embedded in the initiative as a process or means of promoting ideas/legislation, in addition to the often populist tropes of initiative campaigns, are important to analyze. I argue that the populist myth surrounding the initiative system in the United States creates the legitimating foundation for moneyed interests to advance its interests through direct legislation. The convergence of the populist myth of the initiative process with campaigns that portray their respective positions as “grassroots” and emanating from “the people” often serves to mask the interests seeking political gain. Therefore, rather than acting as a counterweight to powerful organized interests, initiatives become another means for the concentration of economic power (Sussman, 2005; Sussman & Galizio, 2003). Such a state of affairs further alienates an already depoliticized population and feeds the cynicism of those lacking the capital to participate.

In her important work on money and direct lawmaking, Garrett (1999) sets forth two critical elements of the initiative process that privilege wealthy interests: 1)

the qualification stage and 2) shaping the policy agenda. In states that provide for the initiative, the majority of measures fail to make it onto the ballot. Petitioners must reach a signature threshold that is generally set as a percentage of the votes cast for governor in the last general election (Magleby, 1984). Deep pockets allow the chief petitioner(s) to purchase the services of a professional signature-gathering firm. Some of these firms offer money-back guarantees on ballot access (Ellis, 2002). One illustration of the effect of having paid petitioners is evidenced by the experience in Oregon.

Approximately one in eight volunteer-only efforts made it to the ballot between 1988 and 2000. In contrast, since 1996, 93 percent of the initiatives on the Oregon ballot employed the services of a for-profit firm (Ellis, 2002, p. 50). A 1996 Portland City Club Report on Oregon's initiative and referendum system contained testimony that \$100,000 to \$150,000 was sufficient to land a measure on Oregon's ballot (cited in Ellis, 2002, p. 59). A more recent report by the Portland City Club (2008) placed the price of securing ballot access at between \$250,000 and \$1 million. Hence, money has become a sufficient condition to qualify for ballot access and the trend has it becoming a necessary condition as well. In brief, not only does this electoral structure advantage moneyed interests, it serves to all but exclude the interests and issues of those at the lowest end of the socioeconomic scale.

Equally, if not more important, is the impact getting on the ballot has on public discourse and shaping the policy agenda. Kingdon defines the policy agenda as "the list of subjects or problems to which government officials, and people outside of

government closely associated with those officials, are paying some serious attention at any given time” (Kingdon, 1995, p. 3). Without question, the initiative process in Oregon (and in neighboring states California and Washington) has been influential in setting the agenda for public discourse and for legislative policymaking as well. One measure of this impact is the amount of media coverage given to prolific initiative sponsor Bill Sizemore between 1996 and 2000. As documented by Richard Ellis, despite being trounced by John Kitzhaber in the 1998 gubernatorial election, the only Oregon politicians to receive more statewide media coverage than Sizemore were the state’s two U.S. senators and the governor (Ellis, 2001, p. 93). For this reason, merely looking at aggregate spending and subsequent won-loss records of ballot initiatives fails to document the actual political impact of moneyed interests utilizing the process. Also, the increasing costs of initiative electioneering appear not only to favor individual and corporate wealth, it risks alienating further an already cynical electorate. The perceived cooptation of an ostensibly grassroots process risks greater voter apathy and depoliticization, a situation favoring organized interests benefiting handsomely from the status quo.

It can be argued that such a structure does not represent a natural phenomenon resulting from an invisible hand guiding political systems to their most efficacious and logical ends. Rather, such a system may illustrate neoliberalism and the incursion of a kind of industrialization that has appropriated public spaces and serves to weaken counterforces to the onslaught of privatization and the maneuvers of entrenched wealthy interests (Sussman, 2005; Sussman & Galizio, 2003). Neoliberalism has

resulted in the expansion of market forces and industrial logic to erstwhile public forums and spaces and the deepening of commoditization into spaces not already within the sphere of exchange relations (Sussman & Galizio, 2003; Sussman, 2005). It reflects the consequence of the erosion of public space and the cooptation and domination of public venues by private exchange relations and market-centered logic. In the contemporary neoliberal regime, campaigns and elections represent simply another market ripe for creation, penetration and domination (Sussman, 2005; Sussman & Galizio, 2003). Political campaigns, including ballot initiative campaigns, embody new sites of accumulation for capital (Sussman, 2005).

Citizens/Voters as Targets/Consumers

In their book analyzing the educative effects of the initiative process, Tolbert and Smith argue that citizen lawmaking benefits *civic engagement* — as defined by increases in *political knowledge*, interest in politics, and more frequent political discussions. Additionally, the authors find a correlation between states having frequent ballot measures and higher levels of social capital. Finally, Tolbert and Smith report a “contextually constrained” relationship between initiative use and voting participation, yet ultimately conclude that the initiative system may serve to enhance voter turnout (Tolbert & Smith, 2004, p. 71).

Tolbert and Smith point to repeated statements by the founders of the Progressive Movement favoring the initiative not only for its potential affect on policy outcomes, but for the aforementioned “secondary effects.” One of the key contentions of backers of the initiative during the Progressive Era and continuing today is that

initiative states will produce voters with increased *political knowledge*¹⁰ — a more “informed electorate.” To measure this, the authors employ American National Election Studies (NES) data from 1996 to 2000. More specifically, the authors use data from respondent’s scores on correct answers to six general political knowledge questions. Positing that political interest is closely related to an informed electorate, the authors measure political interest using a Likert scale concerning degrees of interest in political campaigns. Rounding out their analysis of overall *civic engagement*, Tolbert and Smith measure political discussion by a dichotomous variable whereby respondents indicate either participation in political discussion, or conversely, not engaging in such discussion.

The NES data are merged with state-level data, and several explanatory variables such as educational level, media consumption, and income are controlled for in their analysis. The authors conclude that exposure to ballot initiatives leads to a more politically informed citizenry, with the caveat that the effect is evident when initiatives are interrelated to issues of national and state campaigns (Tolbert and Smith, 2004, pp. 53, 56, 59, 60, 63). Tolbert and Smith’s research leads them to conclude that ballot initiatives have a more important and consistent effect on political interest than on political knowledge. They surmise that the data suggest that initiatives may increase interest in politics by providing people with additional sources of information.

Finally, political discussion represents the third element of civic engagement Tolbert and Smith analyzed for their research. Their research leads them to the

conclusion that exposure to ballot initiatives does increase the frequency of political discussion. However, similar to Tolbert and Smith's findings on political knowledge and interest, the effect appeared to vary with electoral context (Tolbert & Smith, 2004, p. 66).

Progressive and populist champions of the initiative process boasted of the secondary or educative effects in addition to its importance in shaping government policy. Senator Jonathan Bourne Jr. of Oregon, a Republican Senator from 1907 to 1913 stated: "The study of measures and arguments printed in the publicity pamphlet is of immense educational value. The system not only encourages the development of each individual, but tends to elevate the entire electorate to the plane of those who are most advanced" (cited in Tolbert & Smith, 2004, p. 53). Harvard professor William Munro, in his tract on direct democracy, claimed:

The way to get voters interested in measures is to ask for their opinion upon measures, not for their opinion on men. The way to educate the voter upon matters of public policy is to submit measures to him in person and not to some one who holds his proxy. The educative value the ordinary ballot has long since been demonstrated; and friends of direct legislation now urge that this be enhanced by making the ballot a more elaborate political catechism" (Tolbert & Smith, 2004, p. 30).

The authors make a convincing case not only that such secondary effects represented an important aspiration of the founders of I&R, but also that contemporary research regarding these elements of the entire process of direct legislation is in short supply.

Counterargument on Education

While concurring with Tolbert and Smith (2004) that assessment of secondary and educative effects represents a worthy endeavor, in this paper I present a series of counterarguments to the claims that the initiative process enhances civic engagement, political knowledge, and civic participation. I will not directly address Tolbert and Smith's claims concerning voter turnout, as such a focus is simply beyond the scope this study.

I argue that the analysis surrounding the claims of beneficial secondary/educative effects largely ignores the means or processes by which campaigns present their messages to voters, and it does not adequately account for the electioneering context within which such information is packaged. The increasingly sophisticated information management and political marketing active in contemporary initiative campaigns constitutes a significant qualitative distinction that has been heretofore largely overlooked in the scholarly literature on direct legislation. Despite the persistent myth that somehow ballot measure campaigns are distinct from candidate campaigns in terms of being populist, citizen-driven, grassroots endeavors, increasingly, the reality in Oregon and many other states with the direct initiative is that campaigns are industrialized, technologically-mediated practices of electoral management. In fact, such a state of affairs has led to scholarship referring to the initiative process as a “parallel legislature” (McCuan and Stambough, 2005). Importantly, the significance of this status quo is not that consultant-run, technologically-mediated campaigns cannot by nature be labeled “grassroots”

(although it certainly calls into question the significance of this term); rather the strategies and techniques extant in contemporary electioneering completely alter the relationships of everyone touched by the processes as well as the significance of the democratic rituals of elections themselves. It should be noted here that Smith, in his 1998 work on “Tax Crusaders” as well as in other works (see especially his taxonomy of anti-tax ballot initiatives, 2004), has been one of the most trenchant critics of the populist myth of contemporary ballot initiatives. In fact, Smith makes a convincing case that direct legislation researchers looking at aggregate expenditures should consider a more contextualized and nuanced analysis of such numbers. To quote Smith directly:

Although aggregate spending measures allow us to generalize about the initiative process fairly easily, they unfortunately tell us little about the underlying processes of direct democracy generally, or more specifically, the motivations behind the supposedly populist and grassroots nature of anti-tax measures. Aggregate data may reveal the wide disparity in spending between proponents and opponents of ballot measures, but they only deal with part (and perhaps not a very important part) of the initiative process (Smith, 2004, p. 94).

A great deal of research has focused on the question of the impact of the enormous sums of money now being spent on initiative campaigns (see especially Lupia & Matsusaka, 2004; & Stratmann, 2006). The debate centers primarily on whether well-financed campaigns hold a significant advantage, measured by whether or not the better-funded side of a ballot measure campaign emerges victorious a greater percentage of the time. Despite research illustrating that money does not guarantee victory in initiative campaigns, the record does clearly indicate that all

things being equal, it is ultimately advantageous to have greater financial resources than the opposition, and that money is especially beneficial to interests seeking to defeat a citizen-initiative (Lupia & Matsusaka, 2004). This is certainly an important question, yet one that often ignores the qualitative dimensions of the campaigns. This element of the equation becomes especially important in lieu of the research on the secondary/educative effects of this plebiscitary system.

Webster (2002) suggests that the significant expansion of public relations and the scientific management of information corrupt the public sphere as economically-powerful interests have a disproportionate advantage over less privileged groups. The present study explores this observation by examining the financing and constituent elements of increasingly capital-intensive initiative campaigns. For the capital-intensive, professionalized initiative campaign constructs individuals as consumers and engages them in the mode of exchange relations rather than as citizens participating as sovereigns¹¹ partaking in authentic/grassroots politicking, policymaking and shared governance. Evidence of this dramatic shift in campaigns and electioneering is evidenced by the creation of an entirely new subfield of marketing known as political marketing.

Political Marketing

Political marketing as an industry and academic discipline comes complete with its own academic journal, graduate degree programs, and an increasing number of practitioners. Newman (1999), one of the pioneering scholars of the field, describes the similarities between business and politics: “both rely on the use of standard

marketing research, market segmentation, targeting, positioning, strategy

development, and implementation. Second, the voter can be analyzed as a consumer in the political marketplace, using the same models and theories in marketing that are used to study consumers in the commercial marketplace” (Newman, 1999, pp. 36, 37).

One might paraphrase Smythe (1981), one of the pioneer scholars of the political economy of communication, and coin the term “voter commodity” to draw attention to the function of the sophisticated technologies, tactics, and methodologies of professionalized campaigns. The determinative focus of many initiative campaigns is not to enhance voter knowledge or civic engagement, but to deliver voters to moneyed interest groups and wealthy individuals funding initiative campaigns. And while the targets of these political marketing operations may indeed come away with greater familiarity with some of the arguments and issues pertinent to the initiatives on which they are asked to render a decision, the more likely result is short-term familiarity with decontextualized soundbites and repetitive arguments manufactured by the multimillion-dollar intensive campaigns. The focus of the campaigns themselves is not edification about the issues; rather it’s delivering the most emotionally compelling argument/theme(s) as identified in extensive focus-grouped, poll-tested methodologies. Referring to the campaign theme, one experienced consultant explained: “If you stick to it, and say it often enough, you will define the criteria for the voters that they should use to make their choice” (Bradshaw, 1995, p. 44).

It is beyond the scope (and available resources) of the present study to collect the data required to definitively show that voters rendering decisions on repeat ballot measures from chief petitioner Bill Sizemore failed to comprehend or adequately recall that it was the second or third time in the past decade that they were being asked to vote on virtually the same initiative.¹² However, according to professional consultants (including the lead pollster for the opposition campaigns for all of the repeat initiatives over several election cycles) the overwhelming majority of voters surveyed either could not recall ever having voted on virtually the identical measure in a previous cycle or had a vague memory of having done so, but with little to no recollection of the specific issues and arguments involved (Grove, personal communication, 2008). The large numbers of initiatives that typically fill the Oregon ballot mean that the generic oppositional strategy of sowing confusion and creating doubt might result in voters having difficulty recalling the issues in any particular election cycle. Still, this calls into question the claim that initiative campaigns increase citizens' political knowledge.

Political campaigns, whether initiative or candidate-campaigns, are largely environments for rhetorical communication. And part of the argument here is that what is missing from much of the scholarship on initiative campaigns concerns the qualitative significance of contemporary capital-intensive campaigns. This includes the rhetorical elements of campaigns that practice microtargeting, voter segmentation, and targeted messaging that appeal to voters in the mode of product advertising. This type of mass customization includes distinct appeals and messages that may bear little

similarity to communication emanating from the same campaign and are being sent to a completely different segment of the voting population.

Among the most repeated arguments and justifications for the initiative process now, and especially among its pioneers in the late nineteenth and early twentieth century, has been the promise of advancing participatory democracy. The controlling notion has been that the citizen-voter, with the direct plebiscitary mechanism available to exercise a more direct form of democracy and policymaking, would be a better-informed and more engaged member of the polity. In their book on the educative and secondary effects of I&R, Smith and Tolbert again quote Oregon Senator Jonathan Bourne, Jr., an outspoken early proponent of direct legislation:

In Oregon the farmer at his plow, the mechanic at his bench, devote a portion of their time to study of their government and methods of improving it. They have become the most intelligent, most progressive and most independent people in the world. They wear not intellectual halters. They cannot be led to the polls and voted on Election Day. They do their own thinking. They do their own voting. They acknowledge no human authority higher than a mandate legally recorded in a popular election (Smith & Tolbert, 2004, p. 12).

The argument from I&R advocates in the late nineteenth and early twentieth century that direct democracy enhances political knowledge and participation continues today. However, contemporary I&R champions also cite the so-called information revolution as significantly strengthening the case for direct democracy. Highlighting the availability of information through the Internet and a myriad of other modes of information transmission, proponents of direct legislation argue that citizens possess even greater capacity to engage in direct legislation today than was possible in

Theory and Literature Review

the Progressive Era (Waters, 2000). Yet, as political scientist Steven Schier notes in his discussion of initiatives: “The information costs in initiative voting are high, and even a small and relatively elite electorate can find it difficult to vote rationally.” He continues “Designed to prompt popular deliberation over policy, it offers few incentives for citizens to master the arcane content of initiatives” (Schier, 2000, pp. 151, 153). Although some initiatives, such as those concerning gay marriage or perhaps physician-assisted suicide may not constitute as high a cost for voters in terms of time and effort, a significant number of initiatives in the past eight years in Oregon concern less emotive, more complex issues for consideration.

Indeed, absent from the utopian vision of the empowered citizen armed with virtually unlimited information at the click of a mouse, is acknowledgement of the concurrent explosive growth and sophistication of the scientific management of information. Living to the age of 103, public relations pioneer Edward Bernays got more than a glimpse of the advanced market research and communications technologies employed primarily in the commercial sector, yet now moving full-force into the political realm (*New York Times*, 1995). Certainly, in both candidate and initiative political campaigns we have reached the age of the scientific management of political marketing.

Acknowledging that Habermas’ notion of a vibrant public sphere in the nineteenth century may itself have been more aspirational than actual, nonetheless, the idea that citizens in a democracy engage in public discourse to help determine the direction of the nation constitutes a fundamental premise of strong advocates of direct

legislation. And while general education levels of citizens in the U.S. have generally shown a gradual increase over time, the explosive growth of the entire apparatus and professionalism of opinion management is unprecedented.

Enter the symbol-manipulating professionals and their gold-plated toolboxes. In a truncated period of time, with upwards of 12 initiatives and legislative referrals, candidates (including judicial candidates) running for national, state, county, and municipal offices, plus local bond measures or other issues on the ballot, and you have quite a challenge for even the most well-intentioned citizen/voter. It is within the context of these challenging circumstances that campaign professionals approach initiative elections.

As reiterated in almost every interview I conducted during the course of my research, political campaigns are not about education, they are about winning. The job of the political consultant is to deliver victory for his or her client. The goal of the campaign is to get a plurality of the vote for one's client. Sussman (2005) has made this point powerfully but with a focus on candidate-campaigns in his discussion of global electioneering, political consulting, and nexus of neoliberalism and politics. While Sussman focuses almost extensively on candidate-campaigns, I argue here that the analysis holds true for the large majority of twenty-first century ballot measure campaigns in Oregon and other states. Sussman explains:

Professionally and technologically mediated elections also alter the relationship of the voter to the party and political candidate. Elections and politics in general have become to a far greater extent than before exercises in communication and public relations ("language that works"), and

Theory and Literature Review

professionalization has reduced the importance of representative leadership for both party and politician (Sussman, 2005, p. 5).

Interviews with consultants, pollsters, campaign managers, and activists in the initiative process — all of whom have experience working on candidate races as well as initiative campaigns — confirm the fact that initiative campaigns contain far more similarities than differences in terms of the strategies and techniques employed to move the electorate in the desired direction. Still, important distinctions do exist between initiative and candidate races. In brief, what emerged in the discussions with political professionals is that in many cases, the ambiguity of ballot measures provides greater maneuverability in the construction of images and themes than do candidate campaigns. Quite simply, packaging a set of words, as opposed to a flesh and blood candidate with a personal history and background, allows greater maneuverability for consultants in the construction of campaign themes and images. Candidates have life histories, physical features, idiosyncratic behavior, and often a paper trail that may include votes on legislation. In contrast, a ballot measure contains none of the aforementioned qualities that political consultants must take into account when creating a campaign plan. Although not a tabula rasa, initiatives often provide a greater degree of latitude for campaign professionals to construct themes, images, and language, than do candidate campaigns. This arguably denotes even greater significance for the role of campaign professionals and the initiative-industrial complex.

Citizen Participation

In terms of citizen participation, the contemporary initiative campaign in Oregon; from its use of professional signature-gathering enterprises, election attorneys, database vendors, and the panoply of pollsters, media, mail, and general consultants, has become, in the words of a title of Dennis Johnson's book on political consulting, *No Place for Amateurs* (2001). Schier's description of the distinction between activation and mobilization in political campaigns finds its corollary in the twenty-first century initiative campaign in Oregon. Schier's basic argument holds that American political campaigns once featured ward bosses and block captains mobilizing citizens — albeit often through a system of corrupt patronage — stimulating involvement of individuals regardless of their voting history or demographic profile. Although certainly an approach of questionable propriety and one that is tremendously inefficient by contemporary standards, nonetheless one that sought to mobilize a broader swath of the public than is evident in today's campaigns.

In contrast, Schier describes today's "professionalized" niche campaigning and voter targeting as one almost exclusively focused on activation of likely voters and individuals identified through sophisticated computer-modeling as targets of opportunity by campaign professionals. While more efficient and arguably a superior utilization of campaign resources, the result is an electorate that is segmented to exacerbate the cleavage among the voting and non-voting population. Whereas mobilization generally involved broad appeals with party workers and a partisan press, activation is research-driven by polling and focus groups. Such methods do not seek

to get as many voters as possible to participate in the process; rather it focuses on activating a small effective segment of the eligible voting population (Schier, 2000, p. 9).

In focusing specifically on initiative campaigns, Schier makes the critical point that because the Supreme Court in the 1978 *First National Bank of Boston v. Bellotti* and related cases have consistently ruled that restricting initiative campaign expenditures would violate the Constitution, unrestricted spending allows interest groups to spend unlimited sums of money to purchase experienced campaign professionals and their arsenal of profiling information and communication technologies. In the *Bellotti* case, the court rejected a Massachusetts law aimed at limiting corporate spending in ballot measure campaigns (Hasen 2005). The Court held in *Bellotti* that since initiative elections concern issues and not candidates, there is no real risk of corruption. Essentially reinforcing this line of reasoning, in a 1981 case concerning a city ordinance limiting contributions to ballot measure committees to \$250, the Court in *Citizens Against Rent Control v. City of Berkeley*, struck down that limit citing the argument that absent a candidate to be influenced, such a limitation was antithetical to protected political speech. Thus the Supreme Court has held that since the fate of a ballot initiative ultimately lies in the hands of the public rather than elected officials, there is no one to be “corrupted” by large contributions to ballot measure committees.

No Place for Amateurs

Another key feature of the consultant-managed campaign is an emphasis on command and control of every aspect of the endeavor (Sussman, 2005). From the construction and dissemination of the messaging, the submissions and language in the voter's pamphlet, to the symbols, images, and the carefully selected high profile messengers representing the campaign, the contemporary initiative consultant works from an extensively poll-tested, and focus-grouped set of arguments and images. It may be relevant to mention here that Oregon is an entirely vote-by-mail state. Registered voters receive a voter's pamphlet approximately one month prior to election day, and the secretary of state mails one out to every household in the state. Because of this, it has become a top priority of political campaigns to place what they view as the most effective communication with voters as they can. Still, one prominent direct mail consultant insisted that running a campaign was as much an art as it was a science; and that experience and good judgment were vital components to success (Weiner, personal communication, 2008). Regardless, not once during my interviews with campaign operatives did any of them suggest relinquishing control of the campaign to untested amateurs who might question the strategies and tactics emanating from the top. It was clear that political operatives had explicit control of all aspects of the campaign, and that any volunteers were foot soldiers tasked with implementing the tactics and strategies crafted by the consultants.

Describing the nexus between capital-intensive campaigns and qualitative effect on democracy, Putnam observes, "Financial capital — the wherewithal for mass

marketing — has steadily replaced social capital — that is, grassroots citizen networks — as the coin of the realm (Putnam, 2000, p. 40). Verba et. al (2006) observe that professionalization in politics has been a primary factor in redefining the role of the citizen/activist as someone who writes letters and checks. And Putnam concludes “the rise of ballot initiatives is a better measure of the power of well-financed special interests than of civic engagement” (Putnam, 2000, p. 164).

In the following chapter I trace the historical origins and the democratic aspirations of the movement resulting in of the system of direct legislation. I then describe and analyze the contemporary capital-intensive initiative campaign system with specific examples of campaign strategies and tactics utilized by political consultants and supported by moneyed organized interests funding their efforts. My goal is to help demystify the initiative campaign by pulling back the curtain on the activities of the political consultants in these ostensibly citizen-run grassroots undertakings.

Chapter Three: The Democratic Promise of Direct Legislation

The use of direct legislation in Oregon and 23 other states are based on presumptions of democracy and a check on powerful economic interests. Since its inception, advocates of the initiative process have steadfastly viewed it as a method to reduce or prevent political corruption, enhance participatory democracy, and a means to advance the concerns of citizens lacking the economic and political wherewithal to compete with the well-connected elite (Goebel, 2002; Ellis, 2002; Broder, 2000; Cronin, 1989; Schmidt, 1989). Although populist and progressive advocates of direct legislation focused on corruption, democratic participation, and economic justice, historical accounts of the movement's radical economic origins are often neglected (Goebel, 2002). As the rhetorical strategy of I&R advocates in the early twentieth century shifted from a critique of corporate capitalism to a focus on political corruption and unresponsive legislatures, this concentration is understandable. Nevertheless, it is evident from a review of the scholarly literature and primary source material concerning Oregon's adoption of I&R that economic radicalism was the prevailing orientation in the earliest years of the direct legislation movement (Goebel, 2002; Ellis, 2002; Culbertson, 1941; Kazin, 1995).

According to the Pulitzer Prize winning author and muckraking journalist Burton J. Hendrick, the town of Milwaukie, Oregon had been a key location of the intellectual and political origins of the initiative and referendum movement in the United States. Hendrick explains that an ex-Unitarian clergyman, and representative of the Farmer's Alliance,¹³ Reverend M.V. Rork, lectured rural Oregonians on the

Democratic Promise

evils of Wall Street, corrupt political parties, and the exploitation of capitalism. Rork was one of many populist agitators who would gather at the home of wealthy Milwaukie, Oregon nurseryman Seth Lewelling. The Lewelling family farm served as a kind of intellectual salon for populists, spiritualists, and so-called “advanced thinkers” of the time. The “advanced thinker” was described by Hendrick as

usually a man who declaimed vigorously against the exhortations of the railroads, who considered that both political parties existed only to serve the interests of corporate wealth, who believed in the free coinage of silver at the ratio of sixteen to one, and in the single tax (Hendrick, 1911, p. 236).

Convening at the Lewelling farm at various times during the 1890s were members of organizations that would ultimately make up the Populist Party including farmer’s alliances, grangers, labor unions, greenbackers,¹⁴ and socialists.

Referendum U’Ren

A key participant in these assemblages was William Simon U’Ren. Known variously as “Referendum U’Ren” or “the Law Giver” for his zealous advocacy of direct legislation in Oregon and nationally, William U’Ren has maintained his status as one of the most influential figures in the direct democracy movement in the U.S. (Schmidt, 1989). U’Ren was born on January 10th, 1859 in Lancaster, Wisconsin and was educated in public schools in Colorado. U’Ren’s father was a blacksmith originally from Cornwall, England and a member of the Socialist Party in the United States. U’Ren earned a law degree at the age of 26 in Colorado, and had lived in Iowa, Hawaii, and California before coming to Oregon for reasons of physical health. U’Ren had worked as a blacksmith, miner, newspaper editor, bookkeeper, and a

Democratic Promise

lawyer (Hendrick, 1911, p. 236). A strong proponent of the single tax after reading James W. Sullivan's 1891 book, *Direct Legislation in Switzerland*, U'Ren, exclaimed: "The one important thing was to restore the law-making power where it belonged — into the hands of the people. Once give us that, [sic] we could get anything we wanted — single tax, anything" (Ellis, 2002, p. 29). U'Ren would ultimately become secretary of the Oregon Direct Legislation League and would be elected chairman of the state's Populist Party in 1894. In 1896 U'Ren earned a seat in Oregon's House of Representatives where he advocated for adoption of I&R. Although he was defeated in his run for state senate in 1898, his advocacy for I&R was successful as the state adopted it after the 1901 legislature referred it to the voters for ultimate approval. U'Ren would stay very active in the direct legislation movement and Oregon politics, helping to secure passage of initiatives, including popular election of U.S. senators, as well as a prohibition on free railroad passes to politicians. William U'Ren died in Portland, Oregon in 1949 at the age of 90 (Schmidt, 1989; Culbertson, 1941; Goebel, 2002).

Nineteenth-Century Capitalism and Anti-Monopolism

Economic dislocation from the rapid industrialization of the late nineteenth century was exacerbated by the panic of 1893. From the perspective of the populist activists gathered at Lewelling's Milwaukie farm, the damage done to Oregon (including the Lewelling's orchard business) had been caused by Wall Street, corporate capitalism, and the railroad trust. U'Ren, the Lewelling's, and others active in the Oregon group believed that it was imperative to restructure state government, as

the same factors responsible for the national panic were to blame for Oregon's economic hardships. From the perspective of these I&R advocates, reform of what they viewed as "the oppression of capital" was a necessary if not sufficient condition of progress (Hendrick, 1911, p. 241).

Advocates for direct legislation viewed its successful implementation as the key to addressing economic and political inequality so rampant in the late nineteenth century. James W. Sullivan, nineteenth-century union leader and author of an important early book on direct democracy, expressed his hope that the initiative and referendum would empower the wage-working majority and destroy "the American plutocracy" (Ellis, 2002, p. 28). Sullivan viewed direct legislation as a means by which the working class could fight the oppressive conditions of the capitalist system that granted privilege to the economic and political elite (Henry, 1995, pp. 57, 58). The Populist governor of Washington from 1897 to 1901, J. R. (John Rankin) Rogers, proclaimed "I am in favor of direct legislation. The people are helpless against the bribery which is resorted to by the great corporations and interests which fear the people and deal with their corrupt officials" (Broder, 2000, p. 33). Nathan Cree, author of *Direct Legislation by the People* (1892) argued that I&R would "break the crushing and stifling power of our great party machines, and give freer play to the political ideas, aspirations, opinions and feelings of the people" (Cronin, 1989, pp. 47, 48).

Thomas Goebel, in his masterful historical analysis of direct democracy from 1890 to 1940, argues that conventional treatments of populist and progressive era

Democratic Promise

reforms erroneously interpret the changes as attempts by upper and middle class elites to wrest power from immigrants and their political allies. In what he labels an economic interpretation of the origins of direct legislation, Goebel suggests that a thorough analysis of the reformer's rhetoric demonstrates a powerful economic element as the driving force behind the electoral reforms:

By enabling the people to remove the power wielded by special interests, and by preventing legislatures from handing out special privileges, the people would be empowered to abolish monopolies and trusts. The vision that inspired many direct democracy reformers was a distinctly economic one, that of a republic of small independent producers freely competing in an unfettered marketplace (Goebel, 2002, p. 5).

For Goebel, rapid industrialization in the U.S. during the nineteenth century engendered a pervasive fear of the impacts of modernization and commercialization fostering an open hostility to corporations and monopolies. This analysis leads Goebel to conclude that the most trenchant critique of corporate capitalism at the time emerged from the antimonopolism that fueled the populist movement of the 1890s. In what he labels "populist republicanism," Goebel argues that at the heart of the populist movement and critical to support for direct legislation was the belief that by "manipulating and exploiting the power of the state, private interests acquired their wealth and their monopolistic position" (Goebel, 2002, p. 12).

Goebel chronicles the transfer of public power to private interests that took place during this period of rapid industrialization. Railroads were given enormous land grants, the power of eminent domain, and proceeded to charge the public very high rates for travel. Inflated price levels resulted from private banks controlling the

money supply and placing pressure on creditors. Corporations undermined their competition through discriminatory practices as consumers were subject to inflated prices. A central premise of the populist doctrine was that the American farmer's economic travails had been caused by laws instigated by pressures to concentrate wealth and power in the hands of corporations and trusts. Consequently, populist efforts focused on legal and regulatory reform of corporations. To quote from one Kansas populist paper from 1895 "corporate influence sits serene in the legislative halls of state and nation," with the initiative and referendum, "corporations and monopolies will soon become things of the past" (Goebel, 2002, pp. 13, 21, 22, 34).

Ellis explains that early supporters of I&R were primarily on the left of the political spectrum. The Knights of Labor¹⁵ were active supporters of direct legislation, as were individuals such as socialist labor leader Eugene Debs and the utopian novelist Edward Bellamy (Ellis, 2002, pp. 26, 30). In short, for farmers, organized labor, and a host of economic populists, the promise of direct legislation was mitigation of the power of corporations and their legislative enablers.

Thomas Cronin notes that the Populist Party sprung primarily from members of the Farmer's Alliance, the Grange, socialist movements, and single tax groups that became prominent from the 1870s to the late 1890s. The first Populist Party political convention was held in Omaha, Nebraska in 1892. During that convention, a successful resolution stated that "we commend to the favorable consideration of the people and the reform press the legislative system known as the initiative and referendum" (Cronin, 1989, p. 45). Evidence of the corporate critique of the populist

Democratic Promise movement exists in several of the policy prescriptions they put forth. The Populist Party platform included an end to the violent strike-breaking practices of the era, strict regulation of the railroads, the rights of labor to negotiate with management, shorter workdays, a graduated income tax, free coinage of silver, and an increase in the money supply to facilitate the redistribution of wealth (Haskell, 2001, p. 29; Cronin, 1989, p. 45).

Socialists and the I&R

The capitalist critique was front and center for the Socialist Labor Party which in 1885 became the first political party in the United States to call for I&R at its fifth national convention in Cincinnati, Ohio. The call for adoption of I&R was the fourth demand of the Socialist Labor Party Platform of 1885, which also included the direct vote and the secret ballot. Other small radical parties calling for direct legislation in the early years included the Social Democratic Party and the Socialist Party in the years that followed (Henry, 1995, p. 55). In New Jersey in 1894, the Socialist Labor Party put I&R first in its platform of political reforms, with its candidate promising that “when once the workers unite, knowing they have nothing to lose but their chains, speedy and radical reforms will soon result” (Henry, pp. 59, 60). In 1896, Charles Walter Browne believed that I&R would bring a “leveling of the conditions of mankind, end monopolies and corporations and abolish landlordism” (Browne, 1896, pp. 554, 555).

However, among members of the Socialist Party there was disagreement as to whether or not the initiative and referendum would materially effect the economic

Democratic Promise configuration at the heart of the Socialist Party's critique of capitalism. Algie Simon, of the *International Socialist Review*, dismissed direct legislation as "good sucker bait," charged that the direct legislationists were inadvertently "doing the cause of concentrated wealth a most valuable service" and said that I&R would "postpone anything deeply effective for several hundred years". Socialist J.D. Stevens insisted on the need to put I&R within the broader context of the socialist platform, and he argued that without woman suffrage and public ownership of public utilities, I&R would be too weak to change politics (Henry, 1995, pp. 65, 166).

A Confluence of Interests

Even some of the more radical elements amongst the populists believed that supporters of I&R were naïve in their belief about its efficacy. The self-identified anarchist publication, the *Portland Firebrand*, proclaimed "You may theorize at will about this way or that way of social reform, but the fact remains that where there is legal ownership there is exploitation where there is exploitation there is government, and where there is government there is rich and poor, oppressors and oppressed." After the turn of the century, when many advocates for I&R used more conservative arguments in seeking conversion of a broader audience to direct legislation, several members of the Socialist Party became disenchanted with the direct legislation movement (as cited in Henry, 1995, pp. 147, 65).

Although populist farmers were among the most visible group advocating adoption of I&R, constituent groups in support of direct legislation during its formative years represented a myriad of interests. Two of the most prominent groups

Democratic Promise included advocates of a single tax and organized labor. The single tax movement developed from the belief that a monopoly on land existed that fostered inequality, and that a tax based solely on land values would be a powerful remedy to the increasing rate of poverty. Supporters of the single tax included a wealthy British manufacturer named Joseph Fels. Fels created the Fels Fund, which provided \$25,000 annually for a period of five years in support of the single tax. The fund would also contribute to campaigns in support of direct legislation in several states as well. Single taxers viewed direct legislation as a means to bypass the legislature, and along with organized labor and so-called good government progressive reformers, formed one of the most important interest groups advocating for I&R (Goebel, 2002, p. 76; Ellis, 2002, p. 185).

Organized labor, and especially the American Federation of Labor (AFL), was another important group in support of direct legislation. Support of I&R was part of the AFL platform for almost three decades, but more important were the campaign efforts by labor on behalf of direct democracy. In fact, the support of labor was considered determinative in I&R's success in several states including Arizona, Montana, Massachusetts, Washington, Maine and Ohio. Other interests supporting direct democracy included prohibitionists, farm groups, and a panoply of smaller interest groups (Goebel, 2002, pp. 76, 77).

The Strategic Shift of I&R Advocates

Still, many of its advocates viewed the association with economic populism as limiting the potential appeal of I&R nationally and advocacy shifted to a more broad-

Democratic Promise

based approach. As documented by Ellis, Oregon's experience was illustrative of changes in the movement nationally. In 1897, the Non-Partisan Direct Legislation League replaced the Joint Committee on Direct Legislation, and the league's executive committee was reconstituted to include the president of the state bar association, bankers, and business leaders. Along with Senator Jonathan Bourne, the refashioned League included Abbot Low Mills, vice-president of the Security Savings & Trust Company of Portland, Donald MacKay of the Pacific Lumber Company, and Benjamin Selling, a prominent Portland merchant, all of them members of the powerful Portland elite whose fortunes were tied to corporate development in the state (Henry, 1995, p. 162).

Not only did the membership of the League reflect a shift to a group of more mainstream establishment figures, but the rhetoric of the League went from explicit economic radicalism to direct legislation as a means to check overzealous legislators (Ellis, 2002, p. 31). The shift over time is recognizable in the rhetoric of James W. Sullivan of the New York typographers' Union who had first encountered direct legislation through members of the Socialist Labor Party. Sullivan's experience is emblematic of the strategic shift in advocacy by supporters of I&R. As mentioned earlier, in Sullivan's 1891 book, *Direct Legislation in Switzerland*, he argued that direct legislation was a means by which the working class could fight against the capitalist system. Sullivan envisioned a future in which I&R would lead to progressive taxation, shorter worker days, higher wages, and a strengthened union movement in the U.S.. Sullivan claimed that direct democracy would favor workers

Democratic Promise

since they constituted a numerical majority, and that it would lead to a new brand of politics empowering unions and leading to a new political party. However, in the years following publication of Sullivan's book, his speeches advocating I&R focused not on a strictly capitalist critique, rather it concerned privilege, with direct legislation as a means to reform government. (Henry, 1995, pp. 57, 58).

Overall, the tension between advocates who viewed direct legislation as a means to counter corporate power, monopolies, and business elites, versus those holding up I&R as a necessary check on the legislature and something to be used cautiously and sparingly, was present at its inception, and to some degree, that debate continues. Nevertheless, regardless of the specific policy prescriptions put forth by different elements of the movement or the strategic approaches favored to foster change, a common theme had been the reduction of the corrosive effects of organized power in the American political economy.

Populism in Decline

Many scholars of the era associate populism's decline with the presidential election of 1896 in which the Democratic Party's nominee, William Jennings Bryan, was defeated by Republican William McKinley. The free coinage of silver had been an important element of the Populist's platform, and Bryan famously criticized the gold standard in his "cross of gold" speech at the 1896 Democratic Convention. In 1896 Bryan had adopted much of the Populist's platform, and he had received the party's endorsement for the election. As Bryan became the de facto spokesman for the Populist Party, its members were essentially merged into the Democratic Party.

Although the Populists ran their own presidential candidates in the 1900, 1904, and 1908 elections, much of the party had migrated to support the Democratic nominees. The Populist Party in effect ceased to exist after 1908 (Kazin, 1995; Baldassare & Katz, 2008, p. 7).

Clearly illustrating that I&R movement carried on after the populist's demise, Sarah Henry lists the multitude of organizations created by advocates of I&R following Bryan's defeat and the virtual dissolution of the Populist Party. They included the National Referendum League, Non-Partisan Federation for Securing Majority Rule, People's Sovereignty League of America, National Referendum Union, National Federation for People's Rule, National Initiative and Referendum Committee, and the Initiative and Referendum League of America (Henry, 1995, p. 63).

Nathan Cree and other early advocates also insisted that the process of direct legislation would serve an educative function as citizens would engage with the important policy issues of the day. Prominent advocate Sullivan voiced this belief in his 1893 tract, *Direct Legislation by the Citizenship through the Initiative and Referendum*, arguing that "the sphere of every citizen would be enlarged; each would consequently acquire education in his [sic] role, and develop a lively interest in the public affairs in part under his own management" (Cronin, 1989, p.48). Tolbert and Smith focus squarely on the pedagogical functions of the initiative system and quote Paul Rensch, a University of Wisconsin-Madison professor in 1912 (at the height of the Progressive Era), who claimed that direct legislation "will assist the people, the

Democratic Promise

body of the electorate, in the development of its political consciousness,” because “it will make the body of the electorate more familiar with legislative programs and more interested” (Tolbert & Smith, 2004, p. xvi).

The Early Years of Direct Legislation

Early populist and progressive-inspired direct legislation victories in Oregon confirmed the hopes of initiative proponents seeking an enhanced, more progressive democracy. U'Ren himself co-sponsored a successful 1906 initiative banning the free railroad passes that were often used to curry favor with politicians, in addition to proposing the successful 1908 measure making Oregon the first state to have popular election of U.S. senators. In 1910, Oregon voters passed an initiative establishing the first presidential primary election system in the nation, and in 1912, (after it had been rejected five times) led by the efforts of suffragist Abigail Scott Duniway, Oregon became one of only two states where women gained the right to vote by initiative. Also, on that same 1912 ballot, Oregonians passed a labor union initiative establishing an eight-hour day for workers on public works projects, along with two others prohibiting private employers from hiring convicts from state or local jails (Schmidt, 1989).

Still, despite its populist and progressive origins animated by antimonopoly efforts, governmental reform, and the empowerment of the average citizen, the historical record of the system of direct legislation demonstrates several of the vulnerabilities and criticisms that plague its existence today. The 1912 *Oregonian* railed against the Fels Fund Commission, which had been set up by Joseph Fels to

support measures concerning the single tax. Similar to contemporary criticism of

Oregon's initiative system, the editorial argued that:

There is in Oregon a coterie of paid employees of an eastern organization. The object and purpose of that organization is to impose somewhere in the United States untried experiments in government and untested theories in economics. Oregon with its wide open initiative is a fertile field for its (the Fels Fund Commission) operations. Therefore, it has dumped its wealth into Oregon. It has provided its employees with a war chest, collected in this and foreign countries, with which to pay for literature, speakers, and petition shovers. It has compelled property owners of Oregon to contribute to a fund to defend against invasion of their property rights (Barnett, 1915, pp. 89, 90).

Eleven days later, the same publication made clear that initiatives funded by out-of-state interests were not welcome in Oregon:

Efforts in [sic] behalf of economic theories or principles when directed from without should cease at a certain point and that point should be when a measure or the representative of a political policy is before the people and there through the effort of Oregon citizens (Barnett, 1915, p. 90).

In 1922, the California State Senate launched an investigation of the system of direct legislation spurred on by the expenditures and campaign activities of those involved in the defeat of a Water and Power Act initiative in that same calendar year. The committee found that vast sums of money had been spent on the 13 initiatives and referenda that had been on the ballot that year. The committee concluded:

The power of money in influencing public opinion, its ability to carry popular elections through vast expenditures for propaganda, literature, advertising and organized campaign workers was made strikingly manifest in the investigations of your committee (Goebel, 2002, p. 144).

The practice of paid signature gathering was also of concern in the early years of I&R. In 1912, Los Angeles journalist Charles Willard wrote of the misuse of the

Democratic Promise

process that occurred as paid petition gatherers had misrepresented the contents of the initiative in order to collect names and earn money. In June 1914, the *California Outlook* reported on the “commercialization of the circulation of signatures” and advocated for the need to protect the process (Goebel, 2002, p. 145). As documented by Ellis, despite the "mythic narrative" of a golden age of the initiative where only volunteers and civic-minded individuals collected signatures to qualify petitions for the ballot, paid signature-gathering has been a part of the initiative process since its inception. A somewhat ironic set of examples comes from Oregon where "paid petitioners were used to qualify all of the state's famous good government measures, including the direct primary law of 1904, the Corrupt Practices Act of 1908, and the presidential primary bill of 1912." From that same 1912 election, an Oregon circuit court judge ruled that during the qualifying stage for a measure concerning university appropriations, that 25 different petition circulators had written fictitious names and forged the identities of voters to qualify the measure (Barnett, 1915, p. 66). Concerns about the commodification of signature-gathering led to proposed bans on paid petitioners in several states, including Oregon in 1909. In its discussion of paid signature-gathering, the *Oregonian* editorialized about the advantage and power of moneyed organized interests saying "The corporation, the 'vested interest' or 'big business,' when it takes a hand in law-making, dips into a well-filled cash box and never misses the money"(Ellis, 2002, pp. 48, 185).

Another recurring issue concerns the disclosure of ballot measure financing. As previously noted, in the early years of the initiative process there was no financial

disclosure requirement nor was there a requirement to identify the chief petitioner.

The *Eugene Register* opined during the early years of the initiative that it "gives the interests that can command money a practical monopoly on the business of petition making" (Barnett, 1915, p. 61). Examples of measures where direct legislation backers were unknown by the voters from Oregon's early years of I&R include the "open-town" initiative of 1908 to give cities control of liquor sales, referenda for statewide public utilities regulation, and one regarding university appropriations in 1912, as well as the authors of four of the five referenda on the 1913 ballot were unidentified. In addition, similar to the modern era of I&R, advocates and financiers of initiatives often adopt misleading names. In Oregon's 1906 election, the owners of the Barlow road initiated a measure for the state's purchase of the road appeared as "a committee of farmers," and a private club sponsoring an amendment to require a majority of votes cast for the enactment of initiatives appeared as "The majority Home rule league" (Barnett, 1915, pp. 13, 14). And it was not until 1913 that Oregon required the secretary of state to keep a record of parties filing petitions.

Political scientist V.O. Key, after studying the effects of direct legislation in California, concluded that "initiated propositions involve disputes between conflicting groups of the possessed." And between 1922, the year in which California began to require expenditure reports, and 1934, almost \$3 million had been spent on campaign advertising for popular initiatives. Finally, commenting on the creation and activities of Clem Whitaker and Leone Baxter of Campaigns, Inc., Key concludes: "The establishment of such a concern, operating successfully on a commercial basis, is

Democratic Promise extremely significant as an indication of the trend away from personal politics of the precinct variety and toward the use of modern propaganda technique "(Key, 1936, pp., 719, 722). Reinforcing Key's concerns political scientist Max Radin wrote about the money spent on initiative campaigns observing that "propaganda has become a business, involving considerable investments and an elaborate technique" (Goebel, 2002, p. 155).

In fact, Goebel makes the case that the prominence of political operatives in contemporary campaigns can in part be traced back to the early work of Whitaker and Baxter of Campaigns Inc. Focusing his analysis on the burgeoning direct democracy movement in California during the period from 1920 to 1940, Goebel traces the increasing costs of election campaigns, the expanding role of public relations and advertising practitioners, and the use of public opinion polls. Although these campaign conditions and practices were not unprecedented, their increased use illustrates the sea change that was taking place in campaign politics as the role of political parties in campaigns shifted toward a more concentrated fundraising role.

In the 1922 campaign concerning the California Water and Power Act, an investigative committee of the California State Senate estimated that private utilities spent upwards of \$500,000 to defeat public ownership; an unprecedented use of financial power for an initiative campaign. In a subsequent referendum campaign, a coalition of chain stores in California spent \$1.147 million, a vast amount of money for the time, for public opinion polling, signature-gathering, and campaign advertising. And in an early campaign that would presage the many battles in Oregon and other

Democratic Promise

states pitting big business interests against labor, a 1938 California initiative that would outlaw sit-down strikes, secondary boycotts, and most forms of picketing was placed on the ballot by corporate interests. The public relations strategy of forming third-party groups with euphemistic or ambiguous names to conceal the corporate interests financing the initiative fostered the creation of the Southern Californians, Inc., the California Committee for Peace in Employment Relations, the Associated Farmers, and the Neutral Thousands. Campaign efforts by business advocates of the initiative included 30 minute radio broadcasts in Southern California attacking union organizing. Richard Prosser, one of the business leaders in charge of the campaign, said of the radio broadcasts produced by the Lockwood-Shackleford advertising agency:

The agency which has developed that technique through long experimentation, finds that the best vehicle for this type of political matter over the radio is a weekly program of 30 minutes, of which about 25 minutes is first-rate entertainment and the other 5 is artfully disguised and beautifully-sugarcoated propaganda (Goebel, 2002, p. 175).

In response, several labor unions waged an opposition campaign spending hundreds of thousands of dollars ultimately defeating the anti-labor measure by some 400,000 votes (Pichardo, 1995).

Direct election of U.S. senators, extending the franchise to women, limiting labor hours, and banning free railroad passes for politicians clearly represent policy aligned with the philosophical tenets of late nineteenth and early twentieth century populism. Yet for some critics of the modern system of direct democracy, initiatives

Democratic Promise marketed as populist or grassroots prescriptions violate the principles and objectives of the populist movement (see especially Schrag, 1998; Smith, 1999, Broder, 2000). To better understand this debate; in the next chapter I discuss the contested concept of populism.

Chapter Four: Populism and Initiative Practices as Contested Terrain

Prior to any further discussion of the state of the contemporary initiative process in Oregon, it is important to consider the significance of the disputed term *populism*, as well to recognize the necessity of focusing on processes as well as outcomes when analyzing issues concerning direct legislation. Direct legislation scholar Daniel Smith explains that although the term is historically rooted in the radical agrarian movement of the late nineteenth century associated with the Populist Party, the concept itself is politically ambiguous. A notable example of Smith's observation exists in the form of the 2000 presidential campaign, where conservative Republican Pat Buchanan and Green Party nominee Ralph Nader both identified themselves as "populist candidates" despite offering profoundly divergent political programs (Sprenelmeyer, 2008). More recently in 2008, Republican primary candidate Ron Paul, Ralph Nader again, and to some degree the ultimate nominees of the Republican and Democratic Parties, (both sitting U.S. Senators) employed populist rhetorical appeals and programs in their respective campaigns (Bumiller & Zeleny, 2008). And as Smith explains, this has been a consistent practice in American politics with figures as distinct as George Wallace, William Jennings Bryan, Ronald Reagan, and Jesse Jackson — all of whom appropriated the label "populist." In like manner, many, if not most, initiative campaigns claim the mantle of populism as they seek to take advantage of the historical origins and populist myth of the initiative and referendum (see especially Smith, 1998, p. 43; & Haskell, 2001).

For presidential aspirants seeking the popular vote, it is clear that attempts to align one's persona and platform with "the people" is a political necessity. Thus it is hardly surprising that history is rife with presidential candidates from both major and minor parties chasing the populist mantle and claiming to be the candidate of the people. It is equally rational for a ballot measure advocate to endeavor to win the populist designation for his or her proposal. However, this begs the question as to what criteria should be used when measuring whether or not a ballot measure deserves the label "populist." In fact, since I&R is supposed to emanate not from a political party or established group already in power but from a citizenry unable to gain more traditional support through representative channels, it is even more important for "citizen-initiative" to appear to be aligned with popular opinion.

Assessments as to whether or not a particular initiative is a populist idea may center on the substantive policy advocated, yet it is equally important to direct attention to the means or procedures by which a particular proposal qualifies for the ballot and comes to the attention of voters. Smith makes the most cogent argument about the distinction between the substantive and procedural side of populism, as well as demonstrating its utility for analyzing direct legislation in the United States. In his research on "tax crusaders," Smith contends that while the substantive side of populism (i.e. the policies advocated) remains indeterminate, the procedural side, that of a bottom-up, grassroots political struggle, has consistently embodied the main conception of populism. "Regardless of the political leanings of "the people" or their leaders, the process of populism indicates a mass outcry of a "common people" aimed

at established elite, their norms, and their practices." He continues, "It is the active participation of the people and the direction of the protest — the process, not the substantive political prescriptions they espouse — that makes populist movements so attractive and powerful" (Smith, 1998, p. 45). Thus, fundamental to the procedural component of a populist movement is its ascension from the citizenry.

Although Michael Kazin in his extensive study of populism in the United States focuses on the rhetorical devices employed by populist movements, Smith argues persuasively that more central to the concept is the upward trajectory of the campaign (Kazin, 1995). In essence, a populist movement entails a citizen-generated bottom-up process with a recognizable measure of active participation (not merely passive support) by non-elites (Smith, 1998, pp. 47, 48). For this reason, examination of the procedural side of populism becomes essential for analysis of an initiative process ostensibly empowering popular citizen-based movements challenging the status quo. And while the substantive policy prescriptions of direct legislation in Oregon and nationally cannot be ignored, attention must be given to the procedural means employed by their proponents and financiers. This, of course, would include an analysis of initiative campaigns. And it is the "professionalization" of such "citizen-initiative" campaigns that constitutes the focus of this study.

Initiative Advocates

Staunch advocates of direct legislation argue that it is the embodiment of democracy. Doug Phelps, the chairman of U.S. Public Interest Research Group opined, "The I&R process is a wonderful tool for citizens. It embodies fundamental

right of self-government that is at the very core of democracy” (Waters, 1998). For in contrast to the system of direct legislation, elected officials are beholden to their campaign contributors, interest groups, lobbyists, and their desire to retain office. Grover Norquist, president of Americans for Tax Reform, argues: “One big difference between initiatives and elected representatives is that initiatives do not change their minds once you voter for them” (Waters, 1998). While politicians must contend with the aforementioned obstacles and temptations, for many, ballot measures represent the true will of the people (Waters, 2003). The U.S. Supreme Court has essentially reinforced this position via their rulings in the 1978 *First National Bank of Boston v. Bellotti* and the 1981 *Citizens Against Rent Control v. City of Berkeley* cases. As mentioned previously in this study, in both cases concerning campaign contribution limits and I&R, the Court has held that since initiatives involve issues and not candidates (who may be subject to bribery or vulnerable to pressure once in office) financial contribution limits violate the first amendment’s protection of political speech as there is no real risk of corruption with an initiative. (Schier, 2000).

Proponents of the ballot initiative nationally, as well as those working in Oregon, view direct legislation as illustrative of many of the attributes of strong democracy as described by Benjamin Barber. Strong democracy consists of several elements that differentiate it from what Barber defines as thin democracy. In strong democracy, activity, involvement, and participation are key components. As Barber explains, “politics is something done by, not to, citizens.” A second hallmark is that of publicness. Strong democracy creates “a public capable of reasonable public

deliberation” with the focus on the creation of a civic community. This contrasts with private individuals and interests seeking to maximize rewards irrespective of the consequences to others. In strong democracy, public ends are contingent upon “a community of citizens who regard themselves as comrades and who are endowed with an enlarging empathy” (Barber, 1984, p. 133).

Reasonableness is another component of strong democracy. Barber describes reasonableness as a choice or settlement that is deliberate, nonrandom, uncoercive, and fair in a practical sense. A broad or civic perspective is a necessary condition of reasonableness and is described as choices that consider public goals in addition to private interests. Barber’s view of participatory politics might best be summed up in his observation that “Politics in the participatory mode...makes preferences and opinions earn legitimacy by forcing them to run the gauntlet of public deliberation and public judgment. They emerge not simply legitimized but transformed by the processes to which they have been subjected” (Barber, 1984, p. 136).

Tolbert refers to the initiative process as one that provides a “built-in mechanism for increasing citizen participation in politics and policy making.” Political consultant Angelo Paparella writes that the initiative and referendum process “gives us the opportunity to actively participate in self-governance.” Paul Jacob, National Director of U.S. Term Limits claims, “The initiative process is arguably the only avenue for citizens to reassert their control over government” (as cited in Waters, 2001, pp. 38, 106, 121). Proponents of the initiative process in the United States inevitably point to its populist nature, its check on powerful special interests, and its

efficacy for the citizenry, and its encouragement for a more participatory democracy.

In his more than 650 page *Initiative and Referendum Almanac*, M. Dane Waters, president of the Initiative & Referendum Institute, asserts that “For a century, the initiative and referendum process has been THE critical tool to check the power of unresponsive and unaccountable government at the national, state and local level” (Waters, 2003, p. xix. Emphasis in the original.). Lloyd Marbet, anti-nuclear activist and chair of the Coalition for Initiative Rights since 1995, in response to critics of Oregon’s initiative process wrote: “I am a citizen of Oregon and I have extensively used the initiative process. If citizens using the initiative process truly belong to the elite we wouldn’t need the initiative process, we would have the legislature doing our bidding” (Initiative & Referendum Institute Web site, 2003).

Such views contribute to the debate surrounding the democratic promise of direct legislation and its current condition, and highlights questions pertinent to this study: Does the initiative process and especially initiative campaigns advance participatory democracy? Does it strengthen civic engagement in the political process? Do initiative campaigns enrich the public sphere? Do they elevate the role of citizens in the democratic process? To what degree are citizen-initiatives and their campaigns grassroots endeavors? Do campaign professionals merely fulfill a functional role providing electioneering expertise to citizens seeking political change? What roles do the strategies, tactics, and technologies employed in initiative campaigns play in citizen participation, civic engagement, citizen education, and strengthening democracy? These questions have no definitive answers. Nevertheless,

they are essential questions to address in seeking a deeper understanding of the expanding role of direct legislation in American politics. It is hoped that this study's focus on the so-called professionalization of initiative campaigns in the contemporary era in Oregon will provide a constructive contribution to the growing body of research on initiatives, electioneering, and the roles and methods of professional political operatives in the United States.

Bill Sizemore – Oregon's Top Initiative Industrialist

No discussion of the industrialization of direct democracy in Oregon in the contemporary era would be complete without talking about the operation of Bill Sizemore. Beginning in the early 1990s, and up through and including the 2008 election, Bill Sizemore has been the most prolific and well-known initiative chief petitioner in the state, and he has been central to some of the most expensive and high profile ballot measures in Oregon.

To supporters, Sizemore represents the interests of the average citizen fighting against the corrupt special interest unions, and his initiatives seek to reign in wasteful government spending. To detractors and political enemies, Sizemore is a corrupt, faux-populist hatchet man for a few wealthy conservative donors and out-of-state interests.

But to focus on the personality and motivations of Mr. Sizemore is to miss the larger set of issues concerning Oregon's initiative industrial complex. The most frequent attacks on Sizemore are that he has made a living from his initiative activities and has acted illegally. While both claims are accurate, it is more instructive to

examine his operation from a critical perspective by focusing more on the structural elements of the enterprise as opposed to the man himself. For just as media accounts of California's Proposition 13 in 1978 focused largely on the brash personality of Howard Jarvis (with similar media treatments of Washington State's Tim Eyman and Colorado's Douglas Bruce), the material effect is to shift the public's gaze away from the interests financing the activities of these dynamic front men (Smith, 1998). Media accounts of Bill Sizemore too often center on the man rather than the architecture that supports him. A critical perspective necessarily focuses attention on Sizemore more as a convenient front man for wealthy organized and elite interests as opposed to a rogue actor despoiling an otherwise pristine initiative process.

Bill Sizemore's primary financiers include ideologically-driven wealthy individuals and corporate and elite interest-funded organized interests. From 1994 to 2006 Americans for Tax Reform (ATR) and its affiliate the Americans for Tax Reform Foundation (ATRF) contributed \$697,000 to Sizemore's Oregon Taxpayer's United (OTU) and for the signature gathering for his Measure 96 in Oregon's 2000 election (Thompson & Wetherson, 2008, p. 76). Support for Measure 96 in 2000 demonstrates ATR's strong commitment to maintaining Oregon's initiative system as it had been functioning prior to 2000. Measure 96 was a constitutional amendment that would have prohibited the Oregon Legislature from referring to the voters any constitutional or statutory changes that would increase the number of signatures, require a geographical distribution requirement for signatures, or make any legal or material changes increasing the difficulty or expense of using Oregon's initiative

process. The measure failed with 527,613 voting in support, and 866,588 in opposition (Oregon Secretary of State, 2000 & 2009).

ATR is a nonprofit 501(c)(4) lobbying organization based in Washington D.C., and ATRF is its 501(c)(3) affiliate. Grover Norquist is the president of ATR which according to its web site is an organization that “opposes all tax increases as a matter of principle.” The organization was founded in 1985 by Norquist “at the request of Ronald Reagan” and may be best known in political circles for the “taxpayer protection pledge” that it distributes seeking signatures of all federal and state elected officials, as well as for its work on the K Street Project (ATR Web site, 2009). The K Street Project is a controversial effort by the Republican Party to pressure lobbying firms to hire Republicans to top positions and to reward lobbyists with access to influence officials. Grover Norquist is credited with launching the Project in 1995 in concert with former House majority leader Tom Delay (Confessore, 2003).

The National Taxpayer’s Union (NTU) is an organization with ties to ATR that has provided approximately \$63,000 to Sizemore’s operations between 1994 and 2000 (Thompson & Wetherson, 2008, p. 76). As mentioned earlier in the present study, NTU is a 501(c)(3) that supports a flat tax and elimination of the estate tax among other tax-related causes. Grover Norquist was the executive director of NTU in the early 1980s. Major funders of NTU include the Olin, Scaife, and Bradley foundations (see page 40) (Media Transparency, 2009).

Carl Lindner financed \$75,000 of Sizemore’s work from 1998 to 2000 (Thompson & Wetherson, 2008, p. 76). Lindner was chair and CEO of American

Financial Group, a financial concern controlling over \$20 billion in assets. Lindner was also majority owner of the Cincinnati Reds major league baseball franchise, the former board chair of Chiquita Brands International, and the 133rd richest American according to the Forbes 400 of 2005. From 1999 to 2002, Lindner donated more money to candidates, PACs, and ballot measures than any other American with \$2.6 million in contributions. Lindner was also one of former president George W. Bush's first "Rangers" responsible for raising at least \$200,000 for his presidential campaign (Common Cause, 2009).

Robert Randall, CEO of Randall Realty Corporation, contributed \$272,500 to Sizemore Measures 8, 59, and 62, as well as contributing to Sizemore's 1998 gubernatorial campaign (Thompson & Wetherson, 2008, p. 76). Measure 8 from 1994 was a constitutional amendment that would have eliminated the 8 percent guaranteed rate of return for individuals in Oregon's public employee retirement system. Although successful at the ballot box, the measure was subsequently invalidated by the Oregon Supreme Court. Ballot Measure 59 from 1998 would have prohibited the use of public resources for political purposes. The goal of the measure was to prevent unions from using their member's paycheck contributions for political campaigns. Virtually the same measure was reprised by Sizemore in both the 2000 and 2008 election cycles. The measure has gone down to defeat in all 3 elections. Measure 62 in 1998, which Sizemore opposed, sought to regulate the payment of initiative signature gathering, as well as to establish campaign finance limits in Oregon.

Although successful in the election, the measure was thrown out by the Oregon Supreme Court (Oregon Secretary of State, 2009).

Another long-time significant contributor to measures sponsored and/or affiliated with Bill Sizemore's enterprise is Seneca Jones Timber and its founder and CEO Aaron Jones. From 1994 to 2000 Seneca Jones contributed \$150,500 to Sizemore initiatives (Thompson & Wetherson, 2008, p. 76). More recently, Jones contributed \$332,000 to the opposition campaign to Measure 49 (Hogan, 2007). Measure 49 was the legislative referral that sought to fix the legal and financial problems that had plagued the controversial property rights initiative, Measure 37. Founder and CEO Jones also contributed \$157,000 to the successful 2004 Measure 37 campaign (Bjornstad, 2007).

Richard Wendt, founder and CEO of Jeld-Wen Windows located in Klamath Falls, Oregon has contributed \$110,988 to Sizemore's measures including \$40,000 for his 1998 gubernatorial campaign (Thompson & Wetherson, 2008, p. 76). Moreover, as revealed in Sizemore's court documents from December of 2008, Wendt and medical equipment manufacturer Loren Parks contributed over \$1 million to a sham charity to compensate Sizemore for his political work (Kost, 2008). Wendt also contributed \$47,000 to the 2004 property rights initiative Measure 37. And Wendt contributed \$354,000 to Sizemore-sponsored measures in the 2008 campaign (Defend Oregon, 2009).

Another major Sizemore benefactor has been Columbia Helicopters' founder and CEO, Wes Lematta. Lematta contributed \$242,5000 to Sizemore measures and

his gubernatorial run between 1994 and 2000 (Thompson & Wetherson, 2008, p. 76).

Lematta's contributions were also prominent in the Measure 37 campaign of 2004 where he gave \$45,000. Lematta also contributed \$163,000 to the opposition campaign to the aforementioned Measure 49 in the 2007 special election (Thompson & Wetherson, 2007).

Finally, by far the most significant contributor to Bill Sizemore's ballot measure enterprise has been Loren Parks. From 1994 to 2006, Parks contributed \$1,882,435 to Sizemore's measures (Thompson & Buttermore, 2008, pp. 32, 33). Below is a chart illustrating Parks' support for various measures involving Sizemore and his allies. As described in their 58-page report on the political activities of Loren Parks, Janice Thompson and Charles Buttermore estimate that through November of 2008, Parks will have contributed over \$11.3 million to ballot measure campaigns in Oregon. The same analysis estimates that over \$34 million has been raised by PACs opposing measures supported by Parks since 1992. Since 2000, Parks has also contributed \$704,900 to Americans for Tax Reform, and \$342,980 to FreedomWorks Foundation and its predecessor, Citizens for a Sound Economy Foundation. Loren Parks is the founder of Parks Medical Electronics, a medical device company located in Aloha, Oregon (Thompson & Buttermore, 2008, pp. 1, 2, 6, 11).

Table 2, Top 20 Donors to Sizemore for Governor/Oregon Taxpayers United, 1998

Total Contributions	Contributor	Supported
\$2,565,541	Loren Parks & affiliated groups (see chart 49)	OTU-PAC –(1994 and 2000 1994) - Yes on 5 and 8 (1996) - No on 32 (2000) - Yes on 91 and 8, Yes on 95 (2006) - Yes on 42, Oregonians for Honest Elections – No on 56 Yes on 58, 59, 60, 64 (2008), FreedomWorks Issues PAC - No on 56 & 57, Yes on 54, 55, 58,59, 60, 61, 62, 63, & 64 (2008), Taxpayer Defense Fund - No on 56 and 57, Yes on 54, 55, 58, 59, 60, 61, 62, 63, and 64 (2008) Oregon Citizens for a Sound Economy – No on 56 and 57, Yes on 54, 55, 58, 59, 60, 61, 62, 63, and 64 (2008)
\$697,000	Americans for Tax Reform/Americans for Tax Reform Foundation	OTU-PAC – (1994, 1996, 1998), signature gathering on 96 (2000)
\$296,437	Oregon Family Farm PAC	Yes on 7 (2000)
\$272,500	Robert Randall/Randall Realty Corp.	OTU-PAC –(1994 and 1998) - Yes on 8 (1994) - Yes on 59, no on 62 (1998)– Sizemore for governor (1998) - Oregon Family Farm PAC-Yes on 7 (2000)
\$242,500	Wes Lematta	OTU-PAC – (1996 and 2000) - Yes on 8 (1994) - Yes on 59, no on 62 (1998)– Sizemore for governor (1998) - Oregon Family Farm PAC-Yes on 7 (2000)
\$150,500	Seneca Jones Timber Co./Aaron Jones/Seneca Sawmill	OTU-PAC – (2000) - Yes on 8 (1994) – Sizemore for governor (1998)
\$110,988	Jeld-Wen/Richard Wendt	OTU-PAC –(1996 and 2000) – Sizemore for governor (1998) - Oregon Family Farm PAC-Yes on 7 (2000)
\$100,600	Mark Hemstreet,/Hemstreet Property	OTU-PAC – (1996) - Yes on 8 (1994) - Yes on 59, no on 62 (1998)

	Development	
\$88,190	Oregon Taxpayers United Education Foundation	OTU-PAC – (1996 and 2000) - Yes on 7 (2000), Oregonians for Honest Elections – No on 56 Yes on 58, 59, 60, 64 (2008), English for the Children – Yes on 58 (2008)
\$75,000	Carl Lindner	OTU-PAC – (1998 and 2000)
\$64,219	Oregonians in Action/Oregonians in Action PAC	OTU-PAC – (2000) - Oregon Family Farm PAC , Yes on 7 (2000)
\$63,000	National Taxpayers Union	OTU-PAC – (1994 and 2000)
\$61,869	Bill Sizemore	OTU-PAC – (1996), Sizemore for governor – (1998, signature gathering on 42 – 2006)
\$57,850	I & R Petition Services	OTU-PAC – signature gathering on 7, 93, 95, 96, and 98 (2000)

Source: Thompson & Wetherson, 2008

Bill Sizemore has been active in Oregon initiative politics since 1994.

Between 1994 and 2008, Sizemore was the chief petitioner for 18 ballot measures. Of the 18 Sizemore measures, four were successful and 14 were defeated by Oregon voters. Of the four that passed, two were subsequently overturned as unconstitutional and one, Measure 47 in 1996, required a legislative fix. Although Sizemore has been unsuccessful in the majority of ballot measures where he has been the chief sponsor, opponents have spent over \$26 million in an effort to defeat these measures (Thompson & Wetherson, 2008, p. 1) The overwhelming majority of the \$26 million in opposition spending has come from public employee unions. It is the contention of unions, and has been the subject of at least one editorial board comment by the state's leading newspaper the *Oregonian*, that a primary goal of Sizemore's operation is to

deplete unions' financial resources by forcing them to expend time and energy fighting these measures (*Oregonian* editorial board, 2008, October 10th). Among other arguments, unions point to Sizemore's support from Americans for Tax Reform, Grover Norquist's national organization, and Norquist's stated goal to "cut government in half in twenty-five years to get it down to the size where we can drown it in the bathtub" as further evidence of Sizemore's intention to attack government and public employees with impunity (Dreyfuss, 2001).

Equally significant, in September 2002, a Portland jury found Sizemore and his umbrella organization Oregon Taxpayers United (OTU) guilty of fraud, forgery, and falsification of records for its initiative-related activities during the 1990s. Under Oregon's state racketeering law, Sizemore's initiative organizations were levied punitive damages totaling \$2.5 million payable to union plaintiffs filing suit (Hogan, 2002, A1). Especially relevant to the current study, the jury found that Bill Sizemore's enterprise had engaged in a pattern of racketeering which included forged signatures to qualify ballot Measures 98 and 92 for the 2000 general election ballot. Specifically, the plaintiffs argued that employees of Sizemore's operation had forged signatures on statements of sponsorship for Measures 98 and 92 thus facilitating their approval by the secretary of state for circulation to qualify for the ballot. This in turn forced the plaintiffs, the Oregon Education Association, to expend substantial funds to oppose those measures (Thompson & Weatherson, 2008, p. 50). The jury awarded the plaintiff OEA damages of \$736,770 and the American Federation of Teachers (AFT)

\$210,500 on two of the counts plus a subsequent judgment awarding damages to OEA of \$2,014,974 and AFT \$510,000 (Thompson & Weatherson, 2008, p. 54).

In addition to exposing the illegal activities of Oregon's top initiative creator the legal battle between union plaintiffs and Sizemore's operation highlighted the degree of industrialization extant in Oregon's contemporary initiative process. In brief, Sizemore's initiative operation consisted of Oregon Taxpayers United, an Oregon non-profit corporation, I&R Petitions, Inc., a signature-gathering firm, and Oregon Taxpayers United Education Foundation, a nonprofit corporation (Oregon Department of Justice, 2003). Oregon Taxpayers United also worked in concert with numerous political action committees (PACs) with names reflecting the various initiatives the organization sponsored. The OTU corporation did everything from crafting petition language and signature-gathering, to fundraising and campaigning. According to court documents money flowing to Sizemore's operation was hidden by several sham corporations and charities. The labyrinth of corporations, charities and foundations created in a shell game to hide money going to Sizemore and his "operations" were so byzantine, that in a 46 page opinion, the circuit court judge included the following quotation from Sir Walter Scott, "Oh what a tangled web we weave, when we first practice to deceive" (OEA vs. OTU, 2008). Still, at the time of this writing, Sizemore had filed 46 initiatives for the 2010 Oregon election.

Professionalization

Beyond the populist rhetoric of direct legislation's most fervent supporters, political campaign consultants are often as central to the creation and campaigning of

Populism

ballot initiatives as they are to representative democracy (Gerber, 1999; McCuan, 2001). Direct legislation scholar David McCuan concludes that “Most ballot measures today are characterized by the frequent use of signature-gathering crews, pollsters, and media consultants over the course of a campaign” (McCuan & Stambough, Eds., 2005, p. 52). Citrin explains that “Full-service consulting firms now draft and circulate petitions, collect signatures, raise funds through direct mail, prepare campaign advertising, conduct polls, and get out the vote” (Citrin, 1996, p. 282). Magleby and Patterson note that in many ballot measure campaigns political consultants “exercise a tremendous amount of control...they define the message, construct the ballot wording, and in some cases suggest issues to be placed on the ballot” (as cited in Johnson, 2001, p. 207). One indicator of the breadth and depth of the initiative campaign consulting industry is the annual political pages edition of the trade journal of political consultants, *Campaigns & Elections*. The edition of March 2002-February 2003 lists 60 consulting firms specializing in I&R campaigns (pp. 56, 57). In the 2008 online edition of the *Campaigns & Elections Political Pages*, 26 firms were listed as initiative and referendum consultants, while 24 firms were listed under a separate category: “public grassroots affairs – ballot issue campaigns” (Politics, 2008). Additionally, dozens of firms working on initiative campaigns were also listed under such categories as: campaign management, database/file management, direct mail, petitions and signature gathering, and targeting, among others. More than likely, the actual number of consultants working on direct legislation campaigns is substantially

higher since most political consulting enterprises offer services to both candidate and initiative campaigns.

A key issue raised in the scholarly literature concerning political consultants and direct legislation is that of the significance of so-called professionalization of the system. Donovan, Bowler, and McCuan ask if political consultants “are corrosive to the process of democratic politics” (Sabato, Ernst, & Larson, Eds., 2001, p. 101). Magleby and Patterson (as cited in Thurber & Nelson, 2002) argue for the consideration of distinctions (if any) between representative democracy and the initiative process when manipulation of public opinion by special interests appears to be the norm in both arenas. And Smith inquires “if ballot measures, as proponents of the process like to extol, ostensibly empower ‘the people’ to govern themselves directly, how participatory, grassroots, and democratic is the initiative process?” (Smith, 1998, p. 9).

In contrast (as discussed in chapter two of the present study), I argue that current theory concerning direct democracy and political consultants that regards the increasing use of political operatives as the mere “professionalization” of I&R campaigns serves to naturalize what has been more accurately labeled an initiative-industrial complex. Firmly ensconced in the market-centered logic of neoliberalism, political consultants in direct legislation campaigns are more accurately identified as brokers and retailers within a system that has been largely captured by powerful organized interests. Scholarship placing political consultants as the central focus shifts the gaze from wealthy organized interests and a larger political economy that

Populism

privileges the penetration of private exchange relations and the commodification of the public sphere. Still, central to electoral management is strategic utilization of the most advanced information technologies that are available to organized interests able to expend the necessary resources. In the section that follows, I discuss examples of the use of sophisticated political marketing strategies, tactics, and technologies from Oregon's 2008 general election campaign.

Structure of Professionalization

For the contemporary initiative campaign operative, advances in information communication technology permit an exceptionally powerful means by which to surveil voters and collect useful data. An example of this was evident in the majority of opposition campaigns for measures on Oregon's 2008 ballot where the sophisticated panoptic¹⁶ sorting known as microtargeting or computer modeling was utilized by the coalition, Defend Oregon. Using a high-powered survey and data collection instrument and methodology, the coalition of public employee unions, nonprofits, and other members of Defend Oregon purchased services from the Washington D.C.-based consulting firm, MSHC Partners (Wimmer, personal communication, 2008; Black, personal communication, 2008; Wagner, personal communication, 2009).

The purchase included a combined survey of 6,000 voters with demographic and psychographic information culled from voter lists, membership lists, and commercial demographic lists, all overlaid with geographic mapping and analyzed using over 100 points of data. (Psychographic attributes include those relating to

social class, lifestyle, interests, values, and personality). Follow-up surveys were conducted (which included 1,000 of the names pulled out as a control group) to measure the effectiveness of the campaign's targeting efforts. As explained in interviews with interest group representatives and political consultants hired by the Defend Oregon Coalition, microtargeting¹⁷ permitted their opposition campaign to target voters on the individual level. Microtargeting was used by the operatives to select their universe of voters more efficiently, expand and contract target universes with a simple manipulation of the data using the software program, and perhaps most importantly, improve the ability to match message to voter. Ultimately, despite the substantial cost of the computer modeling/microtargeting system, representatives of the coalition concluded that the "cost-per-moved-voter" justified the purchase (Wagner, personal communication, 2009; Wimmer, personal communication, 2008; Black, personal communication, 2008).

An example of the use of the microtargeting strategy in the 2008 campaign in support of Ballot Measure 57 and in opposition to Measure 61, was the use of distinct "voter guides" for specifically targeted populations. Ballot Measure 57 was a legislative referral in response to Measure 61 authored by former legislator and political activist Kevin Mannix. Measure 61 created mandatory minimum sentences for property crimes. Measure 57 included stricter penalties than did Measure 61, but included a drug-treatment component and had a much less expensive price tag (Oregon Secretary of State, 2008). Using data containing over 100 different variables available through sorting mechanism technology, the Defend Oregon campaign sent

slickly produced, demographically, geographically, and psychographically informed and targeted official-looking direct mail labeled as “voter guides” to six distinct voter groups.

For example, if you were identified as a progressive, young Democrat, Green or independent, voting for Obama, and living in Multnomah County (a majority Democratic, liberal county that includes the city of Portland), you were sent a voter guide with a contemporary script font featuring an African-American social worker on the front and back pages highlighting the importance of drug-treatment and working with young offenders to get them back on the straight and narrow. The guide included endorsements from progressive organizations such as the Oregon League of Conservation Voters and the National Abortion Rights Action League of Oregon to enhance the appeal of the mailer. Concurrently, suburban independents and female voters identified as “safety moms” were mailed voter guides with a completely different set of endorsers, appeals, and arguments to support Measure 57 and oppose Measure 61. This more conservative voter guide included photos and quotations from law enforcement officials, and stern-looking establishment figures praising Measure 57 as toughening penalties for repeat offenders and for enhancing public safety by placing more people behind bars (Blevins, personal communication, 2008; Wiener, personal communication, 2008).

Similarly, the Defend Oregon Coalition applied the same microtargeting data and approach in sending out voter guides covering most of the measures on the 2008 ballot. According to the lead direct mail consultant working for the 2008 campaign,

the goal was to employ the best third-party validation for the targeted universes for each of the guides (Wiener, personal communication, 2008). (It should be noted here that in my interviews with consultants representing both conservative and liberal interest groups, there was agreement that voters often rely on their familiarity with endorsing groups and/or individuals as cognitive short cuts for their initiative voting decisions. Likewise, in 1907, after having experienced the first few Oregon I&R campaigns and elections William U'Ren said of direct legislation:

In all our work we have found the great value of well-known names attached to our measures as officers or members of committees.... You see, the average man is either too indolent, too busy, or too distrustful of his own judgment to study or decide for himself upon the details of a law or a great public question. People always ask of a proposition to enact a principle they approve, "Who is back of it?" If they find it to be indorsed [sic] by men whose reputation would forbid them to allow the use of their names with any unpractical, improper, or sinister law to apply the principle, they promptly conclude that it is all right and worthy of support (as cited in Culbertson, 1941, pp. 81, 82).

There were at least four distinct voter guides sent to targeted universes based on the extensive data-mining and microtargeting data, and a description of three of those guides obtained by the researcher follows.

One 2008 voter guide created by Defend Oregon, was a single, two-sided eight and one-half by eleven direct mail piece that went to frequent voting Democrats, union members, and nonaffiliated voters in the most highly populated metro areas in the state. On the front side, the title of the guide reads: "2008 Ballot Measures Made Easy — with the subheading – newspaper recommendations." The front page highlights newspaper endorsements (using the actual fonts of the papers) and mentions Bill

Sizemore's name prominently and repeatedly in advocating rejection of Measures 58 through 64. In what looks to be a fairly objective chronicling of the endorsements of eight of the major newspapers in the state, the back page lists all of the "no" recommendations in a very visible black background. The newspaper endorsements shown have 100 percent unanimity, save for one newspaper, *The Bend Bulletin*, which advocates opposition to Measure 57. Included on the page are selected quotations from several of the editorials concerning the measures. As was explained by the lead direct mail consultant, Mark Wiener, the goal of listing the newspaper endorsements in this relatively straightforward manner is to convey to voters that this paid political mail piece is a more objective source of information (Wiener, personal communication, 2008). By listing the newspaper's respective endorsements in a simple, uncluttered format, the voter guides purported to make sifting through the numerous measures on the ballot unnecessary. According to Wiener, the objective was to get targeted voters viewed as "friendly" to the campaign's position (i.e. predisposed to vote with the coalition) to vote on all of the measures rather than skipping those where they might have a greater degree of uncertainty.

The same organization, Defend Oregon, sent another eight and one-half by eleven, four-page, 2008 voter guide to a similar universe of targeted voters. Although the guide clearly states, "Provided by Defend Oregon" on the front page, there is no indication as to who or what Defend Oregon is. On the second page, it does list the coalition's web site, and it describes the group as "a coalition of more than 150 groups, including the 12 listed specifically on this guide" (Defend Oregon Mail Piece,

2008). This time, rather than newspaper editorial recommendations, the mailer targets voters inclined to support progressive organizations such as Basic Rights Oregon, a gay rights group, NARAL Pro-Choice Oregon, a group advocating reproductive rights, and the Oregon League of Conservation Voters, an environmental advocacy group. As explained by Wiener, the tracking poll results created concern about turnout among voters who had been identified as progressives by their voting behavior in previous elections, group affiliations and magazine subscriptions. The title of the mail piece is: “2008 Ballot Measure Voter Guide,” with the subheading, “Simple and Clear Information and Recommendations from the Organizations You Trust.” Employing a similar use of quotations from newspaper editorials, the piece includes a reminder that Sizemore authored five of the initiatives on the ballot, and that according to recent court decisions he had engaged in fraud, forgery, and racketeering.

A third guide, this one with the words, “Provided as a public service by Our Oregon” at the bottom of the first page, also lists itself as a “2008 Ballot Measure Voter Guide” with the subheading, “Simple and Clear Information and Recommendations for Oregon Voters.” This eight-page smaller booklet is written in a more professional and simple font, and it has an American Flag background on the front and back cover. Although Our Oregon and Defend Oregon are largely the same coalition of groups and interests, separate measure committees do exist. This “guide” does provide its targeted audience with background information on all of the measures, and its cleaner format seeks to appeal to the older, nonaffiliated, largely home-owning voters. Along with mentioning Sizemore’s sponsorship and his recent

court conviction in an opening paragraph, the piece was undersigned with small green bags with dollar signs on them and the words, “funded with out-of-state money.”

Interviews with the lead consultants explained that in some focus groups, the combination of Bill Sizemore’s sponsorship, along with indication that a measure was funded with out-of-state money proved an effective means to capture attention and even move voters in their direction.

Although such targeted-messaging is not completely new, capital-intensive initiative campaigns, with public relations and communication experts employing cutting-edge political marketing strategies and the most advanced communication technologies, constitutes a qualitatively distinct initiative campaign context. Not only have citizen-led efforts at petitioning become a relic of a bygone era (having been replaced by for-profit signature-gathering firms), but much of the initiative process has become industrialized. Some of the key features of industrialization include specialization, technification, and the division of labor. The case studies in chapter five provide detailed descriptions and analysis demonstrating how capital-intensive I&R campaigns have taken on these features of industrialization. In addition, all of the necessary elements of the initiative process, from gathering signatures, to writing measures and running campaigns, have become have become for-profit operations. Moreover, campaigns run by paid political consultants have become increasingly sophisticated, technologically mediated endeavors.

The presence of powerful computers, extensive voter lists, voluminous consumer data, and the increasing use of predictive technologies, means that political

operatives with adequate financial backing can segment and target voters in ways that simply were not available to campaigns of an earlier era. One corollary to the sophisticated political marketing regime, is a depoliticized, largely passive electorate that is appealed to as individuals in the manner of private exchange relations, and not as members of a collective society (Putnam, 2000; Schier, 2000; Boggs, 2000; Garnham, 1990). As such, Sussman's critique of contemporary candidate-campaigns arguably resonates as well with initiative-campaigns in that "it is the politicians who are choosing the voters rather than the other way around" (Sussman, 2005, p. 40).

In addition to the evidence that many of the measures on the ballot in Oregon since 2000 have been the handmaidens of moneyed special interests (whether narrow or broad-based economic or social interest groups) and the fact that over 90 percent of petitions have employed paid signature-gathering firms to secure ballot access, the industrialization of the campaigns, indeed, the entire process, calls into question the hope and promise that direct democracy would constitute a deepening of democracy and enhanced civic engagement among the citizenry (Ellis, 2002; Broder, 2000, Schlozman & Yohai, 2008). The promise of direct democracy to increase citizen knowledge and engagement in the political process is undermined by the participation and activities of political consultants involved in "citizen-initiative" campaigns. The argument here is not that direct legislation campaigns should not be considered legitimate or justified in their utilization of the same contemporary techniques and strategies used by candidate campaigns. Rather, the argument is that direct democracy has to be understood as far more similar to candidate campaigns and the entire regime

Populism

of "professionalized," industrialized, capital-intensive electioneering extant in the United States and abroad, and not as grassroots, citizen-based populist endeavors.

Scientific Management of Public Opinion

The contemporary initiative campaign is of course nothing like the populist and progressive champions of direct democracy could have imagined. The growth of the entire apparatus of information management has been well documented elsewhere (Robins & Webster, 1999; Ewen, 1996; Sussman, 2005; Shea, 2006), and will not be reprised here. Yet essential to understanding much of contemporary initiative electioneering, it is necessary to understand a bit about the scope of the scientific management of public opinion and the methods and strategies in its employ.

Oscar Gandy in his work on surveillance, refers to *informatization* in describing the persistent and intensive regimes of surveillance and data collection that pervade the relationship among consumers and retailers, the government and its citizens, and in other areas of our lives (Gandy, 1993). Similarly, the relationship between interest group campaigns and their voter-targets has been increasingly informaticized. Rather than inviting volunteers to participate in initiative campaigns, these professionally managed capital-intensive operations are run largely by and with experienced political operatives with well-financed special interest groups in control. According to political consultant and author, Hal Malchow, although commercial direct marketers had been using computer-enhanced data collection, segmentation of consumers, and targeting methods and technologies since the 1970s, political

consultants and their clients had not fully embraced predictive technologies until as late as 2002 (Malchow, 2008, p. 75).

As described by more than one experienced consultant familiar with the initiative campaign process, the language of the ballot title is very important (Adams, personal communication, 2009; Wiener, personal communication, 2009; Grove, personal communication, 2009). Research supports the concern for the ballot title, as it is the most cited element in voters' decision-making calculus (Hibbits, personal communication, 2009). Therefore, political pollsters play an enormously important role in the overall strategic approach of initiative campaigns. In order to test the language and potential campaign messaging, pollsters will convene a benchmark poll to gauge the attitudes, values, and beliefs of likely voters concerning issues likely to emerge during the campaign. One pollster interviewed explained how focus groups are used to prepare the representatives of the campaign (in this case they were attorneys hired by the campaign) for the inevitable debate with the opposition and the secretary of state's office over the specific language in the ballot title. Illustrative of the import of this element of the campaign, one pollster hired for the 2008 opposition to the Measure 64 campaign (A Sizemore-led initiative that would have banned the use of money collected with public resources from being used for political purposes), lamented that the lawyers hired to contest the ballot title language were not armed with sufficient poll-tested language and therefore permitted very difficult language for the Defend Oregon Coalition campaign to oppose¹⁸ (Grove, personal communication, 2008).

Focus Groups

The focus group is another common element for well-funded measure campaigns. The goal is to permit a group of 30 to 50 likely voters to engage in a guided discussion of the issues and concepts of concern. When asked to describe the participation of citizens in this process, one consultant referred to the people participating as “lab rats for the campaigns” (Victoria, personal communication, 2008). In contrast, one pollster described participants as consumers of messages as well as “idea generators,” and explained how people knew that they were helping to generate ideas for the campaigns and willingly consented to this element of the process. “They appreciate the opportunity to tell you what they’re thinking as consumers.” In fact, in an interesting type of “voter education,” one prominent pollster in Oregon observed that people admit to doing “homework” the evening before the focus group had been convened. Seeking to exploit the extra work done by some focus group participants, the consultant described how campaigns could use this to their advantage in future campaigns. She suggested that it would be useful to have people do “diary work prior to their coming in” if they were going to “cheat” the night before participating in the focus group (Grove, personal communication, 2008).

A well-financed campaign will convene focus groups in multiple geographic areas and media markets to discover regional variations in attitudes and beliefs. One prominent Oregon-based consultant explained her preference to hold focus groups even prior to a benchmark poll since such focus groups often bring up novel issues for the campaign to consider. Additionally, since this pollster is typically hired by a

coalition to oppose several ballot measures in one election cycle, her focus group participants work with multiple potential ballot titles, issues, arguments, and language each session (Grove, personal communication, 2008). Furthermore, explaining the strategy behind the focus groups, another Oregon-based consultant described the necessity of excluding individuals who have strong loyalty to a political party, or those who are members of a union or influential special interest group (Albers, personal communication, 2009). For this same consultant, Portland residents comprise a special interest group as they are excluded from her focus groups for statewide Oregon campaigns. As described by one pollster, the ideal focus group would represent the “muddled middle” (Grove, personal communication, 2008). Similarly, focus group conveners tend to separate respondents by gender, or make certain any mixed-gender groups have more women than men, since men tend to dominate the conversations and skew the results. Furthermore, if resources are available, more than one pollster explained that it was important to convene a minimum of four focus groups in different geographic regions (Conkling, personal communication, 2008).

One interesting variation on the focus group explained by one pollster is a voter pamphlet focus group where dummy voter pamphlets are created to resemble as much as possible the actual pamphlets all voters in Oregon receive. Different arguments are created and tested for effectiveness, and likely talking points from the opposition are also placed in the pamphlet to better understand potential strengths and weaknesses of what they might face during the campaign. Participants are asked to arrive early and mark up the pamphlet to highlight what they perceive as important

information. One consultant explained how a great deal of useful information is obtained by the campaign in these faux-voter pamphlet focus groups (Blevins, personal communication, 2008). One example concerning Ballot Measure 64 from the 2008 election and previous iterations from the 2006 and 2000 elections, was a potential oppositional argument that the measure, if passed, would eliminate the voter's pamphlet itself, since in that case public resources – tax dollars funding the secretary of state's office which distributes the voter's pamphlets – would be expended for political purposes — distributing political information in the form of ballot measure and candidate information. The pollster explained that participants in the survey simply did not believe the argument to be accurate, and therefore it was not used in the Measure 64 opposition's campaign commercials or literature.

Benchmark Poll

Benchmark surveys are lengthy interviews with likely voters most often over the phone or occasionally internet-based. Typically there are 500 people interviewed for approximately 20 minutes each in the benchmark poll. One consultant explained that there are times when a “mutt poll” is conducted in January, prior to either the focus groups or benchmark survey. The “mutt poll” is used to assess the viability of potential ballot measure ideas, or to get an early reading of petitions that seem certain to be on the upcoming general election ballot. The information extracted from the benchmark poll includes the levels of support for different sides of measures/ballot titles, and according to one pollster, can provide an indication of the amount of money

and the scope of a campaign necessary to pass or defeat a measure (Grove, personal communication, 2008).

Dial-Testing

Additionally, some campaigns will employ “perception-analyzers” or dial-testers to permit campaign consultants (and often their funders sitting behind a two-way mirror) to gauge second-by-second reactions to issues, phrases, and/or potential advertising themes and images. And recently, consultants have been using the convenience of the internet to have political advertisements tested. Participants are provided a password to gain access to a protected site that houses videos of potential advertisements on the measure. One of the advantages of the web-based advertisement testing is the ability to significantly increase the number of participants. Also, according to one veteran consultant, people are very willing to disclose a great deal about their perceptions of the various advertisements online. He explained that these dial-tests or online advertisement tests often lead to very useful information or “aha” moments (Conkling, personal communication, 2008). However, the number of advertisements that one can test via the Web is limited. This same experienced politico claimed that while it was possible to test as many as 15 different television and/or radio ads with an in-person focus group, web-based focus groups typically yielded comments on about five or six ads (Conkling, personal communication, 2008). One method used for the in-person dial-testing by one of the consultants interviewed was to separate out respondents after the first round or two based on whether or not they were moved by any of the messages. Thus, individuals who were persuaded to

take a position more strongly against a particular measure following an advertisement would all be taken to a location to explain their reasoning.

Tracking Poll

Tracking polls are then employed in these capital-intensive initiative campaigns to find out where the voters stand during a particular moment in time, and they are used to learn whether or not the advertising that has been introduced into the campaign is having its desired effect. Tracking polls are also useful to test whether or not particular messages are “sticking” with the voters. Thus, if a campaign is running advertisements telling voters that a particular measure is bad for law enforcement’s ability to apprehend criminals, the tracking poll will include questions seeking to identify whether or not that particular message has been effective. Following the direct questioning, the pollsters typically employ regression analysis and analytical modeling seeking to predict whether or not this meant that people would or would not vote a particular way. Initiative campaigns will do between 3 to 5 tracking polls beginning in late September if they have the necessary resources. One consultant interviewed expressed the importance of coordinating the tracking polls with the advertising buys so that it was possible to measure whether or not a particular message was working. In addition, tracking polls are also used to test and perhaps react to the opposition’s advertising and messaging.

Microtargeting

Microtargeting or computer modeling has become increasingly popular in the most recent election cycles and was used in Oregon in several of the 2008 initiative

campaigns. As defined by Malchow (2008), one of the pioneers and practitioners of the computer modeling approach to campaigning, “Microtargeting is the use of data and advanced analytical tools to make more accurate predictions about who will vote, whom voters will support, and which issues each voter cares most about. The foundation of microtargeting is data” (Malchow, 2008, p. 74). In describing some of the data utilized by campaigns (including the Defend Oregon coalition in the 2008 election), Malchow explains that in addition to the information culled from the standard voter databases in every state including: name, address, date of birth, date of registration, party affiliation etc., plus census data indicating a myriad of demographic information about a voter’s neighborhood. Contracting with commercial databases, Defend Oregon campaigns have access to information on: religion, ethnicity, marital status, hobbies and interests, car ownership, presence of children or whether or not the voter is likely to subscribe to pay-per-view or satellite television. While there are several possible methods employed to use the aforementioned data sets to microtarget campaign messaging, the Defend Oregon coalition used regression analysis to create and manage the campaign plan.

Regression Analysis

Regression analysis is used to predict the likelihood that a voter will vote, will vote for or against an initiative, will be undecided, or will lean toward the affirmative or negative side of a measure. A regression analysis results in a probability score and ultimately creates a numerical value of communicating with a particular voter with a particular medium of communication. Regression analysis is useful in decisions

Populism

concerning resource allocation. In addition to helping to decide which households promise the best value for a mailing, or which viewers or listeners to target with media buys, it may also indicate whether or not it makes sense to expend resources for certain households and/or groups at all (Malchow, 2008, p.134).

While these methods and technologies are familiar to those conversant with product advertising or contemporary candidate-campaigns at the highest levels, the juxtaposition between the “citizen-initiative” and its capital-intensive, industrialized campaign is striking and largely out of the purview of the targets of these campaign methods. Voters in this process are treated as objects for data extraction and manipulation, and not as citizens to be engaged in a participatory process of deliberative democracy. Consultants interviewed consistently expressed the need to focus their efforts on likely voters, as opposed to attempting to recruit and engage new people in the process. Most expressed this as nothing more than a question of resource allocation, time limitations, and the imperative of delivering the requisite number of voters for their clients.

Increasing use of interactive and surveillance technologies in modern initiative campaigns constitute a *cybernetic campaign* methodology that substantiates the panopticism metaphor used to describe contemporary political marketing. As Gandy explains:

The operation of the panoptic sort increases the ability of organized interests, whether they are selling shoes, toothpaste, or political platforms, to identify, isolate, and communicate differentially with individuals in order to increase their influence over how consumers make selections among these options (Gandy, 1993, p. 2)

The aforementioned political campaign techniques, rather than liberating and affirming citizen participation, civic engagement, and political knowledge, serve not only to objectify the subject, but to empower the best-financed interests to more effectively market their initiatives and political programs to the objects of their surveillance. As the collection of data becomes increasingly determinative with sophisticated political microtargeting utilizing multiple databases to sort, identify, and target particular audiences with poll-tested emotive messages, the voter commodity becomes as valuable for their labor in the data collection process as they do for their vote in the election. As initiative campaigns in Oregon and other states use firms such as MSHC Partners for microtargeting and Aristotle, the list vendor, the commodification of political information serves to privilege moneyed interests with the wherewithal to purchase or rent the most comprehensive and sophisticated voter information and political operatives with the experience and capabilities to use it.

**Chapter Five: The Incorporation of Direct Democracy: Case Studies in
Initiative Professionalization**

This chapter looks at four ballot measure campaigns from two different election cycles in Oregon, specifically Measures 48 and 41 from 2006, and Measures 98 and 92 from the 2000 election. Measure 48 was a constitutional amendment labeled by supporters as the “taxpayer bill of rights” or TABOR. The measure sought to limit state spending to a formula based on the state’s percentage increases in population plus inflation (a.k.a. “popuflation”). I refer to Measure 48 in this chapter as the “spending limit.” Measure 41 in 2006 would have allowed a state income tax deduction equal to the amount deducted on a filer’s federal taxes. The measure would have changed how state income taxes are calculated in Oregon, reduced taxes for most Oregonians, and decreased revenue available for state programs and services. I refer to Measure 41 as the “federal tax deduction.” Greater detail on the content and potential effects of the measures appear later in this chapter. In brief, both measures would have substantially decreased the revenue available in the state’s general fund that is used to pay for programs and services, and importantly from a strictly political standpoint, would have resulted in the loss of public sector union jobs and support.

Ballot Measure 98 in the 2000 election was a constitutional amendment that would have prohibited the use of public resources to bring in or help collect money to be used for political purposes. For example, under Measure 98, unions would have been prohibited from using any public buildings, telephones, or equipment to collect funds for anything campaign-related. So in the case of a public college or university

with a union office on campus, Measure 98 would have prohibited the use of campus mail, phones, or any equipment to collect or solicit union dues if any of those funds were ultimately to be used for political activity. I refer to Measure 98 in the 2000 election as “public resources.” Finally, this chapter also examines the Measure 92 campaign in Oregon's 2000 general election. Measure 92 was also a constitutional amendment that would have prohibited the common practice of using payroll deductions for political purposes absent specific written authorization. Measure 92 applied to both public and private employees. The effect of the payroll deduction (92) initiative would have been to virtually shut down the current means by which public employee unions collect and expend money for both campaigning for elections and lobbying the Oregon State Legislature (Nesbitt, personal communication; 2009; Black, personal communication, 2009). I will refer to Measure 92 as “payroll deduction.”

Although 24 states permit some type of direct legislation, the framework and specific requirements differ substantially. Therefore, prior to presenting the case studies of the spending limit (48) and federal tax deduction (41) from 2006, and public resources (98) and payroll deduction (92) from 2000, I first look at the legal requirements of Oregon's system of direct legislation primarily taken from the Oregon Secretary of State's web site.

Requirements for Oregon's I&R

Oregon's I&R allows for citizens to initiate both statutory and constitutional changes in addition to having the ability to overturn laws enacted by the legislature through the referendum process. In Oregon, an initiative first requires submission of

the proposed language to the secretary of state who then files a copy with the state's attorney general. After collection and submission of 1,000 valid signatures to the secretary of state, the attorney general has five days to write a ballot title and summary.¹⁹ It is worth noting that Oregon is one of 12 states with direct legislation without a distribution requirement for signatures. In short, there is no mandate that a particular percentage of signatures must come from distinct counties or jurisdictions.²⁰ The attorney general then sends the ballot title to the secretary of state. The secretary of state sends copies of the full text, ballot title, and a proposed measure summary to members of the legislature, proponents, and potential opponents of the proposal. Citizens and activists interested in the process can request that the secretary of state place them on the list of individuals to receive notification of pending initiatives.

After the secretary of state notifies interested parties of the proposed petition, there is a 15-day comment period during which the public can review and debate the ballot title, summary, and full text of the proposal. If there are no challenges to the proposed language, the ballot title can be used to gather signatures to place the petition on the ballot. However, any challenges during this 15-day period go directly to the Oregon Supreme Court.

According to several individuals active in the process and interviewed during the course of my research, it has become common practice in Oregon for opponents of proposed measures to challenge the language in the different elements of the proposal simply to delay proponents from the signature-gathering phase (Wimmer, personal communication, 2008; Adams, personal communication, 2008; Black, personal

communication, 2008). Still, under Oregon law as of early 2009, petitioners have almost two years to gather the required number of signatures. Initiative signatures may be collected any time after July two years prior to the election and are due in to the secretary of state's office in July of the election year.

Of the 24 states with an I&R process, 18 permit constitutional amendments through direct legislation. Of the 18 that permit amending the constitution via the I&R, 10 require a double-digit percentage of the votes cast in either the last gubernatorial or presidential races, with Nevada and Nebraska requiring 10% of all registered voters (Waters, 2003, p 21). In contrast, to qualify a constitutional amendment in Oregon a petitioner needs only 8 percent of the total number of Oregonians casting votes in the most recent gubernatorial election and 6 percent of the total to qualify a statutory change.

Among initiative states, Oregon is particularly attractive to moneyed interests since it has a relatively low threshold to qualify constitutional amendments and has neither a subject limitation nor a geographical distribution requirement for signatures. Therefore, wealthy organized interests are able to qualify constitutional initiatives, especially tax-related initiatives, with a relatively small investment. Once a proposed constitutional amendment has been successfully placed on the ballot, it takes only a simple majority of the voters in that particular election to enshrine the change in Oregon's Constitution.

The Oregon Constitution has been amended through the initiative process over 240 times since 1902 (Oregon Blue Book, 2009A). Between 1990 and 2000, almost

60 percent of the 74 initiatives that qualified for the ballot in Oregon were constitutional amendments (Ellis, 2002, p. 138). Thus, for a \$300,000 to \$1 million-dollar investment, wealthy private interests can qualify a constitutional amendment for the ballot. Once on the ballot, it requires only a simple majority to amend Oregon's Constitution with little possibility of having it repealed. Ballot Measure 5 from 1990 and Measure 47 from 1996 offer examples of tax-related constitutional amendments that have had profound influence in Oregon yet barely secured a majority of votes in their respective races.

Measure 5, which emerged victorious in a 574,833 to 522,022 election (Oregon Secretary of State, 2009A, p. 306) is often compared to California's Proposition 13 from 1978 as part of a so-called tax revolt. Similar to Proposition 13, Oregon's Measure 5 concerned property tax, was championed by a visible and vocal chief petitioner, and had far-reaching consequences for the entire system of taxation and services in the state. In brief, Measure 5 amended Oregon's Constitution (Article XI, Section 11) and established limits on property taxes and real estate (Oregon Secretary of State, 2008). Property taxes were capped at \$15 per \$1,000 of assessed annual value per year, and were gradually lowered to \$5 for the same amount and time frame. Perhaps most significantly, the initiative shifted school funding from local property taxes as the primary source to the state's general fund. The measure is widely viewed as having not only significantly cut education funding at all levels, but also reducing general fund resources available for other public sector programs and services (Sokolow, 1998; Oregon, 2003).

Subsequent to Ballot Measure 5, Sizemore's OTU introduced and successfully passed Measure 47 in the 1996 election. Known as the "cut and cap" measure, it further reduced property taxes and instituted a double majority requirement for subsequent changes to Oregon's tax structure. In reaction to its unintended consequences and its vulnerability to legal challenges, the state legislature subsequently referred a legislative fix to the Measure 5 and Measure 47 structure in the form of Measure 50 in 1997 (Ballotpedia, 2008). The cut and cap property tax and double majority constitutional amendment passed with 704,554 in support and 642,613 opposed (Oregon Blue Book, 2009A, p. 308). Of note, the 2007-2008 legislatively-created Revenue Restructuring Task Force — which was created to take a big-picture view of Oregon's entire system of taxation and revenue generation — has identified the complexity and financial impacts of property tax limitation (Measure 5), cut and cap (Measure 47), and property tax referral (Measure 50), as primary obstacles to a more efficient and well-functioning system of revenue and taxation (Oregon Legislative Revenue, 2008). In brief, in the cases of the property tax limitation (5) and cut and cap (47), wealthy private interests (see previous discussion of Sizemore, OTU and TAO) financed tax changes substantially reducing revenue for public sector programs and services. Equally important, the tax changes are now enshrined in Oregon's Constitution thus politically very difficult to change.

To place a referendum on the ballot in Oregon, a petitioner must successfully collect valid signatures from 4 percent of the total of votes cast in the most recent governor's race. Petitioners must initiate a referendum within 90 days of the end of

the legislative session in which the law was enacted. The period in which a referendum petitioner can obtain signatures is limited to 90 days. Also, Oregon is one of 14 states with a single subject rule, indicating that initiatives contain only one issue or subject.²¹ Finally, the Oregon legislature can repeal and amend initiative statutes with a simple majority.

Case Studies: Oregon Ballot Measures 48 and 41 in the 2006 General Election and Measures 98 and 92 in the 2000 General Election

In this section I analyze four Oregon ballot measure campaigns — two that took place during the 2000 general election period, and two from Oregon’s general election in 2006. This section includes an analysis of the democratic implications of powerful organized and elite neoliberal interests financing ballot access and direct legislation campaigns. I chronicle and then discuss the efforts of out-of-state corporate interests and wealthy individuals using local front groups to force union and public sector advocates to expend significant financial and human resources in their defense. This study argues that private organized neoliberal interests exploit I&R’s populist origins and the continued mythology that identifies them as a citizen-inspired means to confront elites to advance their political agenda. I describe some of the political maneuvering that takes place out of the purview of the voting public regarding the language in the ballot title and explanatory statements included in the voter’s pamphlet. This section includes an argument that these early battles over language not only illustrate the importance of financial resources to compensate election attorneys, consultants, and pollsters, but that such activity demonstrates the ambiguity inherent to

ballot measures thereby increasing the importance of the political marketing efforts and the role of political consultants.

Following this, I detail the highly sophisticated political marketing operation that served as the opposition campaign to the state spending limit (48) and federal tax deduction (41) in 2006. This campaign activity is analyzed through the application of the concepts of productive surveillance, technification, and informaticization. The analysis contextualizes union and public sector groups' use of significant financial resources, political consultants, and the latest information and communication technologies and marketing techniques in their resistance to anti-union corporate-funded initiatives. While the cases in this study illustrate the effectiveness of opposition resistance to measures funded primarily by neoliberal and elite interests, the means utilized in these campaigns, as well as the entire campaign process and exercise itself, reflect the triumph of the core functional and ideological principles of neoliberalism, and the co-optation and virtual capture of the system of direct legislation by moneyed interests. Accordingly, this chapter will present an analysis of campaign processes that identifies the embeddedness of an industrialized, market-centered ideology and functionality in direct legislation campaigns. In like manner, I consider the ramifications of I&R campaigns approaching voters not as citizens, but as consumers in the manner of exchange relations. In addition, based primarily on the presentation of information detailed in the opposition's campaign plan, I call into question the claims of Tolbert and Smith (2004) regarding I&R's secondary effects on political knowledge, civic engagement, and civic participation. I argue that capital-

intensive direct legislation campaigns essentially compel union and public sector advocates to electioneer in a manner that undermines approaches that might foster the elements of strong democracy as defined by Barber (1984) and discussed in Chapter Two of this study.

This section also describes and details the campaigns regarding a measure barring the use of public resources to collect political funds (98) and a measure prohibiting payroll deductions for political purposes absent written authorization (92). Both measures are from Oregon's 2000 general election. I also briefly discuss the significance of Bill Sizemore's enterprise, and how focusing on Sizemore the person prevents a political economic structural analysis that locates Sizemore within the larger framework of the industrialization of direct democracy. Although Sizemore is a prominent figure in Oregon due to his prolific initiative activity, his financiers represent more enduring interests that will readily find others willing to act in a similar capacity should Sizemore or other similarly situated Oregon political entrepreneurs vacate their respective positions. A structural analysis will examine the funders supporting the likes of Sizemore and Russ Walker of Oregon FreedomWorks, as well as the conditions, institutional arrangements, ideology, and infrastructure that serve to advance the interests of private organized groups. And finally, I refute the professionalization thesis regarding I&R campaign consultants by offering a counterthesis from a political economic perspective that considers direct legislation campaigns as conforming to the dominant principles of neoliberalism. Key neoliberal principles include the belief that privatization is always preferable to government or

the public sector in the management of social relations. It embraces market forces, consumer choice, and personal responsibility (*caveat emptor*). And neoliberalism rejects government regulation (interference) of the flow of money.

The case studies that follow exhibit characteristics prominent in the increasingly capital-intensive ballot measure campaigns in Oregon in the first decade of the twenty-first century. First and foremost, they illustrate the continued significance of the legitimation power conferred by elections. Even with neoliberal principles ascendant in the U.S. and much of the globe, moneyed organized interests feel compelled to expend substantial resources in attempts to manage public opinion and to garner electoral victories. Ballot measures have become valuable to the public relations efforts of powerful organized efforts to legitimate the continuation of their privileged position in the U.S. and global political economy.

The Empirical Set

In this study, both statutory and constitutional measures are represented, as both have become somewhat regular features of initiative campaigns in Oregon. Proponents of tax measures have been particularly fond of constitutional amendments in an effort to protect them from the vicissitudes of legislative activity. Equally important to the present study, the four measures involve interests supportive of neoliberal capitalist principles against their political, ideological, and workplace adversaries. Oregon Measure 48 (spending limit) and 41 (federal tax deduction) in the 2006 election, and Measures 98 (public resources) and 92 (payroll deduction limitation) from 2000, pit neoliberal capitalist and elite interests that self-identify as

anti-tax and anti-government, against unions and allied groups supporting government programs and services. Additionally, the initiative campaigns discussed below involve very substantial resource expenditures. In short, these are high stakes measures, as evidenced by the contributions and expenditures, the ideological antagonists involved, their political and financial content, and the degree of media attention that they generated. And while the opposition's expenditures are significantly greater in all four measures, the resources deployed to qualify these measures for the ballot, the signature-gathering phase, were significant.

Moreover, the sources of the expenditures for these ballot measures raise questions about the populist nature of the system and the degree to which it embodies its populist and progressive origins. Equally important, to varying degrees the campaigns for the measures under examination were financed with out-of-state money. While acceptable under the law, it raises concerns as to the grassroots nature of direct democracy. Finally, all four initiatives typify what has been called the "initiative-industrial complex." These initiative campaigns show evidence of the degree to which direct legislation campaigns have increasingly become capital-intensive, technologically mediated, industrialized endeavors. In short, these four high stakes initiatives capture a good empirical set for the central research question in this study.

The TABOR Spending Limit (48) and the Federal Tax Deduction (41) Measures in Oregon's 2006 General Election

Ballot Measure 48, which sought to tie the growth in state government to increases in population and inflation, was submitted by self-identified anti-tax activists Don McIntire, Jason Williams, and Greg Howe, and financed primarily by New York developer Howard Rich (Hammond, 2006). The certified ballot title for Measure 48 read: "Amends constitution: limits biennial percentage increase in state spending to percentage increase in state population, plus inflation" (Oregon Secretary of State, 2008). Known to proponents as TABOR (taxpayer bill of rights) and successful in Colorado in 1992, the measure pits a broad coalition of public employee unions, and public advocacy groups, against anti-tax activists and interest groups based both in and out of state.

Private interests financing the measure maintained that the aim of Measure 48 was to constrain out-of-control government spending. Colorado, the only state to enact TABOR, fared reasonably well during the favorable economic circumstances of much of the 1990s, however following the recessionary period in the early 2000s, Colorado's spending for higher education fell to 47th in the nation, and the state dropped to 48th in citizens' access to prenatal care. The effects of the TABOR formula were so damaging that Coloradans voted to suspend the measure's spending restriction in a 2005 election ("Colorado's," 2005, p. B5).

Since the spending limit based on population and inflation would permit state expenditures to rise approximately four percent per year, much higher costs for

corrections, senior services, and healthcare would mean large cuts in government programs and services. The proponents of the spending limit (48) claimed the formula would force greater discipline on public sector spending. However, from the standpoint of its opponents, passage would result in devastating cuts to education, human services, and public safety, the three areas which account for approximately 94 percent of state spending in Oregon (McGee & Carbone, 2009, p. 2). It is important to note that it would also result in cuts to a union-heavy public sector workforce, as many Oregon state government workers are members of either SEIU or AFSCME, two of the largest public employee unions in the state. Additionally, in comparison to an increasingly non-unionized private sector workforce, unionized teachers, nurses, and public safety professionals would also suffer job losses and layoffs with the projected reduction of revenue in the hundreds of millions if not billions of dollars (Oregonian, 2006). Opponents argued that the primary objective of the several-state TABOR strategy of neoliberal private interests was to force significant cuts to the public sector, compel unions to expend substantial financial and human resources, and to dominate public discourse during the campaign (Wagner, personal communication, 2009; Allen, personal communication, 2008).

The TABOR measures introduced in several states represented a continuation of the efforts by conservative, libertarian, and corporate interests to defund and defame government and the public sector. The measure is superficially attractive and logical as it focuses on percentage increases in state population and inflation. However, opponents accurately point out that with healthcare costs increasing at

double-digit rates, and an increasing number of seniors as a percentage of the population, the formula inevitably underfunds state government and establishes a low baseline that becomes a liability in future years. Most noticeable in the rhetoric of former president, Ronald Reagan, and articulated by conservative activist Grover Norquist (who pledged to shrink government so much as to be able to drown it in the bathtub), the several-decade project views I&R as a productive instrument for its agenda. With laws permitting unlimited contributions and expenditures, an inconsistent campaign finance reporting system, and a populist branding of the instrument of direct legislation, moneyed interests participate with several compelling advantages.

Core principles of neoliberalism include the reduction or elimination of obstacles to the flow of capital, and the penetration of markets into spaces previously restricted or unimaginable. From the perspective of private financiers, the twenty-first century I&R need not emanate from a citizen or organization within the state's borders. Just as global financial flows, goods, and services penetrate local economies and spaces previously considered off-limits, the "grassroots" Oregon initiative is often germinated and nurtured in Washington, DC. Accordingly, what follows is a discussion of the organized interests financing the spending limit (48) and federal tax deduction (41) initiatives and the subsequent campaigns.

Money in Initiatives I: The TABOR Spending Limit (Measure 48) in Oregon's**2006 General Election**

Chief petitioners for Measure 48, Jason Williams and Don McIntire, were listed as the founding members of the Taxpayers Association of Oregon (TAO), which advertises itself as a watchdog for Oregon taxpayers (Taxpayer Association of Oregon Web site, 2009). The organization has been involved in several initiative campaigns in Oregon and was actively involved in the successful opposition campaign to Ballot Measure 30 in 2004. Measure 30 sought to increase taxes on corporations and individuals to prevent cuts to state services and was defeated by over 200,000 votes in a February 2004 special election (see information below on FreedomWorks and Measure 30) (Ballotpedia, 2009).

According to their web site, the TAO creates and distributes reports on purported government waste, sends Oregon elected officials a “no new taxes” pledge to sign, and maintains a web site, Oregon Watchdog, that serves as an information clearinghouse and recruiting tool for the organization. Although the self-identified founders of TAO were the official chief petitioners of the spending limit (48) during the successful signature-gathering stage, an out-of-state group, Americans for Limited Government (ALG), was responsible for 94 percent of the funding for that effort with contributions totaling \$943,077. In addition, ALG provided \$730,672 or 52.2 percent of the total financing for the subsequent campaign in support of Ballot Measure 48. Another national anti-tax group based in Washington D.C., Americans for Tax Reform (ATF), provided 4 percent of the funding with approximately \$40,000 in

contributions, while TAO contributed less than 1 percent, with \$2,194 (Money in Politics Research Action Project, 2006).

The Taxpayer Association of Oregon is one of a growing number of front organizations financed by national corporate, conservative, and libertarian ideological interests. The National Taxpayer's Union, Americans for Tax Reform, FreedomWorks and other similar national groups create and preserve these state affiliates to foster the perception that state and local political activities have a community-based, grassroots imprimatur. With state voters generally suspicious and even resentful of out-of-state groups and/or individuals funding efforts for local change, a public relations effort to counter this perception is a rational strategy. Although corporate public relations efforts to build the façade of localism have a lengthy history, with the expansion of globalization, transnational corporate interests have become especially attuned to the need to foster the perception of community-based, local embeddedness. Therefore, corporate and neoliberal interests with the experience and resources to present their ambitions and activities as local, arguably maintain a structural advantage within a system of direct legislation that is generally perceived as a citizen-inspired, local enterprise. With this in mind, next I describe the key national groups financing the spending limit (48) in Oregon's 2006 general election.

Americans for Limited Government (ALG) is a national libertarian political advocacy group headquartered in Virginia and lists a plethora of "free market" causes as its focus (Americans for Limited Government, 2008). In 2006, ALG contributed

significantly to efforts to get TABOR on the ballot in states including: Maine, Nebraska, Michigan, Missouri, Montana, Nevada, and Oklahoma. ALG's efforts to qualify petitions for the 2006 ballot were ultimately only successful in Oregon, Maine, and Nebraska. Despite the successful TABOR campaign in Colorado in 1992, it was defeated in all three states in 2006 (Ballotpedia, 2008). Nevertheless, electoral defeat does not signify failure for interests employing I&R with multiple strategic objectives. Thus, both the spending limit (48) and federal tax deduction (41) forced union and public sector actors to expend significant financial and human resources throughout the campaign process. This not only drains union coffers for these particular campaigns, it exacts a tremendous opportunity cost as candidate campaigns and affirmative ballot measure efforts go wanting and/or fall by the wayside. Moreover, the campaigns provide for repetition of neoliberal principles concerning the superiority of market forces, privatization, and the demonization of government, unions, and the public sector. I&R campaigns represent opportunities and spaces for private and corporate interests to promulgate neoliberal polemics and policy prescriptions.

The Center for Public Integrity (a nonprofit investigative journalism organization funded by foundations and individuals) wrote that in 2005, 99 percent of the \$5.4 million in contributions to ALG, a self-identified grassroots group came from only three prominent donors (Hogan, 2006). Howard Rich, the chairman of ALG, is a board member of the libertarian think tank the Cato Institute, the Club for Growth (a so-called free market advocacy group), head of the Club for Growth State Action

PAC, and founder of U.S. Term Limits. Rich has also been a key financier of several land use measures including Oregon's Ballot Measure 37²² in 2004 which was the most prominent and successful attack on Oregon's storied 30 year-old land use system since its inception (Moyers, 2006). In the 2006 election cycle, of the \$7.2 million raised to support Measure 37-like land use measures in Arizona, California, Idaho and Washington, \$5.7 million or 79 percent of the total came from tax-exempt organizations and entities connected to Howard Rich (Gibson, 2006).

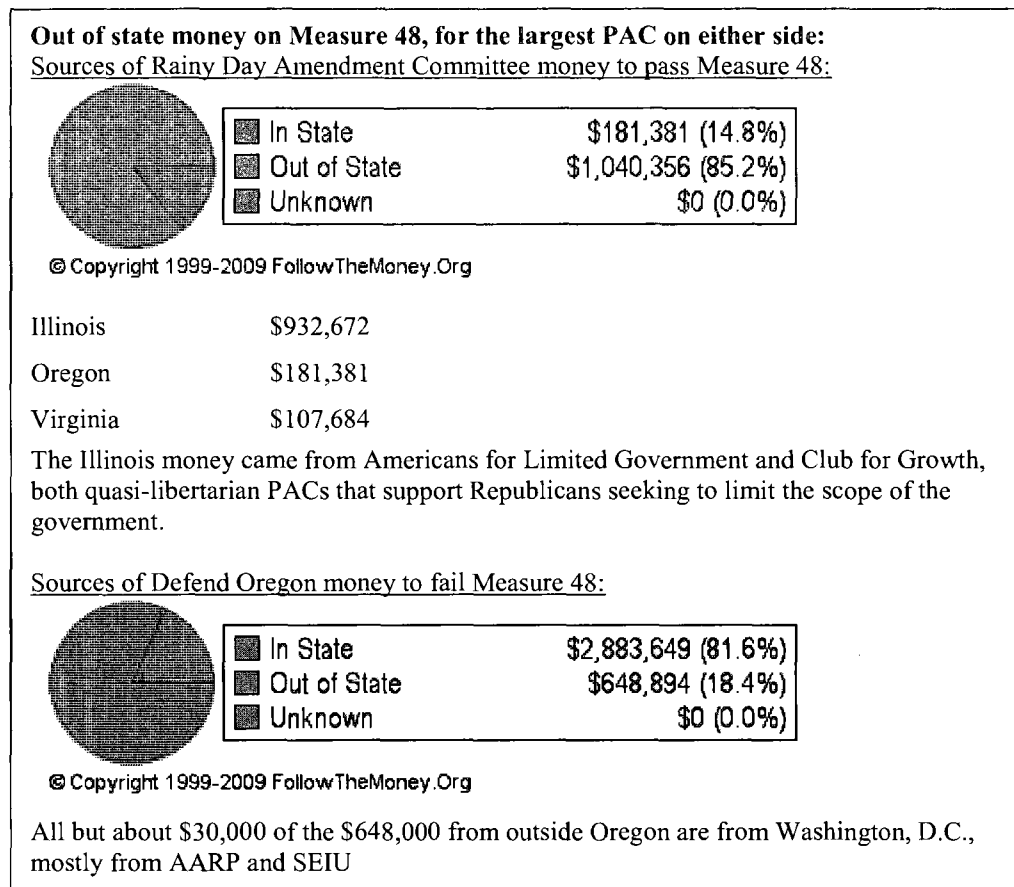
As a 501(c)(4) nonprofit advocacy organization Americans for Limited Government is not required to publicly disclose the identities of its donors. This is in stark contrast to the laws concerning political action committees and those regulating political candidates. ALG justifies its nondisclosure policy on its web site explaining that "legislatures routinely find ways to jab at those who stand for more limited, accountable government, it is common — even traditional — for individuals to contribute privately to such causes" (Gibson, 2006). In their article describing what they refer to as "veiled political actors," Smith and Garrett compare such front groups to "Russian matryoshka dolls, where each layer is removed only to find another layer obscuring the real source of money" (Garrett & Smith, 2005).

Gibson argues that as Congress has moved to limit unlimited so-called "soft money" contributions (i.e. contributions to organizations and advocacy groups), bankrolling ballot initiatives has been on the increase. States seeking to regulate political advocacy by organizations with nonprofit status face First Amendment challenges. In 2000, the nonprofit group California Pro-Life Council sued the state of

California claiming that the state could not force campaign contribution and expenditure disclosure for initiative campaigns. However, reflecting the importance of the identification of financiers of ballot measure campaigns, the 9th U.S. Circuit Court of Appeals rejected the organization's claim citing the significance of the issues before voters in I&R elections, the large amounts of money spent, and the need for voters to have information about the funders of measures. Included in the court's decision was the argument that: "Given the complexity of the issues and the unwillingness of much of the electorate to independently study the propriety of individual ballot measures, we think being able to evaluate who is doing the talking is of great importance" (Gibson, 2006).

As mentioned earlier in this study, efforts by interests involved in ballot measure campaigns to conceal their identities have been present since the first elections in the early twentieth century. And it was not until the 1920s, well after one of the most historically active I&R periods, that some states began requiring initiative committees to file contribution and expenditure reports (Ellis, 2002; Garrett & Smith, 2005). In the wake of post-Watergate reforms that sought to enhance disclosure of campaign funders at all levels, two strategies emerged in I&R campaigns. One was to delay disclosure so that significant contribution and expenditure information was not revealed until after the election (Smith, 1998; Garrett & Smith, 2005). The second has been to invent populist sounding or euphemistic committee names.

Figure 4, Contributions to Measure 48, 2006 Election



Source: Wetherson, 2006.

A 501(c)(4) such as Americans for Limited Government is “used as a conduit through which financial contributions can flow undetected to the issue committees officially registered with a state’s campaign finance disclosure agency” (Garrett & Smith, 2005, p. 309). A 501(c)(4) corporation can engage in unlimited lobbying, which includes efforts relating to ballot measures, as well as in electioneering activities. The only restriction for electioneering activities is that it cannot be the corporation’s primary activity.

The use of front groups, or veiled political actors, runs counter to the claims that I&R campaigns increase political knowledge, and it calls into doubt the quality of increased political discussion. As Garrett & Smith argue, since the courts have consistently held that restrictions on contributions and expenditures run afoul of protected speech, states (and voters) rely on disclosure as the primary means of discovering the source(s) of ballot measures and their funders. For this reason, to the extent that front groups obscure the identity of financial sources, voters are left without an important cue to assess initiatives. This is significant as the scholarly literature on decision-making in ballot measures demonstrates that since voters do not have party affiliation and other information available in candidate-campaigns, they are most likely to use third-party endorsements and information for their decisions (Bowler & Donovan, 2002; Lupia, 2001). It also fosters a false public debate as the actual interests financing the measures and campaign activities go unidentified.

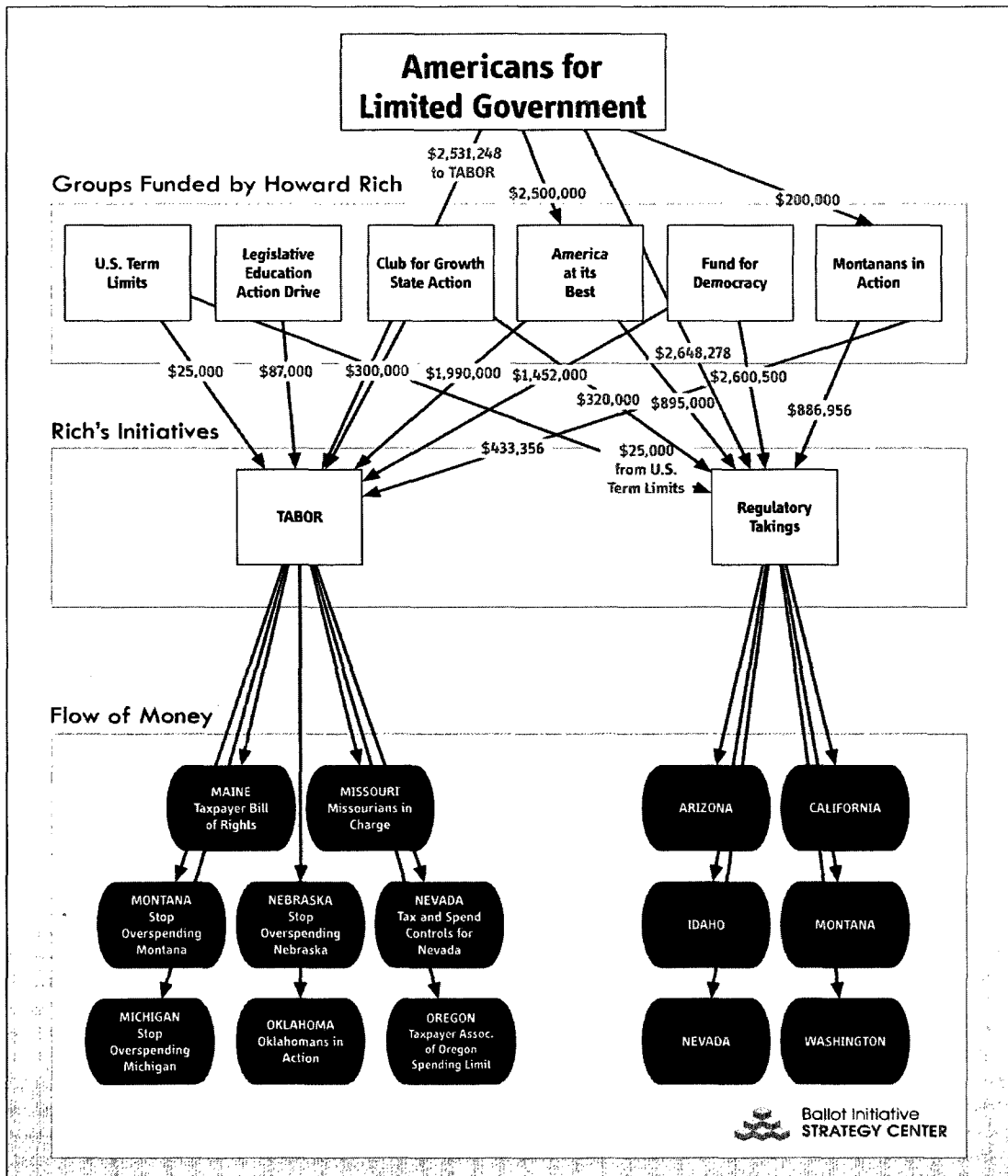
A 501(c)(3) corporation is generally a tax-deductible organization and the federal tax code forbids tax-exempt 501(c)(3) groups from engaging in political activities either in support of or in opposition to a candidate vying for a local, state, or federal office. However, this type of organization can participate directly in ballot campaigns. The legal rationale is that advocacy in an I&R campaign is considered lobbying rather than electioneering since participation in a ballot campaign influences legislation. The result is that many organized interests have both 501(c)(3) and 501(c)(4) corporations that are affiliated. This arrangement permits groups to actively participate in political elections, yet makes it difficult for voters and members of the

media to identify the financiers of such organizations. Therefore, the legal regime structuring the system of direct legislation facilitates a more or less seamless flow of capital from corporate-funded foundations, think tanks, and exceptionally wealthy individuals to campaigns, the consultants managing them, and the local front groups ostensibly representing the will of the people in the targeted state(s). Since I&R campaigns are defined as an extension of lobbying and not electioneering, interests and entities adept at raising vast sums of money to influence federal lawmakers in Washington, DC, maintain a significant advantage in their efforts to influence campaign discourse and policy at the state level (Richter, Samphantharak, Timmons, 2008). Figure 5 below is a snapshot of the capital flow among various entities affiliated with Americans for Limited Government and its chief benefactor, New York developer Howard Rich. Apart from the obvious variety and complexity of the financial flows, the significance of I&R front groups should not be underestimated.

With often-weak campaign finance disclosure enforcement, even the most civic-minded I&R voter is vulnerable to manipulation by interests seeking to hide the sources of their activities. As both commodity advertisers and public relations firms have increased in number and in their use of front groups, “astroturfing” (the practice of creating the impression of a grassroots, organic, spontaneous movement or activity) and stealth marketing (where attempts are made to conceal the fact that people are subject to a marketing effort), make corporate interests particularly well positioned to participate in direct legislation campaigns and elections where such tactics are increasingly common. Moreover, with corporate media operations expending fewer

and fewer resources toward coverage of local and state politics and investigative journalism, the burgeoning propaganda industries become increasingly powerful.

Figure 5, Groups Funded by Howard Rich/Americans for Limited Government



Source: Ballot Initiative Strategy Center. (2009).

Grover Norquist and Americans for Tax Reform

Americans for Tax Reform (ATR), a Washington D.C.-based 501(c)(4) lobbying organization headed by Republican power broker Grover Norquist provided four percent or \$40,000 of the funding for signature-gathering efforts for the spending limit (48). Norquist is an important figure in the nexus among corporate interests, initiative financing, and the neoliberal movement to weaken unions, reduce or eliminate business regulation. Norquist has been a lobbyist for Microsoft and American Express, an economist for and chief speechwriter for the U.S. Chamber of Commerce, and worked with the conservative Heritage Foundation and Newt Gingrich in the drafting of the 1994 Congressional Republican's platform known as the Contract with America. Norquist's Americans for Tax Reform was used by lobbyist and former Christian Coalition leader Ralph Reed to hide campaign contributions totaling over one million dollars from disgraced lobbyist Jack Abramhoff on behalf of his client, the Choctaw Indians (Sourcewatch, 2009A). An in-depth piece on Norquist published in *the Nation* explained, "Norquist has built a solid working alliance with the Fortune 500 corporate elite and its K Street lobbyists" (Dreyfuss, 2001). As early as 1999, Americans for Tax Reform had an annual budget over \$7 million, with approximately a third coming from forty corporations including: Microsoft, Pfizer, AOL Time-Warner, and UPS. Norquist also served on the ten-person council of the Tax Relief Coalition, which was constructed by the National Association of Wholesale Distributors, the National Association of Manufacturers, the National Association of Independent Businesses, and the U.S. Chamber of Commerce to push for tax policies

favorable for its corporate financial-backers. Financing the signature-gathering effort for the spending limit (48) in Oregon exemplifies the work of ATR's approximately 800 anti-tax state-based organizations throughout the country (Dreyfus, 2001), and demonstrates the direct link between neoliberal corporate interests and the financing of anti-union, anti-public sector ballot initiatives.

ATF was not a significant contributor to the spending limit (48) campaign following the successful signature-gathering effort. Although ATR was not a major contributor to the Measure 48 effort, the organization has played a key role in pioneering what Garrett and Smith (2005) refer to as "veiled political actors." Norquist boasted to fellow Republicans of the effectiveness of his organization in the early-1990s saying "I believe the wave of initiative elections in 1992 and 1994 paved the way for Republican electoral victories this year [1996]." The contention was based on his belief that initiatives in several states regarding term limits, cutting taxes, and anti-crime measures brought socially conservative Republicans to the polls. Whether or not it was accurate, soon thereafter, the Republican National Committee contributed \$4.6 million in soft money to ATR to promote national candidates and to broadcast issue ads (so-called issue ads avoid certain campaign finance disclosure rules by not explicitly telling viewers to vote for a particular candidate) (Garrett & Smith, 2005, p. 311).

In Oregon's 1996 election, ATR funneled money through Sizemore's Oregon Taxpayers United to finance Measure 47. Measure 47 was a successful constitutional amendment that cut property taxes and limited annual property tax increases. In

testimony from Sizemore's 2002 racketeering trial, a one-time aide to Sizemore, Becky Miller, explained that Oregon Taxpayers United would bundle the checks it had solicited in the name of Americans for Tax Reform, send them to Norquist's nonprofit, and then ATR would transfer money in a single check back to Oregon Taxpayers United. As explained by Garrett and Smith, "The process effectively cleansed the identities of the donors to Sizemore's issue committee" (Garrett & Smith, 2005, p. 312). This type of Enron-like shell game has become an increasingly common feature in global corporate capitalism as sophisticated tax schemes are used to mask profits and reduce or eliminate tax burdens (see especially Cay Johnston, 2005). Experience with such financial activity benefits corporate interests with the wherewithal and legal regimes necessary to manage the financing of campaigns. The absence of financial contribution and spending limits along with weak disclosure regimes in many states, make the system of direct legislation vulnerable to the shrouding and even concealment of I&R funders.

Another national out-of-state entity, the Club for Growth State Action PAC, was the second leading financier of the spending limit initiative (48) campaign in 2006. The Club for Growth State Action PAC provided \$300,000 for the campaign, or 21.4 percent of the total funding for the measure (Money in Politics Research Action Project, 2006). The Club for Growth State Action PAC is a 501(c)(4) and is allied with the national Club for Growth organization and the Club for Growth PAC which, according to the group's web site, advocates for "free market policy reforms" (Club for Growth, 2008). The group was founded in 1999 by Stephen Moore, who currently

sits on the editorial board of the *Wall Street Journal*, which consistently advocates for neoliberal principles (Evans, 2008).

Restore Oregon's Term Limits PAC, which contributed \$133,780, or 9.6 percent of the total funding for the Measure 48 campaign, was headed up by Paul Farago. Farago is a licensed acupuncturist, long-time political activist, and financier of the Club for Growth PAC. In addition to sitting on the board of U.S. and Oregon's Term Limits, he also sits on the board of Americans for Limited Government (Ballotpedia, 2009A) Restore Oregon's Term Limits received the bulk of its funding from the Illinois-based group, U.S. Term Limits, whose top donor is Howard Rich — the primary financier and chairman of Americans for Limited Government (Moore, 2006). U.S. Term Limits, a 501(c)(3) that lobbies for term limits nationally and has financed ballot measure campaigns in several states in the U.S., contributed \$1.24 million of the \$1.25 million for ballot measure 45 in Oregon's 2006 election. Measure 45 sought to reinstate term limits in Oregon after the Oregon Supreme Court's 2002 ruling that the 1992 initiative establishing term limits in the state was unconstitutional (Ballotpedia, 2009).

The National Taxpayer's Union (NTU), a 501(c)(3), which contributed the fourth highest sum to the spending limit (48) campaign with \$103,642 or 7.4 percent of the total, is based in Alexandria, Virginia. NTU was founded in 1969 by James Dale Davidson, and advocates for a national flat tax, elimination of the "death tax,"²³ and a constitutional balanced budget amendment. Grover Norquist of Americans for Tax Reform, served as NTU's Executive Director in the early 1980s (Ballotpedia,

2009). In addition to advocating at the national level and publishing scorecards for members of Congress on tax issues, the NTU works with local and state anti-tax organizations on ballot measures and policy issues. Listed on the NTU web site as allied taxpayer groups in Oregon include: The Cascade Policy Institute;²⁴ Oregon Taxpayers Union; Oregon Taxpayers United; Oregonians in Action;²⁵ and the Taxpayer Association of Oregon (National Taxpayers Union, 2009). NTU is funded primarily by the Olin, Scaife, and Bradley Foundations (Media Transparency, 2009).

Although ALG, U.S. Term Limits, Club for Growth, and National Taxpayers Union are distinct legal entities, the interlocking directorates and interests that dominate these groups represent powerful moneyed interests that share a neoliberal ideology and agenda. These entities active in the Oregon initiative process work to reduce the regulatory power of both state and federal government, enact tax cuts for corporations and wealthy individuals, and shift resources and power to the private sector. The Club for Growth, for example, has “more than 9,000 members yet is dominated by Wall Street financiers and executives” (People for the American Way, 2008). Working in their rational self-interest, powerful private interests have constructed an exceptionally well-funded infrastructure pressing a corporate, conservative, neoliberal philosophy and ruling framework (Media Transparency, 2009A). The use of front groups and PACs active in state I&R campaigns effectively camouflages the sources financing these efforts, and often results in campaigns appropriating populist rhetorical appeals.

As described earlier in this study, corporate, elite-interest-funded think tanks provide another layer of cover for the primary sources of funding for political activities that include ballot measures. Although both the local media and the well-funded opposition campaign to the spending limit initiative (48) exposed Howard Rich's financing of ALG and therefore the signature-gathering effort behind the measure, there was no mention of the critical role foundations and think tanks play in these efforts, let alone the corporate interests and wealthy individuals funding these influential organizations. Moreover, both the media coverage and the opposition campaign's focus was on Howard Rich the man, with virtually no discussion of the structural features undergirding these activities. Still, considering the respective missions of local newspapers and political campaign literature, there should be no expectation that such a structural analysis would or should take place. However, the consequence is that voters are left with little context lurching from election to election and ballot measure to ballot measure, with superficial knowledge of the underlying forces at work.

Domination of public discourse by market fundamentalism compels opposition groups, such as the unions and public sector supporters active in the campaigns discussed here, to defend a status quo that has been under attack for approximately four decades (Rich, 2004; Boggs, 2000). As articulated most famously by Gramsci, even in a diverse society, the norms of the dominant sector of society become naturalized as institutions commanding the greatest influence reflect the interests of the ruling class (Hoare & Nowell-Smith, 1983). To the extent that public discourse is

dominated by neoliberal principles promoting privatization and the superiority of the market, public sector interests are placed on the defensive. From the perspective of interests financing efforts to weaken unions and the public sector, I&R's reputation as a populist mechanism representing a counterbalance to powerful, entrenched interests makes it an ideal instrument to advance such a message.

The Taxpayers Association of Oregon PAC was the fifth largest contributor to the spending limit Measure (48) in Oregon's 2006 general election (Money in Politics Research Action Project, 2006). As mentioned previously, 94 percent of the Taxpayers Association of Oregon's PAC funding came from Americans for Limited Government (ALG). The TAO PAC contributed \$90,773, or 6.5 percent of the funding to the campaign effort for TABOR (48) (Money in Politics Research Action Project, 2006). Thus, fully 97.1 percent of the total contributions to the spending limit initiative emanated from the aforementioned five, primarily out-of-state, tax-exempt lobbying groups with heavy financial investments from Howard Rich.

Arguments from the 2006 Oregon Voter's Pamphlet supporting TABOR (48) demonstrate the attractiveness of I&R as a means for private organized interests to couch its neoliberal agenda in populist rhetoric. Jason Williams of the largely ALG-funded Taxpayer Association of Oregon asserts, "Measure 48 hands Citizens the Power to Stop Overspending." And he further claims "It returns power to the people" (Oregon Secretary of State, 2006). During the course of the 2006 campaign, media accounts and editorials, as well as significant campaign expenditures by opposition groups, did reveal that Howard Rich was a key financial backer of TABOR (48) and

the federal tax deduction initiative (41), as well as Measure 45 seeking to establish term limits. Moreover, in elections during the past decade, no doubt many Oregon voters are well aware of Bill Sizemore's activities, and to a much lesser degree, Grover Norquist. Still, these individuals come and go, while the more enduring private interests that they work for and represent play a more or less permanent role in U.S. politics and elections. Yet it is these more enduring interests, as evidenced by the abundance of largely corporate-funded foundations and think tanks that are essentially invisible to I&R voters. Oregon I&R voters may be aware of Sizemore, Rich, and Norquist, but they would be hard-pressed to detail the political activities and financing emanating from the Scaife, Olin, and Bradley Foundations. And for this reason, they would be even less likely to be aware of the corporate financing of these foundations and think tanks.

The state's largest paper the *Oregonian* editorialized about the spending limit (48) on September 17, 2006 arguing:

Measure 48 is on the ballot only because New York millionaire, Howard Rich, and his anti-tax, anti-government group are using Oregon's open initiative system to press their conservative beliefs about slashing public spending. Rich and his group have put up more than one million dollars to change Oregon Law (*Oregonian*, 2006).

Newspaper editorials opposing the spending limit (48) in part attest to the ability of having a well-funded opposition campaign, and in this particular instance the wherewithal to target newspaper editorial boards throughout the state. As documented below, the union-based Defend Oregon Coalition opposing TABOR (48) and the

federal tax deduction Measure (41) had newspaper editorial boards as a specific element of their overall communications plan. Displaying the utility of campaign experience, and more importantly sufficient financial resources, the campaign had specific hired positions for those in charge of producing and disseminating literature for editorial boards (known as press packets) and creating and maintaining relationships with members of the media. One would be hard pressed to find amateur, purely citizen-based groups with the savvy and resources for similarly effective advocacy.

Nevertheless, despite the successful tactics of the union coalition and its ability to raise significant funds for their opposition campaign, the union and public sector coalition's campaign activities represents more of a triumph of the very hegemonic political, ideological, and economic principles the coalition and other public sector groups seek to counter. Those principles consist of the penetration of the market, commercialism, technification, deregulation, entrepreneurship, consumer choice and personal responsibility. As described earlier in Chapter Two of this study in reference to the works of Habermas, Chomsky, and especially Gramsci in his discussion of hegemony, participation in the processes that reproduce hegemonic ideology constitutes a form of ideological control. For Gramsci and Habermas, the elaborate structure of liberal democracy that includes courts, parliaments (the legislative branch), and elections, creates a façade of freedom and popular control by “educating” the citizens in the legitimacy of the existing set of social relations (Femia, 1987; Habermas, 1975). Union and public sector interests are now firmly ensconced in the

political spectacle (Edelman, 1988) that is the twenty-first century I&R. The result has been the creation of a more or less permanent fundraising and campaign entity — Our Oregon — extensive use of information and communication technologies of political control (Sussman, 2005), a political marketing infrastructure consisting of consultants and vendors specializing in the entire array of campaign activities and functions, expertise in pseudo-events, soundbite communication, evocative messaging, ongoing relationships with corporate media enterprises, and the ability to fashion a successful campaign that addresses citizens in the manner of exchange relations focused on short-term electoral victory. The very principles and ideology of an increasingly privatized, market-centered, individualistic political economy are essentially embedded in and reproduced by I&R electioneering activities of public sector interests.

Technological Determinism

The dominant discourse concerning information and communication technologies used in political campaigns is that they are neutral tools. As neutral tools available for an I&R campaign, it is firmly up to the user(s) to either use technologies wisely or poorly, effectively or ineffectively, for good or for ill. A corollary to this is the belief that technological change and advancement is inevitable, overwhelmingly positive, and that it is usually the result of sometimes random and often unexpected discoveries by lone scientists or hobbyists in a lab or garage. Apart from ignoring the historical, political, and cultural contexts within which all technologies are envisioned, incentivized, manufactured, conceived, and ultimately used, these predominant beliefs

typically reinforce a third largely unexamined perspective concerning technology that is *technological determinism*.

Technological determinism refers to the notion that the driving force for social and historical change is technological change, and that technology is typically the determinative force in a cause and effect relationship. Technological deterministic beliefs and explanations dominate our public discourse. “The internet is killing the newspaper industry.” “The cellphone caused the car accident.” Despite appearing to contradict the principle that technologies are neutral tools, the controlling discourse regarding cause and effect often favors a technological deterministic narrative.

The prevailing dominant theory of information and communication technologies views the extensive use of sophisticated technologies in the campaign to oppose the spending limit (48) and federal tax deduction (41) measures as a demonstration of not only the successful use of the latest in campaign-related instruments and techniques, but the level playing field that is the initiative campaign. Moreover, it would lead to the conclusion that the victory of public sector and union interests exhibits the triumph of the Defend Oregon and Our Oregon project. Yet such a view ignores the larger political economic forces constituting these information and communication technologies and their utilization in I&R campaigns.

The dial-tester, database technology, GIS mapping, and other instruments and techniques have been envisioned, researched, manufactured, and shaped and honed by corporate, commodity-producing and retailing entities primarily for sales and marketing applications in the commercial sector. Such techniques and technologies

construct voters/citizens as targets/consumers by approaching them in the manner of private exchange relations. The technologically-mediated campaign demonstrates that elections and politics have increasingly become exercises in public relations and "spin" focused primarily on the production of language manipulation, evocative imagery, and the targeting of segmented groups with discrete understandings of the measures. In contrast to the grassroots politicking and neighborhood, small-group, and even one-on-one engagement that is foundational to building a strong democracy as defined by Barber (1984), and emblematic of I&R, the very public sector and union groups potentially benefiting the most from such democracy-building activities, have adopted the methodologies of the very interests they seek to resist.

The federal tax deduction initiative, Ballot Measure 41 in Oregon's 2006 election, was another high-profile, high stakes initiative provoking an intense struggle between rivals with several heated campaigns under their respective belts. Below I chronicle key contribution and expenditure data for the chief proponents and opponents of the federal tax deduction Measure (41) as well as provide relevant information concerning the sources of those funds.

Table 3, Notable Expenditures in the 2006 Ballot Measure Election

<u>Notable Expenditures in the 2006 Ballot Measure Election</u>		
Data is grouped by PAC, not by PAC and measure, so while only groups that worked on Measures 41 and 48 are included, the following figures represent all their work, not just their work on Measure 41 or 48.		
Rainy Day Amendment Committee		
\$386,788.00	PATRICK MEDIA	10/05/06
\$382,788.00	PATRICK MEDIA	10/16/06
\$150,000.00	PATRICK MEDIA	10/20/06
\$39,309.77	PATRICK MEDIA	10/27/06
\$18,513.20	ART4ORM	10/11/06
\$16,085.00	ART4ORM	10/03/06
\$826.00	ART4ORM	08/21/06
\$524.00	ART4ORM	10/10/06
<i>Total spent on media and political consulting: about \$950,000</i>		

Source: Oregon Secretary of State, 2009.

Money in Initiatives II: Measure 41 in Oregon's 2006 General Election

The ballot title for the federal tax deduction (41) in Oregon's 2006 general election read: "Allows income tax deduction equal to federal exemptions deduction to substitute for state exemption credit" (Oregon Voter's Pamphlet, 2006). The chief petitioners for the federal tax deduction Measure (41) were Russ Walker, who was at the time of the election director of the Oregon chapter of Citizens for a Sound Economy (now FreedomWorks) and Carol and Abner Bobo, residents of Oregon City, Oregon. The Bobos have been longtime allies of Sizemore and sponsors of conservative ballot measures that his operation has placed on the ballot. The federal tax deduction (41) would have changed how the state of Oregon calculates income taxes. Measure 41 sought to permit filers to take a tax deduction equal to the amount deducted on federal taxes. The voter's pamphlet explanatory statement clarified that

passage of the measure would result in a loss of money to the state's general fund, and that the shortfall would increase in subsequent years. Opponents repeated the claim that the retroactive measure would mean an approximate loss of \$150 million dollars to the state's general fund annually (Oregon Voter's Pamphlet, 2006). Reflecting the neoliberal principles of the corporate-funded front groups, and similar to the Measure 48 spending limit, the revenue loss from the federal tax deduction would force reductions in the public employee union workforce, and would further weaken Oregon's public sector programs and services. Proponents of the measure portrayed the federal tax deduction as a means to allow taxpayers to keep more of their hard-earned money, and argued that the government should not confiscate any more money than is necessary. The theme of the government as essentially an expropriator of taxpayer money is oft-repeated theme of the neoliberal rhetorical arsenal.

For the federal tax deduction (41) "yes" campaign, FreedomWorks (see below) contributed \$18,951 or 90.3 percent of the total contributions. The Taxpayer Defense Fund contributed \$1,525 or 7.3 percent. And Oregon Citizens for a Sound Economy contributed \$500 or 2.4 percent (Money in Politics Research Action Project, 2008). Although contribution records indicate separate umbrella PACs (political action committees that are used to collect and distribute money for more than one initiative campaign) for the federal tax deduction (41) (FreedomWorks PAC) and the spending limit (48) (RainyDay Amendment Committee), interviewees explained that money traveled back and forth among the various PACs for the federal tax deduction (41) and spending limit (48) therefore making it difficult to identify precise figures (Thompson,

personal communication, 2008; Black, personal communication, 2008; Wimmer, personal communication, 2008).

As reported in a newspaper interview with one of the chief petitioners for the federal tax deduction (41), the purported reason such a relatively small amount of money was spent for a campaign in support of the measure was because FreedomWorks wanted to focus its resources in Oregon on Ballot Measure 40 which sought to change how judges are elected. Opponents claimed that the paltry expenditure for the federal tax deduction measure (41) is evidence that the primary goal of the measure was to force unions to expend resources seeking its defeat (Associated Press, 2006A). Another common reason that proponents of a ballot measure ultimately decide not to mount a vigorous campaign is polling results indicating the unlikelihood of an electoral victory (Wagner, personal communication, 2009). Regardless of the most compelling reason(s) for a limited electoral campaign, the federal tax deduction measure advanced the neoliberal agenda by placing unions on the defensive, and promulgating the argument that government is the enemy of the people, and that defunding it is at the heart of any populist project.

FreedomWorks is a 501(c)(4) national organization headed by former House Majority Leader Republican Dick Armey of Texas, which advocates for lower taxes and less government (FreedomWorks, 2008). The organization has affiliates in several states in the U.S. including a chapter in Oregon. Originally founded as Citizens for a Sound Economy, it merged with Empower America, an organization headed by 1996 Republican vice presidential candidate and former congressman Jack

Kemp, to form what is now known as FreedomWorks. Magazine magnate and former Republican presidential candidate Steve Forbes is the most prominent member of its Board of Directors (Sourcewatch, 2008).

FreedomWorks (acting at that time under its former name, Citizens for a Sound Economy (CSE)) was instrumental in the signature-gathering drive and subsequent successful campaign for Oregon's Measure 30 in 2004. Measure 30 was a referendum that overturned a \$1.1 billion tax package that had been passed by the Oregon Legislature. A national organization, CSE had a local affiliate, Oregon Citizens for a Sound Economy (OCSE). In the 2004 Measure 30 campaign, Washington, DC-based CSE sent its Oregon chapter over \$105,000, which constituted approximately 25 percent of total contributions raised by OCSE. CSE's total contributions for the OCSE Measure 30 campaign amounted to about 10 percent of the total spent for the campaign. Because of CSE's nonprofit status, Oregon voters would have had little to no idea who had contributed to this organization that was a major player in the campaign. Ultimately, documents leaked to the *Washington Post* in the late 1990s showed that the millions of dollars in contributions to CSE that had ostensibly come from its quarter of a million members had actually flowed from large corporate interests such as Exxon, U.S. Sugar, Qwest, Microsoft, and Philip Morris, as well as the Scaife, Lynde and Harry Bradley, Olin, and Koch Family Foundations (Garrett & Smith, 2005, pp. 313, 314).

Another organization that was active in supporting the federal tax deduction (41) was the Center for Union Facts, a Washington D.C.-based front group created by

Berman & Co., a public relations firm responsible for a host of such front groups representing corporate interests. The Center spent over \$1 million for radio, television, and print advertisements in Oregon, Michigan, Montana, and Nevada during the 2006 election cycle. The aforementioned states all had advertisements that were widely viewed as anti-labor since they criticized the level of taxpayer-support of public employee pensions, wages, and benefits. The executive director of the Center, lobbyist Richard Berman, explained that the group's decision to place advertisements in Oregon and other states during the 2006 election period was influenced by the initiatives on the ballot. In an article on the subject, Berman stated that the ballot measures "were a factor but not a controlling factor" in the decision to place advertisements in Oregon and other states with anti-public employee union measures. However, in a separate article Berman explained that the group's anti-union advertisements would only run in states with an initiative process. In Oregon, the advertisements, which targeted public school teachers, appeared in the cities of Eugene, Portland, Medford and Klamath Falls. Don McIntire, one of the chief petitioners for the spending limit (48), explained that although his campaign was not connected to Berman's group, he was delighted that Center for Union Facts advertisements were airing in Oregon (Hogan, 2006, August 25; Wright, 2006, August 22).

Financial support for the Center for Union Facts is difficult to identify, although executive director Berman explained that approximately \$2.5 million of their support had come from private companies, trade organizations and individuals

(Chapman, 2006, February 14). Berman & Co. is responsible for creating a host of front groups and web sites ostensibly representing grassroots, issue-oriented enterprises that simply represent anti-union corporate interests primarily from the restaurant, hotel, and tobacco industries. Among a myriad of other "astroturf" groups they run, Berman & Co. created the Employment Policies Institute (EPI) complete with web site, press releases, and full-page advertisements in publications such as the *New York Times*, and disseminate an anti-labor message for its corporate clients. The name of the front group and its acronym closely resembles those of the progressive, well-established Economic Policy Institute (also EPI). Berman's EPI also owns the web site domain names "minimumwage.com" and "livingwage.com" used to discredit the politics of labor (O'Donnell, 2006; Sourcewatch, 2009). In addition to the Center for Union Facts and the Employment Policies Institute, Berman & Co. is also responsible for the Center for Consumer Freedom (formerly GuestChoice Network) funded by the likes of Coca-Cola, Monsanto, and Tyson Foods. The Center's web site explains that its mission is "devoted to promoting personal responsibility and protecting consumer choices" (Sourcewatch, 2009; Center for Consumer Freedom, 2009).

With unlimited contributions permitted for initiatives, and political action committees often adopting euphemistic and/or creative names, knowledge of the identity of measure financiers is often incumbent upon investigative reporting or an initiative's opponents illuminating the sources of the funding to the voters in their campaign communication. Thus in Oregon, voters examining contribution and

expenditure records may have come across initiative PACs with names such as these taken from Oregon elections, “We pay for all of ours, we pay for all of yours, it is too much... — yes,” and “Let’s shine a little light on ‘em and see them scamper” (Buttermore & Thompson, 2008, p. 25). Moreover, contributions, regardless of their size, that come late in a measure campaign often are not available to voters until after the election.

The federal tax deduction measure (41) is another example of an initiative that is ostensibly the work of an independent, Oregon-based group, yet in reality is largely the consequence of financing from a national corporate-funded entity. As mentioned in Chapter One of this study, groups that present themselves as independent, grassroots entities have been labeled *astroturf* groups with a metaphorical nod to the synthetic material used on athletic fields that substitutes for natural grass. The state director of Oregon FreedomWorks is Russ Walker. Walker also serves as the vice-chair of the Oregon Republican Party. Additionally, Walker was a spokesperson for the Taxpayer Defense Fund in the federal tax deduction (41) campaign (Oregon Voter’s Pamphlet, 2006).

FreedomWorks’ astroturfing activity made national news in 2004 during the Bush Administration’s effort to privatize social security. The *New York Times* reported that a FreedomWorks employee, Sandra Jacques, was introduced by the White House Budget Director Joshua Bolten as a single mom from Iowa who supported social security privatization because she wanted to be certain that her daughter would be able to retire with security. However, it was ultimately revealed

that Sandra Jacques was an employee of FreedomWorks, and the state director of “For Our Grandchildren,” a front group for social security privatization.

More recently, FreedomWorks, including the Oregon chapter, was a driving force behind the tax day tea parties that took place at many state capitals and other locations throughout the U.S. on April 15, 2009. Hoping to evoke the revolutionary nature of the iconic Boston Tea Party, FreedomWorks and two other corporate, elite-interest-funded groups organized and helped to fund these pseudo-events (Good, 2009). Experience with public relations activities such as the creation of front groups, manufacturing pseudo-events, and working to create the perception of community-based, grassroots support of one’s cause, all provide relevant experience for ballot measure campaigns. In essence, this reinforces the utility of having in place an infrastructure of financiers and organizations with the resources to mount signature gathering and other I&R campaign activities.

Contributions and Expenditures in Opposition to Measures 48 and 41

In contrast to the contributions for the proponents of the spending limit (48) and federal tax deduction (41), the majority of union contributions for the opposition campaign are more difficult to tease out since the union-heavy coalition formed an umbrella PAC, Defend Oregon, primarily to oppose both Measures 48 and 41. While the contribution total for proponents of TABOR (48) was \$1,400,895, records indicate that Defend Oregon contributions in opposing both Measures 48 and 41, total \$3,523,849 (Money in Politics Research Action Project, 2006). Although records do not provide the contribution breakdown by measure, it is highly likely, and confirmed

in interviews, that the opposition attracted and spent considerably more money than did the proponents for both the spending limit (48) and the federal tax deduction (41) (Grove, personal communication, 2008; Wimmer, personal communication, 2008).

Approximately 70 percent of the contributions for the spending limit (48) and federal tax deduction (41) opposition campaigns came from public employee unions (Money in Politics Research Action Project, 2006). The Oregon Education Association was the top contributor with \$814,031 or 23.1 percent of the total. The national chapter of the American Association of Retired Persons, the AARP, contributed \$399,712 or 11.3 percent of the total. The remaining seven unions contributing included:

Service Employees International Union Local 295 with \$295,230 or 8.4 percent; American Federation of Teacher's Issue PAC at \$275,000 or 7.8 percent; AARP Oregon at \$230,683 or 6.5 percent; Oregon American Federation of State County Municipal Employees Council 75 at \$204,513 or 5.8 percent; Oregon School Employees Association with \$201,000, or 5.7 percent; SEIU National with \$152,763 or 4.3 percent; Oregon AFL-CIO at \$90,880 or 2.6 percent (Money in Politics Research Action Project, 2006). It should be acknowledged that in contrast to the sometimes very small number of contributors to the proponents of the spending limit (48) and the federal tax deduction (41), the union and public sector interests consist of tens of thousands of individual members.

Behind the Scenes Maneuvering: Measure 41

As has become a typical pattern for initiatives in Oregon involving anti-tax activists and public employee unions, the battle was officially joined during the comment period for certification of the ballot title. In response to the proposed ballot title for Measure 41, chief petitioner Don McIntire submitted a five-page comment seeking alterations in the language in the title, the ramifications of a “yes” or “no” vote, as well as the summary of the proposed constitutional amendment. Likewise, attorneys Steve Novick (candidate in the Democratic primary for the U.S. senate in 2008) and Margaret Olney each submitted three and five-page comments on the proposed battle title, the significance of “yes” or “no” votes, as well as on the proposed summary for the voter’s pamphlet on behalf of opponents such as the Oregon Education Association. Battles over the proposed language for the voter’s pamphlet demonstrate several things regarding the initiative process.

First, as explained in an interview with one of the chief opponents of the measure, ballot titles are a valuable political asset, “the coin of the realm” in the words of this experienced politico (Nesbitt, personal communication, 2008). Ballot titles are a valuable commodity because they permit chief petitioners to raise money from interest groups and individuals in addition to permitting the signature-gathering process to begin in earnest. Petitioners and their fundraising consultants can leverage a promising ballot title into large contributions — especially if they have benchmark polling illustrating initially favorable public opinion. Second, absent a sophisticated understanding of current statutory and/or constitutional law, or more likely, the

inability to pay for the assistance of an election attorney, a citizen without prior initiative campaign experience would be hard-pressed to withstand challenges from opponents with access to such resources. Also, this jockeying for language takes place with virtually no recognition on the part of the voters. While media stories might cover the fact that a battle over language took place, more than likely such stories never make the front page or become known by the public. Moreover, the substance of such battles, although now available on the secretary of state's web site, are not likely to be seen by anyone beyond those directly involved in debate.

Finally, the time and resources spent during this period demonstrate the significance of the ballot title and the language in the voter's pamphlet. While this is certainly no surprise to both advocates and political professionals with experience in initiative campaigns, the voting public is largely ignorant that such pitched battles have even taken place. Although this may have no influence on voting behavior, it is another element of the initiative process where organized interests jockey for advantage and flex their financial muscles essentially beyond the gaze of a citizenry ostensibly controlling the process.

The federal tax deduction (41) in the 2006 general election, which pit the state chapter of a national anti-tax organization against public employee unions, also witnessed a battle over the proposed ballot title and the descriptions of the results of a "yes or "no" vote (Oregon Secretary of State, 2006). Following submission of the proposed language for the aforementioned elements of the petition signature sheets and voter's pamphlet, an attorney representing the AFL-CIO and Oregon AFSCME

filed a two-page comment seeking changes in the proposed language. Ultimately, the arguments presented by the unions' lawyers were successful in making the case that the title should clarify that the proposed measure would authorize taxpayers to replace their personal tax exemption credit with the federal deduction.

The Campaigns to Oppose Measures 48 and 41 in Oregon's 2006 Election

As detailed below, for strategic purposes, the federal tax deduction (41) was linked by its opponents to the spending limit (48) in the successful campaign to defeat both measures. The federal tax deduction (41) would have permitted taxpayers to use the same personal exemption they receive on federal taxes on their state income tax returns. The projected loss of revenue to the state's general fund per biennium (Oregon is one of a handful of states that has biennial legislative sessions) from the federal tax deduction (41) was estimated at \$400 million (*Oregonian*, 2006, p. C5). The federal tax deduction would have restricted the amount of money state government could raise through the income tax, and therefore would have resulted in the loss of public sector unionized jobs in addition to cutting programs and services.

The campaign expenditures and activities described below exhibit both the high stakes of these I&R for the groups involved, as well as the intricacy of the political marketing employed especially by the opponents of the spending limit (48) and the federal tax deduction (41). The capital-intensive initiative campaign operations detailed here illustrate the degree of sophistication and "professionalization" of this ostensibly grassroots, amateur process. The advanced political marketing strategies and techniques along with the incorporation of the

highly-developed information and communication technologies employed in these campaigns demonstrate the degree to which many initiative campaigns resemble the cycle of commodity production. There is in initiative campaigns an increasingly routine use of focus groups, advertising/branding strategies and techniques, media saturation, and a focus on voter (consumer) gratifications. The scientific management of public opinion, or to use Habermas's term, the "scientificization" of politics, includes mass customization, productive surveillance, voter segmentation, and a host of market-oriented sales regimes (Mancini & Swanson, 1996). This broader use of instrumental means to control the process of information, voter behavior, and political outcomes constructs citizens/voters as consumers/targets "addressing them within the set of social relations that have been created for other purposes" (Garnham, 1990, p. 111; Sussman & Galizio, 2003).

The scholarly literature concerning the increasing use of political consultants in I&R campaigns — "professionalization" of direct democracy — essentially naturalizes the market-oriented, technologically-mediated I&R campaigns run by political campaign operatives. The instrumental logic that views these changes as simply the result of modernization of technology ignores the larger changes taking place through neoliberalism in the economic sphere and deregulation in civil society and the public sphere (Sussman & Galizio, 2003). The professionalization thesis extant in the literature on political consultants in direct legislation compels a counterthesis that rejects the notion that the privatization and colonization of the public sphere by organized interests represents the natural order of things.

Furthermore, such a focus shifts the attention away from the neoliberal capitalist interests that have largely captured a process created to fight entrenched economic and political power. The campaign case studies reflect the escalating pace of the commodification of public life, and the increasing informaticization of the relationship between political activists and campaigners, and its effects on a progressively more depoliticized and alienated public.

Interviews with labor and public sector advocates consistently expressed their belief that they were compelled to spend large amounts of money and hire political consultants in order to defeat the measures because of the severe political damage that the initiatives would do to the public sector and their union members (Black, personal communication, 2009; Nesbitt, personal communication, 2009). Attractive and/or simplistic ballot titles, in combination with four decades of anti-government, anti-union propaganda from corporate interests necessitates union and public sector leaders to mount an aggressive response. And with I&R campaigns more and more about effective public relations activities and techniques, political operatives are used by labor to manage the resistance efforts.

Yet the scholarly focus on the political consultants themselves and the ostensible professionalization of the campaign process shifts the gaze from the enlarged industrial context within which the formal political process operates. Absent a consideration of the industrial characteristics of electioneering, the focus on professionalization appears a natural phenomenon based solely on progress and the advancement of technology (Sussman, 2005, p. 58). It ignores the penetration of

market-fundamentalism and technification of everyday life. I&R political campaigns, with the assistance of political consultants (a.k.a “spin doctors”), are becoming virtually indistinguishable from corporate public relations and commodity advertising. Yet for these reasons even the targets of corporate propaganda efforts feel compelled to respond by employing the same mind managers and using the same persuasion and marketing technologies and techniques. It also places public sector advocates and unions in a position where they must concentrate their efforts and resources on fundraising. This inevitably places already-weakened unions and a vilified public sector in the position of appealing to its often financially insecure union employees for monetary support. Union and public sector leaders describe a membership that is often fatigued and suffers from low morale as the biennial campaign cycle reproduces hard-hitting anti-union rhetoric, and seemingly unceasing requests for contributions from leaders to oppose another round of potentially damaging ballot measures (Wagner, personal communication, 2009; Allen, personal communication, 2009).

According to internal campaign documents for the coalition in opposition to the spending limit (48) and the federal tax deduction (41), approximately \$100,000 was spent for a June focus group, a benchmark poll, tracking polls, dial testing analysis, and so-called “robocalls” (robocalls refer to automated phone calls using a computerized autodialer and computer-delivered recorded message). Robocalls (automated, computer-generated phone calls) represent one of several communication technology-applications that have been adopted by political campaigns) and telephone banks (Defend Oregon, 2006). An expenditure for paid staff to run the campaigns

totaling approximately \$91,000 included payment for the following positions:

outreach director, education and business community organizer, civic organizer, deputy campaign manager, communications director, and fundraising assistant.

Finally, advertising and communications costs totaling approximately \$1.85 million included: \$1.46 million for television advertising, \$203,500 for television production, \$106,000 for direct mail, \$38,000 for community event mailings, and \$34,500 for television advertisements in response to the proponent's efforts (Defend Oregon, 2006).

The level of campaign specialization and the division of labor suggests an industrial model wherein campaign workers perform discrete tasks and somewhat standardized functions following a model perfected over several election cycles. Still, the overwhelming majority of the campaign expenditures are reserved for mediated discourse consisting primarily of 30-second broadcast advertisements.

Interviews with advocates and consultants active in I&R campaigns discussed in the present study revealed that a post-campaign debriefing involving the consultants, financiers, and advocates active in the campaigns had become standard practice. With repeat measures on the ballot typically involving the same dueling combatants, the post-election debriefing has become a valuable means to discuss successful and unsuccessful campaign tactics and strategies (Wimmer, personal communication, 2008; Allen, personal communication, 2009; Wagner, personal communication, 2009). To provide some insight into the inner-workings of a well-

funded opposition initiative campaign, what follows is a summary of the campaign plan debriefing of November 15, 2006.

For the November 2006 election, the first polling conducted by the opposition to the spending limit (48) and federal tax deduction (41) occurred in the first week of August 2006. The results of the polling “helped craft our message,” according to the campaign director Phil Donovan, who explained that:

To be seen as a credible source of information, we know that three things are necessary: a broad-based coalition, local spokespeople that represent a variety of livelihoods and political affiliations, and funding from sources other than labor unions (Donovan, personal communication, 2008).

The August polling informed the opposition that shoring up the base of Democrats and independents in the most liberal counties in the state, Multnomah and Lane, was an initial priority. In discussing the ultimate objectives of the campaign, in addition to successfully linking the spending limit (48) and federal tax deduction (41) and ensuring their defeat, the campaign manager identified a second priority to “Win convincingly in order to send a message to out-of-state interests that Oregon is not a place where they can expect to advance their right wing agenda” (Donovan, personal communication, 2008).

A view widely circulated among public sector political campaign veterans in Oregon is that I&R has become an effective means by which private corporate and neoliberal interests strategically fund initiative campaigns in states such as Oregon. Even if a majority of multi-state initiative efforts fail at the ballot box, the payoff in

discovering another issue such as the successfully constructed property tax revolt that begin with California's Proposition 13 in 1978, is enormous.

The outreach plan included a concerted effort to get endorsing organizations to direct their members to the Defend Oregon Web site to sign on as "Defenders of Oregon" so that the campaign could use those individuals' names in newspaper advertisements to illustrate the support of local members of the community. Equally important for the campaign was obtaining the email addresses of supporters for future communication as well as for the solicitation of campaign contributions. The effort included identifying people who would sign their names to letters to the editor that would be written by the campaign's consultants.

Such efforts reflect the presence of a more or less permanent infrastructure for I&R campaigns. After several election cycles fighting repeat measures threatening the public sector and its union members, the Defend Oregon Coalition fully anticipates reconstituting itself in the next election cycle and therefore incorporates fundraising activities into every available campaign activity. Furthermore, similar to techniques employed by commodity advertisers, invitations to "participate" in an activity often disguise what Andrejivic refers to as *productive surveillance*. Here a campaign supporter may willingly reveal a name and an email address to exhibit local support, yet for the campaign the greater value lies in the contact information for future financial solicitations.

Another campaign tactic was the organization of six events that would take place between September and October outside of the heavily populated Portland and

Eugene areas. In order to drum up support for the events, targeted households received robocalls and direct mail invitations. Individuals attending these meetings viewed a slickly produced DVD advocating opposition to both measures. In the post-election wrap up, the campaign manager suggested that for future campaigns the location of these constructed local events should be based on “media markets more than anything else” to maximize their impact. In addition to communicating with voters attending the event, an additional function was to obtain media coverage to demonstrate local support for the campaign.

Grove Insight, a polling and communications firm in Portland, Oregon, conducted the public opinion research for the campaign. A focus group in June 2006 was convened which was used “primarily to help us determine how to talk about Measure 41” (Defend Oregon, 2006). Additionally, Grove Insight conducted an August Benchmark poll, dial tests for television advertisements, and three tracking polls in the final weeks of the campaign (Defend Oregon, 2006). Costs for each were listed as: \$12,400 for the June Focus Groups; \$34,650 for the August Benchmark Poll; \$16,000 for the dial test regarding paid media; \$13,460 for the October 9 to 11 tracking poll; \$7,425 for the October 21 to 23 tracking poll; and \$11,425 for the November tracking poll (Defend Oregon, 2006). Fundraising as of November 13, 2006 was listed as \$461,209, or 20.4 percent of the total from businesses and individuals. And the remaining 79.6 percent, or \$1,797,255 from labor unions, for a total of \$2,258,465 for the “No” campaign (Defend Oregon, 2006).

In a summary entitled “strategies” at the conclusion of the post-election analysis, it was noted that the campaign was successful at reaching out to “umbrella groups” and gaining their support. The groups mentioned included business associations, industry trade groups, institutions of higher education, and other education foundations.

Neither in the report, nor in subsequent interviews with the campaign managers and staff, was there any mention of attempts to mobilize new voters or to involve individuals in the campaign who were not members of interest groups already part of the coalition. Consistent with the thesis put forth by Schier (2000) and mentioned earlier in this study, the campaign focused on activating likely voters and citizens from groups already participating in part of the campaign, rather than attempting to mobilize groups and individuals not already involved in the political process. The evidence from the campaigns against the spending limit (48) and federal tax deduction (41) demonstrate political consultants’ preference for command and control of every aspect of the effort. Volunteers are relegated to either minor roles or more commonly merely symbolic participation in what is claimed to be the most grassroots, citizen-inspired electoral system. The evidence from these campaigns reinforces Putnam’s argument that the recent rise in ballot measures is more likely the result of special interests rather than civic engagement (Putnam, 2000).

Analysis from the polling indicated that despite an almost identical measure on the ballot in Oregon’s 2000 general election (Measure 91) from the same chief petitioner, voters surveyed had virtually no recognition of this fact. According to the

pollster, “we have a lot of empty heads to fill” (Defend Oregon, 2006, p. 67).

Similarly, in discussing the need to employ a multi-pronged communications strategy, the pollster concluded: “Like we have seen with past initiatives at this point in the cycle, few beyond the chattering class are paying attention to these proposals. It’s time to wake up the base” (Defend Oregon, 2006, p. 68).

In his work on public opinion polling, Justin Lewis explains that despite the popular belief that pollsters merely report results using methodologically objective means, it is more accurate to identify their work as constructing public opinion. Public opinion polling must be seen within the framework of public relations where its use is ubiquitous. Polling, as in the case of the ballot measure campaigns under consideration here, is generally influenced greatly by the interests commissioning the poll. Thus, rather than decontextualized, open-ended questions, participants are typically used by groups seeking the most efficacious language, arguments, and symbols that they can use to persuade their target audience(s). Polling is more about opinion management than opinion discovery. In the case of ballot measures, polling may result in the identification of themes and arguments that have little to do with the substantive policies on the ballot. In this way, rather than facilitating a constructive debate on issues confronting voters, polling is just as likely to result in highly emotive campaigns using the most provocative and sensational themes and symbols. This in turn informs the critique of I&R as enhancing political knowledge and education. Political knowledge and educative effects would logically include a degree of understanding of the policy question(s) at the center of elections.

In a discussion of “persuadable targets,” the campaign’s chief pollster outlined the segmentation and targeting of groups of likely voters with the objective of matching message to demographic group. In one example, the general opposition message to both the federal tax deduction (41) and spending limit (48) concerning the potential loss of state services is further narrowed by type of service and how a loss of such services might be experienced by particular groups. Thus, “divorced, union households, high school or less, post graduates, ages 18-29, Democrats, Multnomah County Residents, Bend, Medford Residents with some college, and young women” are targeted to receive the message that Measures 41 and 48 would prevent state government from keeping low-income children on the Oregon Health Plan and out of emergency rooms. In contrast, “women, parents, singles, union households, renters, college+, younger voters, and Tri-county Independents” were to receive communication that the measures would reduce the number of parole officers to supervise released sex offenders. Furthermore, focus groups and dial-tested message construction resulted in a list of “hot language” for the coalition to consider. It included, “flawed,” “hidden fees,” “retroactive,” “too many unintended consequences,” and “if outside interests want this so badly, it can’t be good for you” (Defend Oregon, 2006, pp. 79, 80). Segmentation and targeting based on extensive data mining and analysis (taken from commodity advertising) is referred to by Gandy as the *panoptic sort* (Gandy, 1993) and is discussed in greater detail in the analysis of Measures 98 and 92. In brief, although useful to campaigns seeking to focus their

communication, its effects on campaign discourse, voter knowledge, and the public sphere are concerning.

Under the heading, “With So Many Voters in Our Persuadable Universe, This is a Made for TV Campaign,” the pollster concluded that 38 percent of the electorate is a “Measure 41 target and 32 percent of the electorate is a Measure 48 target.” Furthermore, the pollster surmised that while the data illustrated that coupling the measures and their attacks would work to the coalition’s advantage, there remained targets “Exclusive to Measure 48 — divorced Oregonians and renters,” and targets “Exclusive to Measure 41 — married women and Eugene Democrats” (Defend Oregon, 2006, pp. 86, 88).

A section toward the end of the polling brief entitled, “Voters Pamphlet Checklist,” lists 12 different groups and suggested messaging for each to include in the pamphlet that is mailed out to all households in Oregon. Examples of the polling brief’s direction on what to have in the voter’s pamphlet includes: “Credible Coloradan: To discuss the stats about 44th in nation for fixing roads, 47th in education funding, 48th in high school graduation rates, and dead last in on-time vaccination rates for children.” And another suggestion is for a “Rural healthcare provider or advocacy group: Discuss the impact on rural Oregon, specifically as it relates to healthcare for seniors and Oregon Project Independence” (Defend Oregon, 2006, p. 88).

The communications plan for the coalition in opposition to the federal tax deduction (41) and the spending limit (48) contained detailed bullet points and lists of

activities and goals for generalized categories that included: message development, voter's pamphlet statements, earned media, web and internet based tools, speaker's bureau, newsletters and other publications, and packet materials such as issue specific white papers (Defend Oregon, 2006, pp. 3, 4). In the earned media category, the press packet — a small package of materials for distribution to print and broadcast media — was to include: a fact sheet, newspaper clips from Colorado and Maine, testimonials, financial projects/graphics, and a TABOR DVD (Defend Oregon, 2006, p. 1).

Additionally, the plan included instruction to coalition members in the following areas: the content and timing of press releases and media advisories; how to pitch stories to the press and suggestions for specific outlets and types of stories most likely to be picked up, instructions for cultivating relationships with newspaper columnists, and the recommended composition of groups to meet with newspaper editorial boards.

The campaign consultants insisted that the group should include “a business leader and/or Republican, an education advocate/parent, a senior advocate, a health care advocate and a numbers person.” Under the category of “television” the campaign plan document speaks to the need to develop “B-role” (video footage favorable to the campaign for television stations), emailable graphics, and to develop “short, pithy sound bites to communicate complicated messages and answers to expected questions.” The communication director's plan for a speaker's bureau advises “All persons who the campaign looks to recruit and send out to speak on behalf of the campaign, in any capacity, shall go through some form of speaker's bureau training.”

The plan includes a day-by-day calendar of events and goals that begin August 29th

with a PTA press release, and ends with a November 4th get-out-the-vote and earned media in Portland focus. The communications plan includes over 20 pages of “talking points” and examples of several sample letters to the editor (Defend Oregon, 2006, pp. 2, 3, 4).

The Defend Oregon campaign plan to oppose the spending limit (48) and federal tax deduction (41) in Oregon’s 2006 general election reveals an exceptionally well-funded, sophisticated political marketing operation. The campaign reveals the degree to which the extension of industrial principles has penetrated what has been considered a grassroots, volunteer-heavy, and small “d” democratic activity. Instead, the evidence displays, among other industrial principles, a political marketing organization practicing market segmentation based on multivariate analysis of increasingly complex and varied information about the electorate. It includes an almost Tayloristic division of labor and standardization of campaign tasks with activities and desired outcomes mapped out months in advance. Furthermore, the campaign demonstrates specialization among a political consulting corps with everything from fundraising to earned media as a discrete category of responsibilities. The consultant-heavy operation includes a communications plan based on an extensively focus-grouped, dial and poll-tested set of themes, language, images, and talking points. With nothing left to chance, the undertaking appears to resemble a theatre production as much as a ballot measure campaign.

Still, despite the remarkable political campaign operation and ability of labor to compete with corporate interests in particular campaigns, the structure of the system

of direct legislation forces unions and citizen and public sector groups to struggle within a set of conditions constituted by a political economy based on market fundamentalism. The I&R necessitates raising vast sums of money to finance a campaign that employs political operatives whose techniques and approach are virtually indistinguishable from these of the corporate public relations practitioners their clients seek to resist. The campaigns themselves compel public sector advocates to confront not only the immediate campaign rhetoric from supporters of the measures at hand, in effect they must respond to a rhetorical environment permeated by neoliberal ideological hegemony. Over three decades of neoliberal capitalist propaganda emanating from scores of corporate-funded think tanks, lobbying enterprises, some national and state political campaigns, and a corporate-supported media, means that public sector defenders face a formidable set of exigencies in each successive campaign.

Regardless of the long-term causal factors, from the perspective of the advocates and the consultants, the primary concern remains emerging victorious in each particular election. In the 2006 campaign, the effectiveness of the Defend Oregon campaign in linking the spending limit (48) and federal tax deduction (41) was illustrated in an editorial by the *Oregonian*, where the paper argued that the measures should be spoken about together because they were "A referendum on the future of higher education and the Oregon Economy." Even more important for the opposition coalition was the repetition of campaign themes in the editorial from the state's largest newspaper: "Measures 48 and 41 are on the ballot because wealthy anti-tax activists

who live out of state and use Oregon as a political playground spent several million dollars to push and promote them" (*Oregonian* Editorial, 2006).

Ultimately, voters rejected both the spending limit (48) and federal tax deduction (41) in the November election. The spending limit (48) garnered 379,971 affirmative votes, and 923,629 negative votes (Ballotpedia, 2009). The federal tax deduction (41) also failed by a large margin, with 483,443 Oregonians in support, and 818,452 opposed. The results indicate the effectiveness of the opposition in creating a broad coalition of groups delivering consistent general messaging about the measures, while targeting specific messages to the coalition groups' different members and constituencies. Thus, the larger message about the negative financial effects of both measures, in combination with the demonization of Howard Rich and "out-of-state interests" proved effective. Also, the near universal condemnation of the measures in the mainstream media further solidified the opposition's position. Nevertheless, the Pyrrhic victory for labor at the ballot box ignores the massive resource expenditures, the opportunity cost, the rhetorical body blows that have immeasurable long-term effects, and the participation in a political marketing spectacle that have little benefit to the longer-term project of engaging citizens in a meaningful way that strengthens the public sector and union movement.

Measures 98 and 92 in the 2000 General Election

In the 2000 General Election, voters in Oregon faced a massive election ballot with 18 initiatives, 4 legislative referrals, as well as national, state, and local candidates. Among the initiatives on the ballot were Measures 98 (public resources)

and 92 (payroll deduction). Both measures were constitutional amendments and both were heavily contested in the media, which framed the campaign as one that pit well-funded initiative industrialist Bill Sizemore against public employee unions. Framing the election in this manner provided a familiar, easily accessible perspective for Oregonians following recent initiative politics. Nevertheless, it serves to shift the focus from some of the key issues concerning the measures to the easily identifiable players involved.

The ballot title for Measure 98 read: "Amends constitution: prohibits using public resources for political purposes; limits payroll deductions" (Oregon Voter's Pamphlet, 2000). Measure 92 in 2000 was also a constitutional amendment that read: "Amends constitution: prohibits payroll deductions for political purposes without specific authorization" (Oregon Voter's Pamphlet, 2000). It is worth noting here that the central concept behind both initiatives would be reprised in 2008 with Ballot Measure 64, and that Measure 92 in 2000 is virtually the same initiative as Measure 59 in 1998. (Such repeat measures have some in Oregon calling for a prohibition on substantially similar measures within a certain time period). Sizemore was also the chief petitioner for another payroll deduction limitation (Measure 59), which failed by only 22,000 votes with 48.99 percent in support and 51.01 percent opposed. Finally, an attempt using Sizemore's operation to get a similarly worded petition on the 2002 ballot failed to qualify (Oregon Secretary of State, 2009).

Viewed from a broader perspective, both measures fit within the ongoing larger neoliberal program of substantively and rhetorically assailing labor unions and

the public sector (i.e. government). As is documented below, the individuals and groups funding the public resources (98) and payroll deduction (92) campaigns consistently employ the discourse and financially support the goals of neoliberalism that include union demonization, democracy as synonymous with free markets, and the privatization of government programs and services. One explicit aim of these ballot measures was to circumscribe the means by which public employee labor unions participate in the political and electoral processes, and to advance the neoliberal political and economic agenda.

In essence, public resources (98) and payroll deduction (92) would both affect the ability of public employee unions to raise money from their members to be used for political campaigns. The payroll deduction (92) would have barred payroll deductions for political uses without employees' written consent. It would have added a section in the Oregon Constitution prohibiting payroll deductions if any of the money went for political purposes without annual express written authorization by the employee. The public resources measure (98) would have forbidden using public resources to collect union dues for political purposes. Public resources would include equipment, buildings, time on the job, supplies, etc.

Similar to the spending limit (48) and federal tax deduction (41) measures from the 2006 election, payroll deduction (92) and public resources (98) would have had significant negative impacts on the public sector and union movement. However, the focus of these measures was directly on prohibiting unions from collecting and using financial resources for campaigning and lobbying efforts. As one union member

explained, “this would have basically forced us to pass a hat around to collect contributions to pay for political campaigns and lobbying efforts” (Black, personal communication, 2009). Since unions collect money from its members using the payroll deduction, as well as using resources defined as “public” under the Measure 98 definition, unions would have been severely damaged by passage of these measures.

The ballot measure on public resources (98) and payroll deduction (92) in Oregon’s 2000 election provide evidence for the claim that initiatives are placed on the ballot not merely for purposes of changing public policy. Both public resources (98) and payroll deduction (92) fit under the category of “crypto-initiatives” as they appear to have been placed on the ballot by wealthy and corporate interests to force public employee unions to expend resources (Kousser & McCubbins, 2005). The PAC receiving contributions for the payroll deduction (92) was the “Committee to Restore Freedom in the Workplace.” A first glance at the secretary of state campaign finance records would indicate Sizemore’s Oregon Taxpayers United PAC provided 100 percent of the funding for the signature-gathering effort to place the measure on the ballot (Thompson & Wetherson, 2008). However, OTU acted as a front group for wealthy interests financing the efforts.

Although \$90,295 was spent to qualify payroll deduction (92) for the ballot, no funds were expended for the subsequent “campaign.” Similarly, the public resources (98) PAC, “No More Political Fundraising at Taxpayer Expense,” that was created to qualify the initiative for the ballot, had no expenditures during the post-qualification stage of the 2000 campaign. Public resources (98) also received the majority of its

support from Sizemore's Oregon Taxpayers United PAC. Essentially, the top contributors to the payroll deduction (92) and public resources (98) campaigns were the top contributors to Sizemore's OTU PAC for the 2000 election cycle. They included multi-millionaire and top lifetime financier of Sizemore measures Loren Parks with \$176,500 or 26.6 percent of the total. Wes Lematta, also a prolific lifetime contributor to Sizemore and founder and CEO of Columbia Helicopters at \$100,000 or 15.1 percent. Rounding out the top five contributions to the signature-gathering efforts for these measures were Sizemore's Oregon Taxpayers United Education Foundation with \$30,450 or 4.6 percent, and Seneca Jones Timber Co., and financier Carl Lindner with contributions of \$25,000 each or 3.8 percent of the total raised (Thompson & Wetherson, 2008).

Although often dismissed as merely a collection of wealthy individuals with conservative political agendas, the primary funders of these measures should be viewed within the larger neoliberal program for which they have exhibited consistent and substantial financial support. It is important to understand that the discourse and policies representing neoliberal principles do not emanate from a small group in a smoke-filled room, but rather from the enduring corporate ideology that has been predominant in the past three and one-half decades in the U.S. and increasingly globally.

It is worthwhile to note here that signature-gathering and financing activity for public resources (98) and payroll deduction (92) from the 2000 election were ultimately key evidentiary pieces in the lawsuit and subsequent conviction of

Sizemore for racketeering and forgery in 2002. The jury in the case filed by the Oregon Education Association found that signatures qualifying both measures had been forged, and that campaign finance reports and tax returns had been fraudulent (Thompson & Wetherson, 2008). Until the trial and conviction of Sizemore and some of his associates in 2002, the public was largely unaware of anything except assertions primarily from public employee unions that criminal activity had taken place. For purposes of the present study, this post-election conviction appears to have no material effect on the opposition campaign conducted by the large labor coalition which spent approximately \$4.7 million dollars opposing the public resources (98) and payroll deduction (92) measures (Thompson & Wetherson, 2008). Colonization of a plebiscitary mechanism originated by socialists, anti-monopolists, and exploited populist groups for the purpose of countering the power of wealthy interests and captured politicians, by moneyed organized interests has become so axiomatic that public employee unions and public sector groups have created Our Oregon — an ongoing organizational structure reflecting a more or less permanent campaign.

One direct result of Sizemore's operation for placing initiatives on the ballot has been the creation and cohesion of a core group of public employee unions and allied interests to oppose measures that he sponsors. From unions for nurses and teachers, to AARP and environmental groups, a coalition with similar concerns reconstitutes itself every election cycle to fight "The Initiative King" as local journalists had dubbed Sizemore (Walsh, 2008).

The Opposition to No Public Resources for Political Purposes (98) and Payroll Deduction Limitation (92)

In the 2000 election, the opposition group's political action committee (PAC) was the Coalition Against Unnecessary and Unfair Constitutional Amendments. The Coalition organized as one measure committee or PAC. The groups formed a steering committee comprised of AFL-CIO and independent unions. In addition, a campaign coordinating team was created that included: a general consultant, media consultant, pollster, direct mail consultant, outreach consultant, paid phones consultant, speaker's bureau consultant, campaign manager, communications director, earned media director, logistics and outreach director, and field director (Coalition Against Unnecessary and Unfair Constitutional Amendments [CAUUCA], 2000).

In preparation for the Fall campaign, the Coalition sponsored a benchmark survey early in the year, tracking polls in the summer months, and focus groups in all of the major media markets in the state. The information gathered resulted in a 39-page internal campaign document describing the electoral environment, important findings from the polls and focus groups, and the campaign plan overview.

The analysis of the 2000 general election campaign in Oregon detailed in the report highlighted the anticipated volume and clutter from an extraordinary election year. In addition to a presidential election, and a slew of state and local candidate races, voters in Oregon's 2000 election faced over 20 I&R. From the perspective of the pollster and general consultants, competing with the cacophony of messages meant that their particular opposition messages "must stand above the clutter of nearly \$20

million dollars of campaign advertising on other election matters” (CAUUCA, 2000, p. 29). Another important consideration for all political professionals and their clients’ campaigns in Oregon is the fact that it is an entirely vote-by-mail state. This meant, according to the campaign plan, that campaign messages would have to “stay up” for at least five weeks. Thus, campaigns seek to have their paid media efforts and other communication with voters especially active during the week prior to ballots being mailed out (approximately the second week in October), and during the entire period that ballots are in voters' homes. Equally important, it was stressed that voters needed to hear the campaign’s message early to prevent the opposition from defining the terms of the debate. This is a similar refrain in virtually all political campaigns, and it fuels the race for “early money” so that campaigns can “control the definitions” and the framing of the issues.

For the Coalition opposing public resources (98) and payroll deduction (92), part of that early definition included a command to advocates involved in the campaign to “refer to both ballot measures as 'constitutional amendments' in all contexts in order to appeal to voters’ dislike of constitutional amendments” (CAUUCA, 2000, p. 5). This focus on the potential impact to Oregon’s Constitution was also employed very successfully in the 2007 special election defeat of Measure 50, a legislative referral that would have increased tobacco taxes in Oregon. Polling and focus groups revealed that initial public opinion was more favorably disposed to supporting Measure 92 — the ban on payroll deductions — than it was toward Measure 98 — the prohibition on using public money to collect union dues. Polling and focus

groups also led opponents to conclude that Republicans and voters under 50 were the groups most likely to support Measure 98, while Democrats and older voters were most likely to oppose its passage. Through further segmentation of the electorate based on education, gender, geography, age, and party registration, the polling and focus group analysis found that supporters of Measure 98 were also more likely to be “younger and male independent voters, college graduates and those living outside the state’s five biggest counties.” Those identified as more reliable allies, or “no” votes on Measure 98 included: college graduates, individuals living in Eugene, those in union households, Democrats, and independent voters over the age of 50. Undecided voters tended to be Oregonians without college degrees and older Democrats (CAUUCA, 2000, p. 5).

Segmentation of the electorate not only facilitates targeted messaging that typically results in voters receiving different communications from the same campaign, it also serves to inform the campaign’s operatives which potential voters will be receiving any campaign communication at all. In this way, as noted by Schier (2000), activation of citizens already involved in the process tends to be the result. Just as advertisers expend the majority of their resources chasing consumers with sufficient disposable income and a record of consumption, so do technologically-mediated I&R campaigns focus their efforts and resources on citizens with a record of electoral participation. This is a logical approach, yet one that further marginalizes individuals and groups historically outside the process. It also serves as evidence in refutation to Tolbert and Smith’s claims about beneficial secondary effects of I&R.

The analysis of polling and focus groups on payroll deduction (92) presented a much greater degree of uncertainty and concern for the Coalition. Early support for the measure was very broad and fairly strong. There were no statistically significant differences in levels of support by gender or age, and there were small distinctions based on educational attainment and geography. The only group identified that started the campaign as a “no” vote for the Coalition was Democratic men over 50 living in the Portland media market. In terms of subsequent strategic recommendations for the Measure 92 campaign following the early polling and focus groups, one notable conclusion articulated in the Coalition’s campaign plan was the following:

There is no question that the fewer voters know about this measure, the better. Our campaign should spend no time defining this measure in educational terms our goal is to persuade, persuade, persuade. To this end, efforts should be made at the county level to request that only the ballot title appear on the ballot. Opposition to the measure is considerably higher both overall and among key voting blocs when only the ballot title is provided (CAUUCA, 2000, p. 9).

This statement from a campaign operative is remarkable not so much for the view that it expresses, but rather for its honesty. It captures a very rational calculation and sentiment considering that the controlling objective of a private political campaign consultant is to emerge victorious on election day to maintain current clients and as to use victories as evidence for the solicitation of new clients — both political and corporate. Still, such a comment represents the antithesis of the claim that I&R serves an educative function and that direct legislation embodies the elements of strong democracy (Barber, 1984). Rather than engaging with voters in direct conversations

about the substance of the positions, the immediate imperative of electoral victory rationalizes argument by mystification as a strategic approach to the campaign effort.

As is the case in commodity-advertising, so-called public opinion polling in I&R campaigns is primarily about extracting data to construct marketing efforts that target the very consumers providing the information. The Coalition consultants used focus groups and polling not only to locate how voters might react to particular issues and the specific ballot title, they were also used to mine data from participants on their respective responses to potential arguments both for and against the measures.

Arguments tested by the campaign's pollster and media consultants might be used in a variety of formats, including the language ultimately chosen for the voter's pamphlet. Moreover, since a fair percentage of voters in Oregon consistently report that they use the voter's pamphlet to render their decisions on I&R, advocates use polling and focus groups with the content, placement, and authorship of such statements in mind. As described in an interview with a prominent pollster and consultant, one of the favored voter surveillance techniques is the creation of a mock Oregon voter's pamphlet from which focus group participants generate data (Grove, personal communication, 2008). Participants are provided with pens to mark up the faux-voter's pamphlet (which is created to be as similar to the actual pamphlets as possible) and are asked to comment on the perceived merit and credibility of the arguments and their authors. The pollster explained that with repeat measures such as public resources (98) and payroll deduction (92) they take voter pamphlet arguments from their opponents from previous election cycles to test their respective merits. They also attempt to anticipate

any new arguments that may emanate from their opponents' campaign. Such a strategy is only available to very well-funded campaigns.

One strategic dilemma discussed in the campaign plan concerns the "limited resources" of the Coalition, and the potential linkage of the opposition campaigns to public resources (98) and payroll deduction (92). Although distinct measures from the perspective of voters, and in their controlling legal language, polling and focus group work on the measures tested the effects of priming respondents by introducing information about one of the measures before discussing the other. Participants reacted much more negatively to Measure 92 after they had heard arguments against Measure 98. According to the lead pollster, "Despite differences in ballot language between the two measures, women in particular were inclined to assume that amendment #92 [Measure 92] was 'more of the same' after having the discussions on amendment #98" [Measure 98] (CAUUCA, 2000, p. 10). Ultimately, the Coalition's direct mail and broadcast media consistently linked the measures as unfairly singling out certain individuals and groups, and that such restrictions had no place in the Oregon Constitution.

Table 4, Notable Expenditures in the 2000 Ballot Measure Election

Notable Expenditures in the 2000 Ballot Measure Election		
Data is grouped by PAC, not by PAC and measure, so while only groups that worked on Measures 92 and 98 are included, the following figures represent all their work, not just their work on Measure 92 or 98.		
Coalition Against Unfair and Unnecessary Constitutional Amendments		
\$1,000,000.00	MEDIA STRATEGIES	09/14/00
\$246,000.00	MEDIA STRATEGIES	09/20/00
\$191,000.00	MEDIA STRATEGIES	09/28/00
\$121,452.00	GROUNDSWELL COMMUNICATIONS, INC.	09/25/00
\$193,539.00	MEDIA STRATEGIES	10/11/00
\$210,692.85	M&R STRATEGIC SERVICES	10/17/00
\$217,498.69	MASTERPRINT	10/10/00
<i>Total Spent on Media and Political Consulting: \$2.9M</i>		

Source: Oregon Secretary of State, 2009

Thus the Coalition spent millions of dollars delivering consistent messages linking two ballot measures that may or may not have had truly similar substantive policy implications. With both measures going down to defeat, this turned out to be a rhetorically effective campaign strategy. Although the general claim concerning discrimination against particular individuals and groups was accurate, substantive policy differences in the two bills did exist. This calls into question the claims by Tolbert and Smith regarding the educational impact of ballot measure campaigns, and remains a fruitful area for continued research. If education is defined simply as persuasion, the thesis holds. However, if the definition of education includes the process of differentiating between substantive arguments relevant to the policy question and red herring arguments employed for purposes of winning an election, it leads to a very different conclusion about the influence of I&R.

Illustrating the command and control modus operandi of the contemporary industrialized initiative campaign, the anti-Measure 98 and 92 campaigns' communication plan continually emphasizing consistency, discipline, and coordination. Repeatedly, the terms “on message,” “consistent,” and “targeted” were used in the internal campaign plan to emphasize the desired communication strategy and execution of the plan. As described in Schier’s description of the contemporary campaign primarily employing activation rather than mobilization strategies, there was even a comprehensive and detailed plan for communicating internally with members of the groups that form the Coalition. Because the polling showed that to emerge victorious in November it was critical to activate union households and core supporting constituencies, there was a heavy focus on getting the messages to the respective memberships of the allied groups financing the campaign, in addition to an extensive get-out-the-vote (GOTV) (sometimes referred to in Oregon as mail-in-the-vote [MITV]) effort.

The campaign conducted a statewide survey of 800 likely voters, approximately 15 to 18 minutes in length, during the week of August 7, 2000. The survey's purpose was to help the campaign decide the sequencing of its focus group-generated arguments and how public resources (98) and payroll deduction (92) would be linked in their messaging. Additionally, an important purpose of the survey was to test the message concepts and language created by the campaign's media consultants. Following this, on August 16, two focus groups were convened specifically to test voter pamphlet statements. As stated directly in the campaign plan, “The goal is to

make sure that the messages from the poll are translated into language that would be considered compelling....” Consultants working for the Coalition created mock voter pamphlets to which the focus group participants would react (CAUUCA, 2000, p. 23).

Beginning in October, tracking polls of 500 likely registered voters were placed in the field on a weekly basis. The desired outcome of the polling was to assess the extent to which the advertising plan was meeting the strategic plan as outlined and “moving both our base voters and our targets.” The exact timing of the polling would be based on the number of gross rating points (GRP²⁶) the campaign had purchased for each of the measures. The goal was to make future strategic decisions based on the results of these tracking polls (CAUUCA, 2000, p. 25).

Continuous monitoring of the electorate and analysis of the efficacy of a political marketing program mirrors techniques used by private sector retailers working with public relations firms. Through the use of advanced information and communication technologies, including the myriad panoptic surveillance instruments now available, the capital-intensive initiative campaign can apply market-oriented strategies and techniques from the private sector to better manage the targeted consumers of their well-tested messages.

Polling and focus group results were provided to the media consultants to create advertising spots to be dial-test ready by late July, early August. As detailed in the campaign plan, dial-testing of the advertisements would take place on August 24. The dial-test panels are groups of 50 to 60 people assembled to test the advertising that had been developed by the media consultants “in the closest approximation to their

final form.” In an editorial comment in the campaign plan, the next sentence reads, “In other words, we intend to leave little to voters’ imaginations.” “Dummy” opposition ads were also tested in this particular session. In describing the plan for the dial-testing the pollster states that:

The first two hours of the dial test session will be dedicated to testing the ads and direct mail concepts using the dials. Individual opinions will be collected in writing. Each TV ad will be tested twice for overall persuasiveness and for believability (CAUUCA, 2000, pp. 24, 5).

Following the two-hour dial-testing session, 20 to 30 respondents were to be sent home, with the remaining voters dividing into two smaller, hour-long focus groups. The pollster explained that the full analysis of the dialed responses, written answers and focus group discussion would be provided to the campaign by August 29 (CAUUCA, 2000, p. 25).

Following the results of the dial-testing groups, tracking polls were placed in the field on a weekly basis to monitor the progress of the campaign’s messaging. As stated in the campaign document, the goal of the tracking polls was to provide data for timely strategic decisions for the advertising buys. The tracking surveys were conducted among groups of 500 likely registered voters, begun on October 2, and concluded the week of October 30, 2000. The tracking poll program was priced at \$55,000, or \$11,000 per week (CAUUCA, 2000, p. 25).

Campaigns benefit from a contemporary cultural and historical period wherein citizens of advanced industrialized countries have become increasingly conditioned to accept, and even desire, surveillance technologies, mediated communication, and what

Andrejevic calls the “promise of interactivity and productive surveillance” (Andrejevic, 2004, p. 2). Andrejevic explains that promoters of e-commerce hype the “mass customization” economy that is based on “more precise forms of consumer surveillance that allow for individualized marketing and production” (Andrejevic, 2004, p. 2). With the ubiquitous and increasing penetration of the market into spaces formerly viewed as private or off limits, and the construction of information and communication technologies facilitating for-profit enterprises in their quest to improve their ability to monitor, understand, and predict consumer behavior, productive surveillance for political campaigns becomes much easier. With an electorate perhaps not willing to read through a 10-page description of a tax measure on the ballot, but one that will gladly participate in a focus group that promises participatory interactivity (the ability to have one’s political opinions and beliefs heard by campaign decision makers and fellow citizen/voters), political consultants have exceptional access to the information they ultimately commodify and sell to their initiative clients.

According to the primary pollster for the coalition, it would be easier to persuade voters to oppose public resources (98) than it would payroll deduction (92). Moreover, the research indicated that priming voters with opposition to public resources (98) helped to persuade voters to reject payroll deduction (92). The campaign’s lead pollster then indicated that the next step of research would be to test the current advertising concepts as well as to test new messages. Finally, another goal of the subsequent dial-testing would be to consider the sequencing that would go into the campaign. In other words, in what order would campaign communication roll out

to the public? Furthermore, the pollster's analysis of the two proposed paid media budgets, either \$1.7 million or \$3.5 million, resulted in the conclusion that "only the higher budget gives our message the reach and frequency required to defeat both measures." The amount of \$200,000 was budgeted for production of both pro and con advertisements for both public resources (98) and payroll deduction (92) to be used in the August 24 dial-testing session (CAUUCA, pp. 26, 27).

The paid media campaign for the Coalition Against Unnecessary and Unfair Constitutional Amendments was grouped into five phases to begin immediately after Labor Day. The first phase, from September 5 to the 15, sought to create the foundation for opposition to public resources (98). There is recognition that the campaign would be competing for audience share with the Olympic Games that was being broadcast on NBC. The pollster and media consultants decided to begin with the attack on public resources (98) as limiting the voice of one group of Oregonians and its general unfairness. The "media buy" would be statewide, would focus on news programs, prime time, daytime, and target "people who are more concerned about politics and public affairs, older voters, and women." Phase two of the paid media campaign, September 18 to October 1, recognized the inevitable dominance of the coverage of the Olympic Games. Accordingly, advertising time on NBC would be significantly more expensive than it would typically be, and the chances would be high that other networks would have far fewer viewers. Therefore, the pollster and media consultants suggested reinforcing the initial buy and focusing on news and daytime television. In addition to beginning the radio advertising during this phase,

the plan was to buy time on cable television networks with programs oriented toward women. Nevertheless, it was anticipated that the second phase would be when the opposition's advertising would attack Measure 92 as well, "with a message that dovetails with our anti-Measure 98 approach" (CAUUCA, 2000, pp. 28, 29).

With the imperative of winning the primary goal, consultants trained in the techniques and strategies of public relations and advertising use the arguments they believe will sell the product. In the case of the opposition campaign to payroll deduction (92) and public resources (98), the commodity is a "no vote" on these measures. And based on the data mining and surveillance techniques, the most efficacious argument concerned the potential harm to charitable deductions. Although the measures as written did lead to legitimate concerns about the unanticipated prohibition on charitable deductions, the fundamental substantive arguments and positions that were actually in play were completely ignored in this strategic approach. Rather than voters confronting the primary issues surrounding unions, their lobbying and campaign spending efforts, and the political tension between capital and labor, and the public and private sectors, millions of dollars of broadcast and print advertising focused on the charitable deduction.

Phase three of the paid advertising campaign took place from October 1 to October 15. The first week focused on payroll deduction (92), with the second week linking public resources (98) and payroll deduction (92). Here it is suggested, based on its resonance in focus groups, on the negative impacts the constitutional amendments would have on charitable organizations. Another argument that was

highlighted in the paid media spots concerned the potential cost to taxpayers because of the all of the necessary bureaucracy for implementation of payroll deduction (92). The support for including this particular argument as explained in the campaign plan was “that it was particularly persuasive to older and more conservative voters whom we assume may be among the earliest mail voters in the fight against amendment #92” (CAUUCA, 2000, p. 29). Furthermore, in anticipation of radio advertisements to be run by the proponents of payroll deduction (92), the plan calls for radio advertisements targeting moderate Republicans in rural areas with the goal of cutting into proponent’s support, especially among women. The focus of the ads would be on the potential harm done to charities if payroll deduction (92) were to pass.

Phase four of the opponents’ campaign against public resources (98) payroll deduction (92) was scheduled for October 16 to 29. The plan document observes that voters will have received their ballots at this juncture of the campaign (typically around October 20) and in recognition of the cluttered airwaves of the 2000 election it was reiterated that “it is necessary to raise the emotional stakes on these two amendments to persuade voters” (CAUUCA, 2000, p. 30). Based on historical voting trends, the lead consultants stated that media buys will focus strongly on primetime and non-news programming targeting late-deciding voters who are disproportionately younger and female.

The final phase of the paid media campaign covered the October 30 to November 6 period. Based on the experience of the 2000 primary campaign, the consultants anticipated more than one-third of the ballots to be returned in the final

two days of voting. This is where the tracking polls are used to inform the specific messaging that will be highlighted since, “It is possible that late voters may respond to different messages than those who have already voted...”(CAUUCA, p. 31).

According to the consulting team constructing the campaign plan, the \$800,000-plus direct mail campaign to oppose payroll deduction (92) and public resources (98) serves a very important supplementary role to the over \$3 million paid broadcast media plan. Oregon’s vote-by-mail environment permits campaigns to get literature into voter’s hands in the very physical spaces in which they will likely cast their ballots. Obviously, the ideal for a campaign is for voters to have their direct mail pieces and messaging in hand when they are physically filling out their ballot. In the campaign plan document, the consultants reiterated the fact that while public resources (98) and payroll deduction (92) require distinct messaging, the campaign will be “artfully linking” them “for strategic reasons” since polling indicates that doing so increases the likelihood that voter’s will oppose payroll deduction (92) which is the harder sell (CAUUCA, 2000, p. 31). Polling is used to help generate demographic data and to identify undecided voters who would be targeted with persuasion mail. Coordination with other friendly campaigns would generate “targets of opportunity” that would receive persuasion mail as the campaign progresses. The lead consultants explain that the timing of the direct mail campaign is distinct from that of the electronic media program, since television and radio is used to frame the issues, while mail needs to be in the hands of voters when they are filling out their ballots.

Moreover, it is reiterated in the plan that direct mail will be used to persuade by delivering more highly targeted messages based on the voter identification program.

An extensive paid phone program was also part of the overall campaign plan to oppose public resources (98) and payroll deduction (92) as well. Both live and automated phone calls were made by a contracted vendor. According to the vendor, 234,799 calls were made over the course of one week in mid-October (CAUUCA, 2000, p. 2). A percentage of the calls sought to activate members of the Coalition's unions and allied groups funding the campaign. With over 20 measures on the ballot, the Coalition wanted to reduce the number of "friendly" voters skipping the targeted ballot measures.

Every sophisticated campaign plan includes an earned media plan. Earned media refers to favorable press coverage that has not been purchased. In addition to overt attempts to garner press coverage such as press conferences and meetings with editorial boards, campaigns often concoct what Boorstin labeled, *pseudo-events* (Boorstin, 1992). The primary goal of a pseudo-event is favorable press coverage, yet the hope is that it will be conveyed to the public as if the event were organic rather than staged. In an effort to supplement the significant resources spent on creating and delivering the poll and focus group-tested messages through paid advertising, campaigns spend considerable time and effort to attract media coverage in a variety of different ways. Expenditures for the Coalition opposing public resources (98) and payroll deduction (92) included a paid earned media director to coordinate and execute the plan (CAUUCA, 2000, p. 17).

A week-by-week schedule of editorial board visits, press conferences and other staged events were supplemented with letters-to-the-editor and opinion-editorial (Op-Ed) pieces crafted by the communication consultants for submission by strategically chosen spokespeople on the campaign's behalf. The focus of the field campaign was to train spokespeople who could articulate the message in local community forums. In addition, a primary goal of the field campaign was to "assist the earned media team by monitoring local papers and news outlets and serving as individuals to write letters to the editor, etc." Moreover, it was stated that the field team should "provide names of people to assist the earned media team in letters-to-the-editor, editorial board visits and earned media events where bodies will be needed, like rallies, etc." Although letters-to-the-editor, opinion pieces submitted to newspapers, and posts on political blogs are not pseudo-events, they do often represent efforts by campaigns to cloak the true sources of the communication (CAUUCA, 2000, pp. 21, 22, 23).

The campaign plan described the goals of the earned media efforts as well as the means by which they would be achieved. "Educating the media" is done by developing relationships with members of the media so the campaign has as much control of the message as possible. Message development is the second part of the earned media plan and it indicates, "polling data will produce clear, persuasive messages for the campaign." Finally, the campaign sought to produce "6-7 spokespeople in each media outlet, meaning a total of 24-28 individuals" that would deliver the poll-generated and focus group-tested talking points throughout the campaign. To facilitate message discipline among its spokespersons, training sessions

were set-up in the cities of Salem, Redmond, Medford, Eugene, Portland, and Pendleton (CAUUCA, 2000, pp. 18, 19).

Message delivery also included the creation and dissemination of so-called “background packets” to members of the media. Consisting of “message sheets, talking points, descriptions of the legal impact on charities, endorsers, etc.” the goal of this “background” material is to influence how the media frame the campaign debate. For the opposition on Measures 98 and 92 campaign, packets were sent to: *The Oregonian*, *Willamette Week*, *Statesman-Journal*, *Register-Guard*, *Medford Mail-Tribune*, *Bend Bulletin*, *Albany Democrat-Herald*, *Daily Astorian*, and the East Oregonian newspapers, as well as the following broadcast media outlets: KOPB, KEX, KXL, KATU-TV, KOIN-TV, KGW-TV, KPTV, and KPDX. The timing of earned media events was set-up to coincide with the delivery of messages in the paid media effort. A week-by-week schedule of earned media events included the following:

Announce coalition – Week of August 21st

Show that the coalition opposed to these two measures is larger than just the usual suspects. We’ll highlight the charities, small businesses, and Republicans.

Paid media roll out – Week of September 4

Give a sneak preview of the first paid media spots. Also, this is Labor Day weekend and we might want to piggyback on any Labor Day rallies, etc.

Real people care – Week of September 11

Use media training backdrop to produce letters-to-the-editor.

Opt out week – Week of September 18

Press conference highlighting people who have opted out of PAC contributions but continue to support the unions.

Media blitz – Week of September 25th

Conduct statewide media blitz w/staff and spokespeople

Charitable organization week – Week of October 2

The paid media plan has the roll out of the Measure 92 spots highlighting the charitable organizations angle. We will have an event that reinforces the effects of advocates.

Second media blitz – Week of October 16th

All-out blitz to weeklies, rural radio and campus newspapers (CAUUCA, 2000, pp. 19, 20, 21).

Election Results for Measures 98 and 92 in Oregon's 2000 General Election

Both payroll deduction (92) and public resources (98) were defeated in the 2000 Oregon General Election. Payroll deduction (92) earned 656,250 votes in favor and 815,338 opposed. Measure 92 was defeated with 678,024 in support, and 776,489 opposed. Still, while the particular results may not appear surprising or noteworthy, the financing of the campaign, the sophisticated methods employed to move voters, and the entire set of processes involved in the four ballot measures discussed have important implications for understanding direct legislation in Oregon and states with an initiative system.

The goal of the discussion and analysis of Measures 48 and 41 in 2006, and 98 and 92 in 2000, has been to help address the central question: what are the democratic implications of the increased professionalization of Oregon's initiative process? And it has been animated by questions concerning the distribution and/or consolidation of power, the role of citizens and organized interests in I&R, and the increasingly visible role of political consultants. The aforementioned measures, while not representative of all measures that Oregon voters have faced from 2000 to 2008, do represent the increasing prevalence of capital and consultant-intensive initiatives in Oregon and several other states with an active system of direct legislation.

Although several studies have illustrated that spending more money in a ballot measure campaign does not necessarily equate to victory for its proponents, it remains a critically important advantage for organized interests seeking to influence the political process. Moreover, the scholarly literature is clear that greater financial expenditures by opposition campaigns does in fact equate with a higher success rate in direct legislation campaigns. Equally important is the power to set the agenda not only for public discourse, but to force opposition groups to expend finite resources.

Victory at the ballot box is certainly one goal of organized interests using the initiative process. Still, the ability to frame the debate and control public discourse constitutes an exceptionally powerful tool in a democratic nation. Evidence of the import of the agenda-setting power is the billions of dollars spent annually by moneyed interests for public relations and propaganda and the scientific management of public opinion. Thus, due to the efforts of often out-of-state groups largely financed by a single wealthy individual or a small group, Oregon's Measures 48, 41, 98, and 92 campaigns meant that opposition groups were forced to spend large sums of money in opposition, and that at least some of the public discourse was framed by those with the means to influence debate in Oregon as well as several other states in the country. Moreover, the groups and individuals financing these campaign communication efforts are often either unknown or unfamiliar to its intended audience. And as was described above, the current legal regime controlling I&R financing, in combination with often inadequate state oversight and disclosure, has contributed to the use and abuse of what Smith and Garrett (2005) have referred to as

veiled political actors. These veiled political actors further shroud in secrecy the sources of often large contributions to ballot measure campaigns.

As has been seen in the initiative campaigns considered in the present study, wealthy organized interests also have the ability not only to finance campaigns, but to instigate events and public discourse by financing a successful paid signature-gathering effort; and in Oregon that would cost between \$250,000 to \$1 million according to a recent report by Portland City Club (City Club of Portland, 2008, p. 33). As with most issues surrounding the system of direct legislation, concern about the ability of moneyed interests to buy their way onto ballot is not a new one. For several decades, the practice of paid signature gathering was banned.

In terms of political power and the ability to affect the agenda for public discourse as well as for policymaking, the capacity of wealthy interests and individuals to finance a successful paid signature-gathering effort certainly has significant democratic implications. As described by Ellis, although Oregon Taxpayer United's Bill Sizemore was defeated handily by incumbent governor John Kitzhaber by better than a two-to-one margin in the 1998 gubernatorial race, Sizemore's initiative operation permitted him and his financiers to force their political opponents to shift their considerable financial resources to defending the status quo. Moreover in 2000, despite his trouncing in the governor's race, Sizemore received more media attention in the state's leading newspaper than Oregon's federal House members, the secretary of state, and every member of the state legislature. Equally important, despite his considerable initiative activity throughout the 1990s, it was not until

Sizemore ran for governor that media outlets scrutinized the background of the state's most prolific initiative chief petitioner (Ellis, 2002, p. 93).

Still, to focus solely on personalities such as Sizemore is to miss the larger structural features and political economic context within which the system of direct legislation exists. The campaigns under consideration reflect the larger forces affecting Oregon's I&R in the early twenty-first century. In a system created to counter corporate and wealthy organized interests from fostering monopoly capitalism through control of captured legislatures, privileged private interests have now essentially colonized direct democracy, forcing labor and less privileged groups to expend valuable, limited resources in defense of their weakening position.

These case studies illustrate that although unions have learned to compete, they must do so on the opponents "home court." In a campaign and electoral regime ensconced in a neoliberal political economy, money, and the means and ability to employ sophisticated public relations and propaganda — including the use of astroturf front groups — means that labor and less privileged interests can only play defense. Using tools and techniques conceived largely with the interests and activities of capital and exchange relations as animating principles, the inheritors of the system birthed by socialists, reformers, and antimonopolists, is now firmly ensconced in the system of private exchange relations. Thus, rather than a means to counteract powerful organized interests, direct democracy is another environment co-opted by moneyed groups and elite interests using the façade of populism to dominate the public sphere, force opponents to defend their declining power, and expend their dwindling

resources. It is my hope that these case studies served to illuminate the larger structural analysis and theoretical underpinnings of a critical approach to direct democracy.

Chapter Six: Conclusions, Limitations, and Future Research

In the final chapter, I summarize the historical, theoretical, and critical approach grounding my analysis of Oregon's I&R during the 2000 to 2008 election period. I then discuss my findings and conclusions based on examination of the evidence gathered and critically analyzed during the course of my research. Finally, throughout the discussion I present limitations of the present study, as well as suggestions for future research.

The system of direct legislation has, and continues to have, a powerful influence on the political landscape of Oregon and the 23 states that provide for its use. With a few notable exceptions, scholarship pertaining to this important phenomenon had been rather late in recognizing its enormous significance. Although to a lesser extent, something analogous could have been said about academic inquiry into the nature of political campaigns and the importance of political consultants as well. However, in both areas, the output of scholarly literature has begun to reflect their political import.

Despite this, examination of the use of political consultants in direct legislation is incommensurate with its political significance in Oregon and nationally. The present study is based in part on the aforementioned premises, and therefore one of the goals of this dissertation has been to consider the democratic implications of the increased use of political consultants in the initiative process in Oregon. I wanted to contextualize “professionalization” in direct legislation by locating it within the broader political and economic transformations of our era; and to challenge the

analysis that civic engagement and political knowledge are enhanced by direct democracy. A concomitant purpose has been to develop theory regarding our understanding of the democratic implications of the increasing use of political consultants in the initiative process. In addition, the study sought to examine the use of I&R as a form of legitimation as defined most notably by Gramsci. Finally, the central question guiding the study concerns the democratic implications of the increasing professionalization of direct democracy.

Related questions animating this study have included: how does the system of direct legislation help to consolidate or distribute power among organized interests and the citizenry? Which organized interests or citizens participate in direct legislation campaigns and elections? Do initiative campaigns and elections possess distinct features increasing or diminishing their utility for organized interests seeking to possess or maintain political power? And finally, does the system of direct democracy empower the citizenry to overcome, or at least mitigate, entrenched interests in state capitals in the 24 states with a system of I&R?

Central to the research design and approach of this study is the belief that process matters. While it is important to analyze the particular policies advocated by individuals and groups, in addition to the outcomes of direct legislation elections, it is equally important and productive to examine the procedural elements of I&R.

Political campaigns and elections play an essential role in the legitimation of state power. In the United States, that includes the massive infusion of corporate capital during the election cycle — to the extent a “cycle” exists in the era of the

permanent campaign — and prime access to elected officials by way of a perpetual lobbying infrastructure in both the nation's capital as well as in the 50 state capitals in the union. Close scrutiny of four ballot measure campaigns along with examination of the 2000 to 2008 election period finds that on balance the system of direct democracy does play a useful role in legitimation of the prevailing distribution of power.

Analyses of direct legislation focusing merely on the success or failure of particular measures and the aggregate dollar amounts spent on the campaigns would support a pluralist view that I&R represents another arena for competing interests to mobilize resources in defense of its controlling agenda. In the specific case of the four initiatives investigated here, viewing campaigns strictly from the won/loss perspective, as well as the amount of resources expended during the campaigns, might even result in the belief that organized labor and public sector advocates maintain superior political and ideological power in Oregon.

However, the current study's critical approach examined direct democracy, the four initiatives, and the 2000 to 2008 election period, by contextualizing the campaigns and elections within the larger political economic conditions and by exploring the processes, activities, technologies, techniques, and public and intra-campaign discourse. The results lead to the conclusion that qualification for the ballot, regardless of how relatively easy it is in Oregon compared to other states with direct legislation, is still largely viewed as indicative of a basic level of public support. Although newspaper editorials criticized the involvement of Howard Rich and Loren Parks for bankrolling measures that qualified, the campaign discourse focused just as

much on issues concerning the content of the measures themselves. This discourse included repeated attacks on the competence of and legitimacy of public employees, as well as the corruption of labor unions (Oregon Voters Pamphlet, 2000 & 2006).

Within the dominant ideological framework that private, market-based approaches are superior to government public sector operations, attacks on labor and public employees serve a useful function for moneyed organized interests seeking to maintain a position of supremacy. Despite the fact that some of the sheen has come off I&R as voters have become aware of the bankrolling of initiatives often by out-of-state interests and wealthy individuals, the power of direct democracy as a means of legitimation is also evidenced by the dominant belief and rhetoric that it ultimately represents the will of the people. Both qualification for the ballot and electoral outcomes are generally accepted as reflecting public opinion. Although this does not mean that I&R election results are not vulnerable to claims that election outcomes were manipulated by large financial expenditures. Still, more often than not elected officials and public actors cite I&R election results as controlling and valid.

In fact, I&R election results in the four campaigns in this study — wherein labor and public sector advocates defeated corporate, elite-interest funded measures — are framed by corporate-funded front groups as evidence of the power and dominance of the labor unions and government bureaucrats. This rhetorical strategy is strengthened significantly by its authentic historical origins as a means of resistance to capital's dominance and its late nineteenth and early twentieth-centuries' capture of corrupt legislatures. And in this way, because direct democracy is still viewed as the

embodiment of a countervailing means of resistance to the prevailing powers, elite, neoliberal capitalist interests will continue to use it as a means of fostering legitimacy for its political and economic dominance.

Examination of the various components of the direct legislation process with a focus on four particular ballot measures also revealed highly sophisticated, capital-intensive, and technologically-mediated campaign operations, as well as tactics and strategies that give pause to the notion that direct legislation in Oregon in the first part of the twenty-first century is a populist, grassroots enterprise. Furthermore, analysis of the direct legislation processes and campaigns involving payroll deduction (92) and public resources (98) in 2000, and the spending limit (48) and federal tax deduction measure (41) in 2006, calls into question claims that the initiative process enhances civic engagement, political knowledge, and has beneficial secondary effects.

The present study exhibits that despite repeated research demonstrating that money is no guarantee of success at I&R ballot box, it still is, in the often-cited words of former California Treasurer Jesse Unruh, “the mother’s milk of politics.” Or in a bit more contemporary terms and specific to ballot measures, “In political campaigns, you’d always rather be the Goliath” (Hogan, D., 2002).

Analysis of four specific ballot measure campaigns from the 2000 and 2006 elections, which best illustrated the matter of money in politics, in addition to an examination of all of the initiatives confronting Oregonians from 2000 to 2008, reveals that powerful organized interests and wealthy individuals wield considerable substantive power through their use of the system of direct legislation in Oregon. In

their 2008 report on Oregon's I&R, the City Club of Portland heard testimony from dozens of advocates, consultants, and individuals involved in or familiar with initiative campaigns in Oregon. Testimony from both proponents and critics of direct legislation confirmed a \$250,000 to \$1 million cost range for groups and/or individuals seeking to qualify a petition for the ballot in Oregon (City Club of Portland, 2008, p. 33).

Campaign finance records plus interviews with participants and consultants show that qualification for the ballot itself, even with a minimal expenditure for a subsequent campaign, can be sufficient to force political rivals to expend substantial resources in response. Thus, although from 1994 to 2006 Oregon Taxpayer United's Bill Sizemore watched 9 of the 13 measures he had sponsored lose on election day; and 2 of the 4 that were successful ultimately declared unconstitutional, his organization's political opponents, Oregon's public employee unions, raised over \$26 million to oppose his funders' measures (Thompson & Wetherson, 2008, p. 2). The practice of using the initiative process for this and other non-policy purposes has become so common as to add the term "crypto-initiative" to the direct legislation vernacular to identify just such initiatives (Kousser & McCubbins, 2005).

The evidence further demonstrates that wealthy organized interests can deploy crypto-initiatives repeatedly over several election cycles. Thus in Oregon, just in the past two decades, moneyed interests financing Oregon Taxpayers United and allied groups placed several repeat initiatives on the Oregon ballot. In the 2008 general election, Measure 64, which sought to deny public employee unions from using

payroll deductions for political purposes, was essentially the same as Measure 59 in 1998, and Measures 92 and 98 in 2000. Similarly, Measure 59 in 2008, which would have permitted Oregon taxpayers to fully deduct federal taxes on state income tax forms, had confronted voters in 2006 as Measure 41, and in 2000 as Measure 91. Also, Measure 93 in the 2000 general election campaign would have required voter approval of taxes and/or fees before going into effect. Essentially the same measure was generated via OTU's enterprise in 1994 as Measure 5. Finally, Measure 60 from 2008, a proposal for teacher merit pay, had been placed on the ballot in 2000. In addition to the fact that these repeat measures, by definition, have been unsuccessful, one would be hard-pressed to locate evidence of a public outcry demanding that these issues be placed on the ballot.

Although the aforementioned repeat ballot measures failed to earn the required votes to pass, they not only forced their political enemies to expend vast resources to ensure their defeat, but they also influenced the public discourse over several election cycles. More specifically, in the 2000 campaign, a great deal of media coverage focused on OTU measures and their opponent's efforts to defeat them. To the degree that Oregon voters and the mainstream media were debating whether or not public employees were being manipulated by their union bosses, whether teachers should continue to be paid based on experience and degrees earned, and whether or not state government and its employees had grown too much, Americans for Limited Government, Americans for Tax Reform, and its allied groups and individuals were achieving important public relations victories.

A related benefit, and one that was repeated in interviews with advocates involved in the opposition campaigns against out-of-state corporate interests, concerns the tremendous opportunity cost when forced to combat what are perceived as potentially damaging measures. With the Oregon State Legislature setting budgets for public education, human services, and public safety, as well as passing the majority of legislation regulating and affecting interest groups and their members, advocates explained that resources deployed for initiative battles would have gone to candidate races. Thus, millions of dollars of campaign contributions that would have been targeted to state races including governor, statewide offices, and members of the Oregon legislature, instead were used to finance opposition initiative campaigns (Baessler, personal communication, 2008; Allen, personal communication, 2009; Wagner, personal communication, 2009; Albers, personal communication, 2008; Black, personal communication, 2008).

Also borne out by the evidence is the fact that ballot measure campaigns are sometimes constructed, financed, and shopped by national interests employing a multistate I&R strategy. A prime example is the so-called taxpayer bill of rights (TABOR) or spending limit initiative that came in the form of Measure 48 in Oregon's 2006 election. The measure made its successful national debut in Colorado in 1992 as Amendment 1. However, not long after its passage, Coloradans watched its support for higher education and other vital programs and services drop to some of the lowest per capita levels in the U.S. In 2006, along with an attempt to pass the spending limit in Oregon, Americans for Limited Government, the anti-tax group largely financed by

New York real estate developer Howard Rich, made similar efforts in: Maine, Nebraska, Michigan, Missouri, Montana, Nevada, and Oklahoma.

Similarly, in elections from 2004 to 2008, so-called regulatory takings measures financed largely by national property rights groups landed in: Oregon (Measure 37 in 2004), Arizona (Proposition 37, 2006), California (Propositions 90 in 2006 and 98 in 2008), Idaho (Proposition 2 in 2006), Washington (Initiative 933 in 2006), Montana (Initiative 154), Nevada (Ballot Question 2, 2006 and 2008), Colorado (Initiative 86 in 2006). New York Real Estate developer and multimillionaire self-described libertarian Howard Rich was a significant financier for many of these “regulatory takings” measures. “Regulatory takings” refers to the idea that government is essentially taking private property when zoning laws limit how it can be used. Although largely funded by Rich’s organizations, tax-exempt advocacy front groups such as Idaho’s “This House is My Home,” and “America at its Best” are listed as the financial sponsors of the measures (Yardley, 2006; Hoge, 2006).

This study revealed that in the four high stakes ballot measures under consideration, Oregon’s “initiative-industrial complex” was set in motion and largely financed with out-of-state money. And with a legal regime prohibiting contribution and expenditure limits for ballot measures, well-funded efforts were used to purchase ballot access and/or exceptionally sophisticated political marketing operations.

Interviews during the course of the research for the present study revealed that Oregon is perceived by some advocates and/or those familiar with the process as a state with relatively lenient requirements for interests seeking to qualify initiatives for

the ballot, as well as a state with very wide latitude for the content of both statutory and constitutional initiatives. These features make Oregon attractive for out-of-state interests seeking either to test out a ballot measure, or to include in its list for a multistate strategy.

The significance of out-of-state or national interests funding initiative campaigns is one that deserves further research and analysis. Certainly in Oregon initiative campaigns, and in a cursory look at newspaper articles and campaign literature from other states, national money for a state campaign is a popular target for I&R campaigns. Apart from nativist tendencies on the part of all electorates, is there something specific to ballot measures that increase expectations among voters that financial support should emanate from within a state's borders?

A quick search of the term "grassroots" as it pertains to politics is defined as a natural and somewhat spontaneous movement, as well as having come from a community at the local level. Early use of the term in U.S. politics is often attributed to an Indiana senator referring to the Progressive Party in 1912, "This party has come from the grass roots. It has grown from the soil of the people's hard necessities" (Fisher, D., 2006; Eigen, 2006). I would hypothesize that many voters have similar expectations of ballot measures; that they arise somewhat spontaneously and emanate from the community or local populace. The qualities attributed to the term grassroots would certainly fit with the historical origins of I&R. This would appear to be an area worthy of further research.

As discussed in Chapter Two of the present study, the literature on political consultants and what some refer to as the “initiative-industrial complex” primarily focuses on one of several areas. One concerns the significance of political professionals in what was viewed historically as a citizen-inspired, amateur process. This is an essentially technological deterministic position that new technologies have altered campaigns by necessitating individuals with greater expertise and familiarity with the new tools of the trade. Another approach argues for the “spillover” effect of a growing number of political operatives working on candidate-campaigns looking for lucrative work. Alternatively, some focus on interest groups and their respective observations of the effectiveness of employing political consultants in candidate and/or initiative campaigns. And finally, some scholars claim that political consultants themselves, with the goal of drumming up business, have begun pitching I&R ideas to potential funders (McCuan, 2001; Donovan, Bowler & McCuan, 2001; Magelby & Patterson, 1998; Schrag, 1998, Donovan et al., 2001).

Regardless of the distinct arguments put forth in the scholarly literature on direct legislation and political consultants, all of them employ a variation of a professionalization thesis. Political consultants, whether their specialty is in media, fundraising, or direct mail, are constructed in these analyses as professionals. Such a construction naturalizes what is essentially the capture of a political process by powerful organized interests. Viewing the transformation of initiative elections into extraordinarily well-financed and technologically-mediated spectacles as an inevitable and natural progression, serves to shift attention from the larger political economic

changes that have taken place over the last 30 to 40 years. The logic of neoliberalism is evident in a system without campaign finance limits, and wherein moneyed interests can purchase the most advanced political marketing tools and techniques for their efforts. The professionalization thesis legitimizes the industrialization and increasing privatization of what should arguably be one of the most public spaces in a participatory democracy, campaigns and elections. Moreover, the historical origins of I&R as a reaction to monopoly corporate power and captured, corrupt state legislatures, renders the colonization of direct legislation a particularly potent symbol of the conquest of the principles of neoliberalism.

The present study described in detail the advanced political marketing efforts utilized in the Measure 48, 41, 98, and 92 campaigns. In these technologically-mediated efforts, voters were surveilled, targeted, and largely constructed as consumers transacting a commodity purchase rather than as citizens engaged in participatory democracy. The opposition campaigns for all four measures used techniques and technologies from commodity advertising to extract pertinent data about the consumer, locate the targets of opportunity, shape communication about the nature of the product, and track the efficacy of the campaign's persuasion efforts.

Rather than efforts to democratize the political agenda, the tools and techniques of the political marketers serve to inform the campaigns as to how to most effectively construct their messages and sell their positions. The opposition campaigns to Measures 48 and 41 were grouped together not because they had substantive policy similarities, but rather to facilitate the campaign's messaging

strategy. A similar strategy was used by the opposition to public resources (98) and payroll deduction (92) albeit with a much easier case to be made as the measures were both from Sizemore's operation and dealt with similar issues. Still, one of the explicit reasons for linking the measures was to take advantage of the priming effect discovered in focus groups when arguments opposing payroll deduction (92) had followed those attacking public resources (98).

The panoptic technologies used in the measure campaigns analyzed for this study served to segment voters into discrete categories to facilitate targeted, customized messaging. Gandy and Danna have documented the increasing informaticization of relationships in everything from retail consumption to government and for profit services and have identified potential social costs to individuals and society (Gandy & Danna, 2002). Such an approach, taken from commodity advertising and commonly referred to as mass customization, arguably exacerbates the balkanization of an electorate that more and more is confining its public affairs information to individually chosen and/or tailored web sites and sources (see especially Sunstein, 2001). The political marketing techniques employed in these campaigns reflect the industrial logic and market-orientation of ballot measure politics in the twenty-first century. The microtargeting employed in the campaigns researched here permitted opponents of Measures 48, 41, 98 and 92 to construct and distribute several different voter guides with messaging unique to the targeted demographic.

While the explicit purpose of political campaigns has always been persuasion through the use of targeted messages that present one candidate or ballot measure in

the most positive light possible, while casting doubt and providing negative information on the opposition, the scientific management of public opinion is informed by exponentially greater access to information available to the well-financed political campaigns of the twenty-first century. As described in the campaign plan documents and in interviews with advocates and political operatives involved in initiative campaigns in Oregon, the breadth and depth of information available to campaigns from various private and public databases is unprecedented. Moreover, although very imperfect and only as good as the individuals and concerns supplying and analyzing the data, so-called predictive technologies and methodologies offer the potential for campaigns to more effectively profile and segment voters (and nonvoters) to more productively allocate resources and to better target their messaging. Of course it is only those interests with access to sufficient capital to purchase such information and personnel, and/or those enterprises with in-house public relations/marketing departments that can take advantage of this information and communication technology.

Tolbert and Smith (2004) present evidence that initiative campaigns serve to, among other things, increase political knowledge, discussion, and civic engagement. Based on the historical claims and aspirations of early populists and progressives advocating for I&R, examination of the secondary effects of ballot measures is a fruitful subject for further research. The present study's focus on the procedural elements of initiative campaigns including the financing, strategies, tactics, and communication, does not provide the information necessary to make an empirically-

driven judgment as to the level of political knowledge, discussion, or civic engagement of Oregon voters in the measure campaigns that are the focus of this dissertation. However, the nature of the campaigns, and the procedural elements described and analyzed in this study, should give pause to those claiming that ballot measure campaigns enhance and strengthen these important features of the democratic system.

As described in Chapter Four, when the lead pollster for the opposition campaigns, a political veteran of over two decades in Oregon, describes how voters in focus groups and opinion surveys exhibit little, if any, familiarity with ballot measures that have been before the voters several times before, it raises questions about the definition and understanding of what constitutes political knowledge. Furthermore, with information costs high, and with election ballots with upwards of 20 I&R, voters are ripe targets of opportunity for capital-intensive campaigns with the resources and information available to campaigns such as those documented in this dissertation. Todd Donovan and Shawn Bowler have argued that voters in ballot measure campaigns manage to successfully employ “soft criteria” and voting cues that result in individuals making decisions that appear to align with their political perspective (Donovan & Bowler, 2000). Still, the present study’s description of the strategies, tactics, and activities of capital-intensive campaigns lends credence to normative concerns as to whether judging voter competence and political knowledge by such criteria is sufficient. If the measurement of voter competence and political knowledge rests on whether one’s votes are consistent with past decisions and party affiliation,

and political knowledge is based on responses to general questions about politics, then what to make of populist and progressive claims that:

...when the questions go on the ballot there is general public discussion of the arguments for and against. The newspapers devote whole columns to the issues. The questions are discussed, pro and con, before chambers of commerce, boards of trade, luncheon clubs, civic leagues, women's societies, on the radio - everywhere. In this way the whole body of the voters becomes informed on public problems (Munro, 1931, p. 576).

Without holding initiative campaigns and elections to unrealistic standards based on aspirational statements of early advocates, nor demanding that ballot measure campaigns have any greater or lesser degree of efficacy than candidate-campaigns, it is necessary to view I&R within the contemporary political economic context in which it functions.

Presently, mainstream media outlets including newspapers and broadcast media are struggling to identify a business model that produces both profitability and democracy-enhancing journalism (McChesney & Nichols, 2009). Because of this, the influence of capital-intensive political campaigns both in priming media outlets for favorable coverage, and more importantly, for direct campaign-to-voter advertising, becomes increasingly significant. To this end, the present study's detailing of the sophisticated means by which organized interests run initiative campaigns merits serious consideration in any discussion as to the beneficial secondary effects of direct legislation. Moreover, while political discussion might be greater in the 24 states with I&R, the quality and content of such discussions require attention and examination.

In terms of civic engagement, Oregon campaigns and elections during the 2000 to 2008 period certainly included initiatives that fostered participation, political discussion, and increased citizens' knowledge of political issues. In 2000, State senator Ginny Burdick of Portland was the chief petitioner for Measure 5, which required criminal background checks at gun shows. This issue received a great deal of media coverage and was one that most would view as not particularly complicated to understand. On the other end of the political spectrum, Measure 36 in the 2004 election provided for a constitutional amendment defining marriage as only being between a man and a woman. Although Measure 36 was unquestionably highly controversial and exceptionally emotional and hurtful to many in Oregon's gay community, it received a great deal of media coverage and generated public discourse about the nature of marriage, government's role in personal relationships, and the significance and purpose of state constitutions. In short, both of these measures probably enhanced civic engagement.

At the same time, in Oregon during the same 2000 to 2008 election period, I&R has increasingly become a means by which powerful organized interests dominate the public sphere, force political opponents to expend significant resources, and take advantage of a direct legislation system with no financial limits on contributions and expenditures. Of the 52 I&R on the ballot during 2000 to 2008, 49 (94 percent) employed paid signature gatherers to gain access to the ballot (Oregon Secretary of State, 2009). In addition, as evidenced by the case studies from 2000 and 2006 Oregon I&R campaigns, wealthy interests can not only purchase their way onto

the ballot, but they can capitalize on the inherent ambiguity of language to facilitate their campaign communication. As described in interviews with political consultants in the course of this research, there is greater flexibility and maneuverability with ballot measures in comparison to candidate campaigns. Apart from physical features, party affiliation, and often a voting record to go along with a lengthy resume of work and life experiences, candidates tend to have more of their product already assembled. However, in ballot measure campaigns, where ballot titles, images, and symbols are the subjects under examination, political marketers have more degrees of freedom to mold and shape the commodity for sale in the marketplace.

Democratizing I&R Campaigns and Elections

What changes might be made to mitigate the colonization of direct democracy by organized interests pushing an ideological and economic neoliberal agenda? Absent a fundamental change in the federal and state legal regime controlling campaign finance, organized moneyed and elite economic interests will maintain a significant advantage in I&R campaigns and elections. Access to abundant financial resources enables economic elites to purchase ballot qualification via for-profit signature-gathering operations. Although this by no means guarantees electoral victory, as has been discussed at length in this study, it affects public discourse, the resource allocation of one's political opponents, and the ability to employ sophisticated political marketing programs and firms. Since public financing of I&R campaigns would constitute such a radical departure from the status quo, it is difficult to predict its ultimate effects. Nevertheless, to the extent that direct legislation actors

are compelled to engage voters in face-to-face discussions to obtain both the requisite number of signatures for ballot qualification, as well as during the subsequent campaign, it may result in the type of enhanced civic engagement and secondary effects articulated by Tolbert and Smith (2004) and theorized by Barber (1984).

Inflated claims about “online democracy” and the ability of the Internet to transform I&R by increasing citizen participation, transparency of the political process, and greater access to information, are to be expected in a culture that essentially deifies new information and communication technologies (Mosco, 2004; Postman, 1993; Robins & Webster, 1999). Nevertheless, states offering the motivated voter greater access, ease and timeliness to follow the financing of initiative campaigns from ballot qualification to election day, do offer a glimmer of hope for the republic. Still, even with slightly lower information costs for I&R campaigns and elections, it is unrealistic to expect that an increasingly depoliticized citizenry will spend much time online researching the financing of ballot measures through even the most user-friendly secretary of state election web sites.

One innovative and promising approach to the I&R is known as the citizen’s initiative review from the recently formed non-profit, Healthy Democracy Oregon. According to Healthy Democracy Oregon Web site, initiatives are reviewed by a panel of randomly chosen voters from across the state. Over the course of several face-to-face meetings, an 18-24 member citizens review panel hears arguments from proponents, opponents, and policy/subject area experts of measures that have qualified for the ballot. At the conclusion of the review, the citizen panel drafts a “citizens

statement” outlining findings and conclusions on the measure under review. At the time of the writing of this dissertation, Healthy Democracy Oregon was seeking legislation to have these “citizen statements” published in the Oregon Voter’s Pamphlet to supplement the explanatory statements currently published by the secretary of state (Health Democracy Web Site, 2009). Anecdotal testimony from participants has been very positive. One obvious limitation is that while citizen-participants in the panels are certainly better informed for having gone through the process, the democracy-enhancing effect on non-participants is questionable. Absent empirical data on the sought after beneficial effects of publication of the citizen’s review panels’ findings and conclusions in the Oregon Voter’s Pamphlet, it is simply premature to assess the efficacy of this approach.

In sum, although attempts to implement changes and improvements to the system of direct democracy in Oregon in other states with this option may have varying degrees of success, absent wholesale changes in the financing of I&R campaigns and elections, direct legislation will largely remain another process that has been subsumed by neoliberal capitalist principles and the organized interests financing these efforts.

The democratic implications of the so-called professionalization of the system of direct legislation are significant and varied. My hope is that the present study's critical approach to I&R inspires future research in this now-burgeoning area of electoral politics.

References

- Adams, C. (19 November 2008). Personal communication.
- Allen, K. (26 November 2008). Personal communication.
- Alliance for Better Campaigns (2003). *Broadcast Television & Campaign 2000: Millions from Ads, Seconds for Discourse*. Retrieved August 24, 2003, from: <http://www.freeairtime.org/reports/>.
- Alvarez, L. (2001, April 27). Capitol hill memo; In 2 parties' war of words, Shibboleths emerge as clear winner. *New York Times* online. Retrieved April 24, 2009 from: <http://www.nytimes.com/2001/04/27/us/capitol-hill-memo-in-2-parties-war-of-words-shibboleths-emerge-as-clear-winner.html>.
- Americans for Tax Reform (2009). *About Americans for tax reform*. Retrieved on April 26, 2009 from: <http://www.atr.org/index.php?content=about>.
- Andrews, E. (2004, December 17). Clamor grows in the privatization debate. *The New York Times*. Retrieved online April 12, 2009 from: <http://www.nytimes.com/2004/12/17/politics/17mom.html>.
- “Another day in court for Bill Sizemore” [Editorial]. (2008, October 10). Retrieved online March 6, 2009 from: http://www.oregonlive.com/opinion/index.ssf/2008/10/another_day_in_court_for_bill.html.
- Ashcraft, R. (ed.) *John Locke: Critical assessments*. London: Routledge, 1991.
- Associated Press (2006, October 27th). *Oregon spending limit draws out of state money*. Retrieved April 19th, 2009 from: <http://www.freedomworks.org/news/oregon-spending-limit-draws-out-of-state-money>.
- Baldassare, M. & Katz, C. (2008). *The coming age of direct democracy: California's recall and beyond*. Lanham: Rowman & Littlefield Publishers, Inc.
- Ballot Initiative Strategy Center. (2003, March). *A buyer's guide to ballot measures*. Retrieved March 13, 2007, from: http://bisc.3cdn.net/3b3c92757fc062e415_vcm6iv0tk.pdf.

Ballot Initiative Strategy Center. (2009). FraudMerchants. Retrieved December 2, 2008

from: http://www.stopballotfraud.org/merchant/howie_rich/.

Ballotpedia. (2008). List of Oregon ballot measures. Retrieved on August 13, 2008 from: the Ballotpedia.org Web site:

http://ballotpedia.org/wiki/index.php/List_of_Oregon_ballot_measures.

Ballotpedia. (2009). *Oregon Ballot Measure 30 2004*. Retrieved February 28, 2009 from the Ballotpedia.org Web site:

[http://ballotpedia.org/wiki/index.php/Oregon_Ballot_Measure_30_\(2004\)](http://ballotpedia.org/wiki/index.php/Oregon_Ballot_Measure_30_(2004)).

Ballotpedia (2009A). *Paul Farago*. Retrieved May 8, 2009 from the Ballotpedia.org Web site: http://ballotpedia.org/wiki/index.php/Paul_Farago.

Barber, B.R. (1984). *Strong democracy: Participatory politics for a new age*. Berkeley:

University of California Press.

Barnett, J.D. (1915). *The operation of the initiative, referendum, and recall in Oregon*.

New York: The Macmillan Company.

Barringer, F. (2004, November 26) Property rights law may alter Oregon landscape. New York Times online edition. Retrieved on April 25, 2009 from:

<http://www.honolulutraffic.com/Measure37.pdf>.

Beard, C. A. & Shultz, B. E. (1912). *Documents on the state-wide initiative, referendum*

and recall. New York: The Macmillan Company.

Bernays, E. (2004). *Propaganda*. Brooklyn: Ig Publishing.

Bjornstad, R. (2007, April 20). Measure 37 pays off for big donors. *Eugene Register Guard*. Retrieved online on April 26, 2009 from:

<http://www.oregonfollowthemoney.org/News/2007/042007EugeneR-G.htm>.

Black, J. (21 November 2008). Personal communication.

Blevins, M. (21 November 2008). Personal communication.

- Boggs, C. (2000). *The end of politics: Corporate power and the decline of the public sphere*. New York: The Guilford Press.
- Boorstin, D. (1992). *The image: A guide to pseudo-events in America*. New York: Vintage.
- Bok, D. (2001). *The trouble with government*. Cambridge, MA.: Harvard University Press.
- Bowler, S., & Donovan, T. (2000). *Demanding choices: Opinion, voting, and direct democracy*. Ann Arbor: University of Michigan Press.
- Bowler, S., Donovan, T., & Tolbert, C. (1998). *Citizens as legislators: Direct democracy in the American states*. Columbus: Ohio State University Press.
- Bowler, S., & Glazer, A. (2008). *Direct Democracy's Impact on American Political Institutions*. New York: Palgrave Macmillan.
- Braunstein, R. (2004). *Initiative and referendum voting: Governing through direct Democracy in the United States*. New York: LFRB Scholarly publishing.
- Broder, D.S. (2000). *Democracy derailed: Initiative campaigns and the power of money*. New York: Harcourt, Inc.
- Browne, C. (September, 1896). The initiative and referendum. *Arena* 16.
- Browning, G., Halcli, A., & Webster, F. (Eds.). (2000). *Understanding contemporary society: Theories of the present*. London: Sage.
- Bumiller, E., & Zeleny, J. (2008, October 23). McCain and Obama hurl broadsides at each other over taxes and jobs. *New York Times*. Retrieved February 28, 2009 from: <http://www.nytimes.com/2008/10/24/us/politics/24campaign.html?fta=y>.
- Calhoun, C. (Ed.). (1992). *Habermas and the public sphere*. Cambridge: The MIT Press.
- Cay Johnston, D. (2005). *Perfectly legal*. New York: Portfolio Trade.
- Center for Consumer Freedom (2009). About us. Retrieved on May 20, 2009 from: <http://www.consumerfreedom.com/about.cfm>.
- Chapman, K. (2006, February 14). New group launches anti-union drive. Bloomberg

News. Retrieved April 20, 2009 from:
http://www.seattlepi.com/business/259366_antiunion14.html.

Chomsky, N. (1989). *Necessary illusions: Thought control in democratic societies*. Boston: South End Press.

Citrin, J. (1996). Who's the boss? Direct democracy and popular control of government. In S. Craig (Ed.), *Broken Contract*. Boulder: Westview Press.

City Club of Portland. (1996). *Report on the initiative and referendum in Oregon*. Portland, OR.

City Club of Portland. (2008). *Making the initiative work for Oregon*. Portland, OR.

Clark, S. (1998, December). A populist critique of direct democracy. *Harvard Law Review*, 112(2), 434-483.

Coalition Against Unnecessary and Unfair Constitutional Amendments. (2000, August 1). *Campaign plan: No on #98 and #92*. Internal campaign document. Portland, OR:

Cole, M. (2002, November 10). Measure 27 died in big-dollar blitz; Opponents of labeling genetically modified food outspent backers by millions to defeat the proposal in the weeks before the election. *The Oregonian*, p. B01.

Colorado's new lesson: Limits can choke a state [Editorial]. (2005, November 3). *The Oregonian*.

Common Cause (2009). Bush and Kerry fundraisers: What have they gotten, and what do they want? Retrieved on April 26, 2009 from:
<http://www.commoncause.org/site/pp.asp?c=dkLNK1MQIwG&b=196963>.

Confessore, N. (2003, July/August). Welcome to the machine. *Washington Monthly*. Retrieved April 26, 2009 from:
<http://www.washingtonmonthly.com/features/2003/0307.confessore.html>.

Covington, S. (1998, Winter). How conservative philanthropies and think tanks Transform US policy. *Covert action Quarterly*.

Cronin, T. (1989). *Direct democracy: The politics of the Initiative, Referendum, and Recall*. Cambridge: Harvard University Press.

- Cronin, T. (1998). The paradoxes and politics of citizen initiatives. *Willamette Law Review*, 34, 733-40.
- Curry Jansen, S. (2008, January). Designer nations: Neo-liberal[sic] nation branding – Estonia. *Social Identities*. 14(1), 121-142.
- Dahl, R.A. (1971). *Polyarchy: Participation and opposition*. New Haven (CT): Yale University Press.
- Davenport, F.M. (1915, July 21). On the trail of progress and reaction in the West: The use and abuse of direct democracy – the state of Oregon. *The Outlook*, 677-684.
- Davies, P.J., & Newman, B.I. (Eds.) (2006). *Winning elections with political marketing*. Binghamton: The Haworth Press.
- Defend Oregon Coalition. (2006). *No on measures 41 and 48*. Internal campaign Document.
- Defend Oregon. (2009). *Partners in crime*. Defend Oregon Web site. Retrieved April 26, 2009 from: <http://www.nomoresizemore.com/partnersincrime.html>.
- Dempsey, H. (2007). The overlooked “Hermaphrodite” of campaign finance candidate Controlled ballot measure committees in California politics. *Southern California Law Review*. Retrieved February 27, 2009 from: LexisNexis Academic.
- Donovan, T., Bowler, S., & McCuan, D. (2001). Political consultants and the Initiative Industrial Complex. In L. Sabato, H. Ernst, & B. Larson (Eds.). *Dangerous democracy: The battle over ballot Initiatives in America*. Lanham, MD: Rowman and Littlefield Publishers.
- Donovan, P. (24 October 2008). Personal communication.
- Dreyfuss, R. (2001, April 26). Grover Norquist: 'Field Marshal' of the Bush Plan. The Nation. Retrieved April 15, 2009 from: <http://www.thenation.com/doc/20010514/dreyfuss>.

- Eaton, A. H. (1912). *The Oregon system: The story of direct legislation in Oregon: A presentation of the methods and results of the initiative and referendum, and recall in Oregon, with studies of the measures accepted or rejected, and special chapters on the direct primary, popular election of senators, advantage, defects and dangers of the system.* Chicago: A.C. McClurg & Co.
- Edelman, M. (1988). *Constructing the political spectacle.* Chicago: The University of Chicago Press.
- Edelman, M. (2001). *The politics of misinformation.* Cambridge: Cambridge University Press.
- Eigen, L. (2006). Eigen's political & historical quotations. Retrieved on April 1, 2009
From: <http://www.politicalquotes.org/>.
- Ellis, R. J., (2002). *Democratic delusions: The initiative process in America.* Lawrence: University of Kansas Press.
- Esteve, H., (2006, August 5). Saxton opposes spending limit measure. *The Oregonian*, p. C01.
- Evans, W., (2008, August, 4). Profile: Club for Growth. Retrieved on December 26, 2008 from: <http://www.npr.org/templates/story/story.php?storyId=93012519>.
- Farrell, D. M. & Schmitt-Beck, R. (2002). *Do political campaigns matter?: Campaign effects in elections and referendums.* London: Routledge.
- "Facing the facts and the future" [Editorial]. (2000, November 5). *The Oregonian*, p. G04.
- Faucheux, R. (1996, July). Campaign trends '96. *Campaigns & Elections*. p. 5.
- Feldstein, M. & Poterba, J.M. (1996). *Empirical foundations of household taxation.* Chicago: University of Chicago Press.
- Femia, J.V. (1987). *Gramsci's political thought.* Oxford: Clarendon Press.
- Fisher, D. (2006). *Activism, Inc.* Palo Alto: Stanford University Press.

- Freed, B., Sandstrom, K., & O'Brien, M. (2008, December). *Taking initiative: How corporate contributions to ballot measures pose a risk to shareholders, and why directors must oversee company political spending*. Washington, DC: Center for Political Accountability.
<http://www.politicalaccountability.net/index.php?ht=a/GetDocumentAction/i/1424>.
- Friedenberg, R. V. (1997). *Communication consultants in political campaigns: Ballot box warriors*. Westport: Praeger.
- Gandy, Jr. O. (1993). *The panoptic sort: A political economy of personal information*. Boulder: Westview Press.
- Gandy, Jr. O. & Danna, A. (2002). All that glitters is not gold: Digging beneath the Surface of data mining. *Journal of Business Ethics*, 40, 373-386.
- Garnham, N. (1990). *Capitalism and communication: Global culture and the economics of Information*. London: Sage.
- Garrett, E. (1999, June). Money, agenda setting and direct democracy. *Texas Law Review*, 1845-1890.
- Garrett, E. (1997). Perspective on direct democracy: Who directs direct democracy? *University of Chicago Law School Roundtable* 4, 17-36.
- Garrett, E. & Smith, D. (2005). Veiled political actors and campaign disclosure laws in direct democracy. *Election Law Journal*, 4(4), 295-328.
- Gerber, E. (1999). *The populist paradox*. Princeton: Princeton University Press.
- Gibson, G. (2006, November 7). *Now you don't*. The Center for Public Integrity. Washington, DC.
- Goebel, T. (2002). *A government by the people: Direct democracy in America 1890-1940*. Chapel Hill: University of North Carolina Press.
- Good, C. (2009, April 13). The tea party movement: Who's in charge? *The Atlantic*. Retrieved online May 3, 2009 from:

http://politics.theatlantic.com/2009/04/the_tea_party_movement_whos_in_charge.php.

- Graves, B. (2004). Researcher assails measure 36 tie. *The Oregonian*, p. C07.
- Grove, L. (21 November 2008). Personal communication.
- Habermas, J. (1975). *Legitimation crisis*. (T. McCarthy, Trans.). Boston: Beacon Press.
- Habermas, J. (1989). *The structural transformation of the public sphere*. (T. Burger, Trans.). Cambridge: The MIT Press.
- Hammond, B. (2006, August 28). Summoning Howie Rich. *Oregonian*. Retrieved February 28, 2009, from: http://blog.oregonlive.com/politics/2006/08/summoning_howie_rich.html.
- Haskell, J. (2001). *Direct democracy or representative government?: Dispelling the Populist myth*. Boulder: Westview Press.
- Hasen, R. (2005). Rethinking the unconstitutionality of contribution and expenditure Limits in ballot measure campaigns. *Southern California Law Review* 78(4), 885-926.
- Hedges, G. L. (1914). *Where the people rule: The initiative and referendum, direct primary law and the recall in use in the state of Oregon*. San Francisco: Bender-Moss Company.
- Heider, D. & Dietz, D. (1995). *Legislative perspectives: A 150-year history of the Oregon legislatures from 1843 to 1993*. Portland: Oregon Historical Society Press.
- Hendrick, B. (1911, July). The initiative and referendum and how Oregon got them. *McClure's magazine*, xxxvii, 3.
- Henneberg, S. (2002). Understanding political marketing. In N. O'Shaughnessy (Ed.), *The idea of political marketing*. (pp. 93-170). Westport, CT: Greenwood Publishing.
- Herman, E. S. & Chomsky, N. (1988). *Manufacturing consent: The political economy of the mass media*. New York: Pantheon Books.

- Hibbits, T. (17 November 2008). Personal communication.
- Hill, G.K. (2000, November 2). Statewide ballot measures. *The Oregonian*, p. E13.
- Hogan, B. (2006, December 21). Three big donors bankrolled Americans for Limited Government in 2005. Retrieved on December 26, 2008 from:
<http://www.publicintegrity.org/investigations/takings/articles/entry/69/>.
- Hogan, D. (2002, October 1). High stakes in play on initiatives. *The Oregonian*, p. B04.
- Hogan, D. (2000, October 10). The measures: Unions, corporations spend \$1.6 million
 To fight 3 tax-cutting proposals measures: Race gets national interest. *The Oregonian* p. A01
- Hogan, D. (2001, May 11). Property measure in court. *The Oregonian*, p. C1.
- Hogan, D. (2007, October 26). Seneca jones timber leads new anti-49 contributors. *Oregonian* online retrieved April 26, 2009 from:
http://blog.oregonlive.com/politics/2007/10/seneca_jones_timber_leads_new.html
- Hoge, P. (2006, October 5). Mogul's network bankrolls prop. 90. *SF Gate*.
 Retrieved online December 30, 2008 from:
<http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2006/10/05/MNGBOLINSB1.DTL>.
- Hoare, Q. & Nowell-Smith, G. (1983). *Selections from the prison notebooks of Antonio Gramsci*. New York: International Publishers Co.
- Initiative & Referendum Institute. (2008). *Initiative use (2008-1 ed.)*. Los Angeles. Retrieved December 30, 2008 from: the Initiative & Referendum Institute Web site: <http://www.iandrinstute.org/Oregon.htm>.
- Johnson, D.W. (2001). *No place for amateurs: How political consultants are reshaping American democracy*. New York: Routledge.
- Kazin, M. (1995). *The populist persuasion: An American history*. New York: Basic Books.
- Kellner, D. (1989). *Critical theory, Marxism, and modernity*. Baltimore: The Johns

Hopkins University Press.

Kelley, Jr. S. (1956). *Professional public relations and political power*. Baltimore: The Johns Hopkins Press.

Key, V.O., (1936). Publicity of campaign expenditures on issues in California. *American political science review*. V. 30, No. 4 (August 1936), pp. 713-723.

Kingdon, J.W. (1995). *Agendas, alternatives, and public policies* (2nd ed.). New York: Longman.

Kost, R. (2008, December 1). Bill Sizemore jailed for contempt of court. *Associated Press*. Retrieved April 26, 2009 from:
<http://www.katu.com/news/35325629.html>

Kousser, T. & McCubbins, M. (2005). *Social choice, crypto-initiatives and policy making by direct democracy*. Paper presented at the Conference on direct democracy at UC Irvine, Irvine, CA, January 14-January 15, 2005.

LaPalombara, J. G. (1950). *The initiative and referendum in Oregon: 1938-1948*. Corvallis, OR: Oregon State College Press.

Lear Center Report (2002). *Local tv news coverage of the 2002 general election*. Retrieved online March 21, 2009 from:
<http://learcenter.org/pdf/LCLNARreport.pdf>.

Lednicer, L.G. (2000, October 1). Oregon's ballot reflects a new era in politics: Initiatives keep legislators from setting the state's agenda, which some say is the intent of the system. *The Oregonian*, pp. A1, A15.

Lees-Marshment, J. (2004). *The political marketing revolution*. Manchester: Manchester University Press.

Lester, W., (2002, December 6). \$1 billion spent on TV ads for midterm races. *The Oregonian*, p. A4.

Lupia, A. & Matsusaka, J.G., (2004). Direct democracy: New approaches to old questions. *Annual Review of Political Science* 7: 463-82.

Malchow, H., (2008). *The new political targeting*. Washington, DC: Predicted Lists, LLC.

Magleby, D. B. (1984). *Direct legislation: Voting on ballot propositions in the United*

States. Baltimore: Johns Hopkins University Press.

Magleby, D. B. & Patterson, K.D. (1998, June). Consultants and direct democracy. *PS*:

Political Science & Politics, 160-169.

Mapes, J. (2008, November 23). Oregon Democrats heavily outspend GOP. *Oregonian*

Online. Retrieved November 24, 2008, from

http://blog.oregonlive.com/mapesonpolitics/2008/11/house_ds_pad_majority_on_flood.html.

Mayer, L. (2000, September 26). Associated Oregon industries backs measure 8 money

Limit. *The Oregonian*, p. A11.

Mayer, J. (2000, September 25). Measure 91: A corporate windfall. *The Oregonian*, p. A01.

Mayer, J. (2000, September 25). Measure 91 would remake tax landscape. *The Oregonian*, p. A08.

Mayhew, L.H. (1997). *The new public: Professional communication and the means of social influence*. Cambridge: Cambridge University Press.

Measure 48 would be a limit on Oregon's Future. *Oregonian*, 17 September 2006, E04.

Measures 48 and 41: Two steps backward (2006, October 22). *Oregonian*, p. C04.

Media Transparency. (2009). *National taxpayer's foundation*. Retrieved on April 26, 2009 from:

<http://mediatransparency.org/recipientgrants.php?recipientID=1129>.

Media Transparency. (2009A). *The strategic philanthropy of conservative foundations*.

Retrieved on May 17, 2009 from:

<http://mediatransparency.org/conservativephilanthropy.php>.

McChesney, R.W. (1999). *Rich media, poor democracy: Communication politics in dubious times*. Urbana, IL.: University of Illinois Press.

McChesney, R.W. & Nichols, J. (2009, March 18). The death and life of great American

Newspapers [Electronic version]. *The Nation*.

McCuan, D. S., (2001). *Grassroots democracy & the initiative wars: The professionalization of direct democracy in California*, (Doctoral dissertation, University of California Riverside, 2001).

McCuan, D. S., & Stambough, S. (2005). *Initiative-centered politics: The New Politics of direct democracy*. Durham: Carolina Academic Press.

McGee, B. & Carbone, J. (2009, January 21). *Program area overview 2009-2011*. Oregon Department of Administrative Services Report. Retrieved May 4, 2009 from:
http://www.oregon.gov/DAS/BAM/docs/Budget_Policy/Ed_Overviews_Non_GRBw_graphs.pdf.

McIntire, D. (24 November 2008). Personal communication.

Money in Politics Research Action Project. (2006). *Major contributors dominate ballot measure giving*. Retrieved June 13, 2003, from:
<http://www.oregonfollowthemoney.org/BallotMeasures/2006%20Post%20Election%20Report.htm>.

Moore, S., (2006, October 5). The Big Pay-Off: Out-of-State cash buries Oregon elections. Retrieved on December 26, 2008 from:
<http://www.portlandmercury.com/news/the-big-pay-off/Content?oid=68896>.

Mosco, V. (1996). *The political economy of communication: Rethinking and renewal*. London: Sage.

Moyers, B. (Executive Producer). (2006, September 22). *Now* [Television broadcast]. New York: PBS.

Munro, W. B. (Ed.). (1912). *The initiative, referendum and recall*. New York: Appleton.

Munro, W. B. (1931). *The government of the United States: National, state, and local*. 3d ed. New York: Macmillan.

National Taxpayer's Union web site (2009) *Taxpayers groups – Oregon*. Retrieved on

April 14th, 2009 from: http://www.ntu.org/main/groups_state.php?state=or.

Nelson, G. (2003). *A buyer's guide to ballot measures*. Washington, DC: Ballotfunding.org.

Nelson, M. (3 December 2008). Personal communication.

New York Times (1995, March 10). Edward Bernays, 'Father of public relations' and Leader in opinion making, dies at 103 Retrieved December 31, 2008 from: <http://www.nytimes.com/books/98/08/16/specials/bernays-obit.html>

Newman, B. I. (1999). *The mass marketing of politics: Democracy in an age of manufactured images*. Thousand Oaks: Sage.

Oberholtzer, E.P. (1911). *The referendum in America*. New York: Charles Scribner's Sons.

O'Donnell, J. (2006, July 31). Got a nasty fight? Here's your man. *USA Today* [Electronic Version]. Retrieved on May 20, 2009 from: http://www.usatoday.com/money/companies/2006-07-31-lobbyist-usat_x.htm#chart.

Oregon (2003, February). *Governing.com* [Electronic version]. Retrieved May 18, 2009 from: <http://www.governing.com/gpp/2003/gp3or.htm>.

Oregon Legislative Revenue Office. (November, 2008). *Task force on comprehensive revenue restructuring*. Salem, OR.

Oregon Secretary of State. (2000). *Oregon voter's pamphlet for 2000 general election*. Salem, Oregon. Retrieved April 26, 2009 from: <http://www.sos.state.or.us/elections/nov72000/other.info/m96.htm>.

Oregon Secretary of State. (2006). *Elections division initiative, referendum, and referral search*. Retrieved April 3, 2009 from: http://egov.sos.state.or.us/elec/web_irr_search.record_detail?p_reference=20060014..QSCYYY.

Oregon Secretary of State. (2006) *Oregon voter's pamphlet for 2006 general election*. Salem, Oregon. Retrieved May 10, 2009 from: http://www.sos.state.or.us/elections/nov72006/guide/meas/m48_fav.html.

- Oregon Secretary of State (2007). *Oregon statutes and administrative rules*. Salem, OR. Retrieved December 31, 2008
from: <http://www.leg.state.or.us/ors/250.html>.
- Oregon Secretary of State (2008). *Online voter's guide for November 4, 2008 general election*. Salem, OR. Retrieved February 28, 2009
from: <http://www.sos.state.or.us/elections/nov42008/guide/cover.html>.
- Oregon Secretary of State (2009). Elections history. Retrieved April 26, 2009
from: <http://www.sos.state.or.us/elections/other.info/stelec.htm>.
- Oregon Secretary of State (2009). *Oregon blue book*. Salem, OR.
- Oregon's Future*. (2001, Spring). Vol. 2, No. 4.
- Owens, K. N. (1955). *Populism in Oregon* (Master's Thesis, Lewis & Clark College, (1955).
- People for the American Way (2008). *Club for Growth*. Retrieved December 12, 2008 from: <http://www.rightwingwatch.org/content/club-growth>.
- Phillips, K. (2002). *Wealth and democracy. A political history of the American rich*. New York: Broadway Books.
- Pichardo, N. (1995). The power elite and elite-driven countermovements: The Associated Farmers of California during the 1930s. *Sociological Forum*, 10(1), 21-49.
- Pine, J. (1992). *Mass customization: The new frontier in business competition*. Harvard Business School Press. Cambridge.
- Putnam, R. D. (2000). *Bowling alone: The collapse and revival of American community*. New York: Simon & Schuster.
- Raskin, J. B. (1997). Direct democracy, corporate power and judicial review of Popularly-enacted campaign finance reform. *New York University Journal of Legislative & Public Policy*, 21, 21-40.

- Raskin, J. & Bonifaz, J. (1993). Equal protection and the wealth primary. *Yale Law & Policy Review*, 11, 273-332.
- Rasmussen, D.M., (Ed.). (1996). *Handbook of critical theory*. Oxford: Blackwell.
- Rich, Andrew. (2006). *Think tanks, public policy, an the politics of expertise*. Cambridge: Cambridge University Press.
- Rich, Andrew. (2001, Winter). U.S. think tanks and the intersection of ideology, advocacy, and influence. *NIRA Review*, 8(1), 1-6.
- Richter, B., Samphantharak, K., & Timmons, J. (2008, October 28). *Lobbying and taxes*. Retrieved May 18, 2009 from: http://personal.anderson.ucla.edu/brian.richter/research/Richter_Samphantharak_Timmons_2008_Lobbying_and_Taxes.pdf.
- Ring, R. (2006, August 20). California's stealth initiative on land use. *SF Gate*. Retrieved online March 6, 2009 from: <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2006/08/20/INGD9KJ0LGI.DTL>.
- Robins, K. & Webster, F. (Eds.). (2002). *The virtual university? Knowledge, markets and management*. Oxford: Oxford University Press.
- Sabato, L.J., Ernst, H.R., & Larson, B.A. (Eds.). (2001). *Dangerous democracy? The battle over ballot initiatives in America*. Lanham: Rowman & Littlefield Publishers.
- Sanchez, S. (1996, March 1). How the west is won: Astroturf lobbying and the "wise use" movement. *American Prospect* online edition retrieved March 6, 2009 from: http://www.prospect.org/cs/articles?article=how_the_west_is_won.
- Scammell, M., (1999). Political marketing: Lessons for political science. *Political Studies* XLVII. pp. 718-39.
- Schier, S.E. (2000). *By invitation only: The rise of exclusive politics in the United States*. Pittsburgh: University of Pittsburgh Press.
- Schier, S.E. (2003). *You call this an election?: America's peculiar democracy*. Washington, D.C.: Georgetown University Press.
- Schlozman, D., & Yohai, I. (2008). How initiatives don't always make citizens: Ballot initiatives in the American States, 1978-2004. *Political Behavior*, 30,

469-489.

- Schrag, P. (2001) *The fourth branch of government? You bet* [Electronic version]. Institute of Governmental Studies, Working paper 2001-3. <http://repositories.cdlib.org/cgi/viewcontent.cgi?article=1012&context=igs>.
- Schrag, P. (1998). *Paradise lost: California's experience: America's future*. New York: New Press.
- Schudson, M. (2003). *The sociology of news*. New York: W.W. Norton & Company.
- Schudson, M. (1992, September 1). The limits of teledemocracy. *American Prospect*. Retrieved February 9, 2009, from: http://www.prospect.org/cs/articles?article=the_limits_of_teledemocracy.
- Scott, J. (2000). *Social network analysis: A Handbook*. London: Sage.
- Seelye, K. (2008, December 2). About \$2.6 billion spent on political ads in 2008. *New York Times Political Blog*. Retrieved January 8, 2009 from: <http://thecaucus.blogs.nytimes.com/2008/12/02/about-26-billion-spent-on-political-ads-in-2008/>.
- Shea, D. M., & Burton, M. J. (2001). *Campaign craft: The strategies, tactics, and art of political campaign management*. Westport: Praeger.
- Simon, A. (18 November 2008). Personal communication.
- Smith, D. (2006, May). Money Talks: Ballot initiative spending in 2004. Retrieved September 3, 2008, from: http://bisc.3cdn.net/3b3c92757fc062e415_vcm6iv0tk.pdf.
- Smith, D. (1998). *Tax crusaders and the politics of direct democracy*. New York: Routledge.
- Sokolow, A. (1998, Winter). The changing property tax and state—local relations. *Publius*, 28(1), 165-187.
- Sourcewatch (2009). *Employment policies institute*. Retrieved on May 20, 2009 from: http://www.sourcewatch.org/index.php?title=Employment_Policies_Institute.

- Sourcewatch (2009A). Grover Norquist. Retrieved on June 27, 2009. from: http://www.sourcewatch.org/index.php?title=Grover_Norquist.
- Sprengelmeyer, M.E. (2008, August 21). Ralph Nader, Los Angeles 2000. *Rocky Mountain News*. Retrieved February 28, 2009, from: <http://www.rockymountainnews.com/news/2008/aug/21/ralph-nader-los-angeles-2000/>.
- Steffens, L. (March, 1908). U'Ren, the law-giver. *American Magazine*, LXV, 527-540.
- Strachan, J.C. (2003). *High-tech grass roots: The professionalization of local elections*. Lanham: Rowman & Littlefield.
- Sunstein, C. (2001). *Republic.com*. Princeton, NJ: Princeton University Press.
- Sussman, G. (1997). *Communication, technology, and politics in the information age*. Thousand Oaks: Sage.
- Sussman, G. (2005). *Global politics: Communications, consultants and campaign financing*. Boulder, CO: Rowman & Littlefield.
- Sussman, G. & Galizio, L. (2003). The global reproduction of American politics. *Political communication*, 20(3), 309-328.
- Swanson, D.L., & Mancini, P. (Eds.). (1996). *Politics, media, and modern democracy: An international study of innovations in electoral campaigning and their consequences*. Westport: Praeger.
- Taxpayer Association of Oregon (2009). <http://www.oregonwatchdog.com/>.
- Texas State Historical Association. *Handbook of Texas online*. Retrieved April 13, 2009 from: <http://www.tshaonline.org/handbook/online/articles/FF/aaf2.html>.
- “The one that got away; Oregonians Generally made wise choices in Tuesday’s election, but passing Measure 7 was an awful mistake” [Editorial]. (2000, November 9). *The Oregonian*, p. C10.

- Thompson, J. (2002, October). *Checkbook Democracy?* Retrieved May 3, 2003 from: <http://www.oregonfollowthemoney.org/Feb1202.html>.
- Thompson, J. (2006, November). *2006 election – Ballot measure totals and top contributors*. Retrieved November 28, 2008, from: <http://www.oregonfollowthemoney.org/BallotMeasures/ballotmeasures.htm>.
- Thompson, J. (2007, November). *Ballot measure money dominated by big tobacco*. Democracy Reform Oregon. Retrieved November 3, 2008 from: <http://www.democracyreform.org/?q=pressreleases>.
- Thompson, J. (2008a, November 4). *Ballot measure fundraising totals almost million*. Democracy Reform Oregon. Retrieved May 3, 2009 from: <http://www.democracyreform.org/files/110408.pdf>.
- Thompson, J. (2008b, July 3). *Checkbook Democracy?* Democracy Reform Oregon. Retrieved online May 3, 2009 from: <http://www.democracyreform.org/files/070308cpreports.pdf>.
- Thompson, J. & Buttermore, C. (2008, September). *Loren Parks: Oregon's \$11 million man*. Portland, OR., Democracy Reform Oregon.
- Thompson, J. & Wetherson, S. (2007, November 14). *Measure campaigns raise nearly \$20 per vote cast*. Retrieved online November 3, 2008 from: <http://www.democracyreform.org/files/111407finalpr.pdf>.
- Thompson, J. & Wetherson, S. (2008, February). *A political history of Bill Sizemore*. Portland, OR., Democracy Reform Oregon.
- Thurber, J. (2000). *Campaign warriors: Political consultants in elections*. Washington D.C., Brookings Institution Press.
- Tolbert, C. (1998). Changing rules for state legislatures: Direct democracy and governance policies. In S. Bowler, T. Donovan, & C. Tolbert (Eds.). *Citizens as legislators: Direct democracy in the United States*. Columbus: Ohio State University Press.
- Tolbert, C., Grummel, J.A., & Smith, D.A. (2001) *The effects of ballot initiatives on voter turnout in the American states*. American Politics Research, November 2001 retrieved online from: <http://www.iandrinstitute.org/New%20IRI%20Website%20Info/I&R%20Rese>

[arch%20and%20History/I&R%20Studies/Tolbert%20Grummel%20and%20Smith%20\(Dan\)%20-%20Effects%20of%20Initiatives%20on%20Voter%20Turnout%20IRI.pdf](#).

- Tolbert, C. & Smith, D. A. (2004). *Educated by initiative: The effects of direct Democracy on citizens and political organizations in the American states*. Ann Arbor: University of Michigan Press.
- Tucker, R. (2001). Interesting times: Oregon after Measure 7. *Oregon's Future*, 2(4), 12-15.
- Uherbelau, R. (2006, September 14). Should voters support a spending cap? *Portland Insight*. Retrieved April 19, 2006 from:
http://www.portlandtribune.com/opinion/story.php?story_id=115817989310999400.
- U.S. Census Bureau. (2002). *U.S. Census 2000*. Retrieved July 4, 2003, from:
<http://www.census.gov/main/www/cen2000.html>.
- U.S. Census Bureau. Current population survey. Retrieved March 21, 2009 from: <http://www.census.gov/population/www/socdemo/voting.html#hist>.
- Verba, S., Schlozman, K., & Brady, H., (2006). *Voice and equality: Civic volunteerism in American politics*. Cambridge, Harvard University Press.
- Victoria, D. (24 October 2008). Personal communication.
- Wagner, R. (26 October 2008). Personal communication.
- Walsh, E. (2008, September 6). Oregon has voted against him, but Sizemore fights on. *Oregonian* online edition. Retrieved December 31, 2008 from:
http://www.oregonlive.com/politics/index.ssf/2008/09/oregon_has_voted_against_him_b.html.
- Walsh, E. (2008, December 1). Bill Sizemore jailed for contempt of court [Electronic Version]. *The Oregonian*.
http://www.oregonlive.com/news/index.ssf/2008/12/bill_sizemore_jailed_for_cont.html.
- Waters, M.D. (1998). *Statements regarding the initiative and referendum process*.

Retrieved April 18, 2009 from:

<http://www.iandrinstute.org/New%20IRI%20Website%20Info/Drop%20Down%20Boxes/Quick%20Facts/Almanac%20-%20I&R%20Quotes%20Regarding%20the%20I&R%20Process.pdf>.

- Waters, M.D.(Ed.), (2001). *The battle over citizen lawmaking*. Durham: Carolina Academic Press.
- Waters, M.D. (2003). *Initiative and referendum almanac*. Durham: Carolina Academic Press.
- Webster, F. (Ed.). (2001). *Culture and politics in the information age: A new politics?* London: Routledge.
- Webster, F. (2002). *Theories of the information society* (2nd ed.). London: Routledge.
- Wells Miller, B. (2002, June 25). Ballot access: Whose money? *The Press-Enterprise*. Retrieved January 27, 2003 from <http://www.pe.com>.
- Wetherson, S. (2006, October 18). *Almost two-thirds of ballot measure cash comes from out of state but campaigns vary in terms of local control*. Retrieved April 19, 2009, from the Money in Politics Research Action Project Web site: <http://www.oregonfollowthemoney.org/Press/2006/101806.htm>.
- Wiener, M. (21 November 2008). Personal communication.
- Wimmer, L. (21 November 2008). Personal communication.
- Witcover, J. (2001). *No way to pick a president*. New York: Routledge.
- Winett, L., Lawrence, R.G., & Sussman, G. (2001). Reading between the lines on Measure 7. *Oregon's Future*, 2(4), 24-25.
- Woodward, R.C. (1960). William S. U'Ren: A progressive era personality. *Idaho Yesterdays*, 4(2), 4-10.
- Yardley, W. (2006, October 8). Anger drives property rights measures. *New York Times*. Retrieved online April 25, 2009 from: http://www.nytimes.com/2006/10/08/us/08domain.html?_r=1&ex=1169528400&en=31eb8e1dfc946267&ei=5070.
- Yin, R.K. (1994). *Case study research: Design and Methods* (2nd ed.). Thousand

Oaks: Sage.

Yost, P. (2006, June 24). Washington tax-cut advocate aided Abramoff. *Associated Press*. Retrieved online June 27, 2009 from:
<http://www.commondreams.org/headlines06/0624-07.htm>.

**Appendix A: 2000-2008 Oregon I&R
2008 General Election Information**

2008				
Type	#	Summary	Chief Petitioners	Paid Signatures
Referral	51	Enable crime victims to enforce existing constitutional rights in prosecutions, delinquency proceedings		
Referral	52	Enable Crime Victims To Enforce Existing Constitutional Rights In Prosecutions, Delinquency Proceedings; Authorizes Implementing Legislation		
Referral	53	Modify provisions governing civil forfeitures related to crimes; permits use of proceeds by law enforcement		
Referral	54	Standardizes voting eligibility for school board elections with other state and local elections		
Referral	55	Change operative date of redistricting plans to allow affected legislators to finish term in original district		
Referral	56	May And November property tax elections are to be decided by majority of voters voting in the relevant election (removes supermajority requirement established by Measure 47 in 1996.		
Referral	57	Increases sentences for drug trafficking, theft against elderly, and specific repeat property and identity theft crimes, more.		
Initiative	58	Requires english immersion for non-english speaking students	Grosso, Alan; Sizemore, Bill; Walker, R. Russell	Yes
Initiative	59	Makes federal income taxes fully deductible on state return	Sizemore, Bill; Trickey, Timothy;	Yes

			Walker, R. Russell	
Initiative	60	"Teacher compensation must be based on classroom performance"	Sizemore, Bill; Walker, R. Russell	Yes
Initiative	61	"Mandatory sentences for drug dealers, identity thieves, burglars and car thieves"	Fletchall, Duane; Beck, Steve; Mannix, Kevin L.	Yes
Initiative	62	"15% of lottery profits for crime prevention, investigation and prosecution"	Fletchall, Duane; Beck, Steve; Mannix, Kevin L.	Yes
Initiative	63	Allows minor improvements To property without building permit	Grosso, Alan; Sizemore, Bill	Yes
Initiative	64	Prohibits using taxpayer-funded resources to collect political funds	Sizemore, Bill	Yes
Initiative	65	The "top-two" measure; creates open primaries. All voters would be able to vote in all state and local partisan elections, regardless of party affiliation.	Keisling, Phil	Yes

Oregon voters faced 12 ballot measures for the 2008 general election, with four legislative referrals, and eight citizen-initiatives. Only one, Measure 62, was a constitutional amendment. All eight of the initiatives employed paid signature gathering firms to qualify for the ballot. Four out of four of the legislative referrals were successful. Five of the initiatives had Bill Sizemore as chief petitioner. Russ Walker of FreedomWorks was listed as a sponsor of three of the initiatives, and attorney and former legislator and Attorney General candidate Kevin Mannix was the

chief petitioner on two. Finally, former Oregon Secretary of State Phil Keisling was the chief petitioner for an open primary measure.

Total ballot measure fundraising as of November 4, 2008, totaled \$20.6 million (Thompson, 2008a). The top three donors were the Oregon Education Association, the National Education Association, and Loren Parks and his Parks Medical Equipment Company. Of the eight non-legislative or citizen-initiatives, only Measure 65, the so-called Open Primary Initiative from former Secretary of State Phil Keisling, didn't have its largest contributor topping the \$100,000 level (Thompson, 2008a).

In the qualification stage, Loren Parks (Nevada), a frequent funder of conservative ballot measures, contributed \$1,352,500 to eight initiatives from Bill Sizemore, Russ Walker, and Kevin Mannix (Thompson, 2008b). Parks contributed another \$224,000 for signature gathering on petitions that were either not submitted to the Secretary of State, or withdrawn. Parks' over \$1.3 million contribution eclipsed the top donor level mark that he had held previously for the qualification stage in 2002, when the medical equipment owner now living in Nevada gave over \$300,000 to three initiative campaigns (Thompson, 2008b).

Parks is the top donor for eight initiatives that sought qualification in the 2008 General Election, and is the major funder for four initiatives from Bill Sizemore. Three of the four Sizemore initiatives had Russ Walker of the Oregon chapter of FreedomWorks also as Chief Petitioner. All three of the Sizemore-Walker petitions qualified for the 2008 ballot: Measure 59, which makes federal income taxes fully deductible on state forms; Measure 58, which restricts the number of years an Oregon

student can participate in bilingual education; and Measure 60, which prohibits the use of seniority in teacher pay and hiring decisions (Thompson, 2008b).

Parks is also the chief financier for four initiatives where Kevin Mannix is either the Chief petitioner, or a significant contributor. Only two of the four measures qualified for the Ballot Measure 61, sponsored by Mannix, Steve Beck, and Duane Fletchall, creates mandatory minimum sentences for certain non-violent crimes. Parks contributed \$122,500, or 68 percent of the total during the qualification stage, while Kevin Mannix spent \$8,639 or 5 percent of the total. Ballot Measure 62, a Constitutional Amendment that would allocate 15 percent of Lottery proceeds to public safety, finds Parks contributing \$179,166 or 79 percent of the qualifying costs with Mannix ponying up \$8,639 or 4 percent of the total (Thompson, 2008b).

Richard Wendt, another frequent contributor to conservative causes in Oregon, who is affiliated with Hire Calling Public Affairs, gave \$325,000 or 14 percent of contributions to initiatives seeking qualification for the 2008 ballot.

On the opposite side of the aforementioned conservative funders, public employee unions were the top funders. Thus, for the campaigns against Measures, 58, 59, 60, 61, 62, 63, and 64, the Oregon Education Association contributed over \$5.3 million, or 25.8 percent of the total opposing these measures. In contrast, Loren Parks, through his business, Parks Medical Electronics, contributed \$1.575 million, or 7.6 percent of the total in support of the same measures (Thompson, 2008b).

2007 Special Election

2007				
Type	#	Summary	Chief Petitioners	Paid Signatures
Referral	49	Modifies Measure 37, passed by voters in 2004.		
Referral	50	Increase the state's tax on cigarettes by 84.5 centers per pack		

Two referrals were on the Oregon Ballot for a Special Election in the Fall of 2007. Measure 49 was a land-use law in response to Ballot Measure 37, which passed in the 2006 General Election. Proponents of Measure 49 argued that Measure 37, which requires state and local governments to compensate landowners for any loss in value for land-use regulations, had too much ambiguity, and that it had been largely misunderstood by the voters. Opponents of Measure 49 claimed that it would essentially gut Measure 37, and that it ignored the will of the voters and was an assault on property rights.

Ballot Measure 50, another referral from the Legislature, was a Constitutional Amendment that sought to raise cigarette taxes by \$0.85 per pack, with the money being dedicated to funding for children's healthcare as well as tobacco cessation programs.

Opponents of Measure 50 spent almost \$12 million seeking its defeat. This constitutes the largest amount of money raised for a ballot measure campaign in Oregon (Thompson & Wetherson, 2007). The \$12 million raised primarily from Philip Morris USA Inc., Reynolds American, and Altria Corporate Services, Inc., easily surpassed

the previous contribution record of \$7.1 million (in 2006 inflation-adjusted figures) from the opposition campaign to 1992 measures seeking to close down the Trojan nuclear reactor (Thompson & Wetherson, 2007).

2006 General Election

2006				
Type	#	Summary	Chief Petitioners	Paid Signatures
Initiative	39	Prevents eminent domain in the name of tax revenue	Day, Ross; Hunnicutt, David J.	Yes
Initiative	40	Requires Oregon Supreme Court Judges and Court of Appeals Judges to be elected by District	Bobo, Abner J.; Bobo, Carol A.; Walker, Russ	Yes
Initiative	41	Allows income tax deduction equal to federal exemptions	Bobo, Abner J.; Bobo, Carol A.; Walker, Russ	Yes
Initiative	42	Prohibits insurance companies from using credit score or "credit worthiness" in calculating rates or premiums	Sizemore, Bill; Sizemore, Grace I	Yes
Initiative	43	Requires 48-hour notice to un-emancipated minor's parent before providing abortion	Bautista, Felicia; Cochran, Brenda	Yes
Initiative	44	Allows any Oregon resident without prescription drug coverage to participate in Oregon Prescription Drug Program	Morrisette, Bill; Cohen, Gerald J.	Yes
Initiative	45	Limits State Legislators: 6 years as Representative, 8 years as Senator, 14 in the Legislature	Berthelote, Theodore F.	Yes
Initiative	46	Allows laws regulating campaign contributions	Delk, David E; Robison, Jim; Duemler, Ruth	Yes
Initiative	47	Puts restrictions on campaign contributions	Nelson, Francis G.; Buckley, Peter; Hazell, Bryn	Yes
Initiative	48	Limits biennial percentage increase in state spending to percentage increase in state	McIntire, Don; Williams, Jason; Howe,	Yes

		population, plus inflation	Greg	
--	--	----------------------------	------	--

In Oregon’s 2006 general election, voters had a total of 10 initiatives on the ballot. All 10 employed paid petition circulators to qualify for the ballot. Four of the 10 were constitutional amendments. Ultimately, two of the 10 initiatives passed. Two initiatives concerned taxation, two related to campaign finance reform, and there was one each concerning the following: eminent domain, electing supreme court judges, credit reports and automobile insurance, parental notification for abortions, prescription drugs, and term limits.

Seven of the 10 initiatives raised all of their funds from fewer than 10 donors, and no PAC received more than 10 percent of its total from donors giving less than \$100 (MiPRAP, 11/3/06, p. 1). In the signature-gathering phase of the process, out-of-state contributors provided more than 40 percent of the funds used to gather signatures. Petitions with the lowest level of interest from donors in Oregon would reinstate term limits, limit state spending, and prohibit insurance companies from using “credit worthiness” as a factor in deciding calculating premiums. Out-of-state contributors provided 90 percent or more of the money to gather signatures for these efforts (MiRAP, 7/27/06, p. 2).

Americans for Limited Government (Illinois – Howard Rich) gave 91 percent of the money to fund a signature drive effort to place a limit on state spending on the November ballot. Similarly, US Term Limits contributed 91.6 percent of the money to gather signatures for its effort (Illinois-Howard Rich) for Measure 45. Two other

national groups that provided funding for petition-gathering signatures for Oregon's 2006 general election include AARP – which provided 34.3 percent of the funds to place Measure 44 (DC & CA) on the ballot, and FreedomWorks (DC), which contributed 6.1 percent of the total raised Measure 41.

In the 2006 election, Bill Sizemore qualified only one initiative to the ballot, Measure 42. The Measure was arguably a break from typical Sizemore measures in that it did not deal directly with taxation, nor present an attack on public employees. Measure 42 sought to prohibit insurance companies from using a person's credit rating when setting insurance rates. Of the \$138,424 Sizemore raised to place Measure 42 on the ballot, \$100,000, or 72.2 percent, came from Loren Parks (Nevada) (Thompson, p. 65). Democracy Direct contributed \$37,556 or 27.1 percent, and Sizemore himself contributed the remaining \$869, or less than 1 percent.

Measure 42 was defeated by a 65 percent “no” vote, as insurance companies raised more than \$5 million to fund the opposition campaign. In contrast, there was no organized campaign of support for the measure.

2004 General Election

2004				
Type	#	Summary	Chief Petitioners	Paid Signatures
Referendum	30	Enacts Temporary Personal Income Tax Surcharge; Increases, Changes Corporate, Other Taxes; Avoids Specific Budget Cuts	Walker, R. Russell; Williams, Jason	Yes
Referral	31	Authorizes Law Permitting Postponement Of Election For Particular Public Office When Nominee For Office Dies		
Referral	32	Deletes Reference To Mobile Homes From Provision Dealing With Taxes And Fees On Motor Vehicles.		
Initiative	33	Amends Medical Marijuana Act: Requires Marijuana Dispensaries For Supplying Patients/Caregivers; Raises Patients' Possession Limit	Brown, Kenneth Scott; Sajo, John A.; Glick, Edward	Yes
Initiative	34	Requires Balancing Timber Production, Resource Conservation/Preservation In Managing State Forests; Specifically Addresses Two Forests	Gest, Mari Anne; Rees, Robert; McGeady, Steven D.	Yes
Initiative	35	Amends Constitution: Limits Noneconomic Damages (Defined) Recoverable For Patient Injuries Caused By Healthcare Provider's Negligence Or Recklessness	Cave, Colin R.; Wehby, Monica C.; Bernardo, Peter	Yes
Initiative	36	Amends Constitution: Only Marriage Between One Man And One	Walton, Kent; Tuuri, Dennis R.	Yes

		Woman Is Valid Or Legally Recognized As Marriage		
Initiative	37	Governments Must Pay Owners, Or Forgo Enforcement, When Certain Land Use Restrictions Reduce Property Value	Prete, Eugene; Prete, Barbara; English, Dorothy	Yes
Initiative	38	Abolishes Saif; State Must Reinsure, Satisfy Saif's Obligations; Dedicates Proceeds, Potential Surplus To Public Purposes	Bernau, Jim; Gauthier, Lorinda L.	Yes

A total of seven popular initiatives were on Oregon's 2004 General Election Ballot. Of the seven, two were constitutional amendments, and one was a referendum. All seven initiatives used paid signature-gatherers to qualify for the ballot. Ultimately, two out of seven were successful on election day. In addition, there were two legislative referrals, both of which passed.

Measure 38, which essentially pit Liberty Northwest Insurance against SAIF, a state-owned workers' compensation insurer. For the Yes on 38 side, \$5,583,182, or 99.7 percent of the contributions for the measure emanated from Liberty Northwest (MiRAP, 2004). While for the opposition, Associated General Contractors (AGC), was responsible for 41 percent of the contributions at \$1,086.654, with Associated Loggers Inc. the next highest contributor with \$387,554 or 14 percent of total contributions. This bitterly contested campaign included specious claims by proponents that passage of the measure would free up \$500 million to fund schools and other government programs. While opponents claimed in their advertisements

using professional actors that should the measure pass, double-digit workers' compensation increases would be certain.

Measure 36, a Constitutional Amendment defining marriage as between one man and one woman had the second largest amount of total contributions with \$2,892,230 on the No side, and \$2,189,481 for the Yes of 36. The successful constitutional amendment was an intensely fought campaign which included accusations that the proponents distorted the work of a Yale child psychiatrist who was cited in pro-Measure 36 advertising (Graves, 2004).

Measure 35, which concerned medical malpractice lawsuits, and essentially pitted healthcare companies against law firms, saw the third largest amount of contributions with some \$3.8 million spent by supporters and opponents. The measure would have capped damages in civil lawsuits.

Measure 37, a land use initiative that mandated either compensation for landowners when government regulations affect the value of property, or a withdrawal of such provisions. Although one of the Chief Petitioners was Dorothy English, a widow who figured prominently in the advertising for the Measure, the primer funders of the "Yes" campaign were timber and forest product companies. The top three contributors for Measure 37, with 39 percent of the total given, were Seneca Jones Timber; Swanson Group Inc., and RSG Forest Products Inc. (MiRAP, press release).

Measure 33 sought to amend Oregon's medical marijuana act by authorizing a system of legal marijuana growers. Measure 34 was sponsored by an environmental coalition to change the way in which the Tillamook and Clatsop state forests were to

be managed.

2002 General Election

2002				
Type	#	Summary	Chief Petitioners	Paid Signatures
Referral	10	Amends Constitution: Permits State To Own Stock Received From Publicly-Created Technology Or Invested In Oregon Technology		
Referral	11	Amends Constitution: Authorizes Less Expensive General Obligation Bond Financing For OHSU Medical Research And Other Capital Costs		
Referral	12	Amends Constitution: In Certain Circumstances, Legislature May Appropriate Portion Of Education-Fund Principal; Transfers Money From Fund		
Referral	13	Amends Constitution: Authorizes Using Education Fund Principal In Specified Circumstances; Transfers \$220 Million To School Fund		
Referral	14	Amends Constitution: Removes Historical Racial References In Obsolete Sections Of Oregon Constitution, Article Vii (Original), Article Xviii		
Referral	15	Amends Constitution: Authorizes State To Issue General Obligation Bonds For Seismic Rehabilitation Of Public Education Buildings (Defined)		
Referral	16	Amends Constitution: Authorizes State To Issue General Obligation Bonds For Seismic Rehabilitation Of Emergency Services Buildings (Defined)		
Referral	17	Amends Constitution: Reduces Minimum Age Requirement To Serve As State Legislator From 21 Years To 18 Years		
Referral	18	Amends Constitution: Allows Certain Tax Districts To		

		Establish Permanent Property Tax Rates And Divide Into Tax Zones		
Referral	19	Amends Constitution: Authorizes Using Education Stability Fund Principal in Specified Circumstances; Transfers \$150 Million to State School Fund; Creates School Capital Matching Subaccount in Stability Fund		
Referral	20	Increases Cigarette Tax; Uses Revenue for Health Plan, Other Programs		
Initiative	21	Amends Constitution: Revises Procedure For Filling Judicial Vacancies, Electing Judges; Allows Vote For "None Of The Above"	McIntire, Don; Clapper, Gregg K.	Yes
Initiative	22	Amends Constitution: Requires Oregon Supreme Court Judges And Court Of Appeals Judges To Be Elected By District	Doell, Steve; Ferrioli, Ted; Smith, Bob	Yes
Initiative	23	Creates Health Care Finance Plan For Medically Necessary Services; Creates Additional Income, Payroll Taxes	Duemler, Ruth C; Partridge, John W; Dreyer, Phil	Yes
Initiative	24	Allows Licensed Denturists To Install Partial Dentures (Replacement Teeth); Authorizes Cooperative Dentist-Denturist Business Ventures	Holden, Ken; Davis, Jim; Pickard, Alice	Yes
Initiative	25	Increases Oregon Minimum Wage To \$6.90 In 2003; Increases For Inflation In Future Years	Pronovost, Eugene P.; Rosenbaum, Diane; Gardner, Dan	Yes
Initiative	26	Amends Constitution: Prohibits Payment, Receipt Of Payment Based On The Number Of Initiative, Referendum Petition Signatures Obtained	Nesbitt, Timothy J.; Davis, Robert D.; Lowe, Ellen C.	Yes
Initiative	27	Requires Labeling Of Genetically-Engineered Foods (As Defined) Sold Or Distributed In Or From Oregon	Harris, Donna; Lord, Katelyn A	Yes

A total of seven popular initiatives qualified for the Oregon ballot in the 2002 general election. All seven used paid signature-gatherers to qualify. Five of the seven were statutory and two were constitutional amendments. Three of the popular initiatives passed and four failed. Also, voters had twelve legislative referrals to sort through; 11 of the 12 were constitutional. Ultimately, seven of the 12 referrals were successful. Once again, Loren Parks was a dominant funding force for ballot measures in Oregon. In addition to providing 99 percent of the contributions to get Measures 21 and 22 on the November Ballot, Parks financed 98.4 percent of both of the “Yes” campaigns on these Measures.

Other large expenditures for this election cycle included Crop Life International’s \$3.7 million contribution, or 72.6 percent of the total dollars in opposition to Measure 27 that sought to mandate labeling for genetically modified foods (MiPRAP, October, 2002, p. 2). St. Louis-based Monsanto Corporation also contributed \$1.48 million, or 29 percent of the total in opposition to the same measure. Pat McCormick, political consultant in charge of the opposition campaign was asked if the significantly less funded proponents of Measure 27 would make an issue of the millions of dollars from agribusiness funding the opposition campaign. His response was that “In political campaigns, you’d always rather be the Goliath” (Hogan, D., 2002).

Ballot Measure 25 sought to raise the state’s minimum hourly wage by 40 cents with automatic yearly increases thereafter.

Measure 26 prohibited paying initiative circulators by the signature and was supported primarily by public employee unions; the very group of people who have consistently spent the most money by far primarily in opposition campaigns to initiatives sponsored by Oregon Taxpayers United.

Hospitals and health insurance companies banded together to fight Measure 23 in 2002 which would have created universal healthcare in Oregon.

2000 General Election

2000				
Type	#	Summary	Chief Petitioners	Paid Signatures
Initiative	1	Legislature Must Fund School Quality Goals Adequately; Report; Establish Grants	Kitzhaber, MD, John A.; Bunn, Stan; Timpe, Ronald E.	Yes
Initiative	2	Creates Process For Requiring Legislature To Review Administrative Rules	George, Larry; Hunnicutt, David; Williams, Jason	Yes
Initiative	3	Requires Conviction Before Forfeiture; Restricts Proceeds Usage; Requires Reporting, Penalty	Heslep, Ray; Adamson, Sandra	Yes
Initiative	4	Dedicates Tobacco-Settlement Proceeds; Earnings Fund Low-Income Health Care	Timms, Eugene D.; Beyer, Lee; Patterson, Edwin Eugene	Yes
Initiative	5	Requiring Background Check Before Transfer Of Firearm	Burdick, Ginny; Kennedy, Robert; Noelle, Dan	No
Initiative	6	Provides Public Funding To Candidates Who Limit Spending, Private Contributions	Eaton, Katherine G.; Dellenback, John R.; Paulus, Norma	Yes
Initiative	7	Requires Payment to Landowner if Government Regulation Reduces Property Value	Miller, Stuart	Yes
Initiative	8	Limits State Appropriations To Percentage Of State's Prior Personal Income	McIntire, Don; Foxall, Joe W.; Sunseri, Ron	Yes
Initiative	9	Prohibits Public School	Mabon, Lon	No

		Instruction Encouraging, Promoting, Sanctioning Homosexual, Bisexual Behaviors	T.; Ramsdell, Phillip Z.	
Referral	77	Makes Certain Local Taxing Districts' Temporary Property Tax Authority Permanent		
Referral	78	Lengthens Period For Verifying Signatures On Initiative And Referendum Petitions		
Referral	79	Modifies Signature Requirements On Initiative & Referendum		
Referral	80	Authorizes Using Fuel Tax, Vehicle Fees For Increasing Highway Policing		
Referral	81	Allows Legislature To Limit Recovery Of Damages In Civil Actions		
Referendum	82	Repeals Truck Weight-Mile Tax; Establishes And Increases Fuel Taxes	Miller, Becky; Porter, John	Yes
Referral	83	Authorizes New Standards, Priorities For Veterans' Loans; Expands Qualified Recipients		
Referral	84	State Must Continue Paying Local Governments For State-Mandated Programs		
Referral	85	Modifies Population, Minimum Area Requirements For Formation Of New Counties		
Referral	86	Requires Refunding General Fund Revenues Exceeding State Estimates To Taxpayers		
Referral	87	Allows Regulation Of Location Of Sexually Oriented Businesses Through Zoning		
Referral	88	Increases Maximum Deductible In Oregon For Federal Income Taxes Paid		

Referral	89	Dedicates Tobacco Settlement Proceeds To Specified Health, Housing, Transportation Programs		
Referendum	90	Authorizes Rates Giving Utilities Return On Investments In Retired Property	Kirk, Maureen; Jenks, Bob; Marbet, Lloyd	Yes
Initiative	91	Makes Federal Income Taxes Fully Deductible On Oregon Tax Returns	Sizemore, Bill	Yes
Initiative	92	Prohibits Payroll Deductions For Political Purposes Without Specific Written Authorization	Sizemore, Bill; Miller, Becky	Yes
Initiative	93	Voters Must Approve Most Taxes, Fees; Requires Certain Approval Percentage	Sizemore, Bill; Miller, Becky	Yes
Initiative	94	Repeals Mandatory Minimum Sentences For Certain Felonies, Requires Resentencing	Lawler, Cathi; Heller, Lorraine; Bowman, JoAnn	Yes
Initiative	95	Student Learning Determines Teacher Pay; Qualifications, Not Seniority, Determine Retention	Miller, Stuart; Miller, Becky	Yes
Initiative	96	Prohibits Making Initiative Process Harder, Except Through Initiative; Applies Retroactively	Eisenzimmer, Frank; Miller, Becky	Yes
Initiative	97	Bans Body-Gripping Animal Traps, Some Poisons; Restricts Fur Commerce	Furse, Elizabeth; Kirkpatrick, Jennifer	No
Initiative	98	Prohibits Using Public Resources For Political Purposes; Limits Payroll Deductions	Sizemore, Bill; Miller, Becky	Yes
Initiative	99	Amends Constitution: Creates Commission Ensuring Quality Home Care Services For Elderly, Disabled	Sauers, Ellie; Organ, Eugene	Yes

Oregon voters faced a total of 20 citizen-initiated measures on the 2000 general election ballot. Of those 20 measures, 12 were proposed constitutional amendments. Two referenda also made the 2000 general election ballot. Of the 18 non-referenda that qualified, 15 employed paid signature-gatherers. Four of the 18 measures were passed by the voters (Oregon Secretary of State, 2008). Additionally, voters faced 12 legislative referrals, five of which were successful in the election. Finally, of note, Bill Sizemore's organization, Oregon Taxpayer's United, qualified six measures for the ballot in 2000.

Measures 8, 91, and 93 were significant tax-related initiatives that attracted the most media attention and campaign contributions and expenditures. All three initiatives failed to garner sufficient votes to pass. Measure 91, a constitutional amendment sponsored by Oregon Taxpayers United and its director, Bill Sizemore, would have allowed full deduction of federal taxes on Oregon income tax forms. Measure 91, although it would have resulted in an estimated \$150 million tax break to corporations, was opposed by Associated Oregon Industries, the state's largest business lobbying association at the time. Corporate spokespersons expressed concern that such a tax break for corporations would incentivize legislators to look to corporations for new taxes to make-up the shortfall. When queried about the corporate tax cut element of the measure chief petitioner Sizemore stated "Big corporations have never been part of our network" and claimed that Oregon Taxpayer's United had been "built on grassroots support" (Mayer, 2005) Illustrating the effectiveness of the opposition's very well-funded campaign, polling on the

measure conducted September 5 through 11 for the state's largest newspaper, *the Oregonian*, and KATU channel 2 found that 54 percent supported Measure 91 and 41 percent were opposed. However, an estimated loss of \$1 billion in state revenue influenced the creation of a coalition of business and labor to deploy considerable resources to assure the measure's defeat. Members of the state's growing high-tech industry contributed upwards of \$150,000 (Mayer, 2005). Demonstrating the intensity of the battle, the Oregon Association of Broadcasters ruled that two television advertisements supporting Measure 91 were factually inaccurate and were ordered pulled off the air. Specifically, one campaign spot asserted that Oregon ranked fourth in the nation in taxation, however at the time, the state was closer to 40th. The other campaign advertisement pulled off the air claimed that "The state figures your taxes as if the feds never taxed you at all." However, the state's \$3,000 deduction covers all or a sizeable majority of the federal income taxes paid by most Oregonians ("Facing," 2000). Sizemore was also the chief petitioner for Measure 93. Measure 93 was also a constitutional amendment and would have required votes on most new or increased taxes and fees imposed by state and local governments. Additionally, tax measures would have had to pass by the same percentage by which Measure 93 passed.

Another initiative sponsored by Sizemore's Oregon Taxpayer's United was Measure 95 which sought to tie teacher pay to student performance. Out of state money from the National Education Association along with its Oregon affiliate, the Oregon Education Association, spent in excess of \$1 million in its successful

opposition campaign (Hogan, D. 2000). Measure 8, from chief petitioner Don McIntire, also failed. Measure 8 sought to limit state spending to 15 percent of the personal income of Oregonians in the two previous years. \$2.5 million was spent by a coalition of labor and business to defeat the measures. The measure split the largest corporate associations as 19,000 member Associated Oregon Industries provided financial support for the initiative while the American Electronics Association and the Oregon Business Council helped to finance the opposition campaign (Mayer, 2000; Mayer, 2000, p. A11). Measure 97, which sought to restrict the use of body-gripping animal traps, received \$230,000 from out of state interests including \$115,000 from the Ballot Issues Coalition of Vienna, Virginia, a committee financed by hunting and trapping groups. On the other side of the measure, the International Fund for Animal Welfare contributed \$62,500 to the Measure 97 campaign. The National Rifle Association spent \$250,000 in one month seeking to defeat Measure 5. Measure 5 received \$50,000 in support from Washington, D.C.-based Handgun Control, a gun control group which support this successful measure that required background checks prior to gun sales at gun shows (Hogan, 2000). Ballot Measure 7, a constitutional amendment requiring payment to landowners whose property values are reduced by government regulations, passed. The measure's chief sponsor was Stuart Miller, but the force behind the initiative was the property rights advocacy group, Oregonians in Action. Opponents included the powerful environmental lobby, 1,000 Friends of Oregon. According to an editorial by the Oregonian, Measure 7 was "deceptively simple" and was "all but obscured by 25 other ballot measures" ("The one," 2000).

Ballot Measure 9 was labeled by its supporters as the “student protection act,” would have banned schools from discussing homosexuality “in a manner which encourages, promotes or sanctions such behaviors.” The Oregon Citizens Alliance (OCA) was the interest group that promoted the measure and was responsible for the campaign. The OCA was very active in the 1990s, but faded from the scene in the 2000s.

Appendix B: Political Professionals & Initiative Activists Interviewed

Chuck Adams, Adams & Co.

Rachel Albers, Compass Media

Ken Allen, Oregon AFSCME, Council 75

Susan Allen, Oregon AFSCME, Council 75

Michael Arno, Arno political consulting

Joe Baessler, Oregon AFSCME, Council 75

Leonard Bergstein, Northwest Strategies, Inc.

Jetson Black, Oregon Education Association

Ted Blazack, Democracy Resources

Matthew Blevins, M & R Strategic Services

Ginny Burdick, State Senator, Oregon

Tom Chamberlain, Oregon AFL-CIO

Gary Conkling, Conkling, Fiskum, & McCormick

BethAnne Darby, Oregon Education Association

Ryan Deckert, Oregon Business Association

Jackie Dingfelder, State Senator, Oregon

Phil Donovan, Northwest Public Affairs

Roger Gray, Gray Strategies

Mitch, Greenlick, State Representative

Lisa Grove, Grove Insight, Inc.

Mark Hass, Cappelli, Miles, Spring

Tim Hibbits, Adams & Hibbits

Marie Hoeven, Fundraising Consultant

Cody Hosely, Attorney Larkins Vacura LLP

Phillip James, Democracy Resources

Liz Kaufman, political consultant

Kevin Mannix, Initiative activist and former state legislator

Evan Manvel, Lobbyist, Oregon League of Conservation Voters

Don McIntire, Initiative activist

Andi Miller, Oregon Business Association

Frank Morse, State Senator, Oregon

Mark Nelson, Public Affairs Counsel

Tim Nesbitt, Deputy Chief of Staff, Oregon Governor Ted Kulongoski

Janice O'Malley, Oregon AFSCME Council 75

Jack Quigley, Compass Media

Maura Roche, Basic Rights Oregon

Hiram Sachs, SachsCommunications

Duke Shepard, AFL-CIO

Chip Shields, State Representative, Oregon

Amy Simon, Partner at Goodwin, Simon, Victoria Research

Tricia Smith, Oregon School Employees Association

Chip Terhune, Chief of Staff, Oregon Governor Ted Kulongoski

Janice Thompson, Democracy Reform Oregon

Arthur Towers, Oregon SEIU

Tim Trickey, Democracy Direct

Donna Victoria, Partner at Goodwin, Simon, Victoria Research

Robert Wagner, AFT-Oregon

Mark Weiner, Winning Mark

Ben Westlund, State Treasurer, Oregon

Laurie Wimmer, Oregon Education Association

ENDNOTES

¹ Throughout this paper I will use the terms *direct democracy*, *direct legislation*, *initiative process*, and *ballot measure* more or less interchangeably.

² In early interviews with three political consultants who have been active in ballot measure campaigns for more than a decade, all independently identified Measure 5 from 1990 as critical to understanding the increased initiative use, as well as the subsequent fiscal challenges facing the Oregon legislature.

³ The term initiative-industrial complex tends to be credited to journalist and author Peter Schrag, who has written extensively on the initiative process both as a reporter and editor for the Sacramento Bee in California, and in his 1998 book, *Paradise Lost: California's Experience, America's Future*. The initiative-industrial complex refers to the confluence of political professionals and monied interests that constitute the perceived cooptation of a citizen-friendly system by the very powerful interests it originally sought to counter.

⁴ Definitions of the term of 'political marketing' are varied and contested. Henneberg cites a definition offered by Wring, "...use of opinion research and environmental analysis to produce and promote a competitive offering which will help realise [sic] organisational [sic] aims and satisfy groups of electors in exchange for their votes.

⁵ ORESTAR stands for Oregon Elections System for Tracking and Reporting. Legislation in 2005 and 2007 mandated that all political action committees and Chief Petitioner Committees in Oregon file financial transaction electronically (Oregon Secretary of State, 2008).

⁶ The Advertising Council was created in 1942 as the War Advertising Council for the purpose of supporting the World War II effort in the United States. The Advertising Council is a privately funded nonprofit institution that supports the advertising industry and the business enterprise in general.

⁷ McCuan argues that some interest groups appear to have concluded that the benefits of seeking to influence elected representatives might be outweighed by the costs, especially considering the uncertainty of any legislation's final form. In contrast, the initiative process, though certainly an expensive investment, is simply a yes/no vote that avoids the inevitable compromises and watering down inherent to the legislative process.

⁸ The Political Reform Act of 1974 is an amended version of the 1971 Federal Campaign Act which was passed in the wake of Watergate and, among other things, increased disclosure of contributions for federal candidate campaigns. It should be noted that in lieu of subsequent Supreme Court decisions, there are no contribution and expenditure limits on initiatives.

⁹ The term crypto-initiative, coined by Kousser and McCubbins, refers to initiatives that use direct legislation as an instrument to achieve nonpolicy-related goals such as forcing political opponents to expend resources to fight measures on the ballot.

¹⁰ Tolbert and Smith use National Election Studies data for the 1996, 1998, and 2000 election years for their examination of political knowledge. While the specific questions employed to test respondent's political knowledge differs with each election, the authors present the six questions from the 1998 survey as an example: "What position does Al Gore hold? What position does William Rehnquist hold? What position does Boris Yeltsin hold? What position does Newt Gingrich hold? Which party had a majority in the House before the election? Which party had a majority in the Senate before the election?"

¹¹ Tolbert and Smith (2004) observe that Progressive Era reformers used the word *sovereignty* when referring to political efficacy, and that reform-minded scholars of that era employed that term as well.

¹² Bill Sizemore has played a central role in qualifying initiatives with similar and/or identical subject matter in four areas. Restriction of payroll deduction for unions was the subject of M59 in 1998, Measure's 92 and 98 in 2000, and M64 in 2008. Full deductability of federal taxes on state taxes has been on the ballot in 2000 with M91, 2006 with M41, and 2008 with M59. Requiring voter approval of tax and/or fee increases was on the ballot in 1994 as M5, and again in 2000 with M93. Finally, teacher "merit pay" has been on the ballot in Oregon in 2000 as M95, and again in 2008 as M60.

¹³ The Farmer's Alliance flourished in the 1880s in the U.S. and was especially active in the South. The Alliance was an organization formed by small farmers in reaction to the increasing prices of commodities and transportation. The Alliance created cooperative stores and agitated for government ownership of the railroads.

¹⁴ The Greenback Party existed from 1874 to 1884 in the U.S.. The name referred to paper money that had been issued after the American Civil War. The Greenbackers opposed the shift from paper money arguing that it would give too much control to banks and corporations. They were one of the first to make the link between plutocrats, low wages, and lost opportunities for working Americans (Kazin, 1995, p. 32).

¹⁵ The Knights of Labor are considered one of the more important labor organizations of the 19th century. Their goals included ending child and convict labor, equal pay for women, and a progressive tax. The Knights of Labor was supportive and active in the People's Party in 1890.

¹⁶ The term "panoptic sorting," or the panoptic sort, was coined by Oscar Gandy, Jr., author of *The panoptic sort: A political economy of personal information*. The book uses the metaphor of the panopticon, an "all-seeing" technology popularized by utilitarian philosopher, Jeremy Bentham. The term is often used to invoke the haunting spectre of comprehensive surveillance.

¹⁷ Hal Malchow, lead consultant from MSHC Partners and author of *Political targeting*, defines microtargeting as "...the use of data and advanced analytical tools to make more accurate predictions about who will vote, whom voters support, and which issues each voter cares most about" (Malchow, 2008, p. 78).

¹⁸ The ballot title for Measure 64 in the 2008 general election read, "Penalizes person, entity for using funds collected with "public resource" for "political purpose." Measure 64 was defeated with 50.56% voting against and 49.44% in support (Oregon secretary of state web site, 2009).

¹⁹ The 2007 Democratically-controlled Oregon state legislature passed HB 2082, an omnibus initiative reform bill that, among other changes, increased the required number of signatures from twenty-five to 1,000 to trigger the assignment of a ballot title to an initiative petition.

²⁰ As of 2008, other states without a distribution requirement for petition signatures include: Arizona, California, Colorado, Idaho, Maine, Michigan, Nevada, North Dakota, Oklahoma, South Dakota, and Washington.

²¹ As of 2008, other states with a single subject rule include: Alaska, Arizona, California, Colorado, Florida, Missouri, Montana, Nebraska, Nevada, Ohio, Oklahoma, Washington, and Wyoming.

²² Ballot Measure 37 provided that property owners proving that zoning or environmental rules decreasing their investments would have to be either compensated for their loss by the government, or gain relief through an exemption from the regulations. The measure was successful in the November 2, 2004 election with approximately 60 percent of the voters in support (Barringer, 2004, November 26).

²³ The term “death tax” refers to a tax on the wealthy heirs of estates that used to be referred to more commonly as the “estate tax.” While the origin of the term “death tax” is not clear, Jack Faris of the National Federation of Independent Businesses is considered to have been influential in its initial rise to popularity. Republican pollster Frank Luntz is often inaccurately identified as the terms progenitor (Alvarez, L. 2001, April 27).

²⁴ The Cascade Policy Institute is a think tank that advocates for neoliberal principles including “free markets” and limited government. It receives funding from the Cato Institute, and has links to conservative and neoliberal organizations including the Manhattan Institute, Heritage Institute, Heartland Institute, and Reason Foundation.

²⁵ Oregonians in Action advocates for private property rights and has played a central role in sponsoring ballot measures including Measure 7 in 2000, and Measure 37 in 2004. Both measures mandated that property owners had to be compensated for any loss in the value of their private property due to government land use decisions and zoning restrictions. The organization opposes Oregon’s regional government, Metro, and most elements of the state’s land use system. Timber and forest product companies were the major funders of Measures’ 7 and 37.

²⁶ GRP or gross rating points refers to the sum of ratings earned by a particular advertisement. The number represents the percentage of the target audience reached by a particular advertisement.