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I am submitting herewith a dissertation written by Robert Melin Alexander II entitled "Interest Groups and State Initiatives: Insights on the Activities of Interest Groups at the State-level." I have examined the final copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in Political Science.

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We have read this dissertation
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IINTEREST GROUPS AND STATE INITIATIVES: INSIGHTS ON THE ACTIVITES OF INTEREST GROUPS AT THE STATE-LEVEL

A Dissertation
Presented for the
Doctor of Philosophy
Degree
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Robert Melin Alexander II
May 2000

DEDICATION

This dissertation is dedicated to my family

Shelleigh and Olivia

And

To my parents

Robert and Phyllis Alexander

Without their love and support this dissertation project would not be possible.

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ABSTRACT

The proliferation of initiatives in the American states is a well-documented phenomenon. So is the rise of interest group activity at the state-level. However, little systematic research has been undertaken to understand the role of interest groups in the initiative process. This dissertation investigates the linkages between ballot initiatives and interest groups at the state-level. In particular, this study examines group activity in two ballot campaigns--California's Proposition 5 and Missouri's Amendment 9. Gambling interests were successful in each election. Both campaigns dealt with the protection and extension of gambling activities in the respective states.

Through the examination of secondary sources, I generate an analytical framework to understand interest group behavior in the initiative process. This framework enabled me to address various questions relating to the activities, involvement, and impact of groups in two ballot campaigns. The study is an attempt to further understand the Populist Paradox enunciated by Gerber (1999). This paradox questions whether organized interest groups dominate ballot campaigns, contrary to the original intention of ballot initiatives. The paradox is further distinguished by organizational resources groups enjoy. In particular, citizen groups are hypothesized to maintain an advantage in mobilizing personnel resources over economic groups, while economic groups supposedly maintain an advantage in mobilizing monetary resources over citizen groups.

My findings suggest that groups do indeed attempt to mobilize both personnel and monetary resources. Further, Gerber's thesis is in part affirmed. This study found that citizen groups were capable of mobilizing personnel resources and economic groups

certainly were able to mobilize monetary resources. However, economic groups were not at a loss in their pursuit of personnel resources. They indeed were able to mobilize individuals to contribute their time and energy to their campaigns. More important, while organizational resources were significant to the outcome of each campaign, the strategies crafted and conveyed to the public were essential to the success of gambling interests in each in both California and Missouri. Therefore, it is apparent that without a winning *message*, it is unknown how organizational resources affect the outcome of a ballot campaign. In sum, a step has been taken to solve the Populist Paradox. While groups are the primary campaigners in ballot campaigns, if their message simply is not consistent with the attitudes of the citizenry, groups cannot "buy" initiative elections.

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INTEREST GROUPS AND THE INITIATIVE PROCESS: A VOID IN THE LITERATURE?

INTRODUCTION

Interest groups play an integral role in American politics. However, the precise impact of interest groups remains unknown. While academicians have obtained valuable information concerning the role of interest groups in American politics, there is still much we do not know. This dissertation enhances our knowledge of group politics by exploring a topic that has gone relatively untilled to date. Specifically, it examines the role of interest groups in the initiative process.

The proliferation of initiatives in the American states is a well-documented phenomenon (Budge 1996; Caves 1992; Cronin 1989; Gerber 1996; Kehler and Stern 1994; Magelby 1984, 1995). So is the rise of interest group activity at the state level (Brunk, Hunter, and Wilson 1991; Hrebenar and Thomas 1992; King and Robin 1995; Lowery and Gray 1993, 1995; Nownes and Freeman 1998; Rosenthal 1993; Wiggins, Hamm, and Bell 1992). Nonetheless, few scholars have attempted to ***integrate*** these two fields. Moreover, much of the literature on the connection between these two phenomena is highly impressionistic.

Despite recent attention to both group activity in the states *and* the initiative process, scholars have been inattentive to the role of groups in the initiative process. This research attends to the role of interest groups in the initiative process by addressing four related questions. First, what kinds of groups are involved in the initiative process? Second, what is the relationship among groups involved in the initiative process? Third, what activities do interest groups in the states engage in relative to the initiative process? Fourth, what impact do interest groups have on initiative campaigns? Examining the role of groups in the initiative process yields new information illuminating the role of groups in the state policy process and sheds light on current treatments of lobbying behavior. By investigating the role of interest groups in the initiative process, this dissertation contributes to the creation of broader theories of interest group activity and direct democracy.

THE EXPLOSION OF INITIATIVES AND INTEREST GROUPS AT THE STATE-LEVEL

The Rise of Initiatives

An initiative is "a citizen proposed legislative measure that is put before the electorate for approval or rejection. It represents a way of obtaining direct voter opinion on a specific issue" (Caves: 1992, viii). The initiative process was originally intended to provide a popular check on government officials and to provide citizens with a more direct voice in the affairs of their communities. Currently, twenty-four states have provisions for initiatives[1] . Moreover, all of the states have some mechanism of direct democracy (such as the referendum or recall) at their disposal.

[1] States with the initiative include the following: Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The District of Colombia also provides for the initiative (Kehler and Stern, 1994: 294).

The proliferation of initiatives is well documented. For instance, in California, the number of titled initiatives rose from 45 in the years 1912-1919, to 104 in the period 1970-1976 (Butler and Ranney: 1978, 91). Throughout the entire United States, 346 initiatives appeared on state ballots from 1981-1992 (Kehler and Stern: 1994, 284). In November 1998, twelve initiatives appeared on California's ballot alone. Even casual observations stemming from the California Tax Revolt and Colorado's Anti-Discrimination measure demonstrate the increasing salience of ballot propositions in state politics. In addition, all fifty states now provide for some derivation of direct democracy in their constitutions. Whether issues are being decided by a referendum or by an initiative, it is evident, as Butler and Ranney state, that "direct legislation . . . has become an integral part of the strategy of law making" (1978, 98).

Cronin (1989, 10-11) enumerates six claims made by champions of initiatives. Proponents claim: (1) initiatives promote government responsiveness and accountability; (2) initiatives are relatively free from special interest domination; (3) initiatives promote open, educated discourse about issues; (4) initiatives are nonviolent means to address grievances with the government; (5) direct democracy increases election turnout; and (6) initiatives are needed due to legislators' unwillingness to tackle more difficult issues. As a result of these claims, proponents of direct democracy view the initiative process as a beneficial component of the electoral system.

However, there are many arguments against the use of initiatives. Critics charge that citizens are ill-equipped to decide issues for themselves. They contend that voters are uneducated about issues and may be led astray by slick advertisements or bumper stickers.

Critics maintain that due to low voter turnout, special interests dominate the initiative process. While proponents assert that groups cannot "buy" the entire electorate, others argue that group tactics are just as effective in proposition campaigns as they are in electoral campaigns. Schrag, for example, notes: "California shows that the process of bedazzling voters with sound bites, slogans, and nuanced bias works as effectively in the initiative process as it does in electoral politics" (1998, 22-23). In sum, opponents claim that money and organizational prowess enable groups to monopolize the initiative process.

Even if groups don't "win" an initiative campaign, they can still use the initiative process to their advantage. Butler and Ranney (1978) theorize that in many instances, proponents of an initiative may not anticipate victory, but instead use an initiative to serve as a catalyst for *future* legislative action. Consequently, poorly funded groups may be able to educate voters about an issue that previously lacked public salience. Gerber examined the impact of the "threat" of initiative campaigns by interest groups and how this may constrain legislative behavior (1996, 99). Similarly, Downs noted the increased tendency for discrimination issues to be resolved through the initiative process rather than through traditional legislation (1991, 413). It appears that initiatives serve some of the functions claimed by champions of direct democracy. Nonetheless, it is also apparent that scholars have neglected to examine a potentially fruitful line of inquiry regarding direct democracy—the role of interest groups within the process.

The Proliferation of Interest Groups at the State-Level

Recently, scholars have begun to take a closer look at interest group activity at the state level (see, for example, Hrebenar and Thomas 1992; Hunter, Wilson, and Brunk

1991; Lowery and Gray 1992, 1993, 1995; Nownes and Freeman 1998; Rosenthal 1993; Thomas and Hrebenar 1990). They have found that interest groups utilize many tactics in order to gain, maintain, and enhance their organization and/or position in the political process. For example, interest groups in the states partake in monitoring, PAC giving, and grass roots mobilization, just as they do at the national level.

At both the national and state levels, it is apparent that interest groups attempt to gain access wherever they can. As Browne notes, "Access is the essence of the interest group liberalism that Lowi decries and a necessary condition of the subgovernmental arrangements first noted by Freeman" (1985, 451). Not only have groups proliferated at the state and local levels, but groups increasingly utilize a vast repertoire of techniques. As Hunter, Wilson and Brunk (1991, 488) note:

> In the past few decades there has been a tremendous increase in the amount of legislative lobbying. Many of the explanations for this phenomenon center on congressional activity and growth in the size of the national government, but there has been an equally extensive increase in state lobbying, which has remained largely unnoticed and undocumented.

Hrebenar and Thomas concur, stating that lobbying at the state level rarely takes place in isolation. Instead, groups coordinate their efforts through national and local offices.

Three sets of factors appear to determine lobbying behavior: group characteristics, lobbyist characteristics, and contextual variables. Concerning group characteristics, whether a group is an "insider" or an "outsider" appear to affect the strategies it may pursue. Specifically "outsider" groups tend to employ unconventional strategies (Mason: 1987, 29) such as civil disobedience, rallying, and picketing. As for lobbyist characteristics, Rosenthal (1993) concludes that experience, status, and previous professional contact with legislators affect lobbying behavior. He maintains that lobbyists are "plugged-in" to the state legislative process (i.e., those with experience) who tend to rely on informal lobbying techniques. Although state governments have undergone a great degree of professionalization, it is still apparent that the politics of the "smoke-filled room" and behind-the-door deal making are not extinct. Finally, the political context affects the way groups and their lobbyists behave. State legislative professionalism, interest group strength, and political culture are among the many contextual variables that affect interest group behavior within the American states.

Interest Group Theory Revisted

In *Federalist No. 10,* James Madison warned of the "dangers of faction" in the new republic. This topic has been revisited *ad nauseum* by scholars of American politics. Scholars and laymen alike contend that groups increasingly wield too much power in the political process, often at the expense of the public at-large. The proliferation of lobbyists and groups, the increasing importance of political action committees (PACs), the bias in the interest group system, and the ever-increasing variety of tactics employed by interest groups, are all cited as evidence that interest groups are out of control (see for example, Lowi: 1969).

Some interest group scholars have posited that groups reflect the complexity of the society in which they exist. Madison concluded that a large number of competing interest groups would prevent any single group from dominating the policy-making process. Other scholars have reached dissimilar conclusions. For example, some have concluded that Madison was describing what more closely approximates the *party* system in the

United States. Some scholars have argued that parties ought to be strengthened in order to weaken the power of interest groups. Schattschneider, for example states: "Aside from a strong party system there is no democratic way of protecting the public against the disintegrating tactics of the pressure groups" (1975, 197-198). In short, whether representation in the United States is served through interest groups or political parties is not clear. Representation is an elusive concept. Nevertheless, an examination of two means of representation (that is, direct democracy and interest group politics) may better inform our knowledge of how our democracy works.

THE INTEREST GROUP-INITIATIVE CONNECTION

While scholars have neglected to systematically examine the role of interest groups in the initiative process, the issue has garnered some scholarly attention. The initiative process was partially formulated to prevent special interests from dominating the policy-making process. "This process would prevent lobbyists and other special interests from buying the outcome, because 'when the lobbyist faces an entire electorate...bribery and vote-buying are virtually impossible.'" (Schrag: 1998, 22). However, it is readily apparent that despite reformers' intentions, interest groups are heavily involved in ballot campaigns. Van Horn contends: "These 'issue elections' [initiative campaigns] are seldom grass roots citizens' movements. Instead, they are dominated by interest groups that spend lavishly on television advertising, direct mail, and tracking polls" (1996, 240). Similarly, Budge (1996, 93) recognizes the concern individuals have over the control groups appear to wield in the initiative process.

> the predominance of interest groups raises worries that businesses and others financially affected by decisions may gain disproportionate influence on the process. This worry is reinforced by the growth of an "initiative industry" of public relations consultants and advisers, which will collect the necessary signatures for any desired initiative, advise on framing the proposition, and then campaign for it. While in theory any group could draw on this "industry," in practice it is business which will have the most resources and most need to rely on it.

Nevertheless, little empirical research has been conducted to validate these conclusions.

A central charge leveled against the initiative process is that it is a tool employed by well-funded, elite-based interest groups rather than grass roots constituencies. This conclusion is based upon the contention that it is extremely difficult to gain the necessary signatures for an initiative to be placed upon a ballot. It is also difficult to galvanize support for (or against) a ballot initiative. In other words, initiative involvement takes organizational skill and financial resources. Interest groups appear to be better equipped in these respects than would individuals acting independently of an interest group. This is what Elisabeth Gerber refers to as the Populist Paradox. The paradox is that although Populist and Progressive reformers sought to remove interest group influence from the political process by instituting the means of direct democracy, it is interest groups that have come to dominate the process instead. Consequently, they are often the primary proposers and campaigners in initiative campaigns. Lascher, Hagen and Rochlin (1996) ruminate about the role of interest groups in the initiative process. Although they believe that groups play a potentially "undemocratic" role in the initiative process, they recognize that systematic research examining this contention is limited.

Nearly forty years ago, Schattschneider offered an insight that sounds strikingly similar to the arguments made by Van Horn and Budge. He stated: " . . . nearly all theories about politics have something to do with the question of who can get into the fight and who is to be excluded" (1960, 20). Arguments such as this demonstrate the need to examine the interaction between the initiative process and the pressure system. Kollman expands Schattschneider's observation to include "outside lobbying."

Because there is no "theory" of direct democracy and interest group behavior, Kollman's analysis may be instructive in this examination of interest groups in the initiative process. Kollman contends that outside lobbying by interest groups "is both an attempt to communicate public support to policymakers (signaling) and the attempt to increase that public support among constituents (conflict expansion)" (1998, xiii). Such lobbying consists of "attempts by interest group leaders to mobilize citizens outside the policymaking community to contact or pressure public officials inside the policymaking community" (Kollman: 1998, 3). This is in stark contrast to the "smoke-filled room" consensual policymaking that has come under attack in both academic and journalistic accounts of lawmaking.

It may be instructive to analyze a group's utilization of the initiative process as a particular form of outside lobbying. First, the mere attempt by an interest group to get an issue on the ballot will send a message to lawmakers. Of course, the group's standing in the community, the issue's popularity and its feasibility as a public policy will determine how credible a message is being sent. If the issue fails to gain the adequate signatures or it is defeated at the polls, the group may still claim victory due to the increased salience they believe they gained as a result of their campaign. Second, gaining status on a state ballot may be considered the ultimate in conflict expansion. No longer does an issue remain in the province of lobbyists and politicians. Instead, the public is directly responsible for the fate of a specific piece of legislation. Therefore, the notion of outside lobbying may be particularly useful in our understanding of interest group behavior in the initiative process.

RESEARCH QUESTIONS

Hrebenar and Thomas assert: "Over the years interest groups have proven very resilient and adaptable to changes in their political environment" (1992, 154). This adaptability may be evinced by the use of state initiatives. It is apparent that groups utilize the initiative process in order to achieve their objectives. Consequently, it is important that we examine how groups have utilized the *initiative environment.*

The research questions posed here include

1) What kinds of groups are involved in the initiative process?
2) What is the relationship among groups involved in the initiative process?
3) What strategies do interest groups in the states utilize relative to the initiative process?
4) What is the impact of interest groups upon initiative campaigns?

The first question is important because to understand the role of interest groups in the initiative process, we must identify all group participants in the initiative process. The second question speaks to the relationship between the players in the process. This research uncovers patterns of involvement between various groups within a specific initiative domain. Further, it is important to understand the levels of coordination between groups, decisions to join coalitions (or not), and levels of communication between groups.

The latter two questions are closely related. One should expect that the outcome of an initiative (and the concomitant impact by an interest group) is determined in large part by the strategies groups employ. The identification and analysis of the strategies groups utilize will enhance our understanding of the impact of interest groups in ballot campaigns. This analysis of interest group strategies in the initiative process is significant for several reasons. Scholars have recently enhanced our understanding of group behavior by identifying and analyzing interest group strategies beyond the documentation of their tactics or activities. A distinction between strategies and tactics must be made. While an understanding of group tactics is important, it fails to acknowledge the motivation behind the disposal of resources within specific contexts and constraints. A group may employ a variety of tactics. However, if a group fails to utilize them appropriately, then its message may be lost among many other competing voices. Consequently, groups attempt to act *strategically* in their deployment of resources.

Unlike many political contexts, it may be easier to discern whether a group has succeeded in its efforts to influence government. While benefits may be obtained through the mobilization of new members or greater societal awareness of one's cause, the result (whether an initiative is approved or rejected) is clearly identifiable. Therefore, it is imperative that scholars seek to understand the strategies that groups utilize when deploying resources. An understanding of the strategies and subsequent effects interest groups have upon the initiative process are essential matters that need to be examined in greater detail.

The impact of interest groups in the political process often proves to be elusive to political scientists, the bottom-line involved in the initiative process may enable one to better examine the effects groups have upon the outcome. In particular, the intimate knowledge to be obtained through my research methodology will produce a clearer picture of the impact of groups in my two case studies. While the findings presented here may not produce generalizable conclusions, they are a first step towards a more encompassing understanding of interest group power in the initiative process.

DATA AND METHODS

The examination of case studies is an appropriate research strategy for this endeavor. Case studies are often preferable to quantitative methods when scholars have "little control over events, and when the focus is on a contemporary phenomenon within some real-life context" (Yin: 1989, 13). In addition, case studies are preferred when scholars do not have the ability to "manipulate" events (Yin: 1989, 19). The uniqueness of initiative campaigns, combined with the lack of sufficient existing data, make quantitative analysis an inimitable task. Consequently, the paucity of research concerning interest group activities and their subsequent impact in initiative campaigns make the case study an attractive research strategy. According to Lijphart (19), "case studies can make an important contribution to the establishment of general propositions and thus to theory-building in political science."

This dissertation provides an analytic framework from which we may begin to build. According to Dubin (1969, 226) research is conducted for two reasons: Scholars either wish to build theory or test theory. In each instance, scholars must acknowledge the role of theory in their research. This endeavor is no different. Considering the lack of knowledge concerning group behavior in the initiative process, this dissertation is highly descriptive. As Dubin (1969, 227) states:

> Description...provides the input for developing units of a theory, its laws of interaction, the system states, and the boundaries of the model. Without adequate description, we would not have models that connect with the world that man perceives and about which he theorizes.

The deep understanding the case study seeks to obtain helps provide the thick description that is needed to inform any potential theory of group behavior in the initiative process.

This research enhances our understanding of interest groups in several ways. First, it builds upon the existing literature examining the aforementioned strategic motivation behind interest group tactics. Second, it begins to fill a void in the literature that has not been heretofore adequately addressed. While scholars suggest groups engage in certain types of behaviors and may produce certain impacts upon ballot propositions, little empirical research exists to analyze these claims. In the words of Baumgartner and Leech, this treatment attempts to contribute to the "literature on lobbying, one case at a time" (1998, 120).

The two cases are: (1) the 1998 California Tribal Gaming Proposition and (2) the 1998 Missouri Riverboat Gambling Proposition. These cases were chosen for several reasons. As noted above, California has been a hotbed of initiative campaigns. Consequently, any examination of interest groups in the initiative process would necessarily be incomplete without the inclusion of a case from California as a subject of inquiry. In addition, the overall impact of group power in the state of California has been classified as dominant/complimentary according to Thomas and Hrebenar (1996). Finally, the issue of gambling provides an interesting array of affected interests. Consistent with the notion adopted earlier that an initiative campaign may be conceived of as the ultimate in the expansion of conflict, gambling represents an issue that one would expect would already have many affected interests involved in its maintenance or prohibition. Cigler and Loomis contend that public confrontation issues present the greatest amount of conflict for the most people in the policy process (1995, 400). Among those interests expected to be active are those representing neighborhoods, churches, and business interests directly affected by the establishment of casinos.

The wide array of affected interests enables one to examine the relationships between diverse groups as well as the differing strategies employed by different groups. Similarly, while a common criticism of case study research is that cases vary on many points, each of these cases appear to arouse similar interests in their respective initiative campaigns. For these reasons, the two gambling propositions of 1998 represent an attractive policy area for scholarly research.

While California was an obvious choice of states to consider, it presented somewhat of a problem. In order to generate a literal replication of cases (which enables us to minimize competing explanations), another case had to be chosen that was comparable to the California experience. This was by no means, however, an intractable problem. Ultimately, Missouri's Amendment 9 proved to be an appropriate choice. Direct democracy has been no stranger to the citizens of Missouri, as many ballot campaigns have been waged throughout the state's history. Moreover, the overall impact of interest groups in Missouri has been classified as complimentary (Thomas and Hrebenar, 1996). This is similar to the classification of interest group power in California. Finally, the similarities in the ballot campaign issue areas (i.e., gambling) make these cases very comparable and attractive.

Case #1: California's Proposition 5

The first case study concerns California's Proposition 5 in 1998. The proposition provided a compact between the state of California and tribal lands for the express purpose of gaming. Gaming was to consist of slot machines and banked card games at tribal casinos. The proposition was approved by a 63 percent (4,515,641 votes) to 37 percent (2,706, 467 votes) margin.

Proposition 5 is analyzed from its origin and evolution to its acceptance. This history provides context for the analysis. The unit of analysis is the interest group. Specifically, groups involved in the initiative process are examined. Data sources included: newspaper articles (specifically the Los Angeles Times), magazine articles, the California Secretary of State's office, and the Dow Jones Interactive Newspaper Index. From these sources, a thorough assessment of the happenings in California were pieced together.

Case #2: Missouri's Constitutional Amendment 9

The second case study centers around Missouri's Constitutional Amendment 9 in 1998. This amendment concerned whether the Missouri Constitution should be amended to legalize games of chance in casinos that float in artificial moats rather than on the main channels of the Mississippi or Missouri Rivers. This was not the first proposition addressing gambling in Missouri. As in the previous ballot campaigns affirming riverboat gambling in Missouri, voters approved the amendment 55 percent (857,924 votes) to 45 percent (688,111 votes).

As with the California experience, the evolution of Amendment 9 from its origins to its acceptance is discussed. Likewise, the unit of analysis is the group. Data sources included: newspapers (specifically the St. Louis Post), magazine articles, the Missouri Secretary of State's office, and the Dow Jones Interactive Newspaper Index. Again, from these sources, a rich account of the happenings in Missouri was obtained.

CHAPTER OUTLINE

Chapter Two expounds upon treatments of initiatives and interest group behavior by scholars. The chapter commences with a discussion of the various streams of research that scholars have pursued regarding initiatives. While there has been no systematic research endeavors examining the intermingling of interest groups and initiatives, there are several studies that are instructive to this analysis. Particular attention is devoted to these analyses. The second part of Chapter Two delineates the types of interest groups that are active in American politics. In addition, it examines the activities groups utilize. These activities include many forms of lobbying. In conjunction with the classification of interest groups, theories of group behavior are offered. This discussion examines the varied explanations for why certain groups choose certain activities and strategies over others. This helps inform an understanding of why and what types of groups engage in initiative campaigns. Moreover, it allows one to expand and enhance current theories of interest group behavior.

Chapter Three presents the research strategy. The lack of data examining group behavior in the initiative process is addressed. Several reasons contribute to this problem. State-level data have always been difficult to obtain. In addition, the research programs analyzing interest group behavior and those examining initiative campaigns have rarely intersected. Consequently, there is a paucity of research examining these phenomena together. Therefore, it becomes apparent that case studies are the most effective means to answer the questions posed above. Chapter Three also discusses the case study tradition and its place in scientific inquiry. The limitations of the case study approach are also addressed. Then, a discussion of the beneficial aspects of case study research and why it is appropriate for this project is offered. Finally, Chapter Three details the analytical framework which is used to "make sense" of the case studies. This framework denotes the important factors one must consider in order to understand the impact of interest groups in each case. In so doing, factors such as political culture, demographics, party competition, and legislative professionalism must be analyzed. Moreover, the tactics and strategies groups utilized must be clearly identified in order to begin to understand why groups were or were not successful in respective initiative campaigns.

Chapter Four presents the results of the California case study. First, a history of Proposition 5 is presented. Then, an examination of each of the aforementioned key factors is undertaken. Through this analysis, the data speak to the research questions presented above. First, a description and typology of the groups involved is offered. This typology differentiates the involved participants among business groups, economic groups, trade groups, professional groups, citizen groups, and labor groups. Moreover, it analyzes the differences in the mobilization of organizational resources among the different types of groups. Second, the patterns of involvement among these different types of groups are examined. The coalitions formed in support and opposition to Proposition 5 are closely analyzed. Third, the activities and strategies utilized in Proposition 5 are examined. The chapter flows from the analytical framework developed in Chapter Three.

Chapters Four and Five are heavily descriptive. Consistent with the goal of theory building, Dubin (1969, 85) contends: "In every discipline, but particularly in its early stages of development, purely descriptive research is indispensable. Descriptive research is the stuff out of which the mind of man, the theorist, develops the units that compose his theories." Consequently, an array of activities is established after close examination of the California experience. The strategic use of these activities is also addressed. An examination of what types of groups utilize specific types of tactics enhances our understanding of group behavior. Chapter Five is undertaken in the same fashion as Chapter Four, only Missouri's Amendment 9 is the subject under analysis.

Chapter Six concludes the dissertation. The information gleaned from the previous two chapters is synthesized, analyzed, and integrated into the larger corpus of literature concerning interest group behavior. The connection to broader theories of group behavior is made. Implications of the analysis are also offered. These implications may weigh heavily upon notions of direct democracy and those of representation. Whatever the case, it is obvious that this dissertation is an asset to the discipline and our body of knowledge in political science.

CHAPTER II

TREATMENTS OF INITIATIVES AND INTEREST GROUPS

INTRODUCTION

Chapter One briefly discussed some elements of initiatives and the behavior of interest groups in the American political process. This chapter expounds upon that discussion and examines each in greater detail. It illustrates that while we have learned a lot about direct democracy and interest groups, there are gaps in the literature. This study explores what we have learned and how this study can contribute to the growth of knowledge regarding interest group activity in ballot campaigns.

First, the various streams of research scholars have pursued in the understanding of the initiative process are delineated. The varying perspectives and subject matter illustrate both the growth of knowledge concerning direct democracy and the seemingly endless potential for fruitful research questions emanating from the initiative process. This research is examined by looking at descriptive and normative accounts of the initiative process. There is considerable disagreement among scholars as to whether direct democracy is "good" or "bad." This normative debate has important implications upon the political process. Representation and sensible public policy are brought into question by scholars. In order to add further context to this debate, various empirical analyses of direct democracy are discussed. Then, particular attention is paid to those treatments that may be most instructive to this examination of interest groups in the initiative process. In particular, a discussion of the use of campaign consultants in direct democracy is offered. This discussion provides a benchmark for the dissertation's examination of interest groups in direct democracy.

The second part of the chapter focuses on the classification and behavior of interest groups. First, an examination of the existence of the different types of groups in the interest group universe is undertaken. The research identifies classification schemes used to categorize groups based on certain prevailing characteristics. Such a classification enables one to make comparisons between groups grounded in certain criteria. Second, activities interest groups utilize to influence public policy are described. Much of the literature examining group behavior has focused upon the identification and frequency of the varied activities groups utilize. While it is important to identify the activities and concomitant frequency groups engage in such activities, such knowledge tells only part of the story of a group's success in any particular issue area.

The strategies groups employ determine the activities they will use, the frequency with which they will be used, and the timing of the activities. Consequently, several theories of group behavior regarding group strategies are offered. These theories better enable one to understand, explain and predict the utilization of varied activities by interest groups. In particular, close attention is paid to Kollman's analysis of "outside lobbying," as this sheds light on group behavior in ballot campaigns. Finally, this chapter concludes by explaining the scope of analysis and how our current knowledge of group behavior in institutional domains (that is, the legislative, executive, and judicial branches) informs our understanding of group behavior in the initiative process.

DIRECT DEMOCRACY: A VARIED LITERATURE

An Overview

Scholarly analyses of initiatives range from the historical to the descriptive to the methodologically complex. Chapter 1 provided a cursory examination of the perceived benefits and pitfalls of direct democracy. The initiative, referendum, and recall were formulated during the Progressive/Populist Era and while they were originally a Western phenomenon, all fifty states currently have some mechanism of direct democracy. Increasingly, initiatives have become more salient in American politics. Kehler and Stern note that "the number of initiatives appearing on statewide ballots is on the rise—a symptom of increasing turbulence in state politics and government" (1994, 279). For instance, 1992 witnessed more initiatives on state ballots than any year since 1932. Sixty initiatives appeared on ballots in 19 states in 1992 (Kehler and Stern: 1994, 279). With the growing importance of direct democracy as a policymaking tool, it has become an increasingly important component of the American political system. As such, it is important to understand the effects of ballot initiatives on the political process.

Scholars have sought to understand the initiative process from a variety of perspectives. The research falls into several categories: (1) historical and/or descriptive treatments of direct democracy; (2) studies of the representativeness of ballot propositions; (3) the examination of the relationship between public opinion and initiative outcomes; (4) studies on the use of information shortcuts by voters; (5) examinations on the role of money in initiative campaigns; and (6) studies of the use of political consultants in initiative campaigns. Each of these analyses implicitly deal with the normative implications of direct democracy. That is, is direct democracy good for the body politic? It is helpful to examine these treatments in order to provide some context for this treatment of the initiative process.

Historical/Descriptive Accounts of the Initiative Process

Early scholarship examining the initiative process was quite traditional (see for example, Bass 1920; Cree 1892; Hicks 1931; Key and Crouch 1939; Lieb 1902; Lobinger 1909; and Sullivan 1893). Many of the early observers of the initiative process were polemical in their arguments for direct democracy. They focused on the inadequacies of American government in the late 19th and early 20th century. Critics argued that government was under the grip of "big business." This focus coincided with the Progressive Movement in American politics. Progressives "were preoccupied with one central political problem: the rampant corruption of the political system" (Price: 1975, 243). Their targets were primarily politicians, political parties, and interest groups.

While the political scientist's tools have become more advanced and our analysis more "scientific," many studies examining direct democracy still exhibit the markings of traditional research. Many scholars continue to utilize case studies, analyze the procedural processes ballot measures must undergo, and persist in their value-judgments concerning the benefits and/or problems with direct democracy. An archetype of this type of research can be found in Charles Price's 1975 study of the initiative process. Price explicitly sought to answer the following questions: "What states allow for the initiative option? How extensively is it employed? Why in particular states? What factors relate to initiative use? And what are the consequences of initiative use?" (1975, 245). Similarly, other scholars simply provide the history and context of particularly explosive or important ballot measures. These scholars have contributed to a greater understanding of the initiative process. They have revealed many areas needing examination and analysis. I will briefly discuss several of these treatments.

Several specific initiatives have generated voluminous scholarship examining a variety of issues. The case study has been the preferred means to examine these phenomena. California's 1978 tax relief initiative (Proposition 13) is often viewed as the harbinger of the contemporary wave of public policy decision-making via the initiative process (Cronin: 1989, 199). It spawned a national movement towards tax-relief in a number of other states. The brainchild of Howard Jarvis and Paul Gann, Proposition 13 has served as the catalyst for much scholarly debate (Rosenthal: 1998, 32-35). Consequently, attention has focused on the origins, context, and outcome of Proposition 13 (see for example: Chapman 1980; Kemp 1980; Lewis and Wallace 1984; Mushkin 1979; O'Sullivan, Sexton, and Sheffrin 1995; Rabushka and Ryan 1982; and Schwadron 1984). Many of these analyses attempt to understand the political climate of Proposition 13, the factors leading to its passage, the forces opposing it, the tactics utilized by each side, the effect of money and media on its passage, and the consequences of its passage. These studies have both decried and praised the legacy of Proposition 13. Consistent with traditional research, normative judgments considering the wisdom of Proposition 13 and direct democracy in general are readily apparent.

For example, Rosenthal concludes that studies of initiatives have revealed a number of problems. He asserts that while initiatives "have no doubt reflected the popular will. . . they have also harmed both the structure of government and the performance and policies of the state" (1998, 34). He cites several issues that inhibit the proper function and use of direct democracy. For example, he states that petition drives by initiative sponsors (or detractors) are often "misleading or deceptive" (1998, 34). Many signatures are obtained through agencies that are paid signature collectors. Magelby and Patterson state that while "some ballot initiatives result from grassroots activity. . . far more come from political activists or interest groups who have the resources to hire signature solicitors and campaign consultants" (1998, 160). Citizens often sign petitions knowing very little about the issue at hand. Adding to the confusion is the fact that some states allow signatures to be collected by mail and/or without witnesses attesting to the validity of collected signatures (Kehler and Stern: 1994, 281). These methods often generate invalid signatures.

Rosenthal also voices concern over the wording of initiatives. He contends that the wording often creates confusion among voters. He asserts that many initiatives have become incomprehensible and exasperating (1998, 34). Magelby and Patterson (1998, 160) note:

> Critics of direct democracy raise concerns about the quality of deliberation voters give to issues. Voters can be confused by ballot question wording or respond negatively to the length of the ballots. Moreover, because voters lack the simplifying devices of partisanship and candidate appeal, they may be more susceptible to the manipulations of campaign consultants.

A final concern Rosenthal expresses is the role of money in initiative campaigns. Many critics point to the 1987-88 election cycle when Californians were faced with five initiatives attempting to regulate automobile insurance. The combined cost of the five initiatives cost $100 million (Rosenthal: 1998, 35). More recently, tort reform measures in 1996 saw nearly $25 million spent in losing causes (Rosenthal: 1998, 35). The rising cost of such campaigns is especially disheartening when one takes into consideration the original intentions of Progressive reformers (Kehler and Stern: 1994, 281). Research analyzing the impact of expenditures on initiatives is mixed. Kehler and Stern note that some scholars have found that "great disparities in expenditures are more effective in defeating a ballot question than in passing one (1994, 283). However, there are notable exceptions to this finding. Among the most readily available exceptions are: California's Proposition 103 which was accepted in large part due to an endorsement by consumer advocate Ralph Nader (Kehler and Stern: 1994, 283) and California's successful passage of Proposition 65 which was outspent by the opposition $4,883,529 to $1,850,628 (Kehler and Stern: 1994, 283). In any case, it is readily apparent that concerns over the role of money in initiative campaigns are warranted.

In sum, a number of scholars have provided highly descriptive accounts of ballot campaigns. These accounts have enriched our understanding of the motivation behind initiative campaigns, the context of campaigns, and the impact of campaigns. Direct democracy continues to be subjected to normative analyses. Scholars continually attempt to either sing the praises of ballot campaigns or crucify them for a variety of reasons. The policy consequences of allowing citizens direct access to policy decisions, is too important for scholars to ignore. Empirical analyses provide greater context to those purporting to understand the benefits and pitfalls of direct democracy. An understanding of such benefits and pitfalls has important and enduring consequences for policy outcomes in the

American states. Finally, it is apparent that the case study tradition in initiative research is necessary and appropriate. The information obtained through case studies has undoubtedly provided a greater depth of understanding of the initiative process.

Representation and Initiatives

Many scholars have examined direct democracy as it relates to representation. These scholars seek to understand how "representative" ballot measures are. Direct democracy implicitly involves several varying ideas about representation. Consistent with the goals of Progressive reformers, proponents claim that ballot measures free-up the process from special interests and allow *all* citizens to participate in the determination of public policy. Cozy iron triangles are to be taken out of the picture. This increased access, the argument goes, produces public policy in line with the citizenry's wishes and prevent special interests from dominating the policy-making process. However, opponents claim that it is special interests that have the capability to dominate initiative campaigns, thus having the opposite effect of the intentions of proponents. This is the crux of the Populist Paradox.

The founding fathers warned of the tyranny of the majority. James Madison's *Federalist No. 10* discusses the mischiefs of faction. He warns of the dangers of factions in small republics. More specifically, he maintains that the dangers of faction can be minimized in a large republic. He reasons that in a small republic, the more powerful factions have a greater likelihood of exerting their will, while in a large republic, the multitude and variety of interests would prevent any singular interest from becoming too powerful. This has become the mantra of 20th century pluralism. In addition, Madison asserts that representative government is the best form of government for the new republic. He recognizes the need for expertise among policy makers and contends that governmental bodies ought to be reserved for those individuals exhibiting public virtue. The danger of democracy, as he saw it, came from the lack of public knowledge, and the passion of self-interested citizens. While some citizens would be well-informed, others would let their passions rather than reason affect their decisions. In effect, the safeguards the founders erected (such as federalism, checks and balances, separation of powers, the electoral college, the election of Senators by state legislatures, etc.) were to remove citizens from the locus of decision-making power. This curtails the probability that the majority would overrun the minority.

Nonetheless, the founders realized that wise men would not always be at the helm of government, thus, they created the many checks and balances that exist in our government. Their belief was that these checks would distribute power among the branches, thereby preventing any single branch from acquiring too much power and concomitantly preserving the rights of minorities.

It is now appropriate to analyze research that speaks to the validity of the claims of advocates of direct democracy. First, a discussion of how well initiatives appear to mirror the public's wishes in particular issue areas is offered. Then, an examination of contradictory evidence in support and in opposition to the notion of the tyranny of the majority being manifest in the initiative process is undertaken.

Previously, representation was conceptualized in two related ways. First, scholars want to analyze how "representative" initiatives truly are. That is, are outcomes consistent with the pulse of ordinary citizens? Or more specifically, does subsequent legislation (not subjected to an initiative campaign) in similar policy areas conform to the wishes of voters from previous ballot propositions? Several scholars have sought to answer these questions and have reached different conclusions concerning the proximity of voter preferences with policy responsiveness.

For instance, Snyder analyzed the representative-constituency link in California from 1974 to 1990 through spatial modeling. He was particularly interested in the degree of constraint exhibited by legislators in their roll-call votes. His research design centered around 242 ballot propositions in twenty issue areas (Snyder: 1996, 470-471). Snyder contends the fate of each proposition equates to the revealed preference of voters. He then analyzes how subsequent legislation, enacted in state capitols, conforms to the revealed preferences (outcomes of initiatives) of voters in California. Other variables he includes in his model include: Democratic strength, percentage of college educated, percentage black, those from the Southern region of California, and those from the Central region of California. His model correctly classified 80 to 88% of all roll-call votes (Snyder: 1996, 479). Snyder concludes that his model does "an excellent job of predicting the overall roll-call voting patterns in the California legislature; and that there is evidence of a strong dimension-by-dimension correspondence between constituency preferences and legislative roll-call patters" (Snyder: 1996, 463).

Similarly, Gerber utilized spatial modeling to determine if the presence of the initiative does indeed constrain legislative behavior. She posited that in states with the initiative, legislators may want to anticipate potential issues that may end up as ballot measures. Such measures may conflict with the legislators' policy preferences, Therefore, the anticipation of potentially thorny issues may force legislators to be more responsive and craft legislation that will be more consistent with the preferences of potential originators of initiatives, rather than having wholly unfavorable legislation passed through the initiative process. She found that indeed, the "threat" of an initiative does affect legislative behavior. She states (1996, 124):

> Interest groups can affect policy through the initiative process even when no initiatives are actually proposed. The fact that interest groups have the ability to challenge legislative policy *ex post* means that legislators in states that have initiatives must always be aware of the possibility of future initiative proposals.

She urges scholars to look at the direct effects of the presence of initiatives and to focus on the indirect impact of initiatives on legislative behavior.

Gerber does not share Snyder's conclusion that initiatives make legislatures more responsive to the preferences of the electorate. While she concludes that initiatives or the threat of initiatives may alter legislative behavior, direct democracy does not equate to a "representative" process. She concedes (1996, 125):

> Opponents of the initiative process argue that special interests are able to so easily manipulate voters that the policies produced by the initiative process bear little resemblance to underlying voter preferences. Regardless, we expect initiative policies to reflect the preferences of different interests than legislative policies.

In a related article, Gerber found that "policy outcomes resulting from direct legislation often reflect different interests than policy outcomes resulting from the legislative process" (1996, 263).

Others have reached similar conclusions. Lascher, Hangen, and Rochlin assert that "one of the most important claims about the ballot initiative process is that it makes government more responsive to public demands than would be the case under a purely representative system" (1996, 760). They hypothesized that public policy in states with the initiative would more closely mirror public opinion than states without the initiative. While they admit to important normative problems with their hypothesis, the positive relationship between public opinion and policy responsiveness cannot be understated. Nevertheless, they found no evidence of a stronger linkage between public opinion and policy outputs in states *with the initiative*, than in states *without the initiative*.

While policy output may be in question, Matsusaka did find that there are significant fiscal effects between states with initiatives and those without. He found that "spending is significantly lower, on the order of four percent, in states with voter initiatives than in pure representative states" (1995, 587). In addition, he concludes the initiative leads to a reduction in the overall size of government and a decline in the redistributional activity of government (1995, 587).

Another perspective concerning the role of the initiative regarding representation is evinced in Donovan and Snipp's examination of the term limit movement. The term limit movement has essentially been waged through ballot propositions. Roughly one-third of the states have approved ballot propositions requiring term limits for legislators. Many issues have surfaced regarding the term limit movement. These issues include the constitutionality of term limits, the transfer of power between the political parties, and the potential for interest groups to gain increased power within state legislatures. All of these issues are directly related to representation.

Donovan and Snipp found that the role of political parties was integral in the opinion formation of potential voters regarding Proposition 140 (an initiative to adopt term limits) in the state of California. For instance, those voters contacted by the Republican party (which appeared to have more to gain with the adoption of term limits) were much more favorably disposed towards the initiative than those who were not. Likewise, those voters contacted by the Democratic party (which appeared to have more to lose) were much less favorably inclined to support the initiative (Donovan and Snipp: 1994, 500). The fallout from the adoption of term limits is debatable. However, it may be interesting to analyze the consequences of term limits upon the policy process. In particular, it could have a direct effect on the presence of initiatives in the states. For example, if state legislatures are dominated by newly elected officials and they rely upon the expertise of interest groups (see, for example, Salisbury: 1990) then we may witness a *decrease* in the number of initiatives appearing on state ballots. Consistent with Schattschneider's thesis of the restriction and/or expansion of conflict, the greater the influence an interest group has in state legislatures, the less likely it would be that they would seek to increase the scope of conflict via an initiative. This illustrates the wealth of potential research endeavors scholars may pursue regarding the relationship between interest groups and initiatives.

Thus far, this section has discussed efforts to model how well initiatives and referenda mirror public opinion in the electorate and their effect on public policy. However, as mentioned above, other scholars have paid particular attention to the role of direct democracy as a tool of the majority to suppress the minority. Conversely, other scholars contend that the initiative is a powerful tool that has been successfully used to secure minority rights. Obviously, scholars have reached dissimilar conclusions as to whether majorities or minorities are the ultimate benefactors of direct democracy. The remainder of this section looks at these arguments in greater detail.

Alan Rosenthal asserts that "a number of initiatives have placed minority rights in jeopardy" (1998, 34). He concedes that such measures often fail to gain support, but have the potential to succeed nonetheless. One such measure can be found in Colorado's controversial 1992 "anti-gay" amendment prohibiting state and local government from providing "various legal protections for gays and lesbians" (Stephens and Scheb: 1997, 15).

While the threat to the rights of minorities is always a possibility, others have found that minorities have made great strides by utilizing the initiative process. For example, Downs contends that while civil rights issues have failed to gain momentum at the national level in recent years, they have gained momentum at the state-level. She cites the failed passage of the 1991 Civil Rights Bill as "one of many examples in which the legislative process stalled due to uncoordinated strategies of fragmented coalitions at the federal level" (Downs: 1991, 413). However, she concludes that the "initiative and referendum processes offer expedient means for citizens to ask and answer these politically sensitive questions that politicians have successfully avoided" (1991, 413). Because these tools are available at the state and local levels, Downs asserts that minorities have achieved greater success in recent years at the state-level, than at the national level. She finds there are several instances where minority rights have met success in initiative campaigns. For instance, she recognizes the defeat of a 1978 California measure enabling schools to suspend any teacher who is accused of being a homosexual or advocating a homosexual lifestyle as a victory for gay rights. Similarly, in a precursor to the 1992 Colorado amendment, citizens of Denver rejected a similar proposal (Ordinance 1) that would prevent the protection of homosexuals in hiring, housing, and various other circumstances (Downs: 1991, 414).

Initiatives focusing on homosexuality are not the only ones that have had a bearing on the suppression or extension of minority rights. Perhaps the most widely publicized initiative of the 1994 election cycle, Proposition 187, provides another perspective on the question of whether initiatives contribute to the tyranny of the majority or if they delimit the ability of the majority to suppress minority rights. California's infamous Proposition 187 sought to deny many privileges to illegal immigrants. The initiative denied social services, non-emergency health care, and education to illegal immigrants and required public agencies to report suspected illegal immigrants to state and federal authorities (Tolbert and Hero: 1996, 806). In addition, the measure witnessed marked differences in public support among racial and ethnic groups. Tolbert and Hero (1996, 809) note that

> a *Los Angeles Times* exit poll found the illegal immigration initiative polarized the electorate along racial lines, with broad support among white voters while losing among other ethnic groups. Whites voted almost 2 to 1 in support of Proposition 187. Latinos, in contrast, opposed the measure 77% to 23%. The poll also shows that 53% of black and Asian voters opposed the measure, suggesting the measure may have been broadly conceived as anti-minority and/or anti-Latino.

Tolbert and Hero conclude that states with bifurcated social structures where there are sizable minorities cohabiting with homogenous White majorities, there is an increased likelihood of voter backlash against the minority gains that may manifest itself in "official

English language" or "Illegal Immigration" campaigns (1996, 808). In short, while they find that minority rights were not being trampled in the case of Proposition 187, the potential clearly exists that voters can be polarized along racial lines. Moreover, the perceived "threat" of minorities to a majority may generate legislation that may be illegitimate and serve the interest of the majority at the expense of the minority. Nevertheless, Tolbert and Hero fail to develop this strain of thought.

The Use of Information Shortcuts in Ballot Campaigns

Among the goals of Progressive Reformers was to eliminate corruption in politics. One way they sought to achieve this goal was to minimize the impact of political parties. Party "machines" often ran political campaigns. The graft and corruption of machines drew the ire of many reformers. In order to minimize the impact of political parties, reforms such as open and direct primaries, non-partisan elections, and the Australian ballot were adopted. As a consequence, reformers believed that candidates with loyalties to the citizenry rather than a political machine would emerge. However, as political scientists soon uncovered, the political parties had a much greater impact on citizens than "merely" staffing, organizing, and executing the government.

Among the most important features of political parties is that they provide citizens with a mechanism to sift through the boundless amount of information available in political campaigns. In short, parties provide an information shortcut for voters. The parties eliminate many of the costs voters must incur in order to obtain information in campaigns. Parties attempt to educate voters and simplify issues. Knowing a candidate is a member of a particular political party produces a sketch of the types of issues the candidate may support or oppose. This, in turn, allows citizens a "linkage institution" to the government. Moreover, the lack of partisanship is accompanied with less knowledge about political issues and a decreased likelihood to participate in the political system.

One of the distinguishing characteristics of a ballot proposition is lack of partisan affiliation. While the political parties may openly support one side of an initiative over another, there is no explicit linkage between an initiative and party identification. Brown and Paul (1997, 2) note:

> Referendum politics... lacks the electoral "cues" that party-based or candidate-centered elections have because it is non-partisan. The major engines of electoral politics, local party organizations, are usually not involved extensively in referendum issues. Media, paid and free, become the principal means by which affected groups communicate with the public.

The question then becomes: with the lack of party identification or a candidate, how do voters sift through information in a ballot campaign? Moreover, how well do they process information in a ballot campaign? Several scholars have weighed in on these questions.

In a 1989 poll of California voters, "nearly one-third of voters gave responses which suggested that propositions made too many demands upon them" (Bowler, Donovan and Happ: 1991, 559). Voters are often overwhelmed by the media blitz accompanying initiative campaigns. Involved participants constantly attempt to market their positions to the public. The conflicting messages combined with the lack of partisan cues illustrates the high information costs associated with ballot campaigns. A number of explanations purport to explain how citizens process information in ballot campaigns.

Magelby (1989) suggests that the degree of controversy and the volume of advertising aides voters in their assessment of ballot propositions. The degree of controversy is thought to reflect the potential scope of conflict of an issue, which would thus increase the media coverage of a proposition. This would consequently lead to increased information available to the electorate. However, he concedes it is difficult to operationalize "degree of controversy." Nevertheless, it is important recognize that many factors relevant to individual propositions will lower or raise information costs among voters. Other factors that weigh upon information costs include the wordiness of the proposition and its position on the ballot. The length of the proposition requires the voter to expend more energy in its understanding than do concisely written propositions (Magelby: 1984). Moreover, Bowler, Donovan, and Happ contend that "less interested and less well-informed voters may well be unwilling to bear the costs of making a series of decisions" (1991, 563).

Bowler, Donovan, and Happ analyzed California ballot propositions from 1974 to 1988 and found that many of the presumptions of scholars were borne out with their data. For example, they found significant drop-off effects associated with ballot position. Their data reveal that voters act in a non-linear fashion, paying particular attention to early propositions and late propositions and then "skip over the middle portion of the ballot" (1991, 564). Similarly, longer propositions also reveal a great deal of drop-off. Conversely, campaign spending (used as a proxy for advertising) reduces drop-off among voters.

In a related study, Lupia (1994) examined how well voters in California were informed concerning five complicated insurance initiatives that appeared on the ballot in 1988. Rather than assessing how they dealt with information costs, Lupia was interested in describing how voters could use information shortcuts to simulate the behavior of well-informed individuals. Several characteristics presented an interesting framework from which to assess the electorate's ability to process information. All five initiatives were written in technical language and were lengthy (Lupia: 1994, 65). In addition, the 1988 general election ballot was unusually long. Of course, there was no partisan or candidate cue for voters in the campaign. Nevertheless, the insurance initiatives were highly salient among voters in the November election. The expensive campaigns waged from each side and summaries of each initiative provided by the state of California in the *California Ballot Pamphlet*, helped offset the information costs incurred by voters.

Lupia concludes that "respondents who possessed relatively low levels of factual (or encyclopedic) knowledge about the initiatives used their knowledge of insurance industry preferences to emulate the behavior of those respondents who had relatively high levels of factual knowledge" (1994, 72). In short, in an uncertain environment, he found that voters were able to use their limited resources to emulate the behavior of well-informed voters. Therefore, he contends that if good public policy emanates from a well-educated citizenry, scholars should not be overly concerned in regard to ballot campaigns, due to the electorate's ability to use information efficiently.

In his examination of the 1990 California term limit referendum, Skalaban (1998) affirms Lupia's findings: "citizens are capable of purposeful issue and sophisticated voting in referendum elections" (35). He finds that citizens rely on the limited information they obtain to assess their support or rejection of policy decisions. Consistent with many of the aforementioned voting cues, Skalaban discusses the role of issue saliency and the saturation of information waged by opposing sides to diminish information costs. He also provides a more direct assessment of the role of political endorsements by political elites. For example, representatives, business elites, media, community groups, and celebrity personalities are among the many endorsements advocates of initiatives seek to help persuade voters to support their cause. Better yet, these endorsements may provide mere identification of an issue with a political actor (or cue) that may help voters sort through technical information and varying explanations of the potential impact of ballot propositions. Again, voters appear to be able to utilize information shortcuts to make relatively informed decisions in connection with ballot campaigns. These findings may prove significant in my treatment of the California and Missouri initiatives. More specifically, the issue saliency of gambling in both California and Missouri was particularly high. Moreover, a bevy of endorsements were offered in each case as well. It is important to analyze how groups attempted to persuade and inform voters in regard to these cases. The mobilization of the electorate is essential to understanding how groups attempt to succeed in ballot campaigns.

The Bridge Between Initiatives and Interest Groups: Campaign Consultants and Direct Democracy

This section examines the burgeoning literature on the role of interest groups in the ballot process. To this point, many different treatments of the initiative process have been examined. This examination has illustrated the varying approaches scholars have utilized to study direct democracy. While many of these treatments have not explicitly analyzed the impact of interest groups upon the process, many have intimated at the potential effects of interest groups upon initiative campaigns.

Brown and Paul note: "Organized interests excel at "insider" politics" (1997, 2). Their expertise within a specific and minute policy niche enables them to enjoy a level of influence (or access) that those with less knowledge are unable to achieve. Groups tend to restrict the scope of conflict within arenas that they can dictate or control. They attempt to keep other interests out of the scope of conflict. However, ballot campaigns represent the ultimate in conflict expansion. All interests are involved in the policy process and conflict is consequently expanded. This may occur as a result of a group not being able to achieve what it wants through the legislative or administrative arena, or it may be due to a grassroots effort that is manifest in a ballot proposition. Magelby and Patterson state: "Some ballot initiatives result from grassroots activity, but far more come from political activists or interest groups who have the resources to hire signature solicitors and campaign consultants. Often, those who play the initiative game work for the same groups who lobby the legislature on the same issue" (1998, 160).

Nevertheless, the organizational and financial resources that groups utilize under conditions of "normal" lobbying are still at their disposal in an initiative campaign. Lascher, Hagen and Rochlin assert: "organized interest groups dominate the use of the initiative process" (1996, 773). Similarly, others contend that "while the initiative process is a powerful agenda-setting tool, it is realistically only open to individuals or groups with substantial political resources, especially money" (Magelby and Patterson: 1998, 161). As a consequence, interest groups have many tools at their disposal and are very capable of funding initiative campaigns. Chiefly among their resources is the use of campaign consultants.

Magleby and Patterson contend that "political consultants play a significant role in the conduct of direct democracy" (1998, 160). Political consultants act with one goal in mind—to get the desired results of their employers. They employ a variety of tactics in order to achieve their objectives. The right "mix" of tactics is expected to bring success. Consequently, consultants attempt to develop successful *strategies* for their clients.

Schmidt (1989, 23) contends that while money is important in ballot campaigns, the amount one spends only partially tells the story of its effectiveness:

> The success or failure of a voter-generated initiative depends these days not so much on how much money each side spends or which celebrities they enlist. Increasingly, these ballot measures are about good and evil, heroes and villains. The side that manages to paint its opposition as selfish and greedy can win whether it is outspent or not. Money helps paint the picture, but it does not win on its own.

It is campaign consultants who paint the picture to be seen by the electorate. Whether groups spend lavishly on media advertisements, pursue important endorsements from political elites, or wage negative campaigns against their opposition, it is apparent that the strategies groups utilize to get their message across are important. Many groups utilize political consultants to develop such strategies. Magelby and Patterson assert that consultants "rely on mass marketing techniques to test messages, to measure opinion change, and to craft advertising campaigns" (1998, 160). The presence of campaign consultants in electoral campaigns is a necessity. Their ubiquity in ballot campaigns is increasingly common. Campaign consultants were employed in both Proposition 5 and Amendment 9.

Ballot campaigns are appealing to political consultants for a variety of reasons. One tangible reason consultants are drawn to ballot campaigns is the amount of money they can make. One consultant claims that more money may be made in an expensive initiative campaign than in a Senate race or even perhaps a presidential race (Magelby and Patterson: 1998, 161-162). As discussed above, the absence of a candidate or partisan cue presents a different environment for voters in a ballot campaign. This fact affords opportunities that are absent in conventional elections. Political consultants attempt to capitalize upon these opportunities. For instance, in a conventional election the consultant must minimize the personal liabilities of a candidate (such as scandals, spouses, or meddlesome family members), while maximizing his/her strengths (Magelby and Patterson: 1998, 162-163). This leads one consultant to state: "the voter starts out with more of a blank slate. . . more open to impressions or suggestion" (Magelby and Patterson: 1998, 163). Hence, consultants believe public preferences in a ballot campaign may be more easily manipulated than in conventional elections. While scholars have largely neglected to study the role of campaign consultants, it is readily apparent that they are taking on increasing importance in today's media driven political campaigns. Moreover, it is apparent that groups do indeed use consultants to aide them when they utilize the initiative process. Their expertise and impact cannot be overstated. In short, the use of political consultants is certainly *one* of the strategies groups utilize in the initiative process and this discussion is particularly instructive in my analysis of interest group behavior in the initiative process.

INTEREST GROUPS: AN INTRODUCTION

An Overview

Thus far, this chapter has examined a variety of treatments of the initiative process by scholars. A logical progression of these treatments has been offered, finishing with a discussion of the use of campaign consultants in the ballot process. While many allusions were made to the role of groups in the initiative process, no comprehensive discussion of this topic has been offered. Simply put, there are very few analyses that address the role and impact of groups upon the ballot process.

The remainder of this chapter is devoted to understanding the classification of interest groups, the activities in which groups engage, and the strategies that groups employ to gain, maintain, or enhance their power in the political process. It is important to discuss these phenomena in order to address my research questions. The chapter concludes with an examination of Gerber's recent analysis of interest groups in the initiative process. Her analysis is vitally instructive to this research endeavor.

The Classification of Interest Groups

In order to understand, explain, and predict the behavior of groups in the political process, we must first understand the unit of analysis. A common language is necessary in order to build upon previous research examining group behavior. Towards this end, an explicit definition of what constitutes an interest group is offered. In addition, a classification scheme of interest groups is also presented. The classification of interest groups is well-grounded in the discipline. This section looks at the classification of interest groups based upon various characteristics.

Interest groups have been defined in a variety of ways. Several definitions from introductory political science textbooks include: "an organized group that tries to influence public policy" (O'Conner and Sabato: 1997, 800); "an organization that exists for the purpose of influencing government for the benefit of its members" (Light: 1999, 241); and "An organization whose main purpose is to affect the operation of government by persuading key persons in government to act in accordance with the group's interests" (Lawson: 1999, 135). All of these definitions share several characteristics. First, each assumes that groups are in fact "groups." They do not recognize singular actors as interest groups. While this may appear self-explanatory, there are many instances when individuals attempt to lobby government or mobilize public opinion for a particular interest, while they are not a member of a group per se. For example, the act of "going public" by legislators and executives is intended to mobilize public opinion and affect public policy. We do not consider these representatives members of interest groups, although their behavior in these contexts is essentially the same. Second, each definition states that groups are organized. Third, they all recognize the linkage between an interest group and government. The desire to affect public policy is evident in each of these definitions.

For the purposes of this dissertation, an interest group is defined as *an actor or actors with a vested interest in a particular issue or set of issues that attempt to mobilize support for their particular issue or set of issues and/or lobby the government in order to affect public policy.* This definition is purposely broad in order to examine the behavior of a wide array of actors in the political process. This definition allows for the single actor that acts in the stead of a group. For example, a representative, a clergy member, a business executive, a celebrity, and so forth are all actors that deserve attention when examining interest groups. In addition, this definition emphasizes the role of public opinion and the mobilization of voters to put pressure on legislators. This definition also provides a conceptually stronger linkage between citizens and government. Groups may attempt to use citizen pressure to attain their goals, rather than campaign contributions or conventional lobbying. Now that the notion of an interest group has been defined, it is appropriate to differentiate between different kinds of interest groups. This discussion enables one to examine the patterns of involvement or relationships among similar groups and between dissimilar groups.

Scholars often distinguish between economic or occupational interest groups and non-economic or non-occupational interest groups. Groups belonging to the former category include: professional association groups (e.g., the American Bar Association), labor unions (e.g., the United Auto Workers), agricultural groups (e.g., the National Farm Bureau Federation), and various business or corporate associations (e.g., the Tobacco Institute, the National Association of Manufacturers, the United States Chamber of Commerce, etc.). Groups belonging to the latter category include: public interest groups (e.g., Common Cause), civil rights groups (e.g., the National Association of the Advancement of Colored People), ideological groups (e.g., the Conservative caucus), religious groups (e.g., the Christian Coalition), intergovernmental groups (e.g., the National League of Cities), and single-issue interest groups (e.g., the National Rifle Association). As the California and Missouri cases are analyzed, it is necessary to keep these distinctions in mind in order to identify and categorize the vested interests involved in each campaign. As we shall see below, different types of groups are expected to employ different tactics and rely upon a different pool of resources. Therefore it is important to identify the relationship among the various interests involved in each of the campaigns.

The Activities of Interest Groups

In order to address the third research question concerning the strategies of interest groups, it is necessary to discuss the various activities in which groups engage. This section analyzes what scholars have learned concerning the activities of interest groups at both the national level and the state level.

Scholars have uncovered a wealth of data concerning the activities of interest groups at both the national and state levels. The pioneering work of Lester Milbrath provided the foundation for a bountiful research agenda that scholars have since undertaken. Milbrath (1963) conducted the first large-scale systematic survey of interest groups based in Washington DC nearly forty years ago. His research identified a variety of tactics that groups employed to achieve their objectives. Our knowledge of interest group activities took a large leap forward in the 1980s with a series of projects that were undertaken to further discern the tactics of interest groups (see for example, Berry (1977); Walker (1983, 1991); Schlozman and Tierney (1984, 1986); and Heinz et al. (1993)). While these studies varied in their sampling techniques, their survey instruments, and their time frames, their findings are noticeably consistent.

What these surveys found was that groups partake in a wide array of activities. They certainly do not focus on a singular activity. Instead, they attempt to lobby government in a variety of ways. There are some activities that they engage in more than others. For example, nearly all groups testify at hearings, lobby government officials, make informal contacts with legislators, present research or technical information, send letters to members to inform them about their activities, and enter into coalitions with other groups (Hrebenar: 1998, 154). However, less than half of interest groups publicize candidate voting records, conduct direct-mail fundraising efforts, buy issue advocacy advertisements in the print or electronic media, contribute time and staff to election campaigns, endorse candidates, and participate in protests and demonstrations (Hrebenar: 1998, 154). Table 2-1 presents the results from one of the aforementioned surveys of interest groups.

While these examinations focused entirely on interest group activity at the national level, more recent analyses have directed attention towards interest group activity at the state-level (see for example, Gray and Lowery (1996); Hrebenar and Thomas (1987, 1992, 1993a, 1993b); and Nownes and Freeman (1998)). Because this research examines interest group activity at the state-level, these analyses may prove to be particularly helpful. Interestingly, the findings concerning the activities of groups at the state-level are remarkably consistent with their counterparts at the national level. For example, in regard to one of these examinations of interest groups at the state-level, Baumgartner and Leech (1998) note that "in thirteen of twenty-three questions about tactics adopted from the earlier survey, the Nownes and Freeman responses came within 5 percentage points of those compiled by Scholzman and Tierney" (151). In short, groups engage in many of the same activities in the states as they do in the nation's capital. Further, groups at both levels engage in a wide array of activities.

In addition to analyzing the role of interest groups in the initiative process, tactics that groups involved in the initiative process are also examined. One can expect many of the same activities that group utilize in other contexts are also used in initiative campaigns. However, the decision to engage in an initiative campaign may signify many things. For instance, it may illustrate that a group has a wealth of resources unavailable to other interest groups. Or, it may mean that interest groups use the ballot process as a means to level the playing field. Furthermore, it is likely that groups may engage in activities that are peculiar to ballot campaigns. Whatever the case, the decision to participate in a ballot campaign may inherently alter the distribution of activities relative to previous examinations of interest group activities. This issue is addressed in Chapter Four.

While the identification of group tactics is important, it only tells part of the story of an interest group's success or failure. Milbrath first made the distinction between tactics and strategies (Milbrath: 1963, 41). As Baumgartner and Leech (1998, 162) note:

> Tactics describe the individual external activities in which groups engage: meeting with legislators, filing suit, or mounting an advertising campaign. Strategies involve some particular combination of tactics and imply a mechanism by which influence is believed to be achieved. Strategies are combinations of tactics used in particular situations.

The successful deployment of their resources is imperative for a group to succeed. Therefore, an understanding of interest group strategies is critically important in order to understand the behavior and impact of interest groups. The proceeding section addresses the notion of group strategies.

Interest Group Strategies, Alternative Venues and Interest Group "Theories"

A discussion of group strategies enables one to address the latter two research questions concerning the strategies groups employ and the impact of groups upon the initiative process. Although scholars have told us a lot about the behavior of interest groups in a variety of contexts and venues, there is much that we do not know. Consequently, explanations offered thus far do a poor job of predicting and understanding the behavior of groups. Nevertheless, explanations offered by scholars do provide a sufficient guide for my research.

The remainder of this section is dedicated to describing the various explanations of group strategies. First, a discussion of the different approaches understanding group strategies is presented. Then, a delineation of several theories of the types of groups and the expectations of groups that lobby alternative venues is offered. Scholars have traditionally examined lobbying in the context of the legislative arena. We have focused on the relationship between interest groups and legislators. However, it has become increasingly clear that while most groups do lobby legislatures, they also lobby the other institutions of government. Consequently, many scholars have sought to understand how and why groups lobby these "alternative venues." Finally, several conclusions addressing which theories may be most appropriate within the context of a ballot campaign are made.

Baumgartner and Leech contend that the literature on lobbying has been built "one case study at a time" (1998, 120). In addition, the highly quantitative studies examining the impact of political action committees on roll-call voting and the large-scale surveys of interest group leaders have enhanced our understanding of interest group behavior and their concomitant impact upon the political process. While all three of these research strategies have been employed to better comprehend the role of interest groups in American politics, each has its own weakness.

For example, case studies are highly dependent upon context and fail to produce generalizable conclusions. The saliency of an issue, the decision-making venue, the amount of conflict generated, and the substance of the issue prevent the researcher from offering more general theories of group behavior. Likewise, many of the quantitative analyses that have been conducted fail to generate replicable analyses. Baumgartner and Leech note: "in both the quantitative studies of lobbying and studies of the impact of PAC contributions, we note a number of problems that preclude the development of a cumulative literature" (1998, 129). In addition, these analyses by their nature fail to account for context and therefore miss important explanatory variables. Finally, surveys also fail to account for idiosyncratic behavior in varying circumstances, thereby missing important data. The all too common tension between methodologies is apparent: the strengths of the case study are the weaknesses of quantitative and survey methodology and vice versa. Therefore, many conclude that a coordinated effort utilizing all three of these methodologies provides the most complete picture of interest group behavior.

While a cumulative literature offering general, accurate, and parsimonious theory has been difficult to achieve, some observations of group behavior have received notable attention. These theories emanate from studies of group behavior in primarily non-legislative settings. Scholars have devoted attention to groups lobbying alternative venues. In particular, scholars have focused on the litigation strategies of interest groups and how groups lobby the bureaucracy. These studies have generated several theories regarding the characteristics of groups in these settings (Baumgartner and Leech: 1998, 141). These explanations are examined because they most closely approximate the type of interest group behavior that occurs in a ballot campaign. That is, they each examine interest group activity in non-legislative contexts. This shall become increasingly clear as this dissertation proceeds.

Many of the explanations concerning the behavior of interest groups in non-legislative settings have been analyzed individually. That is, scholars have focused on one explanation at the expense of the others. These explanations include: political disadvantage theory, organizational characteristics/resources theory, institutional compatibility, the role of collective rights consciousness, and outside lobbying. These explanations describe what kinds of groups utilize non-legislative lobbying, why they do so, and how they attempt to lobby alternative venues. Scheppele and Walker (1991) argue for a more integrated approach to understanding the behavior of groups in non-legislative settings. Cigler and Loomis (1997) conclude that *all* interest groups attempt to utilize any and all possible outlets to achieve their objectives. While this obviously fails to account for the motivation underlying different strategies, it accurately recognizes that groups utilize a variety of approaches to attain their goals—by any means available. Each of the these explanations of interest group behavior in non-legislative settings are briefly discussed below.

To begin, political disadvantage theory has a long history emanating from studies of the National Association for the Advancement of Colored People (NAACP). The explanation contends that those groups that are considered outsiders will lobby alternative venues in an attempt to "level" the political playing field. The distinction between political "insiders" and "outsiders" generally refers to the level of access groups enjoy with political elites. The level of support from the electorate may also be a factor in whether a group is considered an insider or an outsider. For instance, if there is limited support among the electorate for a group's appeals, it may be considered as political outsiders. Regardless, we can expect that outsiders would use alternative venues more often than insiders (who presumably would have less need to lobby alternative venues).

Another explanation of group behavior can be found in organizational characteristics or resource theory. According to resource theory, the better equipped a group is, the more able it is to lobby alternative venues. Resources include staff, experience, and finances. In addition, external factors are also important. For example, the sharper the issue focus and the amenability to form coalitions also contribute to a group's ability to lobby alternative venues. Moreover, all of these characteristics enable a group to *more* effectively lobby alternative venues than groups that lack these characteristics.

Turning to the institutional compatibility of interest groups, scholars have discovered that groups may have to overcome a variety of barriers to lobby alternative venues. For example, groups lobbying the courts must navigate through various procedural rules. In order to utilize the courts, groups must act within certain constraints. For example, groups must meet the requirements set forth by courts in order to gain standing to sue. Scheppele and Walker (1991) assert that "getting standing in court requires suing someone in particular for a specific, demonstrable harm, and the group is more likely to be successful if its opponents are clear and conflict is intense" (161). In addition, research confirms that while some groups may be able to effectively use the courts as an arena for their concerns, others simply cannot. Scheppele and Walker (1991, 161) note:

> A group is also more likely to be successful if it is working in a policy area where the courts have clear jurisdiction. Foreign policy and national security are issues that courts tend to avoid, while economic growth and human services are issues that do tend to be resolved by courts. The match between an organization's agenda and the rules courts use to screen cases will make some organizations more likely than others to use the courts.

Clearly, many circumstances affect whether a group may use alternative institutions to achieve its objectives. In thinking about the initiative process, several issues immediately deserve attention. First, because initiatives are only available in 24 states, not all groups in all states will be able to utilize this method of legislation. Second, the requirements of the initiative process may be sufficiently prohibitive thereby dissuading some groups (with limited resources) from utilizing the initiative process. Third, the scope of potential policy areas that initiatives may constitutionally address may be limited for a variety of reasons. The conflict generated by the term limit movement clearly illustrate this point. While the movement has been successful in many states, the constitutionality of term limit legislation has come into question. Many initiatives have been judged unconstitutional in state courts. In addition, issues concerning foreign policy are also off limits for groups attempting to utilize the initiative process. Consequently, many of the concerns that are pertinent to groups lobbying the courts, are echoed with groups using (or not using) direct legislation.

Another explanation of group behavior is grounded in the increase in collective rights consciousness (Scheppele and Walker: 1991, 160). This view contends that groups organize around rights rather than interests. The theory presumes that a group with a collective consciousness will see itself in an uncompromising battle for rights, rather than in a fight to bargain for short-term gains. Such groups are more likely to seek long-term solutions to achieve their objectives. Therefore, if conventional lobbying does not result in its desired wants, it will seek out alternative venues in order to attain their goals.

The initiative process may fit this mold in some instances. Groups seek to directly change legislation in an attempt to achieve a long-term victory. The proceeding analysis of the California gaming initiative therefore addresses the role of group consciousness among the various Native American tribes supporting and opposing Proposition 5.

A final explanation of group strategy is evinced in the concept of outside lobbying. Kollman defines outside lobbying as "attempts by interest group leaders to mobilize citizens outside the policymaking community to contact or pressure public officials inside the policymaking community" (1998, 3). Interest group leaders need not limit their appeals to ordinary citizens. Business elites, potential campaign donors, interest group members, and news organizations may certainly be targeted by interest groups attempting to mobilize a constituency (Kollman: 1998, 3).

The concept of outside lobbying is not new. Two luminaries of political science, V.O. Key (1961) and E. E. Schattschneider (1960) examined this phenomenon nearly forty years ago. Key felt ambivalent about the impact of outside lobbying strategies by interest groups. He noted that such campaigns were often hit-or-miss. Therefore, the important question became why some campaigns were successful and why others were not.

Schattschneider's primary contribution is evinced in his notion of the socialization of conflict. As previously intimated, the socialization of conflict reflects who can and cannot get into the political fight. Groups attempt to control the scope of conflict as it benefits their cause. They restrict conflict within issue networks if that benefits their cause. However, if their pleas fall on deaf ears, they attempt to expand the scope of conflict and invite many others to engage in the policy-making arena. Presumably the expansion of conflict is directed to aid the group in their attainment of their objectives. Elsewhere it has been suggested that the initiative process can be thought of as the ultimate in conflict expansion. Of the explanations of group behavior offered here, the concept of outside lobbying is likely to most closely approximate what occurs in the initiative process. Therefore, it is imperative that we take a close look at the concept of outside lobbying.

Kollman's (1998) analysis is the first systematic attempt to understand the dynamics of group behavior regarding outside lobbying. In an integrative approach that owes much to its predecessors, he delineates the many activities groups engage in, the resources they deploy, and how they attempt to shape public opinion. Whereas previous explanations are more concerned with why a group may lobby an alternative venue, outside lobbying is explicitly concerned with interest group *strategy*. Kollman analyzes the strategic use of activities and tactics in order to develop a more complete picture of how groups attempt to effectively craft strategies. He recognizes that group leaders "spend precious hours and resources crafting careful public campaigns of persuasion" (Kollman: 1998, 4). It is noteworthy how this differs from conventional lobbying. Although the ultimate goal is to influence policymakers, groups that engage in outside lobbying also attempt to influence members of the mass public. This two-stage process acts as a fundamental linkage between the electorate and the government.

Kollman finds that groups selectively engage in outside lobbying. Not all groups engage in outside lobbying, nor are all policy areas equally reflective of outside lobbying efforts. He further concludes that rather than producing phony grassroots movements, outside lobbying does a fairly good job of communicating public opinion to legislators (1998, 13). Majoritarian public policy often results from outside lobbying efforts. However, Kollman also finds that intense groups with unpopular positions disproportionally engage in outside lobbying. Nevertheless, these efforts are often rebuked by the public and in turn by legislators.

Kollman's findings speak to the Populist Paradox mentioned above. Gerber provides the most systematic analysis of interest group activities in direct democracy. Her analysis is undertaken with an eye towards solving the so-called paradox. Gerber distinguishes between several different types of groups that may be active in the ballot process. This classification scheme conforms to conventional descriptions of group types. Because Gerber examines these different classifications relative to the ballot process, this study utilizes her classification scheme. Table 2-2 illustrates the classification of the various groups, according to Gerber.

Groups can be identified as business, economic, professional, labor union, or citizen groups. Business groups consist of a single business, corporation, or trade association. Members of these groups become members as a condition of their employment (Gerber: 1999, 70). Economic interest groups consist of individuals who represent business interests. Examples of this type of group include: the California Beer and Wine Wholesalers Association and the Washington Software Association (Gerber: 1999, 69). Professional interest groups emanate from individuals whose "personal interests and resources are indistinguishable from those of their profession" (Gerber: 1999, 71). The California Trial Lawyers presents a clear example of this type of group. Group membership is often contingent upon professional requirements, thereby precluding voluntary membership. Trade unions are the fourth type of group and they harvest their membership as a condition of employment. Gerber (1999) notes: "members are not official representatives of their employer but autonomous individuals who pay their own dues" (71). Finally, citizen groups consist of members who join for "non-occupational" reasons (Gerber: 1999, 69). Examples of citizen groups include: civic organizations (such as the Kiwanis), the League of Women Voters, and Greenpeace.

Gerber theorizes that distinctions between groups carry important consequences for the types of resources they may be able to galvanize. Differences in their ability to mobilize resources are a function of their membership characteristics. Those groups that rely upon organizational representation will be more apt to procure monetary resources. Conversely, those groups that rely upon autonomous individuals for their membership will be more apt to secure personnel resources. Consequently, Gerber concludes that business and economic groups would be more able to mobilize monetary resources. Trade unions and citizen groups would be more able to mobilize personnel resources. Gerber attributes this to several reasons. First, unions are typically highly organized and thus, better able to muster individuals to help with political causes. Second, citizen groups are accustomed to mobilizing volunteers for their cause, and thus are better equipped to mobilize citizens to aide them in a ballot campaign. She states that professional interest groups are likely to generate a combination of monetary and personnel resources. She bases this upon the logic that due to the immediacy of the stakes involved among professional groups; individuals would be highly motivated to concentrate upon personnel resources. While all groups involved in the campaign are classified, it is important to pay particular attention to the key participants.

Gerber theorizes that organizational resource theory best provides a framework for understanding how groups overcome institutional and electoral barriers. Institutional barriers include the drafting and qualifying of a measure. Electoral barriers include the campaigning for (or against) a measure. Gerber asserts that the key to understanding how a group overcomes these obstacles is by examining how well they can obtain and deploy organizational resources. She further explains that different groups are better able to mobilize different types of resources. More specifically, she asserts that citizen groups are best able to mobilize personnel resources (in the form of volunteers) to be utilized as manpower in a ballot campaign. Conversely, she contends that business and economic groups are better suited to mobilize monetary resources to be utilized in a ballot campaign. Gerber posits that these differences are due to the membership characteristics of the different types of groups. Gerber hypothesizes that few groups will have large amounts of both personnel and monetary resources. Her research finds support for this hypothesis. However, Gerber's analysis is founded upon survey analysis. This dissertation provides an opportunity to examine her analysis and findings in greater depth. Consequently, the examination of California and Missouri may provide greater insight into the Populist Paradox.

It is now appropriate to discuss what these differing explanations of group behavior have to offer my examination of interest groups in the initiative process. It is important to understand how these theories (political disadvantage, organizational characteristics/resource theory, institutional compatibility, rights claims, and outside lobbying) inform an understanding of the role of groups in the initiative process. The analysis of the Missouri and California cases include a discussion of these explanations and what they have to offer in regard to an understanding of their respective experiences.

First, we need to recognize the contradictions among these theories. For example, resource theory and political disadvantage theory are obviously at odds. Contrary to the popular belief that disadvantaged groups utilize alternative venues, in most cases, it is the more well-established groups that are better able to lobby alternative venues (Scheppele and Walker: 1991, 160). Perhaps data obtained in these case studies can begin to help better understand the *contexts* by which these theories best approximate reality. In short, we cannot expect that all of these theories at all times will aid our analysis of group behavior. However, we may be able to piece information together to better understand the operation of these theories within different political contexts. Second, we must examine the role of resources. We must look for prevailing patterns regarding the effectiveness of those groups that have resources versus those that lack them. Consistent with organizational characteristics/ resource theory, we expect that those that have greater resources should be more successful in their activities. Third, one must confront the extent by which procedural requirements affect the strategies of interest groups in the initial stages of a ballot campaign. This must also take into account the inability of groups that could not overcome the procedural hurdles to get their legislation placed on the ballot. Fourth, Chapter Four explicitly examines the role of rights claims in regard to the Native American experience in California.

Finally, the research attempts to uncover successful strategies of outside lobbying by interest groups. These strategies rely heavily on the use of political consultants and their ability to influence public opinion. The attempt by an interest group to influence public opinion in conjunction with the availability of direct legislation provides an interesting nexus regarding group behavior, pubic opinion, representation, and direct democracy. These concepts are fundamental to our understanding of American politics.

It is with these concepts in mind that one embarks on the journey to understand the relationship between interest groups and direct democracy.

CONCLULSION: TOWARD AN UNDERSTANDING OF INTEREST GROUPS AND INITIATIVES

Direct democracy is no stranger to analysis by academicians. The role of the citizen in the democratic process, consequences for representation, and the impact upon public policy all make its study invaluable to understanding the American polity. Research has shown that direct democracy certainly has real policy implications for citizens. However, judgments regarding the rectitude of direct democracy remain mixed. Both normative and empirical treatments of the initiative process have generated various conclusions about the initiative process. While the research undertaken here does not attempt to provide the final answer regarding the sensibility underlying the initiative process, it does aspire to provide some insight regarding the role and impact of groups in the ballot process.

Similarly, the role of interest groups in the American political process has captured the attention of political scientists from the inception of the discipline. Scholars have uncovered much about the different types of groups in the interest group universe, the different tactics groups utilize, and how different groups utilize different strategies. In addition, we have unmasked several "theories" of how and why groups lobby in non-legislative settings. These explanations of group behavior provide a strong footing for this examination. Gerber's identification of the Populist Paradox further provides a solid theoretical grounding for this study. Chapter Three examines the analytical framework in greater detail.

The research undertaken in this study is an attempt to meld two streams of research--direct democracy and interest group behavior. The activity and impact of interest groups in the initiative process cannot be denied. However, scholars have neglected to devote systematic attention to understanding their relationship. The research that has devoted attention in this area is highly exploratory. This study attempts to fill this void and enhance our nascent understanding of group involvement in the ballot process. The following chapter delineates the research strategy towards understanding the role of interest groups in the initiative process.

CHAPTER III

ANALYTICAL FRAMEWORK AND RESEARCH STRATEGY

INTRODUCTION

In order to paint a lucid picture of the activities and strategies that groups utilize in the ballot process, it is necessary to develop an appropriate research strategy. This chapter details the research strategy. More specifically, the strategy regarding California's 1998 Proposition #5 and Missouri's 1998 Amendment #9 is presented. In addition, an analytical framework is offered. This framework aids in the explanation and understanding of the activities, strategies, and resultant impact groups had in these ballot campaigns. It helps identify the important factors we must examine in order to better understand the what happened in California and Missouri and the impact of groups in each case. The remainder of this chapter is devoted to (1) developing an analytical framework; (2) illustrating why the case study is an appropriate methodological approach for my research questions; (3) understanding how and why each case was chosen; and (4) how data were collected.

ANALYTICAL FRAMEWORK

Chapter Two briefly examined several descriptions of group activity in non-legislative settings. While each of these accounts could be used to explain the behavior of groups in the initiative process several of these descriptions are particularly instructive —

organizational characteristics/resources theory, collective rights consciousness and outside lobbying. These descriptions of group behavior are amenable to contributing to more generalizable suppositions concerning group behavior in the ballot process. Nevertheless, as each aforementioned explanation *may* accurately describe what occurs in the initiative process, caution is expressed to address those instances that appear to fit the mold of a particular explanation. The remainder of this section is devoted to understanding how these explanations are the most appropriate means toward understanding the behavior of groups in the initiative process.

There are several reasons these descriptions are helpful. Following the lead of Scheppele and Walker (1991), this study attempts to obtain a more complete picture of lobbying in a non-legislative setting. Towards that end, it is appropriate to analyze the behavior of groups from multiple perspectives. Consequently, rather than relying upon any singular account of how groups behave in the initiative process, attention is devoted to multiple explanations.

The literature on interest group behavior is devoid of any true "theories" of group behavior. A theory generally consists of a set of propositions that enable an individual to explain, predict and understand phenomena. While many of the propositions to understand non-legislative lobbying are suited for explanation and understanding, they hardly enable political scientists to predict behavior. Nevertheless, research presented here may begin to gnaw away at this problem. Each description is relatively well-grounded in a broader theoretical framework and is amenable to quantification.

For instance, organizational characteristics/resource theory is grounded in the position that the greater the level of resources a group maintains, the better equipped a group is to lobby in a non-legislative setting. While this is a seemingly simple proposition, its proponents further articulate what constitutes organizational strength/resources. These components include: the number of staff, the longevity of the group, the expertise found in the group, the finances of the group, the issue focus of the group, the ability to form coalitions, and the ability to cultivate support (either from the grassroots or from political elites). As Gerber notes, these could be more broadly classified as personnel resources or monetary resources. Regardless, many of these components are quantifiable and may be measured by an observer and compared among cases. This provides greater depth to the claims of those working from the organizational characteristics/resource theory perspective.

Similarly, the notion that groups organize around specific rights is also grounded in a theoretical framework. This explanation is particularly relevant to the Native American call for Indian sovereignty. The identifiable history of various tribes, the exploitation of Native Americans, and the framing of the gambling issue as being about Indian sovereignty make this explanation imperative to understand the California case study. Moreover, the desire to secure long-term benefits through the initiative, rather than through individual compacts with the governor conforms to class consciousness explanation of group behavior.

Finally, outside lobbying emanates from a larger literature on group mobilization. This perspective claims that when groups fail to achieve what their aims are within the domain of traditional lobbying, they attempt to mobilize citizen support (either through public opinion or through direct citizen contacts) to put pressure on legislators. This appears to best approximate what often happens in the initiative process. Documentation of attempts to lobby legislators by traditional means is not difficult to obtain. Nor is the effort put forth by groups in a ballot campaign. Moreover, researchers may be able to ascertain the motivation of group leaders via personal interviews or survey questionnaires. Therefore, these descriptions provide a solid analytical framework by which to examine the behavior of groups in the initiative process. Consequently, these explanations of group behavior provide a sound basis for the analysis of the California and Missouri experiences.

It is worth noting that Gerber's (1999) analysis of the "populist paradox" in large part utilized the organizational characteristics framework and the outside lobbying framework in her comprehensive analysis of ballot propositions. While her findings are a valuable first step towards a better understanding of interest group involvement in the ballot process, she grants that her findings may break down under closer scrutiny. This is due in large part to the problems associated with survey research noted in chapter 2. The many complex issues involved in ballot campaigns make generalizations difficult. It is apparent that most ballot campaigns are not simple to explain and understand. Rather, they are often very complex and require in-depth analysis in order to reveal the multiple levels of influence, interaction, and involvement of those associated with ballot campaigns. The cases examined here clearly illustrate this point. Consequently, this research provides a fantastic opportunity to hone the findings of Gerber and contribute to a greater understanding of the dynamics of interest group behavior and influence in the initiative process.

THE CASE STUDY AND ITS APPROPRIATENESS

Chapter One examined the appropriateness of the case study in the development of social theory. Chapter Two briefly illustrated how scholars have developed explanations of interest group behavior based largely on case studies. Much of the literature on interest group behavior has been built upon case studies. This research is consistent with this tradition. The following cogently discusses why the case study is the most appropriate methodology for this study.

The case study was chosen for a variety of reasons. Foremost, the lack of data concerning state initiatives and interest groups is undeniable. The lack of data enveloping state-level research has plagued scholars for decades (see, for example, Brace and Jewitt: 1996). While data regarding the frequency of initiatives, the subject matter of initiatives, and the requirements to qualify ballot propositions are readily accessible, there is a paucity of data beyond the sheer amount of money spent on initiative campaigns. Consequently, little is known about the tactics and strategies groups use in initiative campaigns. Therefore, the lack of data dictates the case study is a preferable strategy to statistical methodology (Yin: 1989, 13).

Moreover, case studies are particularly helpful when attempting to answer "how" and "why" questions (Yin: 1989, 13). While the case study enables the researcher to gain valuable information about phenomena, it does have weaknesses. The most frequent criticism of the case study is its inability to generalize to larger populations. However, the goal of the case study researcher is "analytic generalization" rather than "statistical generalization" (Yin: 1989, 21). That is, the researcher attempts to "expand and generalize theories" (Yin: 1989, 21).

The status of the case study as a method of scientific inquiry is often debated. Because, as Lijphart states (1971, 691), "the scientific status of the case study method is somehow ambiguous," a brief discussion of the strengths and weaknesses of the case study is presented. Perhaps the greatest weakness of the case study is that it is difficult, if not impossible to generalize to larger populations. Yin (1989, 21) states:

> The short answer is that case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes. In this sense, the case study, like the experiment, does not represent a "sample," and the investigator's goal is to expand and generalize theories (analytic generalization) and not to enumerate frequencies (statistical generalization).

King, Keohane, and Verba have proposed a similar strategy for political scientists. Their thesis is that both quantitative and qualitative analyses are empirical. In addition, if each adheres to the same standards of scientific inquiry, then they are each useful tools for social scientists. They assert that both quantitative and qualitative research are grounded in the same logic of inference. They contend that scientific research in the social sciences is characterized by the following: 1) the goal is descriptive or explanatory inference on the basis of empirical observation; 2) the procedures utilized by the researcher are public; 3) the conclusions are uncertain; and 4) the content of science is the methodology employed, not the substance of the analysis (1994, 7-9). Consequently, if these criteria are met, then scientific research is said to have taken place. In short, both are empirical endeavors and scholars should be cautious to adhere to the principles of science when utilizing *each* methodology. Quantitative and qualitative approaches are often complimentary.

Of course, with the use of the case study, there are problems of generalizability. That is, it is difficult, if not impossible to speak to larger populations on the basis of a single case study. There is no mechanism for control within the single case study. Nevertheless, case studies offer a variety of beneficial tradeoffs. They enable the researcher to gain a robust understanding of complex phenomena. In addition, case studies provide an in-depth understanding of contextual variables that may go unspecified when statistical analysis is undertaken. Finally, case studies are instrumental when conducting exploratory research. The lack of research addressing the role of interest groups in the initiative process makes the case study the appropriate research strategy.

THE SELECTION OF CASES

An ideal analysis would have utilized a data set comprised of information from all states with the initiative. However, no such data set exists. Likewise, a desirable strategy would be to do a case study of each initiative appearing on state ballots during a specific time frame. However, the resources required for such a task are beyond the scope of this dissertation. Consequently, after much deliberation, a strategic choice was made to focus on two case studies.

The Cases: A Brief Overview

The two cases are: (1) the 1998 California Tribal Gaming Proposition and (2) the 1998 Missouri Riverboat Gambling Proposition. Proposition 5 was a compact between the state of California and tribal lands for the express purpose of gaming. The essence of the initiative was to enable the state to entertain greater control over the gaming industry among Native American tribes in California. The proposition was hotly contested and the campaign wound up being the costliest initiative to date. Missouri's Amendment 9 was intended to ease state restrictions upon Missouri's Riverboat casinos. It attempted to amend the state constitution to legalize games of chance in casinos that float in artificial moats rather than on the main channels of the Mississippi or Missouri Rivers. As in previous initiatives affirming riverboat gambling in Missouri, voters approved the amendment. While on their face, these initiatives may appear interesting, there are several more legitimate reasons why these cases were chosen as the subject of this dissertation.

Legitimization of the Cases Chosen

In an effort to minimize the problem of generalizability inherent with case study research, two cases were chosen. This was done in lieu of relying on a single case study. In addition, specific criteria were employed in the selection of these cases. The remainder of this section details how and why these cases were chosen.

There are a variety of reasons why Proposition 5 and Amendment 9 were chosen. The ubiquity of initiatives in California, the high issue saliency of each initiative, the ample number of affected interests involved in each initiative, the jaded history of the Missouri Riverboat Gambling initiative, the increased presence of gambling initiatives across the country over the past decade, and the topicality of the cases are among the many reasons that led to the selection of these cases. Each of these reasons are discussed in order to illustrate why the California and Missouri cases are appealing choices to examine interest group behavior in the initiative process.

As noted in Chapter One, initiatives have permeated the California landscape for over a generation. There were over sixty initiatives appearing on the California ballot between 1981 and 1992 (Kehler and Stern: 1996, 284). There were twelve initiatives appearing on the California Ballot in 1998 alone (*California Voter Information Guide*: 1998, 4-7). Moreover, it is widely recognized that California is a bastion for controversial ballot measures and for astronomical sums of money spent by opponents in ballot campaigns. Beyond its prevalence in the initiative process, Rosenthal suggests that California must be included in studies of interest group behavior because of its "predominance, the professionalization of its legislature, and the complexity of its politics" (Rosenthal: 1993, 10). These variables are discussed in greater detail below.

To continue, the issue saliency of gambling can be described as broad in scope with many affected interests (see Table 3-1). As a public confrontation issue, the issue of gambling may affect many varied interests. Consistent with Schattsneider's theory of the socialization of conflict, gambling is a prototypical issue that will energize the electorate. Similarly, one can expect the concept of "outside lobbying" to be especially prevalent in an issue such as gambling. The more affected interests and the broader the scope of conflict, the more likely that groups will have to lobby the public to bring pressure to bear on politicians.

Both the California and Missouri initiatives attracted a great deal of notoriety both within their respective states and nationally. Proposition 5 became the most expensive initiative campaign in history as nearly $100 million was spent. Amendment 9's history provides many interesting avenues to examine. Because Amendment 9 was to amend the Missouri constitution, it illustrates the complex relationship between the electorate, interest groups, the legislature, and the courts. This is a relationship that has not gone unnoticed by scholars. David Magelby (1998) has commented on the role of the courts in providing the final stamp of approval for citizen initiatives. The complex web of relationships that oft-times butt heads produces a murky picture how direct democracy really is. The Missouri experience with Riverboat Gambling is a prime example of the type of wrangling that takes place between the branches of government at the state-level. Consequently, as a by-product, my analysis may shed more light on this phenomenon.

The emergence of gambling on the political scene is a relatively new event. "Two decades ago, 2 states had legal gambling and 48 states outlawed it. Today, 48 states have some form of legal gambling" (Las Vegas Convention and Visitors Authority: 1996). The passage of the Indian Gaming and Regulatory Act in 1987 paved the way for Indian tribes to try their collective hands at the gambling business. In addition, the recognition of Riverboat Gambling as a legitimate activity has further increased the number of casinos in the United States. Many states have turned to direct democracy as a means to gauge whether their citizens want gambling in their states. The Las Vegas Convention and Visitors Authority claims that the "fastest growing industry in the world is Indian gambling" with an annual revenue of over $27 billion a year (1996). Some journalists note that the Indian lobby in California has managed to wield as much power in the state legislature as educators, labor unions, and various citizens' groups. The amount of money generated by casinos readily illustrate the high stakes of gambling to state economies. The move towards gambling does not appear to be subsiding. Consequently, it has become an important issue in American politics.

The topicality of these cases further enhances the legitimacy of the analysis. The timeliness of this study enables one to view the activities of groups at a recent juncture. This fact allows one to address how and to what extent groups have utilized the tools of the information age—chiefly the Internet. While the cases prevent discerning any trends that may have occurred in regard to interest group behavior in the initiative process, they do provide a baseline for future research. In addition, the saliency of the issue and the criteria used for the selection of cases further aid scholars in generating literal replications in the future.

CHARACTERISTICS OF THE CASES

This research follows the analytic lead of Alan Rosenthal. As one of the most prolific scholars of state politics, Rosenthal describes seven "important indicators" he used to classify the states he selected for his research on lobbying at the state-level (Rosenthal: 1993, 10-13). These characteristics illustrate the types of states selected for analysis and provide some sense of how the selected cases fit within the larger context of the fifty American states. Several of these indicators are utilized to illustrate how California and Missouri fit into the larger scheme of the 24 states with initiatives. In addition, other factors that should be accounted for are examined in order to provide a solid foundation for future research and produce more accurate answers to the research questions asked here.

Rosenthal includes several important characteristics in his study of interest group lobbyists at the state-level. Among these characteristics are state political culture, population, population rank, size of the legislature, and level of professionalization. While each of these indicators is included here, these characteristics describe only part of the story of the cases under examination. Other important factors include the revenue generated by each state, interest group impact within the state, party competition within the state, the requirements needed to qualify a measure for the ballot, issue salience, and time/history (as a contextual variable). The latter two indicators are addressed above.

These factors provide a baseline upon which to draw comparisons and look for patterns. While this study attempts to capture a general picture of the role of interest groups in the initiative process, it is apparent that each state varies along many different dimensions. Consequently, the data examined here are rooted in the context of the California and Missouri experiences with gambling. As a result, every effort is made to ensure that the most important characteristics of these cases are accounted for in order to minimize the aforementioned problems associated with the case study—namely the lack of generalizability. Therefore, the inclusion of these indicators should provide a means of comparison for subsequent research.

Table 3-2 provides a summary of characteristics of these cases. The two cases signify a variety of things. In most cases, California demonstrates what one might expect: its dominance in population, revenue generated, and a high level of legislative professionalization. California ranks first in population among the fifty states with 30,380,000 residents as well as first among the states with an annual revenue of $100 billion per year (Dye: 1997, 289-90). The number of citizens and the amount of money generated each denote the magnitude of the scope of the government in California. As for legislative professionalization, California has a highly professionalized legislature. This is characterized by the full-time nature of legislative positions, the high pay, large staff, and low turnover of California legislators (Dye: 1997, 171). Interest groups in the state of California are considered to have a dominant/complimentary role in the policy process (Dye: 1997, 114). That is, while at times interest groups will certainly be stymied by other forces, they are a dominant force on the California political scene. Finally, party competition in California is viewed as very competitive, although the landscape may often lean towards the Democrats (Dye: 1997, 124). This fact is not surprising considering the high level of professionalization and the subsequent politicization of issues among the electorate. In short, California is a politically charged state that scholars rarely fail to include in analyses of state-level politics.

Missouri on the other hand appears to represent a typically average state in its population, revenue, and level of professionalization. Missouri ranks fourteenth in population with 5,158,000 residents and is tied for twentieth in annual revenue of $12 billion per year (Dye: 1997, 289-90). As for overt political factors, researchers conclude that the impact of interest groups in the state of Missouri is complimentary (rather than dominant or subordinate) relative to political parties and the branches of government (Dye: 1997, 114). That is, interest groups in the state of Missouri act within a degree of balance with other players in the policy process. Similarly, Missouri's legislature has been characterized as a professional-citizen legislature (Dye: 1997, 171). Again, this is the modal category. The professional-citizen legislature is characterized by moderate pay, staff, and turnover. However, the typicality of Missourians wanes when one looks at party competition in the state. The Democrats have enjoyed a distinct advantage in the Show-Me State's politics (Dye: 1997, 124).

In regard to the qualifications to place an initiative on the ballot, the two states differ markedly. For example, California places no restrictions on the subject matter of ballot propositions, whereas Missouri does have some restrictions. In addition, the percentage of signatures required to qualify an initiative in California is less restrictive than it is in Missouri. While each state requires 5 percent of the total vote cast from the previous election for the governor to qualify a measure, Missouri also provides that 5 percent each of 2/3 of the congressional districts in the state also sign a petition. This provision eliminates the impact of particularly politically active districts dictating the initiative politics of the state. Another difference between the states is the length of time a petition may be circulated. While California has a relatively brief period (150 days), Missouri has a 20 month period of circulation. These differences may of course lead to different strategies interest groups may employ within each state.

A number of characteristics have been discussed. These characteristics enable some degree of comparability between the cases. The case studies presented here are intended to help produce a generic picture of the role of interest groups in the state initiative process. These characteristics are intended to provide a foundation to examine other issues in other states. While this study is interested in the stories behind Proposition 5 and Amendment 9, the ultimate goal is to provide a more accurate understanding of the role of interest groups not only in California and Missouri and not only in regard to the issue of gambling, but as to how and why interest groups act within the specific context of a ballot initiative. Towards this end, this research theorizes to propositions, rather than to populations (Yin: 1989, 21). This is addressed in the following chapters.

DATA AND METHODS

The collection of data for this project was undertaken from July 1997 through August 1999. Conventional resources were used to collect data for this study. Among the resources used are newspapers, the Secretary of State offices in Missouri and California, various articles, election returns, legislation, court cases, Voter Information Guides, various web pages, and the Dow Jones Interactive Database.

The *Los Angeles Times* and the *St. Louis Post* were used as the primary newspaper sources. These newspapers are the most widely read in each of the two states and provide coverage of both local and state news. It was essential to examine the coverage of the respective initiatives through the eyes of these newspapers. In order to avoid potential bias, these were not the only sources utilized.

The *Dow Jones Interactive Database* provided access to numerous journals, magazines, and newspapers across the United States. This database proved to be the best available source for this analysis. The Database was used, and articles were examined regarding each initiative from January 1990 to August 1999. While January of 1990 appears somewhat arbitrary, it is. Because the ballot measures under examination occurred in 1998, no relevant information appeared in the Index until 1991 in the case of Missouri and 1997 in the case of California. Because initiatives have relatively short life-spans, the lack of research prior to 1990 did not create too much of a problem. A plethora of articles from various sources that have helped tell a great deal of the story of the campaigns of Proposition 5 and Amendment 9 were obtained.

CONCLUSION

The impact of interest groups in the political process has been difficult to discern. Nevertheless, the bottom-line involved in the initiative process (a group may either *win* or *lose*) may allow one to better examine the effects groups have upon the outcome. In particular, the intimate knowledge to be obtained through this research strategy produces a rather clear picture of the impact of groups in these two cases. Findings presented here present a first step towards a more encompassing theory of interest group power in the initiative process.

This analysis commences in a manner consistent with theory-building, rather than theory confirming. The primary motivation behind my utilization of the case study method is that we do not have sufficient knowledge of group activity in the initiative process. In contrast to statistical methodology, each case is examined by theorizing to propositions, rather than to populations. While limitations such as generalizability and reliability are unavoidable, the lack of research on the topic makes my research strategy appropriate. As with all empirical analyses, every effort has been made to adhere to the scientific method.

Adherence to the scientific method enable one to generate inferences that may be used to inform existing notions of group behavior.

The following chapters weave a story of success and failure in two states. These stories did not happen by chance. Instead, calculated decisions were made and strategies undertaken. Consequently, some groups were winners and some groups were losers. The task in the following chapters is to describe what happened, why it happened, and to make sense of the California and Missouri experiences.

Figure 3-1 details the important factors analyzed in the California and Missouri cases. The case studies are presented in a fashion consistent with this diagram. The schematic denotes those factors expected to impact the strategies and tactics groups utilized. Each factor is analyzed and discussed in regard to each case study. Then, strategies and tactics are analyzed in conjunction with each case study. Finally, the relative impact of interest groups in each case is assessed. Some attention is devoted to assessing how well Gerber's analysis describes the campaigns under examination here.

It is important to understand the level of success (or failure) groups enjoyed. In assessing the impact of groups, the research examines why groups were able to succeed or why they failed to succeed. This framework aides in the analysis, explanation, and understanding of interest group activity in the respective cases. Through systematic analysis, the proceeding chapters produce a more complete picture of the happenings in California and Missouri.

CHAPTER IV

SOVEREIGNTY, MONEY, AND OUT-OF-TOWNERS: CALIFORNIA'S PROPOSITION 5

INTRODUCTION

This chapter analyzes California's 1998 Proposition 5 and its call to ease restrictions on Native American gaming. Proposition 5 was placed on the ballot by Native American gaming interests. It was a reaction to new restrictions set forth by Governor Pete Wilson. Proposition 5 sought to maintain current gaming provisions and protect tribes from any further encroachment by the California state government.

The story of Proposition 5 is a complicated tale. The purpose of this chapter is to make sense of what occurred. In order to understand this initiative, it is necessary to examine the history of Indian gaming in California, the emergence of the initiative and the battle over Proposition 5. The examination of these factors provides a context for understanding the role of groups in the process. Employing the analytical framework developed in the previous chapter, this chapter provides a systematic understanding of Proposition 5. Demographic characteristics, California's political culture, institutional hurdles, and organizational resources are each examined to paint a clearer picture of the battle over Proposition 5. In addition, prominent groups involved in the process are identified and classified. This analysis also addresses the populist paradox discussed earlier. Moreover, patterns of involvement among and between groups are examined. The chapter concludes with implications of the California experience.

DIRECT DEMOCRACY: NO STRANGER TO CALIFORNIANS

The voters of California are accustomed to direct democracy. The state has maintained measures for direct democracy since 1911. This section examines initiatives in the state of California in order to provide further information about the political culture that envelops Californians.

The real impetus behind the current trend towards increased decision-making via the ballot process can be traced to the great tax-revolt spurred by Proposition 13 in 1978. One critic laments that

> prior to that [Proposition 13], the initiative was a sideshow, and the lawmaking process happened at the Capitol. Proposition 13 turned that on its head. It really made the initiative process the source of real political power in California (Kershner, May 18, 1998: A1).

As a consequence an increasing number of issues have found their way to the voters to be decided directly by them. The most popular initiatives facing Californians from 1956 to 1990, include the following: taxation issues; 43 appearances—10 wins, 33 losses; Health, medicine and science issues; 27 appearances—4 wins, 23 losses; and Environment issues; 22 appearances—7 wins, 15 losses (Howe, May 19, 1998: A-1).

Figure 4-1 denotes the increase in the number of issues qualifying for the ballot by decade beginning in 1912. One hundred and six initiatives qualified for the ballot in its first thirty years of existence. Then the use of this process diminished and only forty-one issues qualified during the next thirty years. However, after Proposition 13, 107 initiatives made their way to the ballot in the last three decades. Figure 4-1 further depicts that initiatives are being approved with increasing frequency. This may have distinct policy implications for the citizens of California. In short, there appears to be no sign of this trend subsiding in the future.

The increase in ballot measures has led to mixed reactions from politicians in California. Some have used the process to their advantage. Former governor Jerry Brown was buoyed by his support and the subsequent popularity of Proposition 9, an initiative requiring the disclosure of campaign funds. Governor Wilson, also was also closely associated with several initiatives. He either sponsored an initiative or adopted one as his campaign centerpiece in 1992, 1994, 1996, and 1998 (Kershner, May 18, 1998: A1). However, other politicians have decried the increasing use of ballot initiatives. The *President Pro Tem* of the California Senate stated: "What's gone wrong is that the initiative is supposed to be something for the people, and now it's something for politicians and interest groups" (Kershner, May 18, 1998: A1).

Others are discouraged by the amount of money spent on initiative campaigns in the state. For example, in 1996 over $141 million was spent on 17 ballot propositions, while slightly over $105 million was spent by several hundred candidates vying for seats in the California legislature (Howe, May 19, 1998: A1). In order to provide some context, this figure is even more astounding when compared to the $153 million spent by the Clinton, Dole, and Perot campaigns combined in 1996 (Howe, May 19, 1998: A1)! Speaking in part to the Populist paradox, the Center for Governmental Studies found that of the most expensive initiatives from 1956 to 1990, 82.6 percent of funds came from economic groups, while 8.4 percent came from individuals, and only 3.3 percent came from broad-based coalitions (Howe, May 19, 1998: A1). Figure 4-2 shows the amount of money contributed to initiative campaigns by various groups. The Center for Governmental Studies further found that most of the money (68.3 percent) was spent for advertising. Political consultant fees and signature gathering accounted for another 17.5 percent of campaign expenses. Figure 4-3 denotes how money is spent in California initiative campaigns. Despite concerns about the amount of money spent and who funds initiatives, direct democracy remains very popular among Californians. Seventy-four percent of California citizens believe that the initiative process is a good thing (Kershner, May 18, 1998: A1). Consequently, while there may be questions involving the process, direct democracy is firmly entrenched in the California political system.

INDIAN GAMING IN CALIFORNIA

Background

In order to understand the origins of Proposition 5, it is helpful to discuss the origins of Indian gaming in the United States and its evolution in the state of California. A brief history of Indian gaming is given to provide some context for the emergence of Proposition 5. The requirements of Proposition 5 and how it came to fruition is then examined. A chronology of key events is presented in Figure 4-4.

Indian gaming in the United States was stimulated by the passage of the *Indian Gaming Regulatory Act* (IGRA) of 1988. The IGRA is only applicable in states where gambling is already permissible. In addition, this act required those tribes seeking to offer various forms of gambling to reach compacts (or agreements) with the states in which they resided. The governor and the applying tribe negotiate these compacts. While the governor is the chief negotiator for the state government, many states also require approval of a compact by the state legislature. The IGRA also stipulates that profits from gambling be used to improve the welfare of the tribe. However, it does contain a loophole that states that any money left over after a tribe provides for the betterment of its people can be distributed among individuals in the tribe. Finally, tribes may only engage in the same type of gambling already allowed within they state in which they reside.

California witnessed its first Native American “casino” nearly a decade before the passage of the IGRA. A small tribe of 25 members, the Cabazon Band of Mission Indians, opened a card room on its reservation. Shortly thereafter, the tribe opened a high-stakes bingo hall as well. The state of California threatened to close the hall down, but the United States Supreme Court ruled in 1987 that tribes had the right to run gambling operations in states where some form of gambling was already legal. Fearful of the growth of unregulated gambling, Congress ratified the IGRA.

The origin of legalized gambling in California is traced back to the passage of a ballot initiative—the California Lottery Act in 1984. This constitutional amendment allowed for a state lottery. The California constitution forbids the operation of Nevada-style casinos with slot machines which are fed by coins and operated by a lever. Moreover, the constitution prohibits payment to winners by the house. Instead, it allows for games like the lottery in which prizes come from a pool of money that other players have lost.

The Emergence of Proposition 5

Over the years, the tribes of California tested the provisions set forth by the California Lottery Act on several occasions. Native American casinos offer video slot machines that provide for payment from player-pooled funds. Winners take their receipts to the cashier in order to collect money. However, opponents of gambling, chiefly, Governor Pete Wilson, asserted that such machines should have never appeared without a compact with the state. Beginning in early 1997, Wilson refused to sign any further compacts with tribes that did not conform to specific criteria that he specified.

Proposition 5 resulted from Wilson's refusal to sign any compacts that he deemed were in violation of federal and/or state laws. Wilson contended that the video slots used in the Native American casinos were illegal. He argued that the only type of slot machine tribes could use was an untested prototype that was not immediately available. Native American casinos claimed that video slots were the lifeblood of their casinos.

The onset of Proposition 5 became increasingly apparent following Wilson's agreement with the Pala Indians early in 1997. Wilson's compact with the Pala Band was to be the benchmark by which all future compacts would be measured. Table 4-1 summarizes the major differences between Wilson's compacts and Proposition 5. The new compacts were very restrictive. For example, Wilson limited the number of video gaming devices to 199 per casino. Moreover, the machines were to closely approximate the principle behind the state lottery in that gamblers would bet against each other instead of the house. A loophole existed, however, that allowed tribes to buy the rights to machines licensed to non-gaming tribes at $5,000 per machine in order to operate a maximum of 975 machines. Regarding casino employees, the new compacts enabled service employees within a casino to organize as a collective bargaining unit. Tribes would have to remain neutral during this effort. Furthermore, the state's workers' compensation unemployment insurance and disability insurance laws would protect all casino employees. A final provision required tribes to address environmental problems caused by their casinos. This clause was subject to the oversight of local citizens. Citizen opposition could spur a renegotiation of a tribe's compact.

By May of 1997, Native American tribes were able to qualify Proposition 5 in record time. The Pala Band did not have a casino at the time of the compact. Wilson viewed the compact as a model for tribes in the state. Any tribe without a compact would need to submit to Wilson's new requirements. Soon thereafter, six other tribes negotiated compacts that had the same requirements as the compact made with the Pala Band. With momentum on his side, Wilson sought to confiscate all gaming equipment that did not conform to specifications set forth in these compacts. Herein rested the primary sticking point between the governor and many tribes in California.

The restrictions of the Pala compact were met with heavy criticism by many tribes. Consequently, a number of Native American tribes began to mobilize an effort to maintain their current gaming conditions. This coalition was the primary proponent of Proposition 5. The official sponsors of Proposition 5 was a group called *Californians for Indian Self-Reliance*, which consisted of Native American tribes in the state. *Californians for Indian Self-Reliance* promoted the "Yes on 5" mantra throughout the campaign. An opposition group called the *Coalition Against Unregulated Gambling*, No on Proposition 5, quickly formed to combat the Yes on 5 campaign. This coalition consisted of Nevada casinos, labor unions, law enforcement, religious organizations, card clubs, horse tracks, and several California Indian tribes. The clear leaders of the No on 5 Coalition were the Nevada casinos.

The official title of Proposition 5 was the "Tribal Government Gaming and Economic Self-Sufficiency Act." While the measure itself consisted of 37 pages, there are several key elements that deserve attention. The initiative required the governor to accept its terms "without preconditions, within 30 days after receiving a request from a tribe" (California Secretary of State: 1998, 87). In contrast to the compact Wilson negotiated with the Pala Band, Proposition 5 limited some forms of gambling, but ultimately protected extant practices tribes already enjoyed.

Regarding the types of gaming permitted on Indian reservations, Proposition 5 allowed for player-pooled video slot machines, card games, and blackjack (California Voter Information Guide: 1998, 83-89). The measure further permitted wagering on off-site horse races. In addition, the measure allowed for a variety of lottery-type games. For instance, the initiative sanctioned the sale of instant lottery tickets and the awarding of larger jackpots generated through the combination of different tribes. However, Proposition 5 strictly forbade Las Vegas-style slot machines, roulette, craps and house-banked card games (California Voter Information Guide: 1998, 88). These gaming activities were expressly forbidden under the California constitution. Consequently, Native American tribes did not seek to amend the constitution any more than they deemed necessary.

As for regulatory oversight, Proposition 5 invested authority to tribal commissions with limited participation by the state. State regulators were to have access to the casinos and be allowed to inspect any and all records. In addition, the state was to conduct annual audits of casinos. In each casino, tribes were responsible for posting information about each game, including the odds, payoff determinations, and player-pool balances.

As for safety and public health issues, Proposition 5 required tribes to meet or exceed federal regulations on building safety, food handling, and water and environmental quality. In addition, tribes were required to provide their employees with all guaranteed benefits under state law. This would include workers compensation, disability and unemployment compensation. And while the Pala compact allowed employees to unionize, Proposition 5 failed to address the issue of unionization.

The final element of Proposition 5 that deserves attention is its treatment of revenue sharing among tribes. The measure appropriated 6 percent of video-gaming revenues into three separate trust funds. The first trust fund devoted 2 percent to nongaming tribes for economic development, education, cultural preservation, housing, and health care. The second trust fund devoted three percent towards a statewide fund for emergency medical services. Interestingly, a portion of this money was to be allocated to combat compulsive gambling addictions. Finally, the third trust fund devoted 1 percent of video-gaming revenues to local governments for law enforcement, fire protection, and other miscellaneous needs.

This section has delineated the basics of Native American gambling in California. It is apparent that the California state government and Native Americans have attempted to refine the proper scope of gambling in the state for nearly 15 years. It should also be apparent that the hard-line stance taken by Governor Wilson was the catalyst for Proposition 5. Governor Wilson and Native American tribes differed on many issues. The most contentious of these issues revolved around video slot machines, shared revenues, and the relationship between tribal casinos and their employees. These issues, along with the notion of Native American sovereignty, would take center stage in the battle over Proposition 5.

THE BATTLE OVER PROPOSITON 5

Proposition 5 was approved by voters 63 percent to 37 percent. It was the costliest ballot measure in the history of the United States. All players combined to spend $92,013,916 during the campaign (California Secretary of State: 1999). The campaign pitted two giants against one another in the ballot process. The clashing views of Governor Wilson and Democratic challenger Gray Davis, contributed to the divisiveness of the measure. Moreover, an interesting set of coalitions took part in the campaign. This section attempts to untangle these relationships and examine the campaign with an analytic brush.

The Players

This section identifies and classifies the groups involved in Proposition 5. First, key participants are identified. Attention is focused on those groups that were most active in campaigning on Proposition 5. A discussion of the various endorsements each side was able to obtain is also presented. Then, utilizing conventional classification schemes, groups are categorized accordingly. This allows one to address the issues raised by the Populist Paradox and better examine the theory offered by Gerber. In short, we can address how well Gerber's thesis fits the political climate of Proposition 5.

Proposition 5 brought together some very unlikely political forces. Morality issues often create clear divisions among groups. This was partially the case with Proposition 5. However, the economic impact of gambling within the state clouded the issue. Similarly, the call to recognize Native American sovereignty further complicated the issue. Groups that would normally be found in opposition to one another found themselves aligned with one another in support or opposition to the gambling initiative.

Californians for Indian Self-Reliance (or Yes on 5) was composed of Indian tribes in the state. Due to the contrition of the Pala Band and the six other tribes to Governor Wilson's new requirements, supporters of Proposition 5 undertook a dedicated effort to present a unified front among Native American tribes. Although several tribes were not willing to join the fight for the measure, *Californians for Indian Self-Reliance* claimed that 88 tribes or 98.8% of all tribes in the state endorsed Proposition 5. As will be seen below, the overwhelming bulk of money spent in the campaign came from California Native American tribes. In addition, the *Californians for Indian Self-Reliance* used Indian spokespersons to articulate its message to the citizens of California. There was no doubt that Native Americans were the primary force behind Proposition 5.

In order to generate more widespread support, Californian's for Indian Self-Reliance sought endorsements from a broad array of groups in the state. In so doing, it was able to claim support from civic organizations, academic groups, business leaders, and state and local public officials. More important, they were able to secure endorsements from labor unions and law enforcement officials and organizations. While they were able to harvest endorsements from these groups, they were by no means unanimous. Union groups and law enforcement groups in particular were divided in their support for and against Proposition 5. These groups were split among their state and local chapters. Moreover, these divisions often reflected the relationship local chapters had with Indian casinos. That is, those unions and law enforcement groups that were closely associated with Native American casinos were generally more supportive of Proposition 5, than those groups that were more disconnected to the Native American casinos. Nevertheless, the endorsements they were able to claim from unions and law enforcement groups, were important due to the accusations from those opposing Proposition 5 that it was bad for organized labor and would increase crime. And while the support of these groups does not show up in campaign contributions, their impact on the outcome cannot be overlooked.

The *Coalition Against Unregulated Gambling* (or No on 5) consisted primarily of a tenuous coalition of churches, labor unions, card clubs, horse tracks, and Nevada casinos. Another group, *Stand Up For California*, also was in opposition to Proposition 5. However, they took great pains to divorce themselves from the *Coalition Against Unregulated Gambling* and the Nevada gambling establishment. *Stand Up For California* described itself as a grassroots effort organized to stop the expansion of gambling throughout California.

The bulk of the money spent to defeat the measure came from Nevada casinos. Proponents of Proposition 5 did not let this go unnoticed. They continually criticized Nevada gaming interests for trying to flex their muscle in California. This, of course, addresses the issue of representation and how much influence groups or individuals from other constituencies should be allowed to wield. Nevertheless, the *Coalition Against Unregulated Gambling* also enjoyed support from a wide array of groups in the state of California.

Religious leaders and organizations in the state were very vocal in their opposition to Proposition 5. They were careful to distance themselves from the Nevada casinos. However, there were instances when the Nevada casinos sought advice from religious leaders on campaign strategy. For example, the *Coalition Against Unregulated Gambling* paid $10,000 in consulting fees to the chairman of the Traditional Values Coalition—an anti-gambling coalition of 8,600 churches (Vellinga, October 18, 1998: A4). As alluded to above, some labor unions also took an active role in the campaign to defeat the initiative by providing manpower to the No on 5 coalition. The Nevada coalition of casinos relied heavily upon its monetary resources. However, religious organizations and labor provided the coalition with much needed foot-soldiers in the state. Without these groups, the Nevada casinos had no real presence in the California political arena. Card clubs and horse tracks in the state also opposed Proposition 5. They asserted that

Proposition 5 gave preferential treatment to Native American casinos and created an unequal playing field among gaming establishments.

In addition to these groups, the *Coalition Against Unregulated Gambling* also counted law enforcement, business organizations, civic organizations, education groups, and some elected public officials among their supporters. Some of these groups added credibility, but did little to actively campaign against Proposition 5. Also part of the coalition was the three tribes that opposed the measure. These tribes were the Pala Band of Mission Indians, the Rumsey Band of Wintun Indians, and the Table Mountain Rancheira Indians. These three tribes consequently were the principal spokespersons against Proposition 5 as a means to counter arguments regarding Indian sovereignty and self-reliance.

The key actor in support of Proposition 5 was undoubtedly the *Californians for Indian Self-Reliance*. The classification of this coalition presents a formidable challenge. It does not appear to easily settle into any one of these classifications. It approximates a business interest group in that each tribe contributed money in the name of its own tribe or tribal casino. Each tribe was in fact, a business entity attempting to extract gains for its benefit. However, it is fairly obvious that the Native American coalition also illustrated characteristics of a citizen group as well. Besides the ethnic and cultural requirement of being a member of a specific tribe, the Native American contingent had no other requirements for their membership. Of course, the requirement that one must in fact be a Native American is an important qualification for its membership. Nonetheless, the voluntary membership among Native Americans to actively denote themselves as members of tribes provided an advantage that translated into greater personnel resources. Consequently, the Native American coalition had an immense reservoir of both monetary *and* personnel resources (in sheer number of individuals).

The unique standing as an ethnic group cannot be overlooked among Native Americans. The association of Proposition 5 with the notion of Indian sovereignty was repeatedly offered by *Californians for Indian Self-Reliance*. Their campaign relied upon a close examination of the welfare of Native Americans in California's history. The identification as a Native Americans was expected to have an effect beyond economics. The Yes on 5 campaign capitalized upon this fact by focusing upon the past wrongs against Native Americans, the high rates of poverty among Native Americans prior to gambling, and the opportunities legalized gambling provided for Native Americans. They encapsulated this argument as one about Indian sovereignty. The articulation and effectiveness of this argument are examined in greater detail below.

Nevertheless, the tribes did receive invaluable support from other sources. Local governments, civic organizations, and law enforcement officials provided a measure of credibility that *Californians for Indian Self-Reliance* could not have enjoyed without their support. These organizations provided the appearance that Native American casinos were good for local economies. Specifically, these groups provided testimonial support of the impact of Indian gaming in their communities. In television commercials, newspaper editorials, and city council meetings, these groups dismissed claims that tribes wrecked havoc on the environment and increased crime. They consistently praised tribes for the prosperity their communities were enjoying due to Indian gaming.

As for the *Coalition Against Unregulated Gambling*, the key participants consisted of Nevada casinos, churches, and labor unions. The Nevada casinos present the prototype of an economic group. Employees of the casinos campaigning against Proposition 5 were of little consequence to the strategies utilized by the *Coalition Against Unregulated Gambling*. However, Nevada casinos were able to utilize their monetary resources in great amounts towards the defeat of Proposition 5. The presence of labor unions in the fight against Proposition 5 did provide a measure of personnel resources for the *Coalition Against Unregulated Gambling*. Churches were the primary citizen groups involved in the battle against Indian gaming. They provided further personnel resources to the *Coalition Against Unregulated Gambling*. The personnel obtained from unions and churches campaigned door-to-door against Proposition 5, made telephone calls in opposition to Proposition 5, and engaged in mass mailings to defeat Proposition 5. These are the primary activities personnel resources were used for. Finally, while law enforcement did have a role to play, it was not an active participant on behalf of the campaign against Proposition 5.

Both sides relied heavily on the involvement of economic groups. The entire campaign was almost completely bankrolled by the Native American tribes and the Nevada casinos. However, it is apparent that citizen groups and labor unions provided needed citizen volunteers to both sides. Among other activities, individuals engaged in telephone calls, door-to-door campaigning, holding local meetings, and distributing campaign information. These grassroots activities should not go unnoticed. Recalling Gerber's thesis that the most successful campaigns rely upon a mixture of both personnel and monetary resources, it is noteworthy that each existed in the campaign on Proposition 5.

It should be apparent that many groups that supported Proposition 5 were also among those claimed as opponents of the measure. That is, while some police organizations supported Proposition 5, other law enforcement organizations opposed Proposition 5. Likewise, many state and local organizations were also split in their support or opposition to Proposition 5. This was not overlooked by voters. Typically, endorsements are utilized to make issues more clear. Endorsements serve to provide the voter with additional information to help them cast their ballot. Voters are able to identify an endorsement with a particular position and sway votes in a specific direction. However, endorsements in this campaign did little to help voters associate the issue with specific groups. For example, an article appearing in the *Los Angeles Times* questioned if after examining the endorsements surrounding Proposition 5 voters would be *more* perplexed (Gorman, November 1, 1998: A22).

> The California Chamber of Commerce is opposed to Proposition 5, although various local chambers of commerce near casinos have heartily endorsed it. The same is true in law enforcement; both sides on Proposition 5 can point to endorsements from various police organizations, local and statewide. The district attorney for San Francisco supports 5, while his counterpart in San Diego opposes it.

The variety of endorsements in support and opposition to the measure led the publisher of the *California Political Week* to state that he had "never seen an election where the entire political thought process had been so divided" (Gorman, November 1, 1998: A22). While endorsements were omnipresent, the key participants identified above were the real machinery behind the eventual success or failure of Proposition 5. The campaigns undertaken by the *Coalition Against Unregulated Gambling* and *Californians for Indian Self-Reliance* were ultimately responsible for the outcome of Proposition 5.

TOWARDS AN UNDERSTANDING OF PROPOSITION 5

Now that the groundwork has been laid regarding the emergence of Proposition 5 and the battled that ensued, it is appropriate to begin the process of systematically understanding it. The analytical framework developed in the previous chapter is utilized as a guide. Several of the themes discussed in the previous section are developed further and are helpful in providing a much clearer understanding of why *Californians for Indian Self-Reliance* succeeded. First, general characteristics peculiar to the state of California are examined. Second, an examination of the institutional hurdles facing participants is offered. Then, a discussion of the organizational resources of involved participants is analyzed. Finally, the tactics and strategies employed during the Proposition 5 campaign are identified and examined.

Demographics and Political Culture

The proceeding discussion examines those characteristics that are unique to the state of California. The exclusion of such factors would delimit the understanding of interest groups and the ballot process in the Golden State. It is to a discussion of these factors that we now turn.

As discussed in chapter three, California is the most populous state in the union with over 30 million citizens. Important for this analysis, there are over 20 million Caucasians, 2 million African-Americans, and nearly 250,000 Native Americans (United

States Bureau of the Census, 1990). As for economic indicators, the state of California maintains the world's eighth largest economy with a world gross product of over $1 billion (UCLA Anderson Forecast, 1999). The median income for California residents is over $37,000 a year (United States Bureau of the Census, March: 1997). Moreover, the California Division of Tourism estimates that nearly 52 million out-of-state visitors made trips to the state in 1998. In addition, the tourism industry generated an estimated $64.8 billion in 1998 (California Division of Tourism, 1999). Nearly 685,000 people are employed in the tourism industry. Clearly, California is a unique state with its large size and behemoth economy. This fact has translated into big business for Indian casinos.

The large Native American population along with a large degree of tourism and capital has created a favorable atmosphere for Native American gaming. Between the state lottery and Indian Casinos, over 45,000 individuals are employed, over $120 million to the state of California is paid in taxes and the industry raked in more than $52 billion in 1998 (The Economist: October 24, 1998, 29). Tribal casinos alone brought in over $1.4 billion in 1997 (Pringle, October 27, 1998: 1A). With such large amounts of income, government revenue, and jobs at stake, there is no wonder why Proposition 5 was so vehemently contested.

The incredible size of California's population and economy undoubtedly shape its politics. The political culture of California also deserves attention in this respect. Utilizing Elazar's typology, California's political culture is "moralistic dominant" with a strong individualist strain. The moralistic political culture is consistent with the goals of the Progressive Reformers to rid politics of corruption and indecency. Moreover, this culture emphasizes the common good over individual gain. However, the individualist political culture emphasizes the role of politics as a means to promote the social and economic interests of individuals or groups.

While these subcultures may appear to be at odds, they do not necessarily have to be. For instance, it is apparent that proponents of Proposition 5 utilized a strategy that was consistent with each of these political cultures. On the one hand, *Californians for Indian Self-Reliance* stated that Indian gaming allowed Native Americans to move off of California's welfare rolls and become productive members of society. They asserted that casinos allowed for the empowerment of Native Americans. Proponents claimed that the boom created by Native American gaming in turn benefited all Californians due to the increased revenue generated by Indian gaming and through the charity of many Indian tribes. On the other hand, it is obvious that pro-Indian gaming advocates sought to utilize the political process to obtain a dominant status at the expense of other groups (chiefly, card clubs, and racetracks). Their adversaries addressed this issue. Opponents noted the claim of Indian sovereignty would create an uneven playing field and allow Native Americans to obtain a monopoly over gaming in the state. While the classification of California as a moralistic/individualistic state provides some insight into the campaign of Proposition 5, it tells only part of the story.

Guilt and Native Americans

Thus far, the discussion of California's political culture has focused upon its classification and its acceptance and propensity to utilize the ballot process. However, an important ingredient of California's political culture deserves further attention. Because

Proposition 5 revolved around the issue of Indian gaming, Californians were forced to deal with the question of Native American sovereignty. Supporters of Proposition 5 attempted to parlay the atrocities committed against Native Americans in past generations into success for present-day Native American gaming interests. As this was an integral part of the strategy of supporters of Proposition 5, this is discussed in greater detail below. This section briefly discusses the foundation of this strategy.

Proposition 5 generated debate about much more than gambling. The treatment of Native Americans by the United States government and by the state of California colored the campaign throughout. In our ever-increasing sensitization as a society, the treatment of Native Americans has come under close scrutiny. From calls to have Native Americans more fairly depicted in motion pictures to boycotts of athletic teams, increased attention has been devoted to "righting the wrongs" of the past. This was especially evident in the campaign over Proposition 5.

Vivid imagery of savage treatment of Native Americans was omnipresent throughout the campaign. Anthony Pico, the chairman of the Vijas Band of the Kumeyaay Indians stated that the interests aimed at quelling Proposition 5 were "trying to complete the genocide" of American Indians in California (Cannon, September 22, 1998: A14). Pico was an important figure in the fight to approve Proposition 5. While such hyperbole was certainly incendiary, *Californians for Indian Self-Reliance* used historical accounts to support its claims. Historian Carey McWilliams asserted that California "solved its Indian problem by liquidating the Indians (Cannon, September 22, 1998: A14)." Before the Gold Rush of 1849, the Indian population in California was 100,000. Within two decades, the population was reduced to 15,000. The reduction of Native Americans is attributed to disease, massacres, and the removal of Indians from tribal lands by the United States government (Cannon, September 22, 1998: A14). Campaign literature particularly in the form of leaflets and pamphlets were distributed to the citizenry documenting such accounts in an effort to mobilize support in favor of Proposition 5. Such hyperbole was intended to generate sympathy with *Californians for Indian Self-Reliance*'s claim that Proposition 5 was good for Indian sovereignty.

While Native American groups attempted to mobilize support in favor of their cause by eliciting sympathy for a "wronged" people, they found willing acceptance by the citizens of California. The Native American population in California as well as many other Western states has lived in relative poverty throughout this century. Alcoholism and illiteracy have been rampant on tribal reservations. Public opinion polls reflected much sympathy for the treatment of Native Americans in American history. Polls consistently found that Californians saw the passage of Proposition 5 as a means to symbolically give something back to Native Americans. A *New York Times* Poll found that many of the supporters of Proposition 5 where "sympathetic to decades of Indian privation in a state that paid bounties for Indian body parts in the 1850s" (Caesar, May 15, 1998: 39). Although Proposition 5 can be viewed chiefly as an issue as to whether gambling in the state of California should be more closely regulated, it would be careless if one failed to take into consideration the guilt felt by many Californians regarding the mistreatment of Native Americans in the past. While an understanding of any guilt may be elusive, it is nevertheless important that scholars recognize its potential existence. The successful manipulation of this guilt by Native American strategists was indeed an important aspect of this campaign.

Institutional Hurdles

Chapter two examined the role of institutional compatibility as an explanatory factor regarding why certain interest groups lobby alternative venues. While scholars have devoted much attention to institutional compatibility in regard to the court system, the initiative process has many institutional hurdles groups must overcome. This section examines these hurdles in greater detail and how groups involved in Proposition 5 overcame these obstacles.

Gerber identifies the drafting, qualifying, campaigning and the post-election activity of interest groups as institutional hurdles facing groups utilizing the initiative process. These hurdles are by the very nature of an initiative very different than those faced in more traditional legislative settings. Gerber proposes that groups utilize several strategies to overcome these hurdles. She contends that the formation of campaign committees and involvement in coalitions are among the most prominent means to wage successful ballot campaigns. Groups on each side of Proposition 5 utilized this coalition strategy.

The drafting of an initiative requires a degree of expertise that is grounded in an understanding of the law. Consequently, many groups hire professional consultants to craft their ballot measures. A well-written initiative may diminish the likelihood of its refusal to be certified by the secretary of state. Moreover, in the long run, it may inoculate the initiative against legal challenges after the general election. In the case of Proposition

5, the Indian tribes did not hire a professional consultant, but crafted the initiative themselves (Gorman, November 5, 1998: A1).

In order to qualify a proposal as an initiative in California, several criteria must be met. Most importantly, groups must obtain valid signatures of 5% of the total votes cast for governor in the previous election as one step in the qualification process. Groups have a 150 day circulation period to obtain these signatures. Finally, a completed petition must be filed 131 days prior to the election. These are not trivial requirements. In the state of California, the petition requirement equates to around 433,269 valid signatures. In order to ensure that this level of signatures is reached, sponsors typically seek around 750,000 signatures, knowing that 30 to 40 percent of all signatures obtained will be discarded due to forged names, multiple signatures, and unregistered voters (Howe, May 19, 1998: A1).

The timing of the compact between Governor Wilson and the Pala Indians forced other Native American tribes to act quickly in order to place Proposition 5 on the ballot for the November election. The compact, which Wilson asserted would be the new model for Indian gaming in the state, was signed in March of 1998. Reacting quickly, Native American tribes only had one month to obtain the necessary signatures to meet qualification requirements. Consequently, a frenzied effort was undertaken by supporters of Proposition 5.

As noted in chapter two, the practice of using paid-signature gatherers is widely accepted in many initiative states. Utilizing their vast monetary resources, sponsors of Proposition 5 were willing to pay top dollar to signature-gatherers. While other initiatives seeking qualification for the November ballot were offering these petitioners 50 and 75 cents a signature, the Indians offered 2 dollars a signature. It should not be overlooked that even at this early stage, the campaign for Proposition 5 was being framed to individuals by these signature-gatherers. For instance, these paid petitioners approached citizens and asked them whether they were supportive of Native American sovereignty. Others stated that the Governor Wilson and the government were attempting to single Native Americans out and deter their "right" to offer gambling. This framing of the issue may have been integral to the eventual success of the Californian's for Indian Self-Reliance. A brief anecdote appearing in the *San Francisco Chronicle* (Howe, May 19, 1998: A1) may be of help.

> One bright April morning he [Christopher Dunn—a paid signature-gatherer] is standing outside a Safeway store in San Francisco's Potrero Hill area, pitching voters to sign petitions for one of the five statewide ballot initiatives he carries. "Excuse me ma'am," he says with an earnest voice and a deferential smile, "if you're a registered voter, I'd like you to help me with a cause I'm very concerned about – protecting Indian sovereignty." Soon the woman is signing a petition to expand casino-style gambling on reservation lands…While the shopper is filling out the form, Dunn turns and snags a passing man with orange hair, a neck tattoo and multiple piercings. He hands him the cardboard-backed petition, saying, "Hey sign this, it will really piss off Pete Wilson." That witticism earns Dunn another 2 dollars.

Clearly, such tactics would be expected to have an impact on the 750,000 potential voters that petitioners come into contact with. Moreover, as is apparent below, the Yes on 5 campaign emphasized the sovereignty issue throughout the campaign.

As for campaign hurdles, Gerber identifies campaign disclosure, contributions and expenditure requirements hurdles for groups. In California, financial contributions must be reported and a $200 deposit is required to file an initiative petition. In addition, Gerber notes that groups must be aware of post-election contingencies such as protracted court battles and competing initiatives. Anticipating such problems, the Agua Caliente Band of Cahuilla Indians spent $2 million and collected 750,000 signatures to qualify another Indian gaming measure for the March 2000 ballot. It took them only three weeks to qualify the measure. Sal Russo, the political consultant for the Agua Caliente tribe, stated: "It's a fail-safe for the tribes...it's very important that they have a remedy if Proposition 5 is not upheld by the courts." (Hoge, December 12, 1998: A1). The hurdles identified by Gerber were certainly apparent to the sponsors of Proposition 5, but they were not intractable due in large part to the money they had at their disposal.

Organizational Resources

Gerber provides a simple classification of the resources that groups utilize in order to enjoy success. She asserts that resources may be classified into two types: personnel, and monetary. Personnel resources consist primarily of staff members, volunteers, and consultants. Monetary resources consist of what the name implies—money. However, money can be used to procure personnel resources, especially campaign consultants and paid petitioners. This section examines the use of these resources by the competing groups in the California experience.

As Proposition 5 was the costliest ballot campaign in history, it is logical to first examine the role of monetary resources. Due in part to the vast amount of money spent to qualify the measure, the issue of money was a closely watched feature of the campaign from start to finish. As mentioned above, campaign contribution disclosure is mandatory under California law. All contributions under $10,000 are not disclosed to the public. However, all contributions of $10,000 or more are itemized and disclosed to the public.

Tables 4-3 and 4-4 reveal contributions received and expenses incurred in support and in opposition to Proposition 5 respectively[1]. Of the $66,922,503 received by *Californians for Indian Self-Reliance*, over 99.8% of these contributions came from Native American tribes. The San Manuel Tribal Administration contributed the most money with $26,082,543. The Morongo Band of Mission Indians and the Viejas Indians were next, giving $12,621,348 and $11,012,228 respectively. Only $96,674 in contributions came in the form of donations under $10,000. Obviously, Native American tribes virtually funded the entire Yes on 5 campaign. Contributions by individuals, officeholders and political parties were minimal.

As for the *Coalition Against Unregulated Gambling*, there was somewhat more diversity in the contributions they received. Of the $29,366,282 received, 99.8% of these contributions were provided by businesses or individuals in sums of $10,000 or more. All but one of these contributions came from gambling establishments. The California Commerce Club contributed $10,000 to the No on 5 campaign. While most of these contributions were provided by Nevada casinos, there were several casinos in California that also made contributions of $10,000 or more. Only $31,282 was received in donations of under $10,000. It is apparent that individuals, officeholders, and political parties did not play a large role in No on 5 effort to raise money. *Stand Up For California* No on 5 contributed another $13,018 in opposition to Proposition 5. Although this was a relatively small amount in comparison to the other combatants, this group was primarily funded by the Hotel and Restaurant Employees International Union. This marked one of only two

[1] All campaign finance data reported in this section were obtained from the California Secretary of State's office.

contributions of over $10,000 that was not directly linked to the gambling industry.

Recall Gerber's contention that economic interests would most likely enjoy greater monetary resources than citizen groups and that citizen groups would most likely enjoy greater personnel resources than economic groups. She concedes that citizen groups would be more likely than economic groups to have both ample monetary and personnel resources. There can be no doubt that the sides at war over Proposition 5 (specifically, Native American casinos and Nevada casinos), should be classified as economic interest groups. However, the unique nature of the Native American in California may have provided a greater base of support among the citizenry.

Over 250,000 citizens in California are considered to be Native American. The Californians for Indian-Self Reliance coalition claimed that they had the support of 98.8% of all Indians living on reservations in California. Keeping in mind the requirement that revenue obtained from Indian gambling is to be used for the betterment of tribal communities, it is easy to infer that most Native Americans recognized the import of Proposition 5 to their continued prosperity. As we shall see, many Native American citizens took an active role in trying to mobilize the vote.

Conversely, the *Coalition Against Unregulated Gambling* had no such base to draw from. As the coalition was depicted as "out-of-state" interests seeking to minimize their competition at the expense of Indian sovereignty, they did not enjoy strong support among citizen volunteers. However, they were labor unions were able to provide some grassroots volunteers in opposition to Proposition 5. Some labor unions in the state were concerned with the lack of unionization afforded by Proposition 5. Consequently, some unions did offer their support in manpower throughout the campaign. Nevertheless, *Californians for Indian Self-Reliance* appeared to mobilize more citizens to "get-out-the-vote." Native American tribes also were more visible in their support (apart from television commercials) for Proposition 5. Through demonstrations, rallies, and door-to-door campaigning Native Americans were an omnipresent force in the campaign to pass Proposition 5. Nevertheless, while volunteers were important, the role of money and the strategies it afforded may be of greatest consequence to the legacy of Proposition 5.

Tactics and Strategies Utilized in the Campaign of Proposition 5

This section identifies tactics and strategies groups utilized in support or opposition to Proposition 5. This examination sheds light upon the impact groups enjoyed as a result of their strategic planning. This discussion inevitably leads back to Gerber's hypothesis that groups rely heavily upon organizational resources to carry out a successful ballot campaign. While organizational resources alone cannot explain the success or failure of a group in a ballot campaign, an analysis of group resources does aide in our explanation of group activities and group impact. Gerber's hypothesis is addressed and the proceeding section elaborates several explanations that speak to the validity of her claim. Consequently, many of the tactics identified here are further illustrated in the next section in order to demonstrate how they were used to support various strategies.

Each side employed a variety of tactics in the battle over Proposition 5. Groups utilized many conventional tactics to profess their messages and influence voters. Table 4-6 classifies group activities. Campaign consultants account for much of the money spent by groups in the fight over Proposition 5. For example, the firm that managed the Yes on

5 campaign (Winner/Wagner & Mandlebach) received nearly $28 million for its services in a four-month span (Morain and Shuit, October 28, 1998: A3). The money given to consultants was spent in a variety of ways. Foremost among these was the media blitz utilizing television advertisements. For instance, during the month preceding the November 3rd election, two television stations received nearly $5 million in advertising revenue by airing advertisements for and against Proposition 5 (Morain and Shuit, October 28, 1998: A3). Similarly, each side paid for political "informericals" designed to inform and persuade voters of the rightness of their position. The substance of these advertisements is addressed below.

In addition, groups from both sides of the measure utilized direct mailing techniques. This enabled them to reach targeted voters with their message. Because of the grand scope of conflict and many affected interests, the targeted audiences of these mailings were somewhat surprising. *Californians for Indian Self-Reliance* spent $700,000 "aimed at divergent voters such as mobile home owners, senior citizens, Latinos, people who support abortion rights, firefighters and gays—not to mention registered Republicans and Democrats" (Morain and Shuit, October 28, 1998: A3)

Groups also took advantage of the capabilities of the World Wide Web. Web sites from both the Yes on 5 and No on 5 committees could be found on the Internet. These sites provided information concerning Proposition 5, a listing of endorsements, and contact information for individuals wishing to aid the respective campaigns. Throughout the campaign, groups engaged in a variety of events intended to generate news coverage. A demonstration outside of a meeting of the California Gaming Commission by union activists in opposition to Proposition 5 and a "Tribal Unity Walk" of 768 miles by a group of Native Americans in support of Proposition 5 were among such events aimed at generating attention.

The pursuit of endorsements was another tactic groups utilized to demonstrate the appeal of their position. Due to the lack of partisan cues, the role of endorsements becomes important in ballot campaigns. However, the complex nature of Proposition 5 did not lend itself to being framed as a "Democratic" or "Republican" issue. While Republican Governor Pete Wilson was obviously against Proposition 5, Democrat Gray Davis was viewed as a friend of gaming interests. Although Davis took no official position on Proposition 5, he did state that he was willing to abide by Proposition 5 (rather than contest its constitutionality) if it passed. Moreover, after his election, $385,000 was donated by various casino-operating tribes to be used for Davis's inaugural celebration (Gorman, November 5, 1998: A3). In addition, *Californians for Indian Self-Reliance* outmaneuvered the *Coalition Against Unregulated Gambling* by assembling a formidable list of supporters endorsing Proposition 5. *Californians for Indian Self-Reliance* claimed nearly 600 supporters among Native American tribes, academic, civic, health care, labor, business and local and state officials. This fact was publicized in their television and radio commercials as well as on the *Californians for Indian Self-Reliance* web site. The accumulation of these endorsements provided gambling proponents with added credibility.

Groups utilized a variety of tactics in order to convey their messages to voters. The remainder of this section delineates these messages. The term "strategy" as used here denotes how each side wanted citizens to view the issue. As mentioned in chapter two, ballot campaigns are often reduced to an "us" versus "them" game. Proposition 5 was no different. Consequently, I have identified several distinct strategies that groups utilized. The proponents of Proposition 5 attempted to articulate several messages. First, they suggested that Proposition 5 was about self-reliance. They asserted that the sovereign status granted to Native Americans should be respected in order for them to be self-reliant. This was a theme that was hammered by the Native Americans from the beginning of the campaign to the end. Second, Native American strategists made Proposition 5 an issue about prosperity. They made it an issue of Indian prosperity and prosperity for all Californians. They maintained that casinos had lifted many reservations from poverty to success. In the process, the success of Indian casinos translated to revenue for the state.

Consistently, television advertisements provided testimonials and statistics to support these claims. The conscious decision by campaign strategists to use Native Americans in their commercials drew heavily upon these strategies. Many commercials wove these themes together in 30-second spots. Examples of several commercials illustrate the congruence of these strategies. In one commercial, a Native American female discussed what life was like on the reservation as a child.

> It was hard. Lots of heartache, lots of poverty. No running water, no bathrooms. Until I was about 18 years old, that was our life. Indian gaming has broken the cycle of poverty and I've seen it firsthand in my own family and with my own children . . . and that makes me happy, makes me proud (Hettena, August 14, 1998: AP wire).

As she speaks, images of broken-down homes are shown, followed by images of smiling children boarding school busses. In another commercial, a Native American male states that "for too long, scare tactics have been used to create wrong ideas about Indians.

Now, big Nevada casinos are funding the worst anti-Indian scare campaign in modern history" (Vellinga, August 8, 1998: A4). These commercials attempted to illustrate the prosperity that casinos brought to Native Americans. In addition, *Californians for Indian Self-Reliance* strategists painted a "good guy" versus "bad guy" picture of the supporters and opponents of Proposition 5. By making it an issue of "big Nevada casinos" versus Native Americans, the Yes on 5 campaign made two points. First, they illustrated that the fight against Proposition 5 was being funded not within the state, but from outside the state. Second, they attempted to maintain that Native Americans had been and continued to be victims of discrimination and persecution.

The *Coalition Against Unregulated Gambling* articulated four positions in opposition to Proposition 5. First, they claimed that Proposition 5 would result in unregulated, untaxed, and unlimited gambling in the state. Card rooms and Horse tracks argued the passage of Proposition 5 would present an unlevel playing field among gaming interests in the state. The No on 5 coalition asserted that with the passage of Proposition 5 casinos would explode throughout the state. One television ad depicted neon signs erupting from the ground directly in front of two joggers running along a peaceful street. Then, additional neon signs erupt from the ground finishing with a map of the state incorporated into large neon sign. One of the joggers then asserts that she does not have to put up with the disgrace she is witnessing. The message that Proposition 5 would promote unrestricted casinos popping up throughout the state was clearly articulated. In addition, the claim of environmental degradation filled the airwaves. Second, they stated that Proposition 5 would increase crime. This contention was intermingled with the message that gambling was immoral and wrong. They relied upon endorsements from law enforcement officials to support this claim. Religious organizations were also active in this condemnation of Proposition 5. Third, opponents framed the issue as one of unfair labor practices. Labor activists decried the failure of Proposition 5 to address worker rights. Finally, the *Coalition Against Unregulated Gambling* argued that Proposition 5 would benefit a few wealthy Indians and neglect the majority of them. The defection by the Pala Band and others did not help the case for Indian solidarity. Commercials for the No on 5 campaign displayed images of mansions and Ferraris (they alleged were used by a few wealthy Indians) to paint a vivid picture for voters to ponder. Other commercials appeared to be sympathetic to the Native American cause, but asserted that Proposition 5 was not an equitable solution for all citizens. One commercial depicts a mother against the spread of unregulated gambling.

> I'd like to help California Indians. But when I checked into this casino initiative I learned we could end up with over 100 casinos in California. Casinos that would be exempt from local zoning laws and California environmental regulations. They could be built without our approval and with no concern for our communities and our families. That is why so many Californians are opposed. I want to help California Indians, but I'm voting no on Proposition 5 (Hettena, August 14, 1998: AP Wire).

In this singular advertisement, anti-gambling forces were able to show compassion for Native Americans, while at the same time hammering many of the dominant themes of their campaign.

This section has described the varying tactics and strategies employed during Proposition 5's campaign. The two sides employed similar tactics. The strategies of each side were meant to inform voters, resonate with voters, and persuade voters. The primary medium used to accomplish these tasks was television. *Californians for Indian Self-Reliance* produced straightforward commercials with the message that casinos have enabled them to help themselves and that the issue was about Nevada casinos versus California Indians. Emotional appeals were delicately woven into these messages. By contrast, the *Coalition Against Unregulated Gambling* produced more visually intricate commercials used to glamorize the issue. They attempted to have average citizens identify with the problem of having casinos in their backyard. However, this was seen by some to be “insincere” and “manipulative” (Warren, October 2, 1998: A-30). No on 5's more successful commercials identified with Indian concerns, but also raised the concerns generated by unregulated gambling. In sum, while the tactics and strategies of the combatants were of utmost importance, the campaign was won (or lost) as a consequence of several factors. The following section turns to a discussion of these factors.

TOWARDS AN EXPLANATION OF THE PASSAGE OF PROPOSITION 5

This section offers several explanations for the success of Native American gaming interests and the failure of the coalition to restrict Indian gaming. These explanations are grounded in two general themes. First, an examination of organizational resources illustrates that while both factions were extremely well-funded, the Native Americans were also loaded with another extremely important resource—personnel. Second, Proposition 5 advocates constructed a well-conceived strategy relying upon a case for Indian sovereignty and self-sufficiency. Moreover, it is apparent that many Native Americans did envision the battle over Proposition 5 as a collective rights issue. The examination that follows demonstrates that Proposition 5 fits the mold as a classic collective rights issue.

Personnel Resources and Monetary Resources: The *Haves* and the *Have-Mores*

The picture painted earlier illustrates the comparative advantage Native Americans had in sheer manpower. Volunteers for *Californians for Indian Self-Reliance* canvassed neighborhoods, spoke at city council meetings, and engaged in various grassroots activities to persuade voters to support Proposition 5. While Proposition 5 will go down in history as the most expensive initiative campaign in history, money did not make the difference in the success of Native American gaming interests. Previous research illustrates that money typically can be used to defeat initiatives, rather than to pass them (Kehler and Stern: 1994, 283). The organizational network already in place among Native American tribes placed them at a distinct advantage over their foes.

The Nevada gaming interests had virtually no personnel base in the state of California to draw upon. Labor unions and religious organizations were unable to mobilize their members to actively campaign against Proposition 5. Although some members were active, they were not as visible as those in support of Proposition 5. Combined with the Native American message that they were David to Nevada gaming's Goliath, the *Coalition Against Unregulated Gambling* had an uphill battle. While they poured millions of dollars into the campaign, they had to rely primarily upon labor unions and religious organizations to "get out the vote" in California. Granted, these groups typically bring many voters to the ballot box. However, exit polling conducted immediately after the election showed that support for Proposition 5 was strong among most categories of voters. Although the strongest opposition to the initiative was found among Conservative Republicans, it found that 71% of union members supported the measure (Gorman, November 5, 1998: A1). Although some labor unions utilized mobilized their members to campaign against Proposition 5, the lack of unity among unions throughout the state may be responsible for the support in favor of Proposition 5. The strong support found among union members illustrates the lack of commitment found among the rank and file. This translated into a minimal commitment among union members to mobilize voters for the No on 5 campaign. Consequently, the war waged by the No on 5 coalition was largely fought through press releases and television advertisements. While this does not equate to a losing strategy, it was not as thorough a campaign as that conducted by *Californians for Indian Self-Reliance*.

The Yes on 5 campaign outspent its opponents by a greater than 2-1 margin. The *Californians for Indian Self-Reliance* dug deep into their pockets and spent more than any other group has ever spent on an initiative in history. However, it was the unique standing of Native Americans in the Californian political landscape that pushed them over the edge and won the election for them. The fact that Native Americans were unified and identified themselves as Native Americans, exposed a powerful group of highly motivated activists for Proposition 5. Native American tribes certainly believed they had the most at stake in this campaign, and as a result, they had little problem finding willing volunteers among their members to work for their cause.

Californians for Indian Self-Reliance deployed its personnel and economic resources in a variety of ways. Tribes engaged in a widespread grassroots campaign.

They went door-to-door handing out leaflets, they engaged voters in face-to-face conversations, made personal telephone calls nightly to persuade voters, and visited editorial boards and business organizations in order to harvest support for their initiative (Maullin, February 1999, 46). Besides such traditional grassroots activities, highly publicized "powwows" held with public officials generated much attention for their cause. The attendance of Democratic gubernatorial candidate Gray Davis at one such event allowed Native Americans an opportunity to address their past neglect. They noted that Governor Wilson had never attended any such gathering throughout his term in office. They equated his lack of respect to a campaign against Native Americans. Hence, *Californians for Indian Self-Reliance* contended Proposition 5 would be another attack against Native Americans by the government.

Although the vast network of tribes provided a prime grassroots organization, Native Americans utilized their economic resources in a variety of ways. In addition to their contributions to pass Proposition 5, tribes committed money to a variety of candidates vying for political office at state and local levels. They contributed money to candidates of both parties. For example, during the 1998 general election, the Democratic leader of the State Assembly received $248,000 from gambling groups, while his opponent raked in $166,750 (The Fresno Bee, October 8, 1998: B10). Tribes contributed $700,000 to the Republican party and $585,000 to the Democrats (Morain and Shuit, October 28, 1998: A3). Not to be outdone, their opponents donated $675,000 to the state Republican party (Morain and Shuit, October 28, 1998: A3). The candidates vying for governor, Democrat Gray Davis and Republican Dan Lundgren both shunned all money from gambling interests. However, Davis did benefit from soft money spent on his behalf by Native Americans. In addition, as noted above, Proposition 5 proponents funded ten percent of his inaugural activities. Clearly, forces from both sides of Proposition 5 attempted to peddle their influence through contributions to public officials and the political parties.

In short, it is clear that both sides of Proposition 5 were well armed when it came to campaign funding. Over $1 million a week was spent during the final stages of the campaign. It was not a case of the "haves versus the have-nots." Instead, it was a case of the "haves versus the have-mores." Each side had money. However, the Native American coalition also had vast personnel resources at its disposal. The grassroots campaign conducted by Native American volunteers and employees of Native American casinos ultimately provided them with an edge over their opponents in regard to overall organizational resources. While the coalition of Native American tribes is more akin to an economic interest group than a citizen group, its unique circumstance conformed closely to a citizen group. This provided the coalition with grassroots support to mobilize a successful campaign. Their volunteers were active throughout the state trying to mobilize and persuade voters in support of Proposition 5. This combination was not matched by the *Coalition Against Unregulated Gambling*. Moreover, it provided a larger pool of resources for *Californians for Indian Self-Reliance*. While this advantage was an important contributor to their success, *Californians for Indian Self-Reliance* won due to the framing of the issue. The theme of Indian sovereignty and self-reliance resonated with voters and ultimately led to the success of the campaign for Proposition 5.

Collective Rights Consciousness

The above discussion illustrates that Proposition 5 allied many strange and diverse interests. Conservatives and liberals allied themselves together on each side of the issue. Likewise, Nevada gaming interests were allied with Christian groups. Nevertheless, one message appeared to be heard above others. The message that resonated with voters and was articulated most clearly was the framing of the issue as one of Native American sovereignty. Recall that one poll found that supporters of Proposition 5 were deeply sympathetic to the wrongs committed against Native Americans in the past (Caesar, May 15, 1998: 38).

The Horatio Alger appeal of the American ethic that if one works hard enough, one can succeed carried vast appeal to Californians. The image of Native Americans pulling themselves up by their bootstraps to get off of welfare and do positive things for their people and their communities carried a lot of weight with the voters. What Native American strategists attempted to convey was that they were a distinct group of people. Moreover, they conveyed the image that government in the past had systematically wronged them and that Proposition 5 was one small way to prevent more wrongs from occurring. Governor Wilson's lack of sensitivity did little to hurt their cause. During the last weeks of the campaign, he was quoted as saying that a lawyer advising the tribes should "lose his scalp" because the tribes were wasting their time with an unconstitutional measure (DeArmond, October 25, 1998: 14). This political blunder played right into the hands of the supporters of Proposition 5.

The move to secure their rights through the ballot process conforms to collective rights consciousness theory. Recall that this theory states that groups will seek to utilize non-legislative settings to secure long-term benefits that are not easily eliminated. In conjunction with the outside lobbying effort of *Californians for Indian Self-Reliance*, Proposition 5 sought to maintain and extend the status quo for Indian gaming establishments. Native American strategists clearly tried to articulate this message as well. They consistently identified themselves as Native Americans striving for a better life. Proposition 5 was presented as the means to secure a better life. The portrayal of Indians being crucified in the past played upon the emotions of Californians. One of the consultants for *Californians for Indian Self-Reliance* later wrote (Maullin: February 1999, 45-46):

> The Proposition 5 campaign characterized Indian gaming as the means tribes were using to lift themselves out of poverty and isolation and toward becoming economically independent members of society. Anchored in the bedrock of the American ethic of self-determination, pro-5 ad messages highlighted Indian efforts to achieve self-reliance, as contrasted with the Nevada casinos' desire to eliminate competition . . . Prop 5's ads relied on simple, emotional messages delivered directly by tribal members . . . the Prop 5 campaign aired several proactive 30—second TV spots as well as a 15-minute documentary primarily on cable. The documentary used Indian scholars and tribal spokespersons to recount the history of California Indians, and showed modern day reservation Indians telling how gaming had changed their quality of life.

This highly focused strategy paid off at the ballot box.

These various themes were reiterated throughout the campaign. Several examples illustrate the power of the message. The chairman of the Indian Gaming Association asserted that "We just want to keep what we have, and we need to protect our future" (Katches, October 15, 1998: A1). A brochure distributed by one tribe stated: "The old way to steal from the Indians was to send in the Cavalry. Today it's Las Vegas casinos, politicians, and slick lobbyists" (Cobb, October 18, 1998: 12). The Native Americans even had an emotional response to charges from the religious right that gambling is immoral. Mary Ann Martin Andreas, the tribal chairwoman of the Morongo Band of Mission Indians asserted: "Our response is that poverty is immoral, hunger is immoral, teen-age suicide is immoral, illiteracy is immoral. All the social ills are immoral. In 500 years since we were invaded, this was the first thing that has worked for us, and I'll take it" (Katches, October 15, 1998: A1). As for the television war of commercials, one tribal spokesperson claimed that "just as a century ago enemies of the tribes used U.S. cavalry to come in and take away the Indians' lives and their land, today they're using TV commercials" (DeArmond, August 23, 1998: A17). Finally, regarding the vast amount of money spent by Indian tribes, the chairman of *Californians for Indian Self-Reliance* responded that

> the cost of this campaign (is) significantly less than the lives and land that Indians have paid in the past . . . they pale in relation to the consequence of returning Indian tribes to a life of poverty, illiteracy and welfare handouts (DeArmond, August 23, 1998: A17).

As one can see, the hyperbole of the Yes on 5 strategy was based upon emotional appeal.

CONCLUSION: GROUP IMPACT AND THE CALIFORNIA EXPERIENCE

Because the dust has hardly settled upon the California experience it may be premature to understand the legacy of Proposition 5. However, there are several hints as to what the future may have in store for Indian gaming in the state of California. First, as is often the case, the legality of Proposition 5 will likely be resolved in the courts, rather than by its passage on November 3, 1998. Second, Californians likely have not seen the last of ballot referenda addressing gambling in the state. Finally, the standing of Native Americans in the California political process is likely to be forever changed. The remainder of this chapter addresses each of these issues.

Immediately after the passage of Proposition 5, those opposed to the initiative vowed to challenge its legality in court. This is often the fate of initiatives. Two days after the passage of Proposition 5, a representative for the Nevada casinos showed contrition and stated that he doubted that casinos would be a party to a lawsuit challenging its constitutionality. However, by the end of the month, two suits were filed challenging its constitutionality. One suit was filed by a group of citizens fearing the spread of gambling. Although the Nevada casinos did not originally contribute money to this fight, they did eventually support the group with financial backing. Governor Wilson responded by releasing a statement urging the state Supreme Court to hear the case. A second suit was filed by the Hotel Employees and Restaurant Employees International Union, AFL-CIO. The union was a leading member of the *Coalition Against Unregulated Gambling*. By December 3, 1998, the state Supreme Court blocked Proposition 5 pending a ruling on its constitutionality. Arguments surrounding the case would not be heard until June of 1999.

Two State Supreme Court justices removed themselves from hearing the case and were replaced by two justices from the Court of Appeals. Attention centered around the 1984 constitutional amendment authorizing the state lottery. The amendment prohibits the state Legislature from approving Nevada and New Jersey-style casinos without a constitutional amendment. The justices questioned whether that amendment also applied to citizen initiatives. As of now Proposition 5 is still being debated in the court system.

The preemptive measure discussed earlier by the Agua Caliente band of Indians was drafted and qualified with the expectation of a court challenge to Proposition 5's constitutionality. Less than eight months after the passage of Proposition 5, three more initiative proposals for the March 2000 election were submitted to Governor Gray Davis's administration. Each initiative would rectify the constitutional defects alleged by opponents of the measure. Not to be outdone, a coalition of horse tracks developed a measure that would allow some horse tracks within the state to offer video slot machines. The author of the measure stated that his proposal would "level the playing field" (Sweeney, July 9, 1999: A3). It is clear that the voters of California will be forced to reexamine the issue of gambling in the state.

Perhaps the most intriguing legacy of Proposition 5 is the role of Native Americans as political players in California politics. The emergence of Indian gaming in the state and the passage of Proposition 5 have altered California's political landscape. Native Americans are now viewed as a powerful group that must be acknowledged. One observer of California politics contends that Native Americans are "now up there with the teachers' unions, the trial lawyers, the Christian right, the insurance companies, the doctors and the prison guards, and likely to remain there for a long time" (Schrag, November 5, 1998: B7). This new found power may translate into more favorable policies. Chiefly, Native Americans may be able to utilize their influence on issues such as health care, fishing rights, and environmental issues (Schrag, November 5, 1998: B7). Others recognize the potential for political influence with their newly acquired economic wealth. The executive director of California Common Cause (a campaign finance reform group) states:

> This last year has clearly established them as a major player in Sacramento. It was extraordinary the amounts they gave. They were writing a lot of six-figure checks . . . As an interest group, I think they are right up there with the teachers, doctors and lawyers (Lawrence, December 6, 1998: N4).

One indicator of their strength is that the number of lobbyists representing Native American interests jumped from less than five in 1993 to over 20 in 1998 (Lawrence, December 6, 1998: N4).

To be put on par with the most powerful interest groups in the state is no small feat. Taking into account the growing movement towards more Indian gaming throughout the United States, it will be interesting to examine the changes in group power that may occur in other state capitols. Moreover, as Native Americans gain more influence in the state legislature, it is important to understand how that influence is translated into public policy. As Native Americans are a distinct group within our society, it will be important to examine the political ramifications surrounding the rise of a group with newfound economic might and political power.

CHAPTER V

IF AT FIRST YOU DON'T SUCCEED, TRY, TRY AGAIN: MISSOURI'S AMENDMENT 9

INTRODUCTION

The previous chapter examined interest group involvement in California's Proposition 5. This chapter analyzes Missouri's experience with Amendment 9. Like the California experience, Amendment 9 dealt with the issue of gambling. Each tried to refine what levels of legalized gambling citizens were willing to accept. Amendment 9 was a constitutional amendment intended to circumvent a Missouri Supreme Court ruling that "boats" in artificial moats were unconstitutional under the Missouri Constitution. Incidentally, riverboat gambling was approved by voters through a constitutional initiative in 1992. Amendment 9 sought further to clarify the extent of riverboat gambling in the state. Professional gambling interests succeeded in the general election and the "boats on moats" initiative passed. This chapter examines how the measure came before voters, the significant groups involved in the campaign, the strategies and tactics employed by these groups, and why gambling interests ultimately succeeded.

THE EVOLUTION OF RIVERBOAT GAMBLING

This section provides some context toward understanding Amendment 9. A discussion of the emergence of riverboat gambling in the United States is offered. An examination of the relationship between the gaming community and Missouri's state government is also delineated. This relationship has proven to be very different than the compacts made among Native American tribes and the state of California. The inception of gaming in Missouri is then presented. The Missouri experience is in part a microcosm of the development of riverboat gambling throughout the Midwest. An understanding of riverboat gambling in Missouri may provide some insight into the fate of riverboat gambling in other states.

Riverboat Gambling: A Primer

The Missouri experience with riverboat gambling is intimately related to the riverboat gambling craze throughout the United States in the recent past. The push for riverboat gambling resulted in large part from the perceived benefits of gambling in other states. Debate concerning the extent of riverboat gambling in Missouri has been fueled by the existence of gambling facilities in bordering states. In effect, the existence of such facilities generated competition among gambling facilities and states to entice more gamblers and more state revenues.

Riverboat gambling's origins are traced to Iowa. Through a statewide referendum in 1991, the voters of Iowa precipitated a movement throughout the Midwest to institute riverboat gambling. Prior to Missouri's acceptance of gambling in 1992, Illinois, Mississippi, Louisiana, and Indiana also offered riverboat gambling. The allure of riverboat gambling may be attributed to a variety of factors. Unlike the Native American gambling establishment, the riverboat gambling establishment is explicitly tied to state governments. For example, in Missouri, each individual pays a $3 boarding fee that goes directly to the state of Missouri. This revenue is set aside for education in the state. While gaming advocates in California lauded gambling for generating revenue through jobs, taxes, and capital expenses, states with riverboat gambling are able to point directly to the relationship between the government and gambling. They note that education, roads, and bridges, in addition to jobs, taxes, and capital expenses, are a byproduct of the gambling industry. The city administrator of Maryland Heights, Missouri (where the Riverport casino complex is located) stated: "There's no question. Many of the capital projects, road widenings, bridge replacements, a couple of new major roads, we cannot afford [without gambling revenues]" (Young, October 25, A7: 1998). In addition, the mayor of St. Joseph, Missouri proclaimed that the presence of the Frontier Casino in his city was very positive for his citizens. He stated: "We've provided over 400 quality jobs that weren't here before" (Kozol, November 1, 1998: A1).

The gambling establishment has benefited greatly from the expansion of gambling throughout the United States. Gambling revenues have skyrocketed. Casino revenues throughout the United States increased nearly 40 percent from 1987 to 1997 (Becker, December 25, 1998: 7). Riverboat casinos presently are a $6.1 billion business (Pringle, October 26, 1998: 1A). This represents 12 percent of the total gambling market in 1997. In Missouri alone, riverboats took in $747 million in 1997. It is easy to understand why proponents of gambling would be unwilling to accept restrictions on gambling in the state.

Missouri joined the ranks of riverboat gambling states in 1992 as citizens approved Proposition A, a referendum to establish games of chance upon the Missouri and Mississippi Rivers. This was the first ballot measure of four to face citizens in the state. The arguments offered in these earlier battles presaged those offered during the

Amendment 9 campaign. In order to understand Amendment 9, it is necessary to chronicle the evolution of gambling in the state. The following section details how Amendment 9 came into being.

The Emergence of Amendment 9

It is clear that voters and legislators alike have been ambivalent about gambling in the recent past. The issue has resulted in four elections decided directly by the voters and has been the subject of a number of legislative debates. A chronology of key event is presented in Figure 5-1. The centerpiece of this analysis is the most recent battle over the fate of riverboat gambling in the state--Amendment 9. Amendment 9 was popularly referred to as the "boats-in-moats" initiative. This is because Amendment 9 sought to permit riverboats that were not in fact seaworthy to offer games of chance to its patrons. These "boats" were located in artificial basins connected to the Missouri and Mississippi rivers.

In July of 1991, the Missouri legislature passed a bill approving riverboat gambling and placing a measure on the November 1992 ballot. The legislature further stipulated that all state gaming revenues would be appropriated solely for education. The campaign over what became Proposition A was heavily contested. Proponents of gambling offered imagery of a bygone era. They contended that riverboat gambling would provide a romantic glimpse into the rich history of the mighty Mississippi. They further noted the perceived economic benefits of gambling. Opponents relied heavily upon the moral arguments against gambling. A coalition of churches claimed that gambling contributed to broken families, broken homes, and increased crime. Nevertheless, the measure succeeded

1,400,000--840,000. The passage of Proposition A spurred several constitutional challenges. Immediately following its passage, Illinois gambling interests challenged its constitutionality. While this challenge failed, another challenge by a Missouri resident limited the scope of Proposition A. This lawsuit found its way to the Missouri State Supreme Court in 1993.

In January of 1994, the Missouri Supreme Court ruled that games of chance were not permissible. Specifically, the court questioned the legality of slot machines, roulette, and craps. However, the court did find that games of skill, such as poker and blackjack were permissible under the Missouri Constitution. The distinction between games of chance and skill was not meaningless. Casinos claimed that their most profitable games were in fact, games of chance--most notably, slot machines. Consequently, this distinction translated to great losses for gambling interests. Soon thereafter, gaming interests were able to qualify Amendment 3 for the April 1994 ballot. This was a constitutional amendment aimed at legalizing games of chance. Despite enormous spending by anti-gambling groups, the measure was rejected by the citizens of Missouri. However, the battle was close and was decided by just 1,200 votes. The defeat of Amendment 3 signified the first statewide rejection of a gambling referendum in any state. One volunteer for the anti-gambling campaign, stated: "The people here [in Missouri] feel like David, who slew Goliath . . . This shows the trend is moving against gambling." (Fisher and Arnold, March 22, 1997: 14). Nevertheless, gambling proponents were not ready to give in the fight.

In May 1994, the first Missouri riverboats opened, offering games of skill. In that same month, the Missouri Senate passed a bill that defined games of skill. Video poker was among those games deemed as requiring skill as determined by the legislature. In the summer of 1994, the gambling industry circulated petitions to place a constitutional amendment authorizing slot machines and other games of chance on Missouri riverboats. This initiative was certified as Amendment 6. This marked the third time in three years that voters in Missouri were called upon to decide the scope of gambling in the state.

Amendment 6 was similar in many ways to its predecessors. Anti-gambling forces consisted of two sorts. Churches versus Casinos was a group whose membership was religious in character. Their leader was Tom Grey who was also the leader of the National Coalition Against Unregulated Gambling. Grey would also be a key player in the Amendment 9 campaign. The group based its arguments on the moral vices that accompany gambling. Missouri Citizens for Life and Liberty was a more secular group formed in opposition to Amendment 6. Its arguments focused upon the economic shortcomings of riverboat gambling. The group claimed that most gambling profits went to out-of-state boat owners. In addition, the group argued that "gambling jobs offered poor pay and turned over frequently, while state and local politicians and institutions, especially schools, became beholden to gambling tax revenues" (Fisher and Arnold, March 22, 1997: 14). In short, the group asserted that riverboat gambling was not an economic panacea and in fact, translated into bad public policy for the state.

Conversely, the Vote Yes On Amendment 6 Committee attempted to frame the issue as a small change to a previously adopted Amendment. The group attempted to sidestep the issue of whether gambling was good or bad. Instead, they attempted to illustrate that by allowing games of chance, Missouri riverboats would be able to more effectively compete with neighboring Illinois's riverboats. Such competition would only benefit the citizens of Missouri. In contrast to the April election in which they failed, gambling interests nixed the "polished" television advertisements of that campaign for more "sincere" advertisements communicated by schoolteachers and community leaders (Fisher and Arnold, March 22, 1997: 14).

Once again, the gambling establishment vastly outspent its opponents. Pro-gambling forces spent nearly $8 million to the opposition's $180,000 (Fisher and Arnold, March 22, 1997: 14). The Yes on 6 campaign funneled much of their money to television and radio advertisements. However, they were also able to claim over 100,000 face-to-face contacts during the campaign (Fisher and Arnold, March 22, 1997: 14). The measure passed by a margin of 54 to 46 percent. The failure in the preceding election and the closeness of this election (relative to the California experience) illustrate the ambivalence Missourians demonstrated toward riverboat gambling.

A separate but related development would ultimately lead to Amendment 9. In November of 1995, the gambling industry testified to the Missouri Gaming Commission about their cruising requirements. Missouri's riverboats were to be seaworthy vessels and thus able to take their passengers on cruises. Several of the already licensed riverboats claimed that they could not operate safely and requested an exemption from the requirement that they must be seaworthy. By February 1996, the Gaming Commission "continued to license boats, then granted them exemptions from the cruising requirements"

(Scott, November 1, 1998: K1). In addition to such exemptions, the state legislature passed a law allowing gambling facilities to operate in artificial basins that were within 1,000 feet from the Missouri or Mississippi Rivers. This gave approval to what was to be known as "boats-in-moats." One observer noted that boats-in-moats have no captains, could not sail upon rivers, , and "with their parking lots, theaters and restaurants, look more like huge shopping malls than sailing vessels" (Pulley, November 1, 1998: A12). Consequently, in mid-1996, Todd Akin, a Missouri state representative, challenged the constitutionality of boats-in-moats based upon the previous ballot measures that required gambling to occur only upon the Missouri and Mississippi Rivers. This lawsuit made its way to the Missouri State Supreme Court in 1997.

In December of 1997, the Court ruled in Akin's favor. At issue was the language of the 1992 measure and Amendment 6. Taken together, these amendments stated that the Missouri General Assembly was "authorized to permit only upon the Mississippi River and the Missouri River lotteries, gift enterprises and games of chance to be conducted on excursion gambling boats and floating facilities" (Scott, November 1, 1998: K1). Chief Justice Duane Benton stated:

> In sum, the 1994 constitutional amendment authorizes games of chance to be conducted on excursion gaming boats and floating facilities solely over and in contact with the surface of the Mississippi and Missouri Rivers. The mere presence of river water in artificial spaces within 1,000 feet of the river channel does not make the gambling "only upon the Mississippi River and the Missouri River" (Scott, November 1, 1998: K1).

Attention centered upon casinos in artificial basins and the illegality of games of chance in such facilities. Immediately following the ruling, the Missouri Gaming Commission announced it would ban all games of chance, except for craps and most card games on those casinos affected by the ruling. Games of chance in violation of the constitution included slot machines and electronic gambling devices. Games of chance represented two-thirds of all gambling revenues. This ruling provided the spark for Amendment 9.

THE BATTLE OVER AMENDMENT 9

The citizens of Missouri had not spoken with a clear voice concerning the scope of riverboat gambling in the state. Voters approved gambling in two elections and rejected the expansion of gambling in another. All of these elections were heavily contested. The adverse ruling by the Missouri Supreme Court triggered another chapter in the struggle over riverboat gambling in Missouri. It was no surprise that Amendment 9 would bare witness to a battle between foes that were well versed with one another.

Amendment 9 was approved by voters 55.5 percent to 44.5 percent November 3, 1998. This translated to 857,829 votes for and 688,184 votes against. While Amendment 9 won by 11 percentage points, it won with the smallest margin of victory among the eight ballot issues facing voters on the November 1998 ballot. Moreover, it certainly did not achieve the landslide witnessed in favor of Proposition 5 in California. It was the fourth ballot measure regarding riverboat gambling Missouri voters had been faced with since 1992. The battle over Amendment 9 was a battle between gaming interests and a coalition of religious organizations, concerned citizens and business groups. In order to understand how the boats-on-moats initiative succeeded, it is necessary to identify the relevant parties involved in its campaign. The following discussion identifies and describes the relevant political players and their involvement in the campaign. Towards this end, relevant groups are classified and relationships among various groups are examined.

The Players

The battle over Amendment 9 featured foes that were intimately familiar with one another. The struggle over riverboat gambling from 1992--1998 was continuous and acrimonious. The variety of interests principally involved in Amendment 9 were significantly less than those involved in the California campaign. Nevertheless, a number of groups actively participated in the campaign over Amendment 9. This campaign provides a further opportunity to examine the Populist Paradox, and serves as a means of comparison with the California experience. Involved participants are classified and the patterns of involvement among and between groups are also presented.

Two coalitions emerged in support of Amendment 9. One coalition consisted of parent companies looking to secure their investments in Missouri. The other coalition consisted primarily of Missouri gambling facilities. The former was called *Missourians for Fairness and Jobs*. The latter was called the *Association for Freedom and Individual Rights* in Missouri. The bulk of the money spent in the campaign flowed from *Missourians for Fairness and Jobs*. The group even made a donation to the *Association for Freedom and Individual Rights.* The *Association for Freedom and Individual Rights* was nominally involved in the campaign.

The money spent on behalf *Missourians for Fairness and Jobs* emanated from sources outside of Missouri. Once again, the specter of out-of-state interests attempting to wield their influence in a citizen initiative was apparent. Unlike the California experience, however, out-of-state moneys were spent to *further* gambling interests in the state, not to suppress them.

The coalition consisted almost entirely of business corporations--chiefly, casinos. There were four major groups from this coalition that were evident throughout the campaign. They were: Harrah's Casino of Memphis, Tennessee; Players Services of Atlantic City, New Jersey; Station Casino of Las Vegas, Nevada; and the Flamingo Hilton of Kansas City, Missouri. Only four other groups contributed money apart from these powerful players. Utilizing the classification scheme offered in the previous chapter illustrates that the primary supporters of Amendment 9 most closely approximate economic interest groups. According to Gerber's analysis, this would lead to a resource advantage manifested in the procurement of money. In fact, this group outspent their opponents by a measure of 33 to 1 (Missouri Ethics Commission). Gerber further predicts that economic groups are at a disadvantage in mobilizing personnel resources. This is partly addressed by examining the membership of the *Association for Freedom and Individual Rights* in Missouri. This group consisted wholly of casinos. However, only Missouri casinos belonged to this coalition. Consequently, this group represented a more parochial contingent. Incidentally, while this group contributed less than 1 percent of all campaign funds in support of Amendment 9, it was nevertheless another voice representing the economic impact of riverboat gambling in the state.

Opposition to Amendment 9 formed a coalition entitled *Show Me the River*. The name of the committee was a play upon the skeptical political culture reflective of the "Show Me State." Moreover, it implied that in order for there to be "riverboat" gambling, there needed to be a river, not an artificial basin. *Show Me the River* was a coalition consisting primarily of religious organizations, concerned citizens, and business interests from Branson, Missouri. Branson is the home to a thriving entertainment industry. Business interests from the city feared that any expansion of gambling might adversely affect tourism in their city. More specifically, they claimed that the gambling element would be detrimental to the more "family-oriented" entertainment offered in Branson. A spokesperson for one theater in Branson stated: "Branson has built its reputation as a place for the whole family. Having gambling here would kill that atmosphere" (Avila, November 12, 1998: B1).

The coalition most closely approximated Gerber's categorization as a citizen group. Ninety percent of all contributions made to the *Show Me the River* campaign came from citizens (Missouri Ethics Commission). While churches and corporations accounted for the majority of campaign contributions, citizen involvement in the campaign against Amendment 9 was also evident. Moreover, churches provided a launching pad for many citizen volunteers to get involved in the campaign. This conforms to Gerber's hypothesis that citizen groups should be more adept at galvanizing personnel resources in the form of volunteers.

Apart from the scope of interests found in the *Show Me the River* coalition, the vast coalitions present in the California campaign were absent in the Missouri campaign. While some politicians, community groups, education associations, and civic organizations commented on Amendment 9, most political actors were not vociferous in their support or opposition to the amendment. In short, most of these groups attempted to "de-politicize" the issue and make it about jobs rather than the morality of gambling. Consequently, the endorsements from these groups were often half-hearted and centered around specific details, as opposed to active support for or against the measure. For example, the executive director of the Missouri State Teachers Association lamented:

> I think our members would rather have that money coming from just about anywhere else. To have something so heavily associated with gambling tied to education is very uncomfortable (Associated Press, November 5, 1998).

Much of this can be attributed to the framing of the issue by gambling advocates. In particular, they claimed that the failure of Amendment 9 would mean the loss of jobs and revenues. This contention appeared to resonate with Missourians. This is examined in greater detail below.

TOWARDS AN UNDERSTANDING OF AMENDMENT 9

The battle over riverboat gambling in the state of Missouri has a storied history. The most recent chapter in that history is the battle over Amendment 9. The campaign over Amendment 9 was rancorous. This section utilizes the analytical framework developed in chapter three in order to help understand the goings-on involved with Amendment 9. An examination of these factors specific to the Missouri experience help explain the outcome of Amendment 9.

Demographics and Political Culture

Consistent with the earlier analysis of the California experience, an analysis of Missouri's demographic characteristics and political culture is offered. The proceeding discussion examines characteristics that are unique to the state of Missouri. This discussion provides further context for understanding interest group involvement with Amendment 9.

Casey and King note: "Missouri is often described as a microcosm of the United States, its people characteristic of the national population" (1993: 165). Many demographic characteristics bear out this observation. Chapter three provided many illustrative instances of this point. For instance, there were 5,438,559 citizens in the state of Missouri in 1998 (United States Bureau of the Census, 1999). This placed Missouri as the fourteenth most populous state in the Union. The median household income in the state is over $31,000 a year (United States Bureau of the Census, Small Area Income and Poverty Estimates Program: 1997). Total revenue generated in the state in 1996 was over $17 billion (Census). This places the state as having the twentieth largest economy. In short, Missouri is as close to a "model" state as one can expect to find.

Campaign strategists from each side recognized a clear demographic divide between urban and rural voters in the state. Citizens from metropolitan areas were much more likely to support Amendment 9 than were citizens from rural areas. This was due in part to the fact that most casinos were located in urban areas and the delimitation of riverboat gambling would be most greatly felt in these areas.

One must also take into consideration political culture. The remainder of this discussion addresses the connection between Missouri's political culture and the battle over Amendment 9. Missouri is considered to have an individualistic political culture with a traditionalistic strain (Dye: 1997, 9). As such, the individualistic political culture emphasizes the role of politics as a means to promote the social and economic interests of individuals or groups. This suggests that interest groups could have a significant role to play within Missouri's political system. Moreover, this classification is consistent with the notion of issue networks, the fluidity of the political process, and the multiple interest group players in the political process. By contrast, the traditionalistic political culture is grounded in a hierarchical ordering of political power with elites wielding political power for the betterment of citizens. This description would be consistent with traditional notions of iron triangles and closed political systems, where interest groups exercise considerable influence. While each of these descriptions may appear to contradict one another, this is not necessarily the case. A more appropriate analysis would be that these conflicting political cultures are at work under different circumstances, within different contexts, and with differing political players. Therefore, it is foreseeable that there is room for the existence of each culture within the political establishment.

In addition, citizens of Missouri are not strangers to the politics of direct democracy. The state has witnessed many ballot issues over the years. In the November 1998 election, there were eight ballot issues facing voters. Amendment 9 was an initiative that emanated from several previous initiatives. This history played a significant role in the battle over Amendment 9. Each side engaged in revisionist history, extolling the flaws of previous initiatives and the justness of their current positions. It is evident that initiative politics have long been a part of Missouri's political landscape.

Institutional Hurdles

This section details the institutional hurdles faced by groups utilizing the initiative process in Missouri. Many of these hurdles are similar to the ones examined in the previous chapter. The institutional hurdles faced among those states permitting the ballot initiative are generally similar. However, some differences do occur between states. These differences translate to different tactics groups must utilize. The following discussion focuses upon how groups dealt with obstacles they encountered in Missouri.

As in the California case, groups formed campaign committees and built coalitions to help overcome obstacles such as qualifying and campaigning for or against Amendment 9. As noted above, the most prominent committees were *Missourians for Fairness and Jobs*, the Association for Individual Freedom and Rights in Missouri, and *Show Me the River*. *Missourians for Fairness and Jobs* took the lead in qualifying the measure in the Summer of 1998.

In Missouri, subject matter may be restricted on initiative ballots. All financial contributions must be reported. In order to qualify a constitutional amendment, 8% (as well as 8% in 2/3 of all counties) of the total votes cast for governor in the previous election must be obtained. The 8% requirement translates to around 109,000 valid signatures. The county requirement forces groups to secure support from varying constituencies. Finally, groups have 20 months to circulate their petitions and completed petitions must be provided 4 months prior to the election.

Missourians for Fairness and Jobs employed paid signature-gatherers to help qualify the ballot. In fact, they hired a firm based in California. They met the signature requirement and even had 30,000 more signatures than were needed. However, there was a controversy surrounding the petition drive. One petition circulator was accused of gathering fraudulent names of dead citizens, ministers who were outspoken critics of gambling, and relatives of public officials who stated they had not signed any petitions. Consequently, all 7,000 signatures obtained from this circulator were discarded. This event was portrayed by anti-gambling forces as part of a greater process of manipulation and deceit by the gambling industry.

In addition to hiring paid petitioners, *Missourians for Fairness and Jobs* and *Show Me the River* each hired political consultants to manage their respective campaigns. The pro-gambling committee incidentally hired the same consulting firm that ran the ballot campaign for *Californians for Indian Self-Reliance*. These consultants provided professional expertise and strategic advice to both campaigns. Political consultants are another means to navigate the many institutional hurdles facing groups. Consultants typically provide contingency plans to engage in post-election strategies in order to secure gains for the winners of the election and contest the loss for the losers of the election. Gerber maintains that the implementation of a post-election strategy is a further institutional hurdle faced by groups engaging in direct democracy. Considering the history of riverboat gambling in Missouri, it is evident that both sides carried out multiple strategies with each successive ballot campaign and court case.

Organizational Resources

This section analyzes the presence and use of organizational resources in Amendment 9. The deployment of monetary and personnel resources by each group is examined. This examination sheds light on the tactics and strategies available to the competing groups based upon the existence or lack thereof of monetary and/or personnel resources.

In all, over $11 million was spent in support or in opposition to Amendment 9[1]. Of that, $10,676,571 was spent by the pro-gambling group *Missourians for Fairness and Jobs*. That amounts to 97 percent of all contributions in the campaign. Tables 5-1 and 5-2 denote the major contributors in support and in opposition to Amendment 9, respectively. To say that gambling advocates had a spending advantage would be an understatement. In addition, $8,397,549 was contributed by just four companies. Figure 5-2 graphically illustrates the distribution of contributions by each company. Harrah's of Memphis, Tennessee contributed the greatest amount of money with $4,510,802 in contributions. Station Casino of Las Vegas, Nevada contributed $2,958,311. The Flamingo Hilton of Kansas City, Missouri donated $570,336, while Players Services of Atlantic City, New Jersey donated $358,100 to *Missourians for Fairness and Jobs*. While all but one of these casinos are located outside the state of Missouri, all had significant investments in riverboat casinos in the state. The other pro-gambling group, the *Association for Freedom and Individual Rights* in Missouri, received only $32,046 in campaign contributions. However, all of their contributions came from casinos inside the state of Missouri.

The *Show Me the River* coalition was vastly outspent in the campaign. They raised a total of $321,862 for the campaign from a large array of sources. Unlike their counterparts, there was a wide dispersion of contributors to their campaign. This is similar to the findings presented in the previous chapter. In both cases, opponents to

[1] All campaign contributions are derived from the Missouri Ethics Commission.

gambling consisted of a wider array of characters, whereas proponents of gambling were concentrated almost exclusively in the gaming industry.

Table 5-3 illustrates the number of donations coming from individuals versus the number of donations coming from groups to *Show Me the River.* Groups include both corporations and religious organizations. In all, 92 citizens contributed money to *Show Me the River* and only 10 groups contributed money. Individual donations ranged from $25 to $10,000. As for groups, Silver Dollar City (an entertainment venue in Branson, Missouri) donated $38,144 and was consequently the largest group contributor to *Show Me the River.* The greatest overall contributor to the committee was its leader, Mark Andrews. He contributed over $130,000 to *Show Me the River.* Most of this money was through loans. These findings are consistent with Gerber's thesis that business interests have a greater capacity to secure monetary resources, whereas citizen groups are at a disadvantage. However, recall that she further asserts that citizen groups have an advantage at mobilizing personnel resources over business interests.

The *Show Me the River* campaign fared quite well in mobilizing personnel resources. Because this committee is considered a "citizen" group, this is consistent with Gerber's analysis. And although *Missourians for Fairness and Jobs* is classified as a business group, it was also able to mobilize personnel resources. *Show Me the River* utilized its support from religious organizations to secure volunteers to go door-to-door, organize and go to political rallies, call citizens, distribute pamphlets, and send mailings to potential voters. Leaders of the campaign also lobbied government officials, were the media spokespersons for their position, and carried on "debates" (although they never faced a spokesperson from the pro-gambling contingent) against their opposition. The network of churches provided a strong organizational basis through which personnel resources were mobilized.

Missourians for Fairness and Jobs took an alternative route to secure personnel resources. They were able to take advantage of their position as a business organization. They encouraged their employees to take to the streets, get-out-the-vote, and volunteer their time to securing the passage of Amendment 9. In turn, many employees went door-to-door to solicit support, attended political rallies, wrote to newspapers, called potential voters, and engaged in mass mailings. In short, they did many of the same things that the *Show Me the River* campaign did.

As Gerber notes, business groups often compensate for their inability to mobilize personnel by paying for individuals to mobilize the vote. In conjunction with their encouragement of employees to promote Amendment 9, *Missourians for Fairness and Jobs* also paid for personnel resources. In particular, the hiring of paid signature gatherers helped overcome one of the greater obstacles groups without personnel resources face--qualifying the ballot measure. In fact, they raised nearly \$305,000 by July 7th (a full four months before the election). Consequently, this enabled them to get a head start on their opposition. In sum, it is apparent that although the anti-gambling contingent should have had an advantage in obtaining personnel resources, they did not have a monopoly on the mobilization of such resources. The mixed strategy employed by *Missourians for Fairness and Jobs* enabled them to utilize personnel resources from within and from without.

Strategies and Tactics Employed by Groups

This section delineates the strategies and tactics utilized by various groups in the battle over Amendment 9. Both sides attempted to paint a picture of Amendment 9 according to their own terms. Each side implicitly contended they were playing David to the other side's Goliath. The American Gaming Association President proclaimed: "They're Goliath [*Show Me the River*]. Every community has a Methodist church and a Baptist church" (Alm, October 18, 1998: A1). Conversely, *Show Me the River* pointed to the large difference in expenditures by those in support of Amendment 9 over those in opposition to it. Because these foes had faced each other before, they were able to learn from previous elections regarding what types of strategies and tactics might be most helpful to their cause. Examinations of the tactics and strategies utilized by the *Show Me the River* and *Missourians for Fairness and Jobs* are offered, respectively. The analysis of these strategies produces a greater understanding of the success and/or failure of groups involved with Amendment 9's campaign.

The *Show Me the River* campaign relied heavily upon the staging of political events and personal contact with potential voters to get their message out and to mobilize voters to defeat Amendment 9. They also relied upon television and radio advertisements, bumper stickers, leaflets, rallies, and news releases to persuade voters to vote against Amendment 9. Leaders of the anti-gambling coalition maintained that gambling casinos had pulled a "bait-and-switch" upon the citizens of Missouri. They contended that casinos had promised riverboat gambling from years gone by, but had instead implemented "land-based" casinos, in contravention to the Missouri constitution. One leader proclaimed: "I see these casinos and say, 'that is not a riverboat at all.' I also see the destruction of families" (Pringle, October 26, 1998: 1A).

Show Me the River engaged in so-called "debates," to illustrate the correctness of its position. While anti-gambling advocates sought to debate the gambling industry, Missouri casinos declined to participate. They stated that they could not commit the time or energy to such debates. Therefore, gambling opponents debated the substance of the commercials in support of Amendment 9. Casino executives answered this tactic by stating: "For a debate to be meaningful, it requires everyone work from the same platform of information and facts and not to run off into tangents. It ends up being a waste of everyone's time" (Alm, October 10, 1998: B1). These debates provided a forum from which the *Show Me the River* campaign was able to confront many of the arguments made in support of Amendment 9. They noted that while *Missourians for Fairness and Jobs* had consistently presented gambling as an economic boom to the state of Missouri, other studies had come to different conclusions. In particular, they stated that when taking into the effects of crime and compulsive gambling, casinos might actually cost taxpayers. The impact of gambling to the Missouri economy ranged from a benefit of $500 million a year to $200 million a year to the negative (Alm: October 18, 1998: A1).

In addition to their "debating" tactic, *Show Me the River* utilized endorsements from politicians, civic groups, and even entertainers. Todd Akin, the state representative that brought the suit to the Supreme Court that ultimately led to the nullification of "boats-in-moats" was a chief spokesperson in opposition to Amendment 9. As such, he and others were responsible for presenting a picture of the gambling industry in Missouri as opportunistic, manipulative, and deceitful. Akin portrayed the battle over Amendment 9 as a battle over the future of gambling in the state. He stated "If this thing passes, I would predict within three or four years you'd see slots and video poker machines proliferating in bars around the state" (Alm, October 18, 1998: A1). A spokesman for *Show Me the River* further added that gambling interests had no regard for the citizens of Missouri or their constitution.

> They're treating us like rubes from Rubesville and our constitution as a rule book. We are being controlled by Las Vegas and New Jersey powerbrokers, and we need to set the record straight. Its embarrassing to me. We're getting rolled" (Associated Press, October 18, 1998).

This charge did not go unanswered by gambling interests. The head of *Missourians for Fairness and Jobs* asserted that although the parent companies of casinos in Missouri were the primary contributors to the campaign, the money spent by these companies was generated in Missouri. Nevertheless, *Show Me the River* was able to articulate its message that out-of-state interests were attempting to manipulate the voters of Missouri and "buy" the election of Amendment 9. Whether citizens accepted this portrayal of the campaign of Amendment 9 is another story. *Show Me the River* even enlisted endorsements from entertainers from Branson, Missouri extolling the vices of gambling. Tony Orlando was among those who spoke out against Amendment 9.

A brief examination of the media advertisements conducted on behalf of the *Show Me the River* campaign further illustrates the overarching strategy employed by their group. One radio advertisement opened by proclaiming that the Missouri Supreme Court had ruled that boats-in-moats were not legal. The remainder of the advertisement discussed the moral pitfalls of gambling. In particular, it addressed compulsive gambling and crime as a result of gambling. Clearly, *Show Me the River* was attempting to shift the focus of Amendment 9 to the perils of gambling. However, its opponents claimed that the opening statement of the advertisement was misleading, if not wholly incorrect. They noted that the Missouri Supreme Court ruled that games of chance could not be offered in boats-in-moats. They did not outlaw games of skill. Consequently, *Missourians for Fairness and Jobs* stated that *Show Me the River* was engaging in half-truths. Other ads concentrated upon the "bait-and-switch" theme addressed above, painting the industry as deceptive and manipulating.

In addition to media advertisements, endorsements, the use of spokespersons, and political events, *Show Me the River* cultivated volunteers and mobilized citizens through the vast network of churches that opposed Amendment 9. Religious leaders encouraged their members to go to the polls and vote against Amendment 9. Moreover, they encouraged their members to be active in trying to persuade others to turnout in opposition to Amendment 9. In a strategic move by anti-gambling forces, the National Coalition Against Unregulated Gambling held its annual meeting in St. Louis, Missouri, just weeks before the November 3rd election. The convention highlighted the social ills brought about by gambling. This was another attempt to inject morality into the campaign of Amendment 9.

Missourians for Fairness and Jobs utilized its resource advantage in a variety of ways. They bombarded the media airwaves with radio and television commercials, spent vast amounts of money on billboards throughout the state, and particularly encouraged their patrons to show their support for Amendment 9 by going to the polls. In addition, their message that a vote in support of Amendment 9 translated to a vote for fairness resonated with voters. They attempted to dilute the issue of gambling as a moral question and replace it with the notion that the defeat of Amendment 9 would cost Missourians their jobs, some public works projects, and revenue generated through affected "boats-in-moats." The following discussion addresses these strategies and tactics in greater detail.

As noted above, the gambling industry saturated its patrons with information regarding Amendment 9. Upon entering many casinos, individuals were greeted by large banners urging support for Amendment 9. As they entered casinos, they were met with constant reminders to vote for Amendment 9. Neon signs urging support, campaign buttons and T-shirts worn by dealers, and rows upon rows of yard signs and bumper stickers alongside slot machines greeted players at every turn. Beer cups and television monitors further implored citizens to vote for Amendment 9. Many of the messages stated that "a vote yes on #9 is a vote for fairness and jobs" (Cashill, November 1, 1998, 39). Registration booths were present at many casinos. One casino even printed their own voter registration cards because the Secretary of State could not meet their demand. Although many gamblers may have been from out-of-state, the casino industry certainly had a captive audience to pitch their argument to.

In an attempt to match the personnel resources of the *Show Me the River* campaign, the gambling industry supplemented its economic advantage by encouraging their employees to cultivate the grassroots. For instance, the Players Island Casino in Maryland Heights, Missouri operated its casino at understaffed rates for much of the campaign. This enabled its nearly 1,000 employees to help promote Amendment 9 to the citizens of Missouri (Charton, October 30, 1998: A1). Casino employees from throughout the state similarly attempted to mobilize voters to support Amendment 9. Some estimates projected that nearly 3,000 employees went door-to-door to elicit support for Amendment 9 (Belsie, October 20, 1998: 3). In addition, *Missourians for Fairness and Jobs* utilized more specific targeting strategies to mobilize the vote. In particular, they spent $145,000 for firms and individuals to organize groups of people who were sympathetic to their cause (Associated Press, October 18, 1998). Nearly $250,000 more was paid to a firm to conduct voter information analysis and computer-assisted research on voter registration. They paid individuals to register voters. Finally, another $285,000 was spent on brochures sent to voters urging them to support Amendment 9. While all of these tactics are not new to electoral campaigns, they are hardly the stuff imagined by those championing direct democracy during the Populist/Progressive era. *Show Me the River* attempted to highlight the difference in mobilization strategies by the competing groups. "They [*Missourians for Fairness and Jobs*] are a top-down effort that has all the money it needs. We [*Show Me the River*] are a grassroots effort that is an effort of the heart" (Alm: October 9, 1998: A1). *Missourians for Fairness and Jobs* painted a different picture. They contended that *Show Me the River* had built-in organizations via churches throughout the state and that *Missourians for Fairness and Jobs had* to utilize their monetary advantage to overcome the ubiquity of churches in Missouri.

In addition to these grassroots tactics, *Missourians for Fairness and Jobs* also contributed money to various political clubs and organizations throughout the state.

Contributions to these clubs was considered to be for "voter education." The ultimate goal was to have these organizations campaign for Amendment 9 and more importantly go to the polls and cast ballots in support of Amendment 9. Most of these funds went to associations with ties to the Democratic party. Many contributions were also provided to groups that were located in urban areas and in close proximity to riverboat casinos. The largest contribution went to Freedom, Inc., which is an African-American political club in Kansas City. The group received $33,000 from *Missourians for Fairness and Jobs*. Pro-gambling activists further elicited support from veterans' groups in the state. Sponsoring a luncheon for over 50 veteran's groups, pro-Amendment 9 forces noted that veterans had received over $62 million as a result of riverboat casinos (Alm, October 24, 1998: C3). In sum, *Missourians for Fairness and Jobs* not only utilized their employees to mobilize voters, but also attempted to cultivate a variety of political organizations through donations and lobbying efforts. Their economic advantage over their opponents enabled them to utilize a wider array of strategies, thus providing them with an opportunity to mobilize voters that needed incentives (i.e., money) to turn out and vote in support of Amendment 9.

Missourians for Fairness and Jobs did not let the arguments made by *Show Me the River* go unchallenged. In response to the claim that casinos had duped the citizens of Missouri by offering them one thing and then providing them another, the spokesman for *Missourians for Fairness and Jobs* stated: "It's like saying to McDonald's, 'You can stay in business, but you can't serve sandwiches.'" (Young, October 25, 1998: A1). In short, they stated that they were playing by the rules. They noted the large investments made by casinos based upon the existence of games of chance in the state. This became their major focal point of the campaign. They framed the issue around fairness, rather than about the morality of gambling. They attempted to personalize the debate as one about the jobs of fellow Missourians being at stake. Many billboards plastered throughout the state showed the faces of employees that they claimed would lose their job if Amendment 9 failed at the polls. The president of the *Association for Freedom and Individual Rights* in Missouri stated: "This is not about gaming. This is about the jobs and our families" (Belsie, October 20, 1998: 3). Time and time again, *Missourians for Fairness and Jobs* claimed the defeat of Amendment 9 would mean that 10,000 jobs would be lost in addition to millions of dollars lost in state revenue.

They noted that riverboat casinos attracted nearly 40 million visitors to the state and generated nearly $802 million in revenue in 1997 alone (Alm, October 18, 1998: A1). In addition, roughly $140 million in state and local revenue was generated by gambling in 1997. And as for jobs, *Missourians for Fairness and Jobs* claimed that 10,000 employees would lose their jobs if Amendment 9 failed. Media advertisements consistently noted gambling's capacity to create jobs and economic resources for the citizens of Missouri. Pro-gambling forces attempted to transform the debate from one about gambling and its morality to one about fairness. Moreover, gambling interests noted that they had invested $1.7 billion towards developing their properties in Missouri (Pulley, November 1, 1998: A12). Because casinos had come to Missouri and spent large amounts of money in capital, Amendment 9 supporters contended it would be unfair to limit what types of games casinos could offer. The president of the Flamingo Hilton casino in Kansas City stated: "It's fairness. That's what this is about. We obtained all the approvals before we proceeded to build this $110 million facility and hire 838 people" (Alm, November 14, 1998: A1).

In addition to media advertisements, many local governments urged for the passage of Amendment 9. The Maryland Heights city council recommended a "yes" vote to its citizens. A spokesman for the city stated: "The casinos have given us more than $15 million in revenue, and they've only been open for a year and a half. If we do not approve Amendment 9, we'll be in real trouble" (Pringle, October 26, 1998: 1A). This sentiment was consistent among many other local governments that were in reliance upon gaming revenues.

Missourians for Fairness and Jobs allocated their monetary resources in a variety of ways. For instance, they spent nearly $500,000 for the signature drive to qualify the measure. They further allocated nearly $124,000 for focus groups, nearly $60,000 for "test commercials," and $80,000 for public opinion research prior to the campaign. These tactics provided a strong impetus for the "fairness" strategy employed by the pro-gambling contingent. These pre-campaign tactics illustrated that making Amendment 9 about fairness, rather than a referendum on gambling ostensibly resonated with voters. For example, one public opinion poll conducted two months before the election found that citizens opposed Amendment 9 by a margin of 46.7 percent to 42.5 percent. However, when the question was framed according to lost state income and lost jobs, 54.6 percent of citizens supported Amendment 9 (Belsie, October 20, 1998: 3). The task for the pro-gambling contingent was abundantly clear and their tactics and strategies reflected their motive to transform the debate into one about economics and lost jobs. Towards this end, television commercials, billboards, campaign buttons, and banners articulated the simple message: "Save Our Jobs, Vote Yes." In the end, this is how the voters in Missouri viewed Amendment 9. Table 5-4 denotes the tactics utilized in Amendment 9's campaign.

TOWARDS AN EXPLANATION OF THE PASSAGE OF AMENDMENT 9

Amendment 9 was strongly contested. The outcome of the measure was unclear until the final days. Each side battled extensively to harvest support to defeat their opponent. However, gambling interests were ultimately victorious. Two explanations are offered to explain the outcome of Amendment 9. As in the previous chapter, attention focuses upon Gerber's organizational resources framework. In addition, Kollman's analysis of outside lobbying further aids in an understanding of the success of Amendment 9's proponents.

Personnel and Monetary Resources: The Haves and the Have-Nots

This section utilizes Gerber's framework in order to understand the outcome of Amendment 9. Both the use of monetary and personnel resources are examined. While each side proclaimed that it was a "David versus Goliath" struggle, each claimed to be David. Whereas in California money was spent at an exceptional rate by those supporting and opposing Proposition 5, money was spent at a high rate by only those in support of Amendment 9 in Missouri. The monetary advantage claimed by *Missourians for Fairness and Jobs* certainly was a key component in its victory. The following analysis produces a more vivid picture of how the outcome of Amendment 9 can be understood.

Gerber's framework nicely fits the two combatants in Amendment 9. *Show Me the River* was a prototypical citizen interest group. *Missourians for Fairness and Jobs* and the Association for Individual Freedom and Rights in Missouri were prototypical economic interest groups. As such, *Show Me the River* had little trouble harvesting personnel resources. However, they were grossly outspent by their opposition by nearly 33 to 1 margin. While *Missourians for Fairness and Jobs* would be expected to have an advantage obtaining financial resources, the disparity between the two coalitions is striking. Moreover, the $10,676,571 spent by *Missourians for Fairness and Jobs* was put to many uses. While Gerber's theory predicts that economic groups are at a disadvantage when trying to mobilize personnel resources, this was not the case among the pro-gambling contingent. As noted above, as many as 3,000 employees canvassed neighborhoods seeking to elicit support for Amendment 9. This hardly constitutes a lack of personnel resources. This finding represents an important supplement to Gerber's analysis. Observers of interest group activity in the ballot process must take into account the ability of economic groups to mobilize both monetary *and* personnel resources. Moreover, it is conceivable that citizen groups may also be able to sufficiently mobilize monetary and personnel resources to their advantage. Nonetheless, the monetary advantage enjoyed by pro-gambling interests ultimately led to the passage of Amendment 9.

The chairman of *Show Me the River* commented on the financial differences between the two groups: "It's such an unlevel playing field . . . you just can't compete" (Associated Press, November 5, 1998). Answering claims that the gambling industry had bought the election, one casino executive stated: "Obviously we had a decided edge in resources. But the fact is, we had a message that resonated with voters. If we had no message and spent millions of dollars, we would have been thumped" (Margolies, November 7, 1998: 7). Regardless, it is worth noting that the monetary advantage enjoyed by Amendment 9's proponents enabled them to utilize a larger scale of activities than their opponents.

Although *Missourians for Fairness and Jobs* encouraged casino employees to "get out the vote," they further provided monetary incentives for various political organizations to turn out at the polls as well. Perhaps more important was the pre-campaign use of focus groups, test commercials, and public opinion data in the formation of campaign strategies for the November election. The observation presented by the casino executive does have some grounding in academic studies. Scholars have found that the existence of money may be more important to defeat an initiative, rather than to pass one (Kehler and Stern: 1994, 283). A message must resonate with voters in order for it to be approved at the ballot box. The data obtained by gambling interests prior to the general campaign suggested that voters would be most easily persuaded to support Amendment 9 by framing it as an issue about fairness, jobs, and contributing to a successful economy. Personnel resources just could not have generated the same type of reliable information. Consequently, the financial advantage of *Missourians for Fairness and Jobs* translated to real differences in the outcome of the election.

The broad allocation of resources through financial contributions allowed gambling interests to qualify the measure through paid signature gatherers, and to campaign for the measure through mass mailings, phone banks, voter registration drives, numerous television and radio advertisements, and through sophisticated voter targeting aided by computers. Each of these tactics were available to the monetary haves (i.e., *Missourians for Fairness and Jobs*), while they were simply not affordable for the monetary have-nots (i.e., *Show Me the River*). The network of churches and citizen volunteers campaigning against Amendment 9 could not overcome the disparity in monetary resources. Nevertheless, it is clear that Amendment 9's proponents had to overcome a great deal of anti-gambling sentiment as witnessed by the closeness of the election and the history of gambling in the state. Although they were outspent at such great rates, one cannot discount the mobilization of 688,000 voters in opposition to Amendment 9.

This section has attributed much of the success of pro-gambling forces to their monetary advantage over their foes. However, this only tells part of the story. The framing of the issue provided the catalyst that brought voters to the polls in favor of Amendment 9. Financial capital enabled *Missourians for Fairness and Jobs* the opportunity to do their homework in crafting a campaign strategy. And while Gerber's analysis of the interplay between personnel and monetary resources is informative, it presents an incomplete understanding. Consequently, we must turn to another potential explanation of the outcome of Amendment 9. Kollman's analysis of outside lobbying supplements Gerber's analysis nicely.

Outside Lobbying

Recall that outside lobbying requires that groups lobby, mobilize, influence, or persuade the electorate, rather than a legislature. Elsewhere, outside lobbying has been referred to as the ultimate in conflict expansion. In the case of Amendment 9, gambling interests could not circumvent the ruling of the Missouri Supreme Court.

There was no legislature to lobby due to the court's ruling. Therefore, they had to engage in a form of outside lobbying. Although the gambling industry had powerful allies in the state legislature, they had to turn to a constitutional initiative in order to "overturn" the Supreme Court's ruling by amending the constitution to permit games of chance in artificial basins. Turning to the initiative was a necessary tactic in order to obtain desired ends. The utilization of the citizen initiative illustrates the adaptability of groups to their political environment. Such an action is not possible in states that do not have provisions for an initiative. Consequently, the existence of direct democracy had a real effect upon public policy in the case of Missouri gambling. This section explains how *Missourians for Fairness and Jobs* was able to convince voters that Amendment 9 was not about gambling per se, but about jobs, economics, and fairness.

The first and most important step *Missourians for Fairness and Jobs* took toward developing a campaign strategy dealt with what Missourians would be willing to accept. Through analyses conducted with a number of focus groups, the issues of fairness, jobs, and economic impact continued to surface. As a result, the consulting firm hired by *Missourians for Fairness and Jobs* ran test commercials and conducted various opinion polls to determine how well a strategy based upon fairness, jobs and the economic impact of casinos fared. They found that although Missourians were essentially split on the issue of gambling, a majority of citizens supported the continued offering of games of chance if it meant jobs would be lost and tax revenues would be significantly curtailed. This became the mantra of the pro-Amendment 9 campaign. In addition, they learned their lesson from previous campaigns and kept their commercials simple and to the point. They enlisted real casino workers to pose for billboards and to provide testimonials in their campaign commercials. This was all in an effort to relate to voters and to not appear to be too "slick" for the Missourian "Show Me" mindset.

Although the anti-gambling coalition attempted to paint Amendment 9's supporters as misleading and engaging in immoral activities, their voice was drowned out by the bombardment of advertisements by the gambling coalition. A *Show Me the River* spokesman lamented: "They turned this into a referendum on jobs. They could not win on the gambling issue. Missourians decided to bail out these employees" (Young, November 4, 1998: B1). Even a consultant working for *Missourians for Fairness and Jobs* admitted: "It's a good win for the industry, but I think it shows there's a residue of ill will toward gaming" (Margolies, November 6, 1998: 7). Nevertheless, one observer noted (Margolies, November 6, 1998: 7):

> Whether there's anti-gambling sentiment or not out there, there's no feeling for putting people out of work. That's quite different from voting for or against casinos. What you have is an industry in place. Once casinos are open, the business community no longer is against them because they feed the economy. So the question becomes how are you going to replace $200 million to $300 million in tax revenues.

This observation sums up the strategy employed by *Missourians for Fairness and Jobs.* They attempted to convince voters that a vote against Amendment 9 would be a vote against tax revenues and Missouri jobs. Gambling was no longer to be part of the equation. Instead, the focus shifted to entertainment, jobs, revenues, and fairness. The end result of the election illustrates their effectiveness in communicating this message to the voters.

GROUP IMPACT AND THE MISSOURI EXPERIENCE

There are several lessons one can take away from Missouri's experience with Amendment 9 and riverboat gambling. This case is an interesting example of perseverance and adaptability. Groups from each side of the battle demonstrated great perseverance in their struggle to either expand riverboat gambling or limit it. In addition, as Amendment 9 was the fourth ballot initiative to face voters in the state, it illustrates how multiple points of access may be used within a political environment. The state legislature, state courts, and citizens all had a direct part to play regarding the scope of gambling as a public policy. Although the gambling industry was met with setbacks through the court system, it did not discourage them from utilizing the ballot process to seek their desired ends.

Although it may be premature to examine the legacy of Amendment 9 upon the Missouri political landscape, there are indications as to the future of riverboat gambling in the state. First, it is clear that Missourians are relatively ambivalent concerning the proper scope of gambling in their state. While three of four pro-gambling ballot initiatives have succeeded in the state, each was bitterly contested, while opponents of gambling were greatly outspent in each election. One can view this from two distinct angles. On the one hand, money does not appear to have been able to handily win elections for the gambling industry. On the other hand, it does appear that money did heavily contribute to the success of gambling forces at the ballot box.

Second, it is apparent that anti-gambling forces will continue to oppose any further expansion of gambling in the state. One anti-gambling advocate stated: "Our polling data shows that the majority of Missourians don't want to expand gambling beyond where it's at . . . We intend to be vigilant" (Margolies, November 6, 1998: 7). Even gambling proponents noted the ill will towards the gambling industry in the state. One political consultant stated:

> Gaming interests can't view Missouri as a friendly place to do business. It will always be a battle either to change the rules and regulations in their favor or to fight off another attack on the industry in the next year or so (Margolies, November 6, 1998: 7).

Part of the battle in the future will revolve around the easing of current gaming regulations regarding loss limits, the amount of time gamblers are able to "cruise," and reducing the gambling taxes levied against casinos.

Finally, as with the California experience, gambling interests in Missouri will likely be increasingly present at state legislative hearings, local government meetings, and continue to engage in lobbying efforts aimed at benefiting the gaming industry. Gambling interests in Missouri and in many other states have become true political players in statehouses across the country. Time will tell if this shift in power is temporary, or more permanent. Until then, it is clear that gambling interests will continue to lobby politicians for their benefit.

CHAPTER VI

YOU GOT TO KNOW WHEN TO HOLD AND KNOW WHEN TO FOLD 'EM: LESSONS FROM CALIFORNIA AND MISSOURI

INTRODUCTION

The purpose of this study was to gain a greater understanding of the activities and impact of interest groups in the initiative process. This would in turn help fill a void in the literature addressing the role of interest groups in the ballot process. In order to achieve this goal, an analytical framework was utilized to understand and explain the two cases. This framework enabled me to classify the types of groups involved, ascertain the relationship among the participants, identify the activities and strategies groups used, and speak to the impact groups had in the respective ballot campaigns. This chapter examines the lessons derived from these cases.

The proceeding discussion examines the primary research questions of this study. This is done within the context of the California and Missouri cases. Then, implications of the analysis are offered. It is apparent this inquiry has contributed much to our knowledge of group tactics and strategies in ballot campaigns. Suggestions for future examinations are also considered. In particular, this research generates a framework from which we can better understand the role and impact of interest groups in ballot campaigns. Finally, this project provides further insight regarding the Populist Paradox. While questions remain concerning group involvement in ballot campaigns, it is certain that steps toward a greater understanding of this phenomenon have been taken.

INTERST GROUPS, INITIATIVES, AND GAMBLING:

WHAT HAVE WE LEARNED FROM CALIFORNIA AND MISSOURI

This section offers answers to the study's research questions. To recapitulate, these questions are:

1) What kinds of groups are involved in the initiative process?
2) What is the relationship among groups involved in the initiative process?
3) What strategies do interest groups in the states utilize relative to the initiative process?
4) What is the impact of interest groups upon initiative campaigns?

This study has addressed each of these research questions. It has provided a greater understanding of the types of groups involved in the ballot process and the relationship among those participating in the ballot process. In addition, the cases have illustrated a variety of activities and strategies groups utilized. Finally, the analyses of the California and Missouri experiences allow some inferences to be made regarding the impact of groups upon the outcome of initiative elections. The following analysis cogently examines each of these issues.

The Kinds of Groups Involved in the Initiative Process

Although one issue of public policy (that is, gambling) was under examination in this study, one finds a variety of interests active in the initiative process. Some of these groups are not surprising, while other groups are. Gambling was chosen in part because it is a public confrontation issue with a broad scope of conflict. At the outset, it would appear that this issue would attract many different types of groups into the battles over the proper scope of gambling within the respective campaigns. This was indeed the case in both California and Missouri.

In each campaign, casino interests were the primary groups in support of broadening the scope of gambling. Not only were they the primary groups in support, but they were almost entirely responsible for all monetary contributions to the campaigns, were the primary organizational vehicles behind the campaigns, and primarily were responsible for the cultivation of support in the electorate for their cause. Moreover, these groups are classified as economic interest groups, whereby individuals within a corporation represent "group" interests. While these groups were able to obtain a variety of endorsements across the political spectrum, casino interests were ultimately the principal campaigners in support of gambling interests.

As for those groups seeking to suppress the scope of gambling, a more eclectic array of groups was present. Both economic and citizen groups were important foes in the battle to prevent the spread of gambling. However, each case varied in the extent to which economic and citizen groups wielded power. More important, each wielded power in different ways. For example, in California, economic interest groups were more visible in their opposition to Proposition 5. Chiefly, the coalition of Nevada gaming interests provided most of the monetary contributions to the No on 5 campaign. California card clubs and horse tracks were also heavily involved in the campaign to defeat Proposition 5. Labor unions and citizen groups (particularly, religious organizations) also campaigned against Proposition 5. The campaign against Amendment 9 in Missouri almost wholly relied upon citizen groups organized around religious organizations. Several economic interest groups from Branson, Missouri also campaigned against Amendment 9. Nevertheless, religious organizations were the primary opponents of Amendment 9. In short, economic and citizen groups were the major types of groups involved in these initiative campaigns. The only other type of group that displayed a presence in either campaign was labor unions. Labor unions in California were unable to mobilize their members to oppose Proposition 5 in large numbers. In fact, a majority of union members supported Proposition 5. A discussion of the power wielded by these different types of groups is provided below.

The Relationship Among Groups Involved in the Initiative Process

A consistent finding emanating from the cases involves the formation of coalitions by groups. Both in California and Missouri, campaign committees consisted of coalitions. Groups came together and formed campaign committees to pursue their desired ends. The use of such committees, as Gerber notes, is a typical tactic used by groups to overcome obstacles associated with qualifying and campaigning for a ballot measure. These coalitions were partially in place prior to the respective ballot campaigns. The consortium of gambling interests in California and Missouri were members of both national and statewide organizations devoted to sharing industry information valuable to gaming establishments. Conventions are annually held for gambling interests in California and Missouri. This facilitated the formation of committees organized to support gaming interests in Proposition 5 and Amendment 9.

Californians for Indian Self-Reliance consisted of a number of California Indian tribes seeking to gain passage of Proposition 5. The effort to bring tribes into the coalition was a calculated effort to obtain both support and unanimity among California's Native American tribes. A vast coalition of tribes was seen as essential to the collective rights consciousness strategy employed by supporters of Proposition 5. Conversely, the *Coalition Against Unregulated Gambling* (No on 5 Committee) was composed of a diverse number of interest groups. Labor unions, law enforcement, Nevada casinos, California gaming industries, religious organizations, and several Indian tribes were among its members. Proposition 5 did indeed bring together "strange bedfellows." The opposition to Proposition 5 was a tenuous coalition of groups that one would not expect to be in concert with one another. This was particularly true of the relationship between gaming interests from Nevada and California and religious organizations.

In Missouri, supporters of Amendment 9 wholly consisted of gaming interests. *Missourians for Fairness and Jobs* and *The Association For Freedom and Individual Rights* particularly relied upon the support of those casinos affected by the Missouri Supreme Court's ruling that "boats-in-moats" offering games of chance were unconstitutional. Hence, these casinos aligned themselves together to push for the passage of Amendment 9. By contrast, their opposition consisted of a loosely based coalition of religious organizations, business interests, and concerned citizens. These actors were ostensibly represented by the *Show Me the River* committee. Although leaders from religious organizations often took the lead role in attacking Amendment 9, anti-gambling advocates that had fought against gambling both nationally and within the state of Missouri were also active voices in opposition to Amendment 9.

The relationship among groups was thus both tenuous and resolute. On the one hand, groups in opposition to the spread of gambling consisted of a diverse coalition of groups. This was the case in both states. On the other hand, gaming interests were essentially the only groups actively campaigning in support of gambling interests. This was in stark contrast to the diversity of interests seeking to halt the spread of gambling in the respective states. This finding may be indicative of the issue focus associated with gambling. Because the issue focus is narrow and the scope of conflict associated with gambling is so broad, it is not surprising that gambling interests would be unified in their support of gambling, while the wide array of anti-gambling groups would need to align themselves together to prevent the expansion of gambling.

Strategies Utilized by Groups in the Initiative Process

The strategies groups utilized in the respective ballot campaigns were particular to each campaign. One would expect that different circumstances, political cultures, and participants would necessitate different campaign strategies. However, the analytical framework utilized here, aids in the analysis and understanding of interest group involvement in ballot campaigns. As initiative campaigns are often painted as "us" versus "them" contests, it would be necessary to take into account various factors in order to craft a "winning" campaign. This does not mean that scholars should not look for certain patterns to emerge regarding campaign strategies in initiative elections.

Regarding California's Proposition 5, *Californians for Indian Self-Reliance* employed a number of strategies to achieve their goal. First, gaming proponents articulated a message that Proposition 5 was about Indian "self-reliance." They claimed that Native American casinos had provided the means for tribes to get off of welfare and become contributing members to society. Second, *Californians for Indian Self-Reliance* contended that Native American casinos contributed to prosperity not only for Indians, but for all Californians through tax revenues, jobs, and community development by Native American tribes. Third, gambling proponents painted their opposition as "big Nevada casinos" versus Californian Native Americans. Moreover, they asserted that out-of-state interests were attempting to wield their power in California. Finally, Native

American tribes communicated a message that the movement to defeat Proposition 5 was another in a long line of attacks by the government against Native Americans. That is, they noted the persecution that Native Americans had endured throughout American history and attempted to parlay the wrongs of the past into a vote in support of Proposition 5. Clearly, these strategies conform to the "us" versus "them" models utilized in many initiative campaigns.

The *Coalition Against Unregulated Gambling* had their own strategies to defeat Proposition 5. First, opponents claimed that Proposition 5 would result in unregulated, untaxed, and unlimited gambling in the state. Second, they asserted the passage of Proposition 5 would increase crime associated with gambling. Third, many labor unions argued that Proposition 5 did not adequately address worker rights. Finally, the *Coalition Against Unregulated Gambling* attempted to convey to voters that only a "few rich Indians" were actually the beneficiaries of the wealth generated by Native American casinos.

As for the Missouri experience, *Missourians for Fairness and Jobs* articulated several powerful messages. First, they stated the defeat of Amendment 9 would cause nearly 10,000 jobs to be lost among fellow Missourians. Second, they contended the failure of Amendment 9 would cost voters millions of dollars in lost tax revenue for education, roads, bridges, and other public works projects. Finally, they stated that Amendment 9 was about fairness. Gambling interests asserted that large investments had been made in Missouri based upon the recognition that boats-in-moats offering games of chance was constitutional and to relinquish the ability to offer games of chance would be unfair to those casinos that had poured millions of dollars into local economies.

Arguments made by Amendment 9's opponents (*Show Me the River*) centered on several themes. First, *Show Me the River* argued that gambling was immoral and contributed to increased crime and broken families. Second, opponents contested the economic benefits provided by gambling and asserted that when taking into account crime associated with gambling, casinos actually cost taxpayers. Third, *Show Me the River* claimed that gaming interests were manipulative and simply had pulled a "bait-and-switch" in the state of Missouri. They asserted that gaming interests had promised historic riverboat cruises, but had instead twisted and manipulated Missouri's constitution (through ballot initiatives) into stationary casinos. Finally, *Show Me the River* contended that out-of-state interests were financing Missouri's policy toward riverboat gambling. They questioned whether these interests should have such a strong voice in Missouri's politics. Strategies employed by each of the campaign committees examined in this study simplified positions and attempted to paint the respective initiatives in clear, "right" versus "wrong" messages.

The Impact of Groups Upon the Initiative Process

To properly analyze the impact of groups upon the cases examined here, it is appropriate to rely on the analytical framework developed earlier. Of particular importance, is the role of organizational resources to the success or failure of groups to achieve their desires. A discussion of personnel and monetary resources was undertaken throughout this study. It is clear that economic interest groups are at an advantage when mobilizing money. Similarly, citizen groups are predisposed to mobilizing personnel resources. However, in both cases, economic interest groups (chiefly, gambling interests) were successful in mobilizing both money and personnel. This is antithetical to Gerber's analysis and thus an important finding of this study.

Over $110 million was spent on Proposition 5 and Amendment 9 collectively. Even casual observers would admit that this is a staggering figure. And while thousands of volunteers canvassed neighborhoods, solicited signatures for petitions, engaged in direct mailing, etc., the ability to mobilize organizational resources was not the only key to success in the respective campaigns. The ability of *Californians for Indian Self-Reliance* to communicate their message to the voters of California certainly had an impact upon the outcome of Proposition 5. Similarly, voters in Missouri were certainly swayed by the notion that the failure of Amendment 9 would mean the loss of thousands of jobs and millions of dollars in tax revenue. Consequently, the messages articulated by gambling interests were the key component to the victories for gaming interests.

As for the impact of groups upon the initiative process, several effects can be deduced. First, the exorbitant amount of money spent on behalf of gambling interests in each state reflected the perceived economic stakes associated with casinos. Proposition 5 was the costliest initiative in United States history. Gambling interests in Missouri spent nearly seven years and millions of dollars in ballot campaigns to initiate and broaden the scope of riverboat gambling in the state. Second, it was apparent in both cases that monetary resources enabled economic interest groups to obtain personnel resources. From signature gatherers, to paid telephone campaigners, gambling interests were able to accrue a vast amount of personnel resources. In addition, the use of casino employees further helped mobilize "volunteers" to mobilize the vote for gambling interests. In short, although economic interest groups may not appear to be as capable as citizen groups to obtain personnel, it may be that in initiative campaigns where the issue focus may be narrow, economic interest groups may be at an advantage in mobilizing *both* monetary and personnel resources. Although the presence of high levels of organizational resources does not ensure a victory at the polls, it does enable a group to get its message out to the public.

IMPLICATIONS

This study has supplemented and extended Gerber's analysis in a variety of ways. This analysis produced a greater understanding of group activity in the initiative process. In particular, the development of an analytical framework by which to examine the impact of interest groups was offered. This framework produced a clearer picture of the goings-on in both California and Missouri. Figure 6-1 signifies which factors may be the most important in understanding the impact of groups in the initiative process. These are the indicators that are essential for one to understand the impact of groups in the initiative process. The primary indicators of success or failure include the level of monetary and personnel resources, the institutional hurdles faced by groups, and group membership characteristics. Each of these factors proved to be important to the tactics and strategies groups were able to utilize. The importance of organizational resources in the form of money and manpower was clear. The institutional hurdles groups had to overcome clearly related to the tactics and strategies they utilized. Finally, the composition of groups also affected their ability to mobilize organizational resources and consequently affected the tactics and strategies they employed. Any future analysis of group involvement in initiative campaigns must address these factors.

In addition, the framework alone is an important stepping stone to further analyze the relationship between interest groups and ballot campaigns. Future attempts to understand this relationship may be able to utilize this framework to better measure the impact groups have upon the ballot process. Attempts should be made to operationalize the framework presented here. The operationalization of this framework would allow for greater measurement and comparability. This would subsequently add to a greater understanding of group involvement and impact in ballot campaigns. This study lays the groundwork for such an endeavor and provides a launching pad for future research.

While Gerber's analysis of organizational resources was helpful in providing an explanation for the tactics, strategies, and outcome of the cases presented here, it was nevertheless incomplete. Heeding the suggestion of Scheppele and Walker (1991), this study aimed at a more comprehensive analysis of group strategies. While this may sacrifice generalizability, it increases understanding. Consequently, outside lobbying and collective rights consciousness were also offered as explanations to the success or failure of groups in the respective campaigns.

Outside lobbying was offered as the "ultimate" in conflict expansion. The use of signaling strategies and electoral mobilization was evident in each case. However, I focused attention particularly upon the outside lobbying strategies of *Missourians for Fairness and Jobs* in support of Amendment 9. The use of test commercials, pre-election public opinion polls, and focus groups contributed mightily to the success of their campaign. From these tactics, *Missourians for Fairness and Jobs* was able to craft an appropriate strategy. Voters were ultimately moved by arguments revolving around lost jobs and issues of fairness. Although *Missourians for Fairness and Jobs* monetary advantage over their opponents certainly was a major factor in their success, it was the successful articulation of their message that generated support for Amendment 9. Beside the utilization of outside lobbying strategies in conjunction with Amendment 9, outside lobbying is an important conceptual tool that scholars may find to be useful in analyzing initiative campaigns in the future.

While the research questions have been answered, the exploratory nature of this study has left further questions. The explosion of gambling initiatives throughout the United States in the 1990s has brought the issue to the attention of voters throughout many states. This is particularly the case among Native Americans in many states. Since the inception of the Indian Gaming Regulatory Act of 1988, Native Americans throughout the states have sought to institute gambling on their reservations. The initiative process has been utilized as the primary mechanism to establish Native American casinos. This analysis contends that this approximates to a collective rights consciousness strategy. While this is particular to certain groups, it has put Native Americans in a new position of power--both economically and politically. Consequently, this is an important strategy to examine.

The explosion of gambling ballot measures has contributed to the development of new players in state capitols across the country. Groups associated with gambling (Native American and otherwise) and those opposed to gambling appear to have taken on a greater role in state politics. Therefore, it will be important to devote increased attention to these groups. Understanding the conditions by which groups can find success in ballot elections and the strategies groups may utilize are important questions scholars need to address. Moreover, the consequences associated with gambling referenda also need to be addressed. Apart from gambling referenda, the study reveals the importance associated with the pursuit of endorsements by interest groups. Each campaign clearly sought to obtain endorsements from a variety of political players. Interest groups studies heretofore have not sufficiently examined the quest for endorsements by interest groups. The role of campaign consultants by interest groups deserves greater attention by scholars. Consultants were intimately involved with the strategic planning and the actual carrying out of their plans in each ballot campaign. It is clear that groups often employ consultants for ballot campaigns. Consequently, a greater understanding of this relationship and the role of consultants will better enable scholars to understand initiative campaigns.

Finally, there are further questions that scholars may seek to answer in the future. Many of these explicitly concern the Populist Paradox. Contrary to Gerber's study, this research found that the barriers faced by economic interest groups might be negligible. Do citizen groups have an advantage in changing the status quo? Do economic groups have an advantage at maintaining the status quo? Evidence obtained in this dissertation answer the first question in the negative, while the second question may be answered in the affirmative. Economic groups were able to mobilize personnel resources to carry out a variety of activities. Economic groups in each campaign appeared to have little difficulty mobilizing personnel resources. These groups encouraged their employees to engage in grassroots activities to help persuade voters to support the respective ballot measures. In addition, economic interest groups hired campaign consultants and other paid personnel to "get-out-the-vote."

Moreover, gambling interests do not always succeed in their efforts in the initiative arena. Missouri voters rejected one ballot measure and several states have rejected initiatives dealing with riverboat gambling and state lotteries. Citizens in Ohio and Alabama also rebuffed gambling initiatives. Voters in Ohio defeated a proposal for riverboat gambling in 1996. Issue 1 was backed primarily by business interests looking to bring "Nevada" style gambling to the Buckeye state. While economic interests spent large sums of money to pass the measure, it ultimately failed. Similarly, voters in Alabama defeated a proposal for a state lottery in 1999. One of the chief proponents of the lottery was the governor of the state. The primary opponent of the lottery came from religious organizations. Many of the same arguments voiced in the campaign of Amendment 9 were also stated in the Alabama campaign. The prior existence of gambling in both California and Missouri may have provided an air of credibility gaming interests needed to succeed in their efforts to protect their interests. Ohio voters did have a state lottery, but did not have any other forms of legalized gambling in the state. Alabama had no provisions for any type of gambling when voters were asked to determine the fate of the state lottery. This may provide some support for Gerber's hypothesis that economic interest groups have a difficult time changing the status quo. Nevertheless, it is clear that these groups do indeed change the status quo and future studies must be undertaken to understand the conditions that determine the ability of groups to alter the status quo.

It is clear this study has contributed to the literature on group strategies and tactics. Moreover, it provided in-depth analyses of interest group activity in a non-legislative arena. It was attempt to build upon existing interest group literature "one case at a time," as noted by Baumgartner and Leech (1998, 120). Thus, this research has been an important step contributing to the literature examining interest group behavior. Moreover, it provided an in-depth supplement to Gerber's analysis of the Populist Paradox. The cases examined here question many of her findings. The distinction Gerber makes between economic groups and citizen groups certainly has its limitations. Contrary to Gerber's framework, economic groups had little trouble obtaining personnel resources. In fact, they were able to mobilize and/or employ more personnel than involved citizen groups. Consequently, Gerber's framework may not be that helpful.

Future research must continue to analyze and evaluate the extent of influence different types of groups have upon the initiative process. This study found that economic interest groups do indeed wield great power in initiative campaigns and groups are able to overcome personnel disadvantages associated with their standing as economic groups. This has serious implications upon the political process and concerns regarding the influence such groups may have upon the ballot process. This would in turn, cause some reservation among the founders of the Populist movement.

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APPENDICES

APPENDIX A

Table 2-1 Activities of Interest Groups

Activity	Percentage Using
Testimony at legislative or agency hearings	99%
Contacting government officials directly to present your point of view	98
Engaging in informal contact with officials	95
Presenting research results or technical information	92
Sending letters to members of your organization to inform them about your activities	92
Entering into coalitions with other organizations	90
Talking with people from the press and the media	86
Consulting with government officials to plan legislative strategy	85
Helping to draft legislation	85
Inspiring letter-writing campaigns	84
Mounting grassroots lobbying efforts	80
Having influential constituents contact their member of Congress	80
Filing suit or otherwise engaging in litigation	72
Making financial contributions to electoral campaigns	58
Engaging in fundraising for your organization	44
Running advertisements in the media about your position on issues	31
Contributing work or personnel to electoral campaigns	24
Making public endorsements of candidates for office	22
Engaging in protests or demonstrations	20

Source: Adapted from Kay Lehman Schlozman and John T. Tierney, "More of the Same: Washington Pressure Group Activity in a Decade of Change," *Journal of Politics* 45 (1988): 351-75.

Table 2-2 Classification of Types of Groups

Group Type	Membership Composition	Resource Advantage
Business	Organizational representative	Monetary
Economic Interest Group	Organizational representative	Monetary
Professional Interest Group	Organizational representative or autonomous individual	Monetary or personnel
Trade Union	Autonomous Individual	Personnel
Citizen Interest Group	Autonomous Individual	Personnel

Source: Adopted from Elisabeth Gerber. *The Populist Paradox and Interest Group Influence and the Promise of Direct Legislation.* Princeton University Press: Princeton New Jersey (1999: 69).

Table 3-1 Scope and Impact of Group-Related Conflict

	Scope of Conflict	
Number of people and interests affected	Narrow	Broad
Few	Niche politics (e.g., weapons procurement)	Symbolic politics (e.g., flag-burning amendment)
Many	Policy community politics (e.g., banking)	Public confrontation politics (e.g., gambling)

Table adapted from Cigler and Loomis. *Interest Group Politics*, 4th ed. (Washington DC: Congressional Quarterly Press, 1995: 400)

Table 3-2 Essential Characteristics of the California and Missouri Cases

	California	Missouri
Population (a)	30,380,000m	5,158,000m
Population rank (a)	1st	14th
Political Culture (a)	Moralistic dominant, strong individualistic strain	Individualistic dominant; strong traditionalistic strain
Interest Group Impact (a)	Dominant/Complimentary	Complimentary
Level of Professionalization (a)	Professional	Professional-Citizen
Party Competition (a)	Competitive, Leaning Democratic	Traditional Democratic Advantage
Legislative Composition (a) House Senate	 80 members – 2 year terms 40 members – 4 year terms Annual Sessions Annual Salary – $52,500	 163 members – 2 year terms 34 members – 4 year terms Annual Sessions Annual Salary – $22,862
Requirements to Qualify an Initiative (b)	1. No restrictions on subject matter 2. Financial Contributions reported 3. $200 deposit required 4. 5% or 8% of the total votes cast for governor in last election needed for statute and amendment 5. 150 day circulation period to qualify measure 6. Completed petition must occur 131 days prior to the election	1. Restrictions on subject matter 2. Financial Contributions Reported 3. No deposit required 4. 5% or 8% of the total votes cast for governor in last election and 5% or 8% each from 2/3 of the congressional districts in the state needed for statute and amendment 5. 20 month circulation period to qualify measure 6. Completed petition must occur 4 months prior to the election

Sources: (a) Thomas Dye: *Politics in America;* (b) *The Book of the States 1994-95.*

Table 4-1 Differences Between Governor Wilson's Compacts and Proposition 5

Wilson's compacts	Proposition 5
An Upper-limit on the number of video gaming devices	No Limit on the number of video gaming devices
Lottery-style gaming devices	Card Games, Blackjack, and Video slots from player pooled funds
	Off-track satellite wagering on horse races
	Lottery games; both instant and larger sums
Allowance of employees to unionize	No commitment to unionization
Protection of employees by the state's worker compensation, unemployment benefits, and disability insurance laws	Protection of employees by worker compensation, unemployment benefits, and disability insurance
Environmental cleanup responsibility	Adherence to federal regulations on building safety, food handling and water and environmental quality
Revenue Sharing	Revenue Sharing

Table 4-2 Group Tactics Utilized in Proposition 5's Campaign

Tactic
Talking to the Media
Utilization of Web Sites
Direct Mailings
Coalition formation
Contribution towards the Initiative
Contributions to Candidates
Demonstrations
Debates
Bumper Stickers/Leaflets, etc..
Political "Infomericals"
Distribution of Pamphlets
Endorsements
Use of Political Consultants

Table 4-3 Contributions Received in Opposition to Proposition 5

OPPOSE	
Coalition Against Unregulated Gambling, No on Proposition 5, Supported by California Indian Tribes, Law Enforcement, Labor, Entertainment Companies, Gaming Companies, Religious Organizations, Hotels and Business Leaders	
CONTRIBUTIONS RECEIVED	
Under $10,000	$31,282
$10,000 or more	29,335,000
Itemized contributions of $10,000 or more	
A.G. Spanos Companies	$25,000
Atlantis Casino Resort	25,000
Austi International Inc	250,000
Aztar Corporation	100,000
Bennettt, W.G.	3,000,000
Caesars ITT	1,000,000
California Commerce Club, Inc	10,000
Circus Circus Enterprises, Inc.	6,512,500
El Dorado Resorts, LLC	50,000
Fiesta	25,000
Gold Coast	75,000
Harveys Casino Resorts	100,000
Hilton Hotels Corporation World Headquarters	6,500,000
Imperial Palace Hotel & Casino	250,000
John Ascuaga's Nugget	50,000
Mirage Resorts, Inc (made by subsidiary: Bellagio)	9,562,500
Orleans, The	75,000
Peppermill Casinos, Inc.	50,000
Perini Building Company	100,000
PrimaDonna	800,000
Rio Suite Hotel & Casino	250,000
Sammut, Dennis J.	25,000
Station Casinos	500,000
TOTAL CONTRIBUTIONS RECEIVED	$29,366,282
TOTAL EXPENDITURES AND ACCRUED EXPENSES	$25,730,432
In-Kind Contributions/Payments	13,032
TOTAL COSTS	$25,743,464
OPPOSE	
Stand Up for California No on 5	
CONTRIBUTIONS RECEIVED	
Under $10,000	$2,337
$10,000 or more	10,000
Itemized contributions of $10,000 or more	
TIP Education Fund-Hotel Employees and Restaurant Employees International Union	$10,000
TOTAL CONTRIBUTIONS RECEIVED	$12,337
TOTAL EXPENDITURES AND ACCRUED EXPENSES	13,018
In-Kind Contributions/Payments	346
TOTAL COSTS	$13,364

Source: California Secretary of State

Table 4-4 Contributions and Expenditures Received in Support of Proposition 5

SUPPORT	
Yes on 5· Californians for Indian Self-Reliance, Sponsored by California Indian Tribes	
CONTRIBUTIONS RECEIVED	
Under $10,000	$96,674
$10,000 or more	66,825,829
Itemized contributions of $10,000 or more	
Agua Caliente Band of Cahuila Indians	$2,316,775
Barona Band of Mission Indians	493,822
Barona G & A	500,000
Bishop Paiute Gaming Corp	45,474
Black Bart Casino	16,187
Cabazon Band Of Mission Indians	462,051
California Nations Indian Gaming Association	246,512
CCAS, Inc.	20,000
Chicken Ranch Bingo	12,000
Colusa Indian Community Council	342,798
Cory Witherill Racing, Inc.	11,000
Coyote Valley Tribal Council	119,993
Elk Valley Rancheria	161,772
Feather Falls Casino	28,493
Hopland Band of Pomo Indians	19,542
Hopland Sho-Ka-Wah Casino	13,192
Inland Entertainment Corp	500,000
Martin Communications	38,456
Mille Lacs Band of Ojibwe Indians	25,000
Morongo Band of Mission Indians Native American Rights	12,621,348
Pechanga Band of Mission Indians	9,709,927
Redding Rancheria	184,962
Robinson Rancheria Citizens Council	15,573
San Manuel Tribal Administration	26,082,543
Santa Rosa Rancheria	250,000
Santa Ynez Band of Mission Indians Tribal Government	10,000
Sharp Image	10,000
Smith River Rancheria - Xush Enterprises	20,500
Soboba Band of Mission Indians	618,589
Spotlight 29 Casino	208,400
Sycuan Band of Mission Indians	314,471
Tule River Tribal Council	35,000
Twenty-Nine Palms Band of Mission Indians	294,560
Tyme Maidu Tribe - dba Gold Country Casino	26,750
Viejas Indian Reservation	11,012,228
Win-River Casino Bingo	37,911

Table 4-4 (continued)

SUPPORT	
Yes on 5 Californians for Indian Self-Reliance, Sponsored by California Indian Tribes	
TOTAL CONTRIBUTIONS RECEIVED	$66,922,503
TOTAL EXPENDITURES AND ACCRUED EXPENSES	$63,238,549
In-Kind Contributions/Payments	3,018,539
TOTAL COSTS	$66,257,088

Source: California Secretary of State

Table 5-1 Contributions and Expenditures in Support of Amendment 9

SUPPORT	
Missourians for Fairness and Jobs	
CONTRIBUTIONS RECEIVED	
Major Itemized Contributions	
Harrah's of Memphis	$4,510,802.00
Players Services of Atlantic City, NJ	$358,100.00
Station Casino of Las Vegas, Nevada	$2,958,311.00
Flamingo Hilton of Kansas City, Mo	$570,336 00
TOTAL CONTRIBUTIONS RECEIVED	$10,676,571.12
TOTAL EXPENDITURES AND ACCRUED EXPENSES	$10,491,353 79
In-Kind Contributions/Payments	$872,285.30
SUPPORT	
Association for Freedom and Individual Rights in Missouri	
CONTRIBUTIONS RECEIVED	
Major Itemized Contributions	
Players Island Casino	$7,807.00
Harrah's Casino: St. Louis, Mo	$9,680.00
Station Casino: St Charles, Mo	$2,200.00
Frontier Casino, St. Joseph, Mo	$3,098.00
Missourians For Fairness and Jobs	$2,000.00
TOTAL CONTRIBUTIONS RECEIVED	$32,046 00
TOTAL EXPENDITURES AND ACCRUED EXPENSES	$24,771.00

Source: Missouri Ethics Commission

Table 5-2 Primary Contributions and Expenditures in Opposition to Amendment 9

OPPOSE	
Show Me The River	
CONTRIBUTIONS RECEIVED	
Major Itemized Contributions	
Mark Andrews	$130,000 (loans)
Silver Dollar City· Branson, Mo	$38,144
Shoji Entertainments, Inc.: Branson, Mo	20,000
Third Baptist Church: St. Louis, Mo	25,000
CNS Insurance	20,000
TOTAL CONTRIBUTIONS RECEIVED	$321,862
TOTAL EXPENDITURES AND ACCRUED EXPENSES	$321,639

Source: Missouri Ethics Commission

Table 5-3 Citizen and Group Contributions in Opposition to Amendment 9

Number of "Citizen" Contributions	Number of "Group" Contributions
92	10

Source: Missouri Ethics Commission

Table 5-4 Group Tactics Utilized in Amendment 9's Campaign

Tactic
Talking to the Media
Contributions to Political Organizations
Direct Mailings
Coalition formation
Contribution towards the Initiative
Contributions to Candidates
Demonstrations
"Debates"
Bumper Stickers/Leaflets/Billboards, etc..
"Get-out-the-vote" Drives
Distribution of Pamphlets
Endorsements
Use of Political Consultants

APPENDIX B

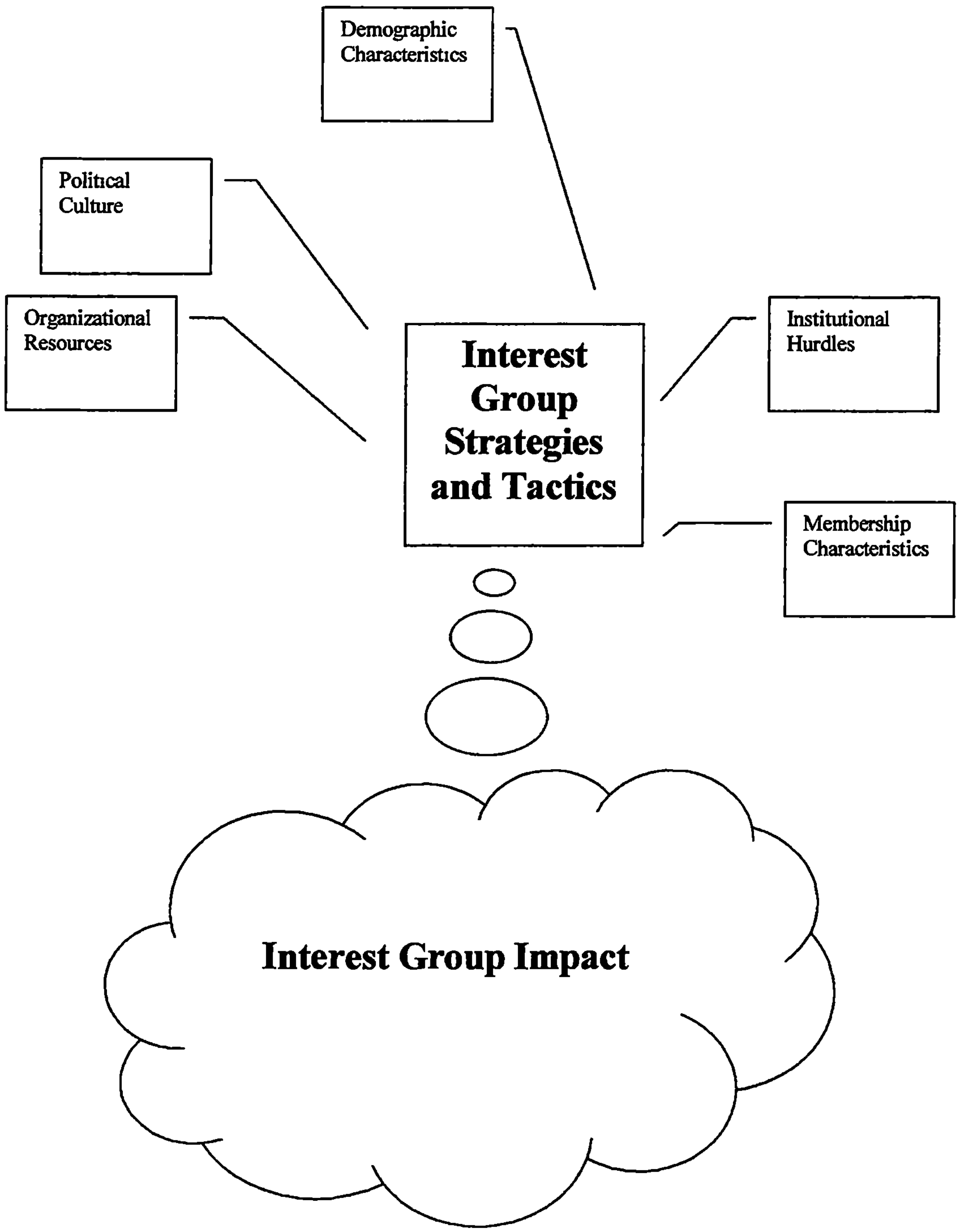

Figure 3-1 Analytical Framework Towards an Explantion of Interest Group Impact in the Initiative Process

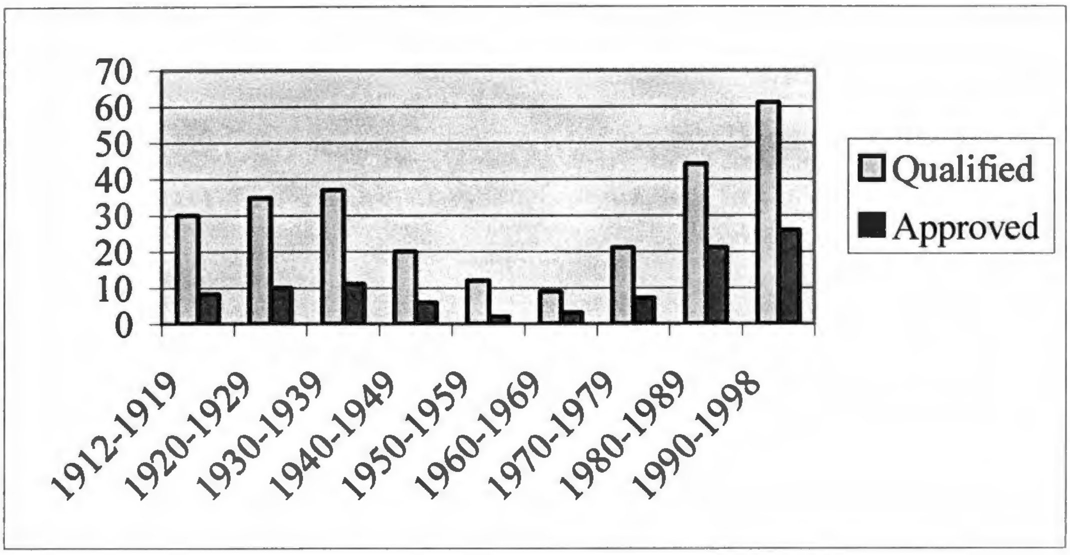

Figure 4-1 The Frequency of Initiatives in California, 1912-1998

Source: California Secretary of State

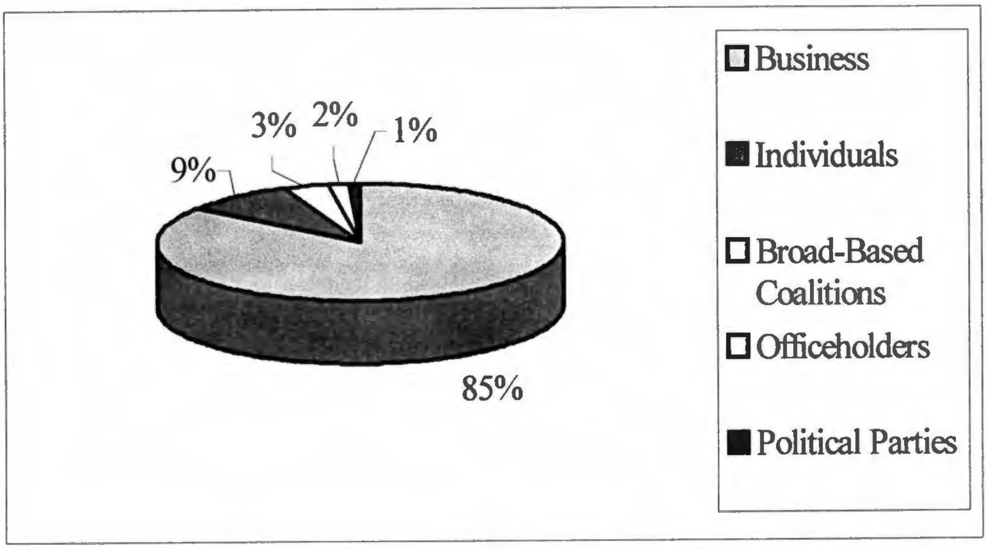

Figure 4-2 Contributions to Initiatives by Group Type

Source: Center for Governmental Studies

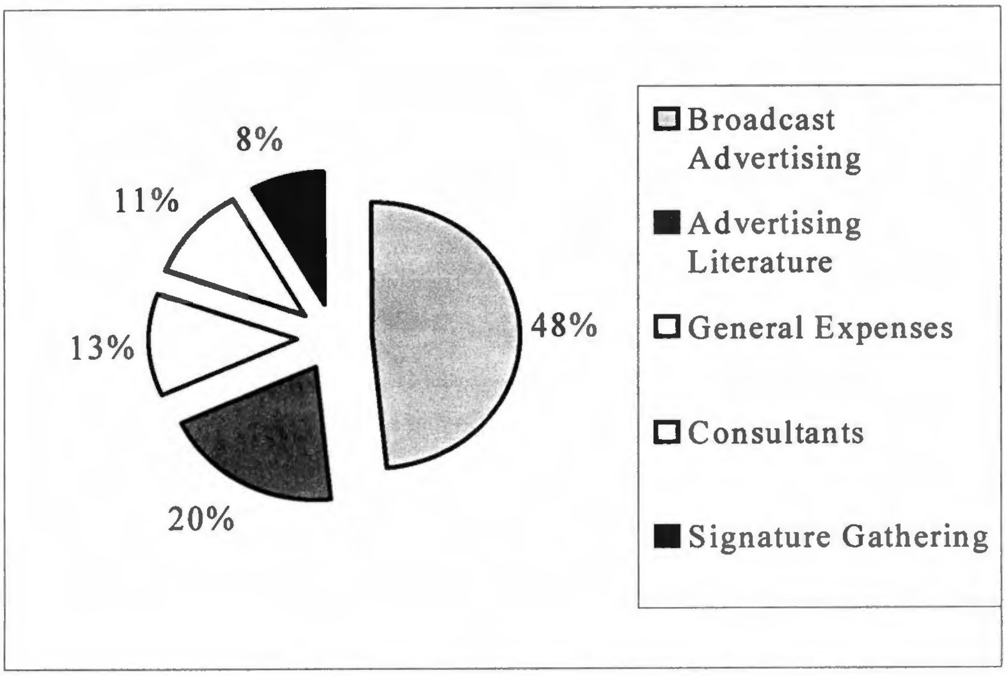

Figure 4-3 The Allocation of Money Spent in Initiative Elections

Source: Center For Governmental Studies

1979
The Cabazon Band of Mission Indians opened a card room on its reservation

1984
The California Lottery Act is passed by citizen initiative

1987
The U.S. Supreme Court rules that Indian tribes had the right to run gambling operations in states where some form of gambling was already legal within the state

1988
The Indian Gaming Regulatory Act is passed by Congress, establishing the parameters by which tribes and state governments must reach agreements by

February 1997
Governor Wilson and the Pala Indians reach a more restrictive compact that is to be the model for future compacts in the state

May 1997
Proposition 5 is qualified in record time by a coalition of tribes called: Californians for Indian Self-Reliance

November 1998
Proposition 5 is approved by California voters

Figure 4-4 Evolution of Key Events Leading Up to Proposition 5

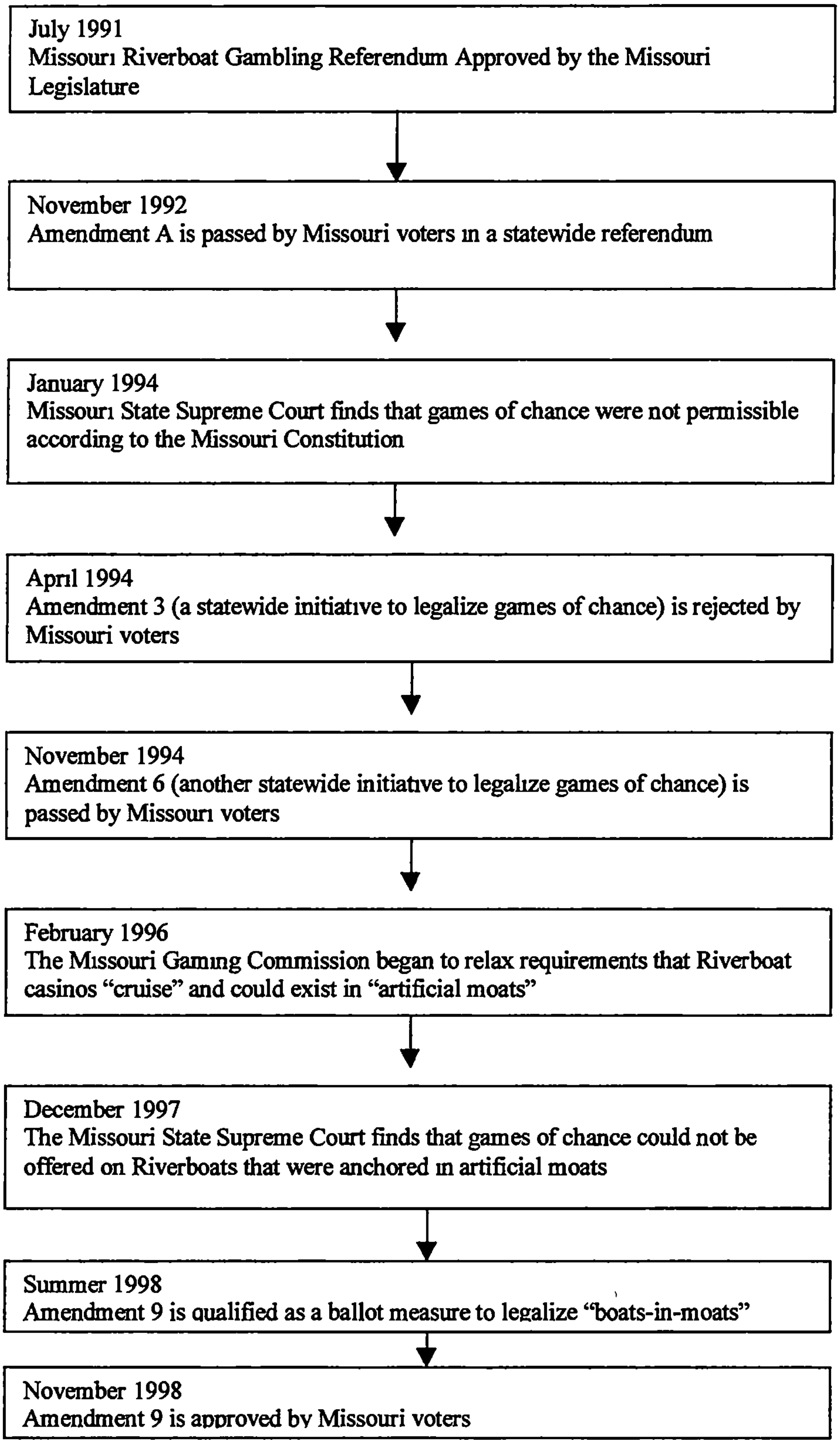

Figure 5-1 Evolution of Events Leading Up to Amendment 9

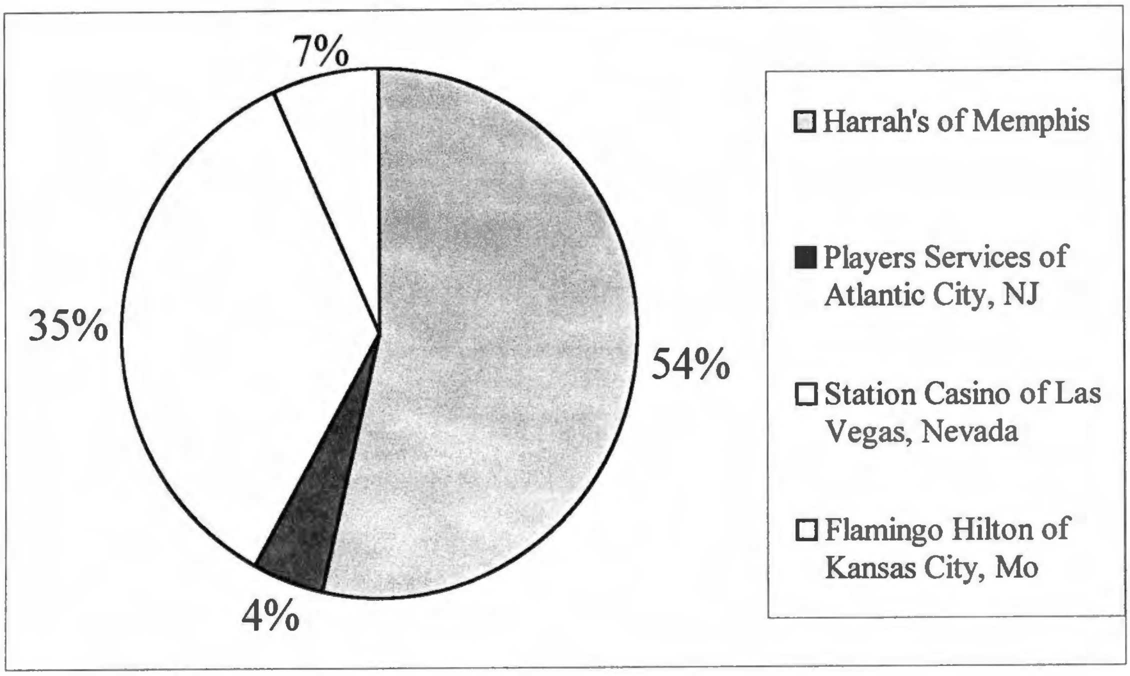

Figure 5-2 Primary Contributors in Support of Amendment 9

Source: Missouri Ethics Commission

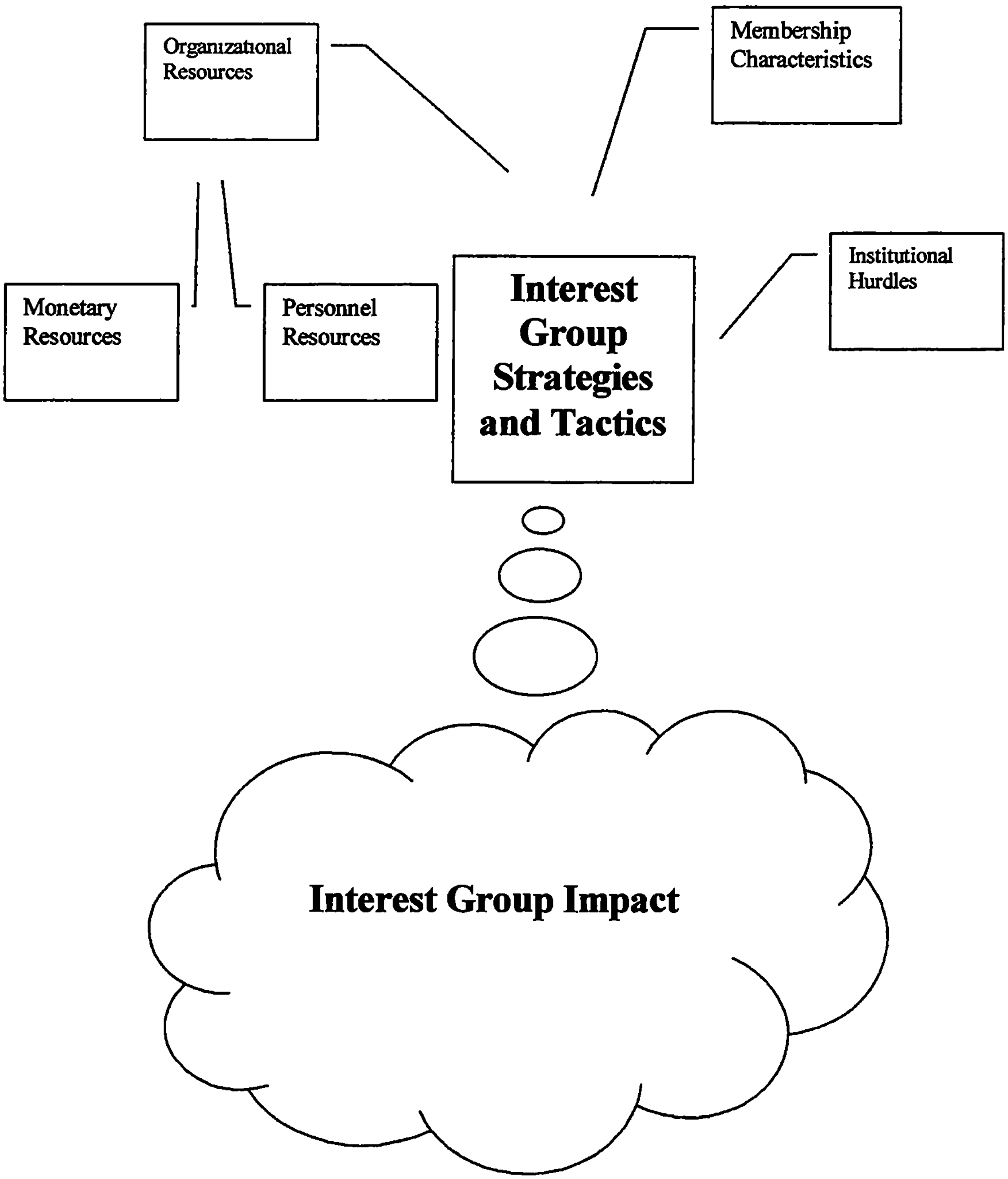

Figure 6-1 Essential Analytical Framework Towards an Explantion of Interest Group Impact in the Initiative Process

VITAE

Robert Melin Alexander II was born in Fostoria, Ohio on March 25, 1972. He attended Fostoria Senior High School and graduated in June, 1990. He went on to major in political science and minor in history at Ohio Northern University in Ada, Ohio. He graduated with high distinction in May, 1994. He spent the next year working in Environmental, Health and Safety at AlliedSignal Filters and Sparkplugs in Fostoria, Ohio. During that year, he also was a Sports Writer for *The Review Times* and a football coach at Fostoria Middle School.

In August of 1995, Mr. Alexander entered the Graduate School of the University of Tennessee and began his coursework in political science. He accepted a graduate research assistantship in the department of political science and was awarded a Master of Arts degree in August, 1997. In that same year, he accepted a teaching assistantship in the University of Tennessee political science department. In April, 1998 he received the *David Mock Award* as the outstanding graduate teaching assistant in the political science department. In May 2000, Mr. Alexander was awarded the Doctor of Philosophy degree in Political Science.

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