

Political Chronicle

Volume 13, Number 1

Spring 2001

**The Florida Supreme Court and the State
Constitutional Right to Privacy**
Timothy O. Lenz

**The Citizen Legislator as an Endangered Species:
The Influence of "Carpetbagger Cash" on
Legislative Elections**
James L. McDowell

**The United Nations and U.S. Participation:
The UNESCO Case**
Jeffrey S. Morton

**The Guardian State Against Civil Society:
The Military and Democracy in Turkey**
Thomas J. Nisley

Brief History of the Electoral College
Lou Frey, Jr.

Puerto Rico's Elections
Caldero'n Makes Her Mark in History
María Christina Santana
Book Review: Puerto Rican News Coverage
Waltraud Q. Morales

Journal of the Florida Political Science Association

Political Chronicle

The *Political Chronicle* is the official journal of the Florida Political Science Association. We offer an insightful, readable journal addressing topics on U.S. government and international affairs, as well as timely topics of interest to the general reader. Articles by Florida academicians and analysis of Florida politics is an additional feature.

Subscriptions

An annual subscription reserves the spring and fall issues. Institutional subscriptions are \$50. Individual subscriptions are \$20, and include complimentary membership to the Florida Political Science Association. For more information, contact Dr. Houman A. Sadri, Managing Editor, Department of Political Science, University of Central Florida, Orlando, Florida 32816-1356; (407) 823-6023, fax (407) 823-0051; hsadri@pegasus.cc.ucf.edu.

Editorial Inquiries

Essays for consideration should be submitted directly to Dr. Waltraud Q. Morales, Editor, Department of Political Science, University of Central Florida, Orlando, Florida 32816-1356; (407) 823-2040 or fax (407) 823-0051; morales@pegasus.cc.ucf.edu. For more information, contact Megan A. Duncanson, Editorial Assistant; (407) 823-6378; chronicl@mail.ucf.edu.

Submission Policy

The *Political Chronicle* is a peer reviewed journal. Manuscripts should be double-spaced, of moderate length (20-25 pages), and follow the APSA style sheet. Only manuscripts conforming to the APSA style sheet will be published. For further information on submissions please refer to the "Information for Contributors" page in the back of this issue, or check our web site at <http://pegasus.cc.ucf.edu/~politics>.

Political Chronicle

Journal of the Florida Political Science Association

- The Florida Supreme Court and the State
Constitutional Right to Privacy**
Timothy O. Lenz.....4
- The Citizen Legislator as an Endangered Species:
The Influence of "Carpetbagger Cash" on
Legislative Elections**
James L. McDowell.....16
- The United Nations and U.S. Participation:
The UNESCO Case**
Jeffrey S. Morton.....28
- The Guardian State Against Civil Society:
The Military and Democracy in Turkey**
Thomas J. Nisley.....46
- Brief History of the Electoral College**
LouFrey, Jr.....63
- Puerto Rico's Elections**
Calderón Makes Her Mark in History
MaríaCristina Santana.....70
Book Review: Puerto Rican News Coverage
Waltraud Q. Morales.....74

THE FLORIDA SUPREME COURT AND THE RIGHT TO PRIVACY: DOES LAW MATTER?

Timothy O. Lenz

New judicial federalism describes how state courts have increasingly relied upon state law to protect individual rights. This article examines Florida Supreme Court decisions interpreting the Florida constitutional right to privacy (Article I, section 23). The court's privacy decisions in controversial areas such as abortion and the right to die have made it a national leader in the formulation of individual rights within the broader framework of public policy. The main purpose of the article is to describe what the right to privacy actually means and, more broadly, to explain how the court links individual rights to public policy. Reading what the court has said about the right to privacy increases the understanding of courts as government institutions.

Introduction

In the early 1970s, as the U.S. Supreme Court retreated from the civil libertarian agenda of the Warren Court era, legal scholars began studying "new judicial federalism." The term new judicial federalism describes state court reliance upon state law to protect civil liberties. Judicial activism on behalf of individual rights has varied by region with the most active courts in northeastern and western states with progressive political traditions (Kincaid 1988). One important research question is the relative importance of contextual variables (e.g., political and legal culture) and institutional variables (e.g., court organization; method of selecting judges; control of docket) as determinants of judicial decisions.¹ This article contributes to the literature on new judicial federalism by examining the Florida Supreme Court's interpretation of the Florida Constitution's right to privacy in order to determine whether law matters, whether (and how) creating an explicit and unqualified right to privacy has a substantive impact on privacy rights.

Florida is a good case study because Florida courts have been national leaders in interpreting privacy rights (Cooper 1989) since 1980 when voters approved the following constitutional amendment: "Every natural person has the right to be let alone and free from governmental intrusion into his private life..." (Florida Constitution, art. 1, sec. 23). In terms of democratic theory, this explicit language is preferable to the implied right to privacy in the federal and some state constitutions because clear and strong language can limit social policymaking by the judiciary. The conventional understanding of the separa-

Timothy O. Lenz is an associate professor of political science at Florida Atlantic University. He teaches American politics and public law. He has published articles on legislative redistricting in Florida as well as the Florida judiciary.

tion of powers is that courts should not make policy, that policymaking is the responsibility of the legislative branch of government. According to this line of reasoning, judicial discretion, and therefore judicial power, is limited by legal text that does not require much interpretation to determine the meaning of the words. The following sections explain how law matters.

The Right to Privacy

Despite widespread support for the concept of privacy, privacy remains controversial for three reasons: first, because of the way it was "read into" the U.S. Constitution by liberal activist judges who found it implied by the "emanations and penumbras" of specific provisions in the Bill of Rights; second, because of lingering fears that privacy, which Justice Brandeis called "the most comprehensive of rights," is "a greedy legal concept" not easily limited once it is recognized as a right;² and third, because privacy rights have been used to limit traditional government power to regulate abortion, drug usage, family law, obscenity and indecency, the right to die, and sexual behavior. While critics of legalism on both the Left and the Right blame law, courts, and rights for eroding individual and social responsibility, reading what the Florida Supreme Court actually says about rights indicates that this blame is misplaced insofar as privacy is not considered an absolute right, the court does not consider it a trump card which, once played, automatically prevails against competing claims such as democratic politics or social responsibility.

In its early rulings interpreting the privacy amendment, the Florida Supreme Court acknowledged that the "explicit textual foundation" made the state constitutional right to privacy stronger than the implied federal right; the court indicated that it would use the "fundamental rights analysis" developed by the U.S. Supreme Court for civil liberty cases to give the new amendment its "proper force and effect" (*Rasmussen* 1987, 536). Fundamental rights analysis requires the government to prove that its infringement upon a fundamental right serves a compelling state interest *and* that the government has chosen the least intrusive means to achieve a legitimate end. Using fundamental rights analysis, Florida courts have read the privacy amendment to provide greater protection against disclosure of financial information than police surveillance during ongoing criminal investigations (Cooper 1989, 299), and to provide less protection for drug usage and purchasing sexually explicit materials than for abortion decisions and the right to die. The court's different treatment of various rights claims suggests that the determinants of legal policy include something other than the actual language of the law. The following sections briefly describe rulings representing the state of the law in three main categories of privacy rights: criminal justice (primarily search and seizure); informational (controlling disclosure of personal, financial, or medical records); and personal autonomy (individual freedom to make decisions about matters such as obscenity, the

right to die, sexual behavior, or raising one's children, without government interference).

Criminal Justice

Adding explicit privacy language to the Florida Constitution had little impact on criminal justice policies. Prior to the privacy amendment, article 1, section 12 declared the right of the people "to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means...." In 1982, "in direct response" to a Florida Supreme Court decision which construed article 1, section 12 "more protectively" than the Fourth Amendment to the U.S. Constitution (Cooper 1989, 275), Florida voters "nailed their high-flying supreme court back down to the federal rights floor" (Kincaid 1988, 168) by amending article 1, section 12 to provide that the right against unreasonable search and seizure "shall be construed in conformity with the Fourth Amendment to the United States Constitution, as interpreted by the United States Supreme Court."

Furthermore, although the Florida Supreme Court acknowledged that voters approved a strongly worded privacy amendment whose drafters "rejected the use of the words 'unreasonable' or 'unwarranted' before the phrase 'governmental intrusion,'" (Winfield 1985, 547) reading case law reveals that "reasonableness," as interpreted by the context of the claim, is an important, perhaps even determinative, factor in criminal justice cases. For example, secret recordings by police during a sting operation using a storefront operation to attract customers dealing in stolen goods did not violate a defendant's right to privacy because he had no reasonable expectation of privacy when he entered the storefront business (Adams 1983). A murder victim's recording of his own murder did not violate a state statute protecting oral communications from electronic interception because the law applied only to situations where an individual had an expectation of privacy (Inciarrano 1984). The usage or possession of illegal drugs even in the privacy of one's own home was not a fundamental right prior to the privacy amendment and its adoption did not make usage a fundamental right (Maisler 1982); police use of a body bug during an ongoing criminal investigation did not violate a defendant's right of privacy (Kay 1984); and a witness subpoenaed in connection with an ongoing investigation of drug trafficking could be questioned because the voters "hardly intended to surrender their personal safety in an effort to protect their privacy" (*In re Getty*, 1983, 383). So both the text of the state constitutional provision for search and seizure and the context of privacy claims limited the impact of the privacy amendment.

Informational Privacy

The privacy amendment's impact on informational privacy claims is more complicated than its impact on criminal justice claims. One possible explanation for the difference is the fact that informational privacy claims include more

"legitimate" interests and individuals than those of criminal suspects who challenge the search and seize powers of the police. For instance, there is more political support for challenging a law that allows the state motor vehicle agency to sell driver license information to businesses than there is for subjects of a gambling investigation who challenge the Division of Pari-Mutuel Wagering's subpoena of bank records.³ In *Winfield* the court ruled that the state's compelling interest in criminal investigation of gambling trumped privacy rights. Similarly, the State Board of Bar Examiners could require disclosure of a history of medical treatment and evidence of good moral character because the information served the legitimate state interest in ensuring that those who practice law are qualified (*Florida Board of Examiners* 1983). And the need to maintain blood donations "overweighs" the claim of an individual who received contaminated blood to compel a blood bank to disclose donor lists (*Rasmussen* 1987). These cases indicate that even when individuals have legitimate privacy interests, informational privacy claims do not automatically prevail.

One reason why they do not prevail is privacy rights may conflict with Florida's strong public records law. The court has said that the papers compiled by a consultant conducting a search for applicants to be managing director of a public utility were public records, but the prospective applicants had a legitimate expectation that the records would be kept private (*Shevin* 1980), and it reasoned that the amendment did not create a privacy right that warranted closing civil divorce proceedings because the strong presumption of public access to court proceedings meant that these "public events" could not be closed except for narrowly defined exceptions, including "a compelling government interest" (*Barron* 1988).

In one of the more recent areas of conflict, informational privacy claims are being raised in employment settings where job applicants are asked personal questions or employees are disciplined or terminated for behavior not related to work. In a case where an applicant for a government job claimed that questions about whether she smoked violated her state constitutional privacy rights, the court explained that the right was "circumscribed and limited by the circumstances in which it is asserted" and that the determination whether a claim involves a legitimate expectation of privacy must especially consider the objective manifestations of that expectation of privacy. (*City of North Miami* 1995). This rather cumbersome language referring to "circumscribed" circumstances and "objective manifestations" means that, despite the fact that the job applicant may have had a subjective expectation of privacy, the court reads the privacy amendment to mean that applicants for government jobs have an objectively diminished privacy right.

Personal Autonomy

Ironically, the privacy amendment has had the greatest impact in the area of personal autonomy, a category of privacy rights that includes some of the

most controversial civil liberties issues. Personal autonomy privacy rights, which are so closely associated with individual liberty that the court considers them "inherent in the concept of liberty," (Rasmussen, 1987, 536), are controversial because they have limited the moral regulatory policies that states traditionally enacted under their police powers. The following describes rulings on privacy claims involving freedom of expression (primarily obscenity), abortion and family law, and the right to die.

Expressive Freedom

Freedom of expression cases involving obscenity often implicate privacy rights. The court has limited the scope of the privacy amendment by choosing to define a private act as an "act-in-isolation" such as when an individual reads or views materials within the confines of his or her own home. According to this definition, there is no reasonable expectation of privacy at a commercial establishment that sells sexually explicit materials or invites patrons to purchase alcohol while watching nude dancers (*State v. Long* 1989). The court could have interpreted privacy more broadly by defining a private act to include that which the government has no legitimate interest in regulating even though an individual is not doing it alone. Indeed, empirical research on American attitudes toward civil liberties indicates that privacy is considered "a broad class of immunities" that includes protection "against government interference with certain forms of conduct considered personal and beyond the reach of the state." (McClosky and Brill 1983, 171). According to this conception of privacy, the decision to purchase pornography (or use illegal drugs or obtain an abortion) could be a protected right even though it is not an "act-in-isolation." But the court's rejection of this stronger conception of privacy in obscenity cases means that acts involving commerce are subject to, among other things, the broad range of state police powers to regulate business. So state and local governments concerned about obscenity (or even indecency) prosecute businesses that provide the material or activity. The privacy amendment does not protect theater owners against obscenity statutes (*State v. Long*) or give merchants the right to sell materials (videos, records, books, or magazines) declared obscene: "Although one may possess obscene material in one's home, there is no legitimate reasonable expectation of privacy in being able to patronize retail establishments for the purpose of purchasing such material."⁴

Abortion and Family Law

In other areas of personal autonomy, however, the amendment has had a greater impact. Prior to 1980, the Florida Supreme Court, like courts in other states, relied upon concepts such as fundamental rights, liberty, privacy, and due process to decide abortion questions. In 1972 it ruled that a statute prohibiting abortion except where necessary to preserve the life of the mother violated the

due process clause of the Florida Constitution (*Medlin*). After the amendment, the court struck down a law which required minors to get parental consent before terminating a pregnancy noting that the state constitutional right to privacy extends to more interests and provides more protection for those interests than the federal right (*In re T.W.* 1989). The decision was announced days before the legislature rejected abortion restrictions during a special session called by the governor after the U.S. Supreme Court, in *Webster v. Reproductive Health Services*, 109 S.Ct. 3040 (1989), gave states more power to restrict abortion. The majority opinion in *In re:T.W.* was written by Chief Justice Leander Shaw, the only member of the court to stand for retention election on the November 1990 ballot. He faced organized opposition from the Florida Right to Life and Citizens for a Responsible Judiciary (a group opposed to judicial activism) but he was retained in office.

The issue of minor abortion rights has not been resolved politically. In 1999 the legislature passed another parental notification law which required a doctor to notify the parents of girls younger than 18 before performing an abortion (it did not require parental consent and it allowed minors to ask a judge for an exemption based upon their maturity or their fear of their parents). The public policy justification for this law, as articulated in the legislative process and the Leon County (Tallahassee) Circuit Court testimony, is that parents have a right to be involved in the health care of their children.⁵ Another political response to the court's privacy rulings and perhaps intended to prevent the court from declaring unconstitutional one of the Republican Party's top priorities, a state law that allows school vouchers to be used in religious schools efforts to weaken judicial independence. The governor, Republican Jeb Bush, has criticized the system of selecting judges by judicial nominating commissions. The 1999-2000 legislative session considered a variety of bills intended to increase the governor's control over the selection of judges and to increase the size of the court. The Florida House of Representatives considered a bill (HB 2381) to create a Supreme Court Workload Study Commission to examine the need to increase the size of the seven-member court. Against the political background of Republican criticism of the judiciary in general, and the Florida Supreme Court in particular (six of the seven sitting justices were appointed by Democratic governors), as well as the fact that six of the seven study commission members would be appointed by the Republican speaker of the house and the Republican president of the senate, meant that HB 2381 and the other bills were described as part of a Republican court-packing plan intended to erode judicial independence (Kennedy 2000). These political strategies to enact institutional change are rational insofar as the evidence indicates that institutional variables seem to be better predictors of state supreme court decisions than contextual variables (Fino 1987, 115).

The importance of family law limits on the rights of minors has increased in a political climate where both the Right and the Left talk about family values and the need to protect children from sex and violence. Although a minor is a

"natural person" with article 1, section 23 privacy rights, the state can claim public policy justifications for restricting the sexual activity of children. In an opinion reflecting fundamental rights analysis, the court explained that the state could prosecute two 15 year old boys for having sex with two 12 year old girls because the statute was the least restrictive means to accomplish the state's compelling interest in protecting children (*J.A.S.* 1988). A statutory rape law which criminalized consensual sexual intercourse by an adult with a person under the age of 16 was upheld against privacy challenges because, "for public policy reasons," a minor's privacy rights "do not vitiate legislative efforts" to protect minors from the conduct of others (*Jones* 1994).

Although the court has clearly indicated that the amendment did not create a privacy right for a minor to engage in consensual sexual activity, the amendment still can limit state power to regulate the sexual activity of minors. A statutory rape law which made it a second degree felony for anyone to have "unlawful sexual intercourse with any unmarried person, of previous chaste character, who at the time" is under 18 years of age, was held unconstitutional as it was applied to two 16 year olds who had consensual sex. The court explained that a 16 year old has a legitimate privacy expectation to engage in carnal intercourse, therefore privacy rights were implicated by the prosecution but the state did not demonstrate that it had chosen the least restrictive means to accomplish a compelling state interest: the statutory rape law simply was too punitive for a case of consensual minor-minor sex where the state's "very compelling interest in preventing sexual exploitation of minors" was not apparent (*B.B.* 1995). The ruling that an old (1892) statutory rape law intended to protect children from sexual assault could not be used to prosecute a 16 year old boy who had consensual sex with a 16 year old girl is being used to challenge a modern sex offense law that was passed to protect children under 16 from a wide range of sex abuse and used to prosecute two 15 year old boys who were charged in separate cases for having consensual sex with two 12 year old girls. A trial judge dismissed the cases saying that prosecution violated the boys' constitutional rights, particularly their state constitutional right to privacy but an appeals court overturned the decision and the question will probably be decided by the Florida Supreme Court.⁶ So while minors can make privacy claims against state regulatory powers, the court considers the context of the claim, including the traditional family law justifications for restricting the rights of minors.

The right to privacy has been used successfully to challenge state statutes that created grandparents rights, primarily visitation and custody rights. Florida is a state with a large elderly population. The legislature first created a grandparents visitation right in 1978. In 1996, the court ruled that a statute which allowed a judge to impose grandparent visitation rights upon an intact family, without requiring the government to demonstrate that the visitation was necessary to protect the child from harm, violated the parents' fundamental

right to raise their children, a right that is protected by the privacy amendment (*Beagle* 1996). The legislature then passed a law which allowed a judge to award "reasonable" grandparent visitation rights where the family is not intact (one or both of the child's parents are deceased) and visitation is determined to be in the best interests of the child. Once again the court held that the law violated the privacy right to rear one's children, a "decisional autonomy" right that is "firmly rooted in our culture" (*Von Eiff* 1998, 514). The legislature then passed a law which gave grandparents the same legal custody rights as parents if the child was residing with the grandparents in a stable relationship. This law was also held to violate the privacy rights of parents (*Richardson* 2000).

There is a legal contextual reason why the court has interpreted the constitutional amendment more broadly to limit the state's power to create grandparent rights and more narrowly to allow the government to restrict the sexual activity of minors. In *Von Eiff*, the court noted that there was no common law of grandparent visitation (or custody) rights; the Florida Legislature created grandparent rights by statute beginning in 1978. Similarly, there was no common law right for children to engage in sexual behavior prior to the adoption of the privacy amendment in 1980, but prior to the amendment there was a common law privacy right for parents to have considerable autonomy when making decisions about how to raise their children. This example of how the legal context affects how the court reads the text of the privacy amendment also applies to right to die cases.

The Right to Die

Away from the bright media spotlight on the antics of Dr. Jack Kevorkian, state legislatures have acted on the right to die. In 1984 the Florida Legislature enacted a Living Will Statute (*The "Life-Prolonging Procedure" Act of Florida*, F.S.A. sec. 765.02) which declared that (subject to certain interests of society) "every competent adult has the fundamental right to control the decisions relating to his own medical care, including the decision to have provided, withheld, or withdrawn, the medical or surgical means or procedures calculated to prolong his life." The act, which excluded from "life-prolonging procedure" the provision of sustenance, defined a declaration of intent as a witnessed written document or a witnessed oral statement and stipulated that there was no presumption of intent to refuse life-prolonging procedures in the absence of a declaration—although it provided that procedures could be withheld from an adult patient "who is comatose, incompetent, or otherwise physically or mentally incapable of communication..." upon a consultation and a written agreement between the tending physician and the guardian, spouse, adult child, or other specifically mentioned individuals related to the patient.

The statute was amended in 1990 to make consent easier to prove and the court expanded the right beyond that language by holding that the privacy

right to refuse medical treatment included the decision to withhold nutritional and other life-support systems from patients too ill to decide for themselves, if they previously expressed their wishes or designated someone to make the decision for them. By ruling that a patient's previous remarks about artificially prolonging his or her life can hold the same legal weight as a written living will, the court broadened the right beyond statutory language allowing feeding tubes and other life-prolonging treatments to be disconnected only from patients who have made their wishes clear in written living wills (*In Re Browning* 1989).

More recently, attention has focused on the privacy right to physician-assisted suicide. A recent Florida case that attracted the attention of national interest groups on both sides of the question involved Charles Hall, a terminal AIDS patient who, joined by the ACLU, the Hemlock Society, and his physician, Cecil McIver, went to court to argue that an 1868 law prohibiting "assisting self-murder," violated the state constitutional right to privacy. They were opposed by the state, the Florida Medical Association, the Florida Catholic Conference, and other religious, medical, and hospice organizations. The trial court judge, a former state legislator, ruled that the privacy right included physician-assisted suicide and that the state had no right to interfere with that decision and thereby prolong Hall's suffering.⁷ The decision was appealed directly to the Florida Supreme Court which overturned the ruling: "By broadly construing the privacy amendment to include the right to assisted suicide, we would run the risk of arrogating to ourselves those powers to make social policy that as a constitutional matter belong only to the legislature" (*Krischer* 1997, 104). This concern about the appropriate role of the judiciary is a recurring theme in rulings on the policy making powers through interpretation.

Conclusions

This brief summary and analysis of the Florida Supreme Court's interpretation of the state constitutional right to privacy describes how law matters in civil liberty cases. The court interprets the amendment differently depending upon the nature of the privacy claim so that the amendment has had minimal or no impact on search and seizure and obscenity claims but it has had a significant impact on grandparent rights, right to die, and certain abortion rights cases. The differential impact is evidence that the court relies upon both the text and the context of the rights claim rather than a literal reading of the meaning of the words. It is not surprising that one of the contextual variables is other provisions of state and federal law. Legal scholars have concluded that the real potential for state court creativity in the era of new judicial federalism "probably lies in the interpretation of state constitutional provisions with no federal counterpart" (Fino 1987:117-8). State court judicial activism on behalf of privacy rights involving search and seizure and freedom of expression has been limited by the well-developed jurisprudence interpreting the First and Fourth Amendments to the U.S. Constitution.

By contrast, the areas of law where the privacy amendment has had a greater impact can help explain the language of rights in state courts. This is important because both the supporters and the critics of individual rights have overstated the threat and the promise of law, rights, and courts. The perceived threat to individual and social responsibility has not materialized because the amendment is not read literally to mean that every person has "the right to be let alone and free from governmental intrusion into his private life..." The substantive meaning of privacy is actually determined by reading the text in context including the reasonableness of the claim, personal expectations of privacy, governmental interests when restricting rights, and other (potentially conflicting) provisions of law.

The promise of adding explicit privacy language to the constitution in order to eliminate the need for judicial interpretation and the opportunity for social policy making has not been realized either. The court still decides whether an individual has a "reasonable legitimate expectation" of privacy, a subjective standard that allows the court considerable discretion in civil liberties cases. And finally, one of the most influential trends in public law research during the last 30 years or so has questioned the legitimacy and capacity of courts to make social policy. Horowitz (1977) and more recently Rosenberg (1991) have argued for judicial restraint on the grounds that adjudication is a unique decision making process that makes courts different from legislatures and executive officials. However, reading case law on the Florida constitutional right to privacy reveals that the court is capable of handling rights claims in ways that resemble how the other branches of government settle conflicts. The hallmark of the legislative process (and indeed democracy itself) is negotiation, bargaining, and compromise. The hallmark of the judicial process is that individual rights are balanced against competing rights and government powers and fit into existing public policy frameworks in ways that diminish the assumed uniqueness of the language of rights.

Notes

- 1 See Burton M. Atkins, and Henry R. Glick, "Environmental and Structural Variables as Determinants of Issues in State Courts of Last Resort," *American Journal of Political Science* 20 (1976):97-115; "The New Federalism: Toward a Principled Interpretation of the State Constitution," *Stanford Law Review* 29 (1977):279-321; "Developments in the Law--The Interpretation of State Constitutional Rights," *Harvard Law Review* 95 (April 1982):1324-1502; Susan P. Fino, *The Role of State Supreme Courts in the New Judicial Federalism* (New York: Greenwood Press, 1987).
- 2 The "emanations and penumbras" quote is from Justice Douglas' majority opinion in *Griswold v. Connecticut*, 381 U.S. 479 (1965). Justice Brandeis' description is from his dissenting opinion in *Olmstead v. U.S.*, 48 S.Ct. 564 (1928). Paul A. Freund refers to privacy as a greedy concept in "Privacy: One Concept or Many," in *Privacy*, ed. J. Roland Pennock, and John W. Chapman, (NY: Atherton Press, 1971), p.192.

- 3 In 1997, a Florida law was amended to allow the state Department of Highway Safety and Motor Vehicles to sell photos from driver's licenses and state identification cards. A company called Image Data Corporation paid a penny apiece for photos to be resold to retailers to combat fraud. Public fears and a lawsuit claiming the sale violated the state right to privacy prompted the legislator who sponsored the amendment to respond that he hadn't given it much consideration and was told by the company's lobbyist that the system would deter fraud and not infringe upon privacy; Barry Lynn, "License Photos Stir Fears over Privacy," *Fort Lauderdale Sun-Sentinel*, January 30, 1999, p. 20B.
- 4 Quoted in Dexter Filkins, and Don Van Natta, Jr., "Justices: Sellers Not Protected by Rights," *Miami Herald*, October 11, 1990, p. 1B. Private clubs, such as those for sexual swingers, present some problems for the court's conception of privacy. In a recent case that received a great deal of national publicity, the Broward County Sheriff's Office sent undercover officers to Athena's Forum a private swinger's club where they arrested individuals who were engaged in a variety of sexual activities. The cases were thrown out of court because the trial judge ruled that the government was unable to demonstrate that anyone other than the police officers were offended by the activity.
- 5 Jackie Hallifax, "Both Sides Testify on Teen-age Abortion Law," *Fort Lauderdale Sun-Sentinel*, July 22, 1999, p. 16B. The trial court judge's temporary injunction blocking enforcement of the statute relied heavily on *In re: T.W.*
- 6 State Attorney Brad King of Ocala, whose office is "among the most aggressive" in pursuing consensual-sex cases involving minors, explains that they only go after kids who take advantage of less experienced kids. See John D. McKinnon, "Charges of Sex among Minors Hard to Press," *Miami Herald*, January 15, 1997, p. 1B.
- 7 Lori Rozsa, "Right-to-die Judge Struggles with Issues," *Miami Herald*, January 14, 1997, pp. 1B and 2B.

References

- Cooper, John C. 1989. "Beyond the Federal Constitution: The Status of State Constitutional Law in Florida." *Stetson Law Review* 18:241-299.
- Fino, Susan P. 1987. *The Role of State Supreme Courts in the New Judicial Federalism*. NY: Greenwood Press.
- Horowitz, Donald L. 1977. *The Courts and Social Policy*. Washington, D.C.: The Brookings Institution.
- Kennedy, John. 2000. "House GOP Targets Judges, Courts." *Fort Lauderdale Sun-Sentinel*, March 25: 20B.
- Kincaid, John. 1988. "State Court Protections of Individual Rights Under State Constitutions: The New Judicial Federalism." *Journal of State Government* 61 (Sept-Oct): 163-169.
- McClosky, Herbert, and Alida Brill. 1983. *Dimensions of Tolerance*. NY: Russell Sage Foundation.
- Rosenberg, Gerald N. 1996. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago: University of Chicago Press.

Cases

- Adams v. State*, 436 So.2d 1132 (1983)
B.B v. State, 659 So.2d 256 (1995)
Barron v. Florida Freedom Newspapers, 531 So.2d 113 (1988)
Beagle v. Beagle, 678 So.2d 1271 (1996)
City of North Miami v. Kuntz, 653 So.2d 1025 (1995)
Florida Board of Examiners Re: Applicant, 443 So.2d 71 (1983)
In re Guardianship of Browning, 543 So.2d 258 (1989)
In re T.W., 551 So.2d 1186 (1989)
Inciarrano v.State, 447 So.2d 386 (1984)
In re Getty, 427 So.2d 380 (1983)
J.A.S. v. State, 705 So.2d 1381 (1988)
Jones v. State, 640 So.2d 1084 (1994)
Kay v. State, 449 So.2d 369 (1984)
Krischer v. McIver, 697 So.2d 97 (1997)
Maisler v. State, 425 So.2d 107 (1982)
Medlin v. State, 267 So.2d 823 (1972)
Rasmussen v. South Florida Blood Service, Inc., 500 So.2d 533, 536 (1987)
Richardson v. Richardson, 25 Fla. W. S607 (2000)
Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc., 379 So.2d 633 (1980)
State v. Long, 544 So. 2d 1093 (1989)
Von Eiff v. Azicri, 720 So.2d 510 (1998)
Winfield v. Department of Business Regulation, 477 So.2d 544 (1985)

THE CITIZEN LEGISLATOR AS AN ENDANGERED SPECIES: THE INFLUENCE OF "CARPETBAGGER CASH" ON LEGISLATIVE ELECTIONS

James L. McDowell

Two issues have intrigued students of state legislative politics over the past 60 years. The first, since Hyneman's pioneering study (1940) has been "who makes our laws?" The second, underscored by the reform movements since the 1960s, has been whether a state should continue to function with "citizen" or "amateur" lawmakers or move to a more "professional" legislature. This paper reexamines these issues in light of the infusion in recent years of out-of-district, even out-of-state, campaign contributions to state legislative candidates—money that might be labeled "carpetbagger cash." This paper focuses on Indiana, a state in which these campaign efforts have proved both extensive and effective. That state's legislators operate not quite as professionals but more so than as amateurs. While they may pay homage to constituency concerns, they may be more inclined, even induced, to tend to extra-district interests. Because their actions raise concerns for the concept of the "citizen legislator" as may be the case in similar states, one may need to rephrase Hyneman's question as "for whom are the laws made?"

Introduction

Recent studies of state legislative campaign expenses confirm the conventional wisdom that these races have become more expensive since the 1970s. Thompson and Moncrief (1998) provide extensive information on contribution and spending patterns in 18 states. Their analysis complements an investigation by Gierzynski (1992) that examines the development and operation of legislative campaign committees in 10 states. Each of these studies also suggests an issue which may be of greater concern. Thompson and Moncrief suggest that as expenditures have risen dramatically, questions have been raised about the sources of campaign funds and the motives of the contributors (19983). Gierzynski concludes the source of committees' funds has implications for legislative behavior and public policy (1992, 58). While each study implies that increased campaign costs result in the inability of candidates to raise sufficient money within their districts, neither directly addresses this central question: is there a relationship between out-of-district or out-of-state contributions to legislative campaigns and the later performance of lawmakers?

James L. McDowell is professor of political science at Indiana State University in Terre Haute. He has written extensively on state legislative politics and issues of representation.

The influence of outside money could be expected to be extensive—and effective—in states with full-time “professional” legislatures such as California. In this era of devolution, however, all legislatures are playing significant roles as the national government returns important domestic responsibilities to the states. Sorauf suggested as much a decade ago in noting that the “new federalism” could increase the stakes in legislative politics: “if policy-making power flows to the states, so will money seeking to pick candidates with congenial policy goals” (1988, 261). Outside money—what the Center for Responsive Politics has labeled “carpetbagger cash”—may also be a useful political tool in states such as Indiana whose lawmakers function not quite as “professionals” but more so than as “amateurs.” These legislatures are also assuming a raft of obligations previously dealt with “inside the Beltway.”

This article examines the increasing incidence of outside campaign contributions on legislative elections in Indiana. In the late 1990s, most observers considered this state to have a part-time, “citizen” legislature, a type in which lower pay and smaller staff support should make service less attractive and campaigns less expensive. Indiana, however, has experienced substantial increases in campaign spending and witnessed the development of coordinated campaign efforts by legislative caucuses similar to the experiences of states with more professionalized legislatures. The state has also seen modest increases in the attention paid to its legislative elections by outside interests.

The studies by Thompson and Moncrief, Gierzynski, and Sorauf suggest that the pattern of campaign contributions to Indiana legislative candidates by nondistrict residents, as well as organizations with national concerns seeking to protect their interests in the state capital, can be expected to influence the type and quality of representation afforded the state’s residents. An increasing proportion of extradistrict campaign funding and campaign direction suggest that a new category of lawmaker may be necessary, that of the “pseudocitizen legislator.” This individual resembles the part-timer who serves out of civic duty but may not quite be the genuine article. In his classic study conducted at a time when virtually all state lawmakers were “citizen legislators,” Hyneman (1940) was concerned with “who makes our laws?” Given today’s proportion of out-of-district contributions, Hyneman might rephrase his question as “for whom are the laws made?”

The National Perspective

Observers have long been aware of rising legislative campaign costs, but there were few studies conducted until the early 1980s due to a lack of accessible data. Likewise, students of state politics have noticed the relatively recent development of legislative campaign committees. Taken together, these factors raise questions about the representative quality of even self-styled “citizen” assemblies.

Legislative Campaign Costs

In one of the early examinations of legislative campaign spending, Jones (1984) concluded that, for the 1974-80 period, "the average cost of a legislative seat has doubled or tripled in almost every state for which there are records" (175) and maintained that these costs were "rapidly escalating beyond any increases that may be related to inflation" (208). With more available data and more sophisticated techniques, Thompson and Moncrief (1998) offer a comprehensive comparative examination of state legislative campaign finance. They and a team of researchers surveyed campaigns for lower house seats in 18 states for 1986-92 and, on some topics, in 14 states for 1986-94. Dividing the states into three types (with California treated separately from other states due to its size), they found the cost of elections to be related to the level of legislative professionalism, the level of partisan competition, and the strictness of campaign finance laws.

The study reached several conclusions: The higher salaries and greater institutional resources of Type I (professional) legislatures make seats more attractive and competition greater. Levels of campaign spending appear to be related to a state's level of campaign finance regulation which, in turn, is a reflection of its political culture. There is a substantial difference between Type II (hybrid) states and Type III (citizen) states, with the mean and median campaign spending in citizen legislatures generally less than half that of hybrid assemblies.

Legislative Campaign Committees

A relatively new development in state elections is the appearance of legislative campaign committees. The rise of these groups is seen as the natural consequence of the need to fill the vacuum created by the decline of state party organizations on the one hand and the relative indifference of county party committees toward legislative candidates on the other (A. Rosenthal 1998). Observers generally date the establishment of legislative campaign committees, either as an agent of the party caucus or of the party leadership, from the late 1970s, following Watergate-era campaign finance reforms, with many not becoming active until the 1980s. As many as 30 states had such organizations by 1986, with the number reaching 35 by 1992 and 41 by 1995 (Gierzynski 1992; C. Rosenthal 1995; Shea 1998).

These groups serve not only to distribute funds to legislative candidates of their parties but also to provide a wide range of services, including polling, consultants, and direct-mail advertising. Not surprisingly, they concentrate resources on competitive and open-seat races. By maximizing their efforts on these legislative elections, these groups may gain or retain partisan majorities and control of a chamber. In addition to these formal organizations, safe and powerful incum-

bents have affected legislative campaigns in two ways. As Jacobson points out, in a study of congressional elections, secure incumbents do not have trouble raising money. Rather, "many interest groups contribute to campaigns not so much to influence the outcome as to gain influence with, or at least access to, people who are likely to be in a position to help or hurt them" (1997, 38). This conclusion is applicable to state legislative campaigns as well. Important legislators, who naturally attract substantial sums for their own races, need little if any help from campaign committees, allowing these groups to tend to doubtful races and vacant seats (Sorauf 1992). Further, by rarely having to worry about their own reelections, these prominent legislators have also become significant sources of campaign money for other candidates of their parties. They can employ excess campaign funds in hopes of obtaining or maintaining leadership positions.

Not all see this trend as a positive force. One critic, for example, believes "the effects on the legislative process are pervasive" (A. Rosenthal 1990, 64). He further laments that legislative leaders have become campaign managers, the parties serve as campaign organizations, and the legislature itself has developed into an electoral battleground. Thus, "the function of the legislature has become that of crystallizing partisan views, not reconciling them" (A. Rosenthal 1996, 123). His fears may be well-founded and justified. However, the emergence of legislative campaign committees and the active involvement of party leaders is the natural consequence of the increased legislative professionalism and greater partisan competition that reformers long desired. If anything, the development of these committees appears to be expanding. Party members in state legislatures may rarely agree on everything, but they do understand the importance of party control of a chamber.

The Indiana Setting

Indiana is often viewed by outsiders itself as an area of idyllic, rural or small-town life, an image it enjoys projecting in its tourism advertising. In fact, it ranked 14th in population in the 1990 census; more than 71% of its then 5.66 million residents lived in urban areas, the bulk in 15 of the state's 92 counties. The state is the nation's largest steel producer and the site of two major Japanese-owned automotive manufacturing facilities.

Its national reputation as a conservative Republican stronghold notwithstanding, Indiana has consistently been ranked among the nation's competitive two-party states in terms of *state* elections. Its track record from 1965 to 1988 clearly situated it near the "Republican majority" end of the widely-used Ranney index (Jewell and Olson 1988). However, the state placed at the midpoint of this scale for the 1989-94 period, indicating Indiana had "a highly competitive political environment" (Bibby and Holbrook 1996, 104-05); for the 1995-98 interval, the state moved slightly toward the "modified one-party Republican" end

of the scale (Bibby and Holbrook 1999, 95). Reinforcing this two-party designation: Democrats have gained an even split (50-50) or controlled the lower chamber in five of the six elections from 1988-98, although controlling only two sessions of the state senate since 1965. Additionally, Democrats have won the last three gubernatorial elections, although Republicans have dominated other statewide offices.

Indiana's state party central committees are widely regarded as among the more professional in the nation. Outside observers consider the Republican organization stronger due to its successes in winning statewide offices (Jewell and Olson, 1988). But each state organization oversees a set of county committees which enlist more than 9,000 elected and appointed precinct officials plus thousands of volunteers to manage the campaign process.

The Indiana Legislature

Within this political setting lies the Indiana General Assembly. Prior to its joining the nationwide reform movement of the late 1960s, the Hoosier legislature could legitimately be described as "a citizen's assembly, with its members interrupting their work in law, farming, and business to meet for a 61 day session only every other year" (Madison 1986, 309). It was generally believed this nonprofessional legislature not only provided sufficient representative government at low cost but, with 22 months between the biennial sessions, it also did not meet often enough to enact drastic or foolish changes.

Beginning with a constitutional amendment adopted in 1970 that permitted annual sessions and continuing with a series of procedural reforms, the state has improved its legislative institution. By no definition does Indiana have a professional legislature, but it has become more "professionalized" (A. Rosenthal 1998). However, despite its self-proclaimed status of a "citizen legislature," the state does not function with a classic citizen assembly, that is, the type which has been described as "allowing for wide representation of a state's different kinds of citizens, many opportunities for the infusion of new ideas because of high turnover, and less likelihood of being controlled by professional politicians" (Hill and Mladenka 1992, 157). Essentially, the Indiana legislature has functioned since the mid-1970s as Giles and Pritchard (1985) describe Florida: a part-time legislature whose members have year-round responsibilities. While not full-time, Indiana's members can be said to be "careerists" or "dual-career legislators" functioning, by their own decision, in a necessarily "work-intensive" legislature (A. Rosenthal 1998).

Indiana Campaign Financing

The Indiana legislature may only be semiprofessional, but legislative candidates place a significantly higher value on winning seats than that ranking

would suggest. The cost of running for a seat in the Indiana General Assembly has increased substantially over the past three decades. An illustration is provided by a long-term member whose first campaign, for a House seat in 1966, cost him less than \$600: "It's gone up 20 times for most everybody, \$250,000 in a competitive district. . . . It shocks me that people will give that kind of money" (Cady 1998, B3). Campaign costs have gone up, but it is not "people" who give the money. In elections from 1994 through 1998, all candidates who received 75% or more of their funding from individual giving and small contributions (under \$100) lost their races.

The study of legislative campaign finance in Indiana has been hampered in this state as in others by a lack of information. Until only recently, it was difficult to access the state's campaign finance records. Reports were kept on paper and filed in various offices—the state election board, the secretary of state, and the office of legislative services. The legislature refused until 1997 to fund conversion of the paper-based filing system to an electronic database. Even now, the state's legislative campaign finance records are available only for 1994-98.¹

Further, Indiana's campaign finance reporting laws were—and remain—among the weakest in the nation. Campaign finance reports must be completed 25 days prior to an election but do not have to be delivered to the appropriate office until 14 days (if mailed) or 11 days (if hand-delivered) prior to the election. There is no requirement to file a postelection report, only an annual report by January 15 of the following year. Through 1996, failing to file the required reports resulted only in a civil penalty which could not exceed \$100 (McDowell 1996).

Spending Levels

Indiana's legislative campaign spending more than doubled from 1988 through 1998: from \$3.8 million to \$9 million. These figures appear modest compared to reported spending in other states, for example, Moncrief's (1998) finding that state legislative spending increased almost 70% from 1986 to 1994. Nevertheless, the state's leading newspaper could claim the state's campaign costs were rising to "alarming levels" (Weaver 1997, B1).

The bulk of campaign spending occurs for seats in the Indiana house. The Indiana senate has been controlled by Republicans without interruption since the 1979 session; the state house, on the other hand, has been closely competitive, being deadlocked at 50-50 after both the 1988 and 1996 elections. As a result of the 1991 redistricting, each party is considered to have 40 "safe" seats in the state house, with control of the chamber depending on the outcome of contests in the remaining 20 districts. The impact of this districting scheme is shown in the number of uncontested seats in state house elections: 38 (of 100) in both 1992 and 1994, 23 in 1996, and 31 in 1998.

The largest increase in campaign spending occurred from 1988 (\$3.8 million) to 1990 (\$6.6 million), or 73.7%. The 1990 election was seen as particularly important by both parties. Whichever party controlled the legislature would oversee legislative districting for the next decade, although control of the state senate was conceded to Republicans. Further, this election followed the most divisive legislative session in recent memory, one in which each party held 50 seats in the state house. The chamber was compelled to operate with co-Speakers, co-committee chairmen, and evenly-divided committee membership (Shribman 1990).

Spending increased over the next three election cycles, but not as sharply. This is somewhat surprising, given the importance placed on each of these elections. The 1992 balloting was not only the first after redistricting but also the first time all members of the lower house would be selected from single-member districts. However, spending went up just 1.5%, to \$6.7 million. The 1994 election was highlighted by a concerted effort by Indiana Republicans to gain control of the lower house by campaigning on a "Contract with Indiana." The effort was successful, with Republicans winning a majority for the first time in eight years. Costs rose 11.9%, to \$7.5 million, but this was less than might have been expected as the state was among 20 targeted by the Republican National Committee (Little 1996). In a highly partisan campaign in 1996, which saw the parties wind up in a 50-50 deadlock for the second time in eight years, total campaign spending grew 4.0% to \$7.8 million. In 1998, combined spending rose by 15.4% to \$9 million. While state lawmakers were reportedly "aghast" at this record amount, attempts to reform campaign finance practices again failed in the 1999 session (Weaver 1999).

Candidates spent \$6.7 million in state house races in 1998, up slightly from \$6.3 million two years earlier. The state house featured 10 contests in which combined spending in each instance exceeded \$234,000. Indicative of the changing nature of Indiana politics, Democrats were 9 of the top 10 spenders in these races, and only 1 Democrat lost (MacIntyre 1999). Incumbents won 7 of 9 seats, and a Democrat won the most expensive state house race in state history (combined spending of \$389,026), capturing a seat left open by the primary defeat of a long-time Republican incumbent. Somewhat surprisingly, state senate spending increased some 53%, from \$1.5 million to \$2.3 million, although control of the chamber was never in doubt. The escalation occurred primarily from one contest, Indiana's first half-million dollar legislative race, between a one-term Republican and the son of a former Democratic state senator, in a district which had been held by Democrats for decades.

As Jacobson indicated for congressional elections, spending "huge sums of money" does not ensure victory (1997, 43). The Indiana results demonstrate that this finding may apply at the state level as well. While candidates who raise more money usually win, not all do. In 1994, in 85 contested districts in both chambers, 70 candidates who collected the greater amount were victorious. In

the state senate, where 23 of 25 seats had competition, 17 who received more contributions won, although 2 incumbents outspent opponents and lost. In the state house of representatives, where only 62 of the 100 seats were contested, 53 were won by candidates with the most money. The 9 candidates who raised more funds but lost included the Speaker of the House. A contributing factor to his defeat was the disclosure by an Indianapolis television station that he devoted much of his time on a state-funded trip to a national legislative conference playing golf.

There were 94 contested districts in the two chambers in 1996, and 78 candidates who received more contributions won their races. All senate candidates with greater funding won in the 17 districts with competition. The state house had contests for 77 of the 100 seats; 61 were won by the candidate who raised more money. The 1996 state house campaign also featured 6 races involving combined expenditures of \$261,000 or more; however, 4 of the candidates raising more money were defeated. Again in 1998, incumbents generally prevailed, although 1 Republican senator who had defeated an incumbent four years earlier lost the rematch, and 2 incumbent Republican House members lost to better-funded Democratic opponents. In the 15 most expensively-contested races in both chambers, only 1 lesser-funded candidate won.

Funding Sources

Two additional items concerning Indiana legislative fundraising, however, pose questions about the purported "citizen" character of the general assembly. First, over three-fourths of the campaign money collected by Indiana legislative candidates in 1994 and 1996 was provided by political party committees or by special interest groups, either directly or through these committees. An examination of data assembled by the Center for Public Integrity (CPI) shows that some 212 candidates raised \$7.745 million in 1994 (Power and Money I, 1995). Of that total, \$5.833 million (75.3%) came from party committees and special interests, including groups representing financial institutions, insurance and real estate, small businesses, labor unions, education associations, the legal profession, energy concerns, the construction and transportation industries, agriculture, and single-issue organizations. In 1996, some 235 candidates amassed \$10.026 million. The data also show that special interests provided \$5.341 million (53.3%) and party committees \$2.243 million (22.4%) of the reported legislative candidate funding (Power and Money II, 1997).

The other consideration which may affect the nature of representation in Indiana is an emerging and entirely legal effort. Individuals are contributing to candidates from across the state who share their concerns. In doing so, these donors effectively function as "individual PACs." These efforts may not only influence elections but also serve to undermine the concept of citizen legislators whose first consideration is the interests of their own constituents. In 1996,

some 15 Indiana residents were identified as donating at least \$10,000 in this manner. The state house Republican leader observed that while candidates "ideally" should get at least half their donations from within their districts, "if they receive money from people they don't know, they should use it anyway" (McBride and Williams 1998).

In addition to out-of-district campaign donations from Indiana residents, legislative candidates also received some direct funding from out-of-state sources. Neither the totals nor the proportion are overly impressive: in 1994, \$389,709 of \$7.745 million, just 5.03%; in 1996, \$505,293 of \$10.026 million, only 5.04%. Donors can be identified from at least 34 states and the District of Columbia in 1994 and from 40 states and Washington in 1996. Most of these donors were not individuals: in 1994, 89.3% of these out-of state contributions came from special interests; in 1996, 77.4% were from these sources.

Indiana's Legislative Campaign Committees

Indiana has had formally established legislative campaign committees at least since the early 1980s. Their growth and political significance over the past 15 years is indicated by their increased spending on legislative candidacies. A survey of political scientists in the state determined that the four legislative caucus committees in 1984 spent an estimated \$350,000 on assembly campaigns (Jewell and Olson 1988). In 1996, these committees raised and distributed some \$1.479 million, a fourfold increase. Additionally, the state central committees in 1996 assisted legislative candidates with donations in excess of \$675 thousand.

With the exception of Indiana's habitually weak Senate Democratic Campaign Committee, the state's legislative campaign organizations have developed into competitive units. This can be at least partially explained by Gierzynski's (1998) finding that campaign spending may be related to the level of campaign finance regulation which, in turn, is a reflection of a state's political culture. Indiana is classified as having an "individualistic" political subculture (Elazar 1984). Politicians in such states are usually driven by the pragmatic concerns of getting and staying elected not dealing with issues. Citizens of such states see politics as a dirty business; thus they expect and tolerate corruption or "backroom politics." That this classification may be true of Indiana is indicated by the state's approach to campaign finance regulation—not only in terms of the reporting requirements, as indicated above, but also in terms of legitimized sources of campaign funds.

In the 1970s the legislature, admitting that political money was coming from corporations and unions in one form or another, legalized the practice, by imposing contribution limits on these sources. It also enacted pre- and post-election reporting requirements and made failure to file a felony. However, these laws were not strictly enforced and also became victims of indifference.

Following the U.S. Supreme Court's ruling banning limits on contributions, the legislature in 1986 not only allowed increased contributions from corporations and unions but also permitted contributions to be made specifically to political committees organized by the legislative caucuses. It is probably not coincidental that Indiana's legislative caucus committees began to have a major financial impact with the next election cycle.

Conclusion

This study has demonstrated that interest in Indiana's legislative seats is high despite relatively modest salaries and institutional resources. Campaign costs more than doubled from 1988 to 1998. The total spending may appear low, but the costs exceed those reported for other "citizen legislature" states and they match spending levels in several "hybrid" states.

The ability of Indiana legislative parties and candidates to raise campaign funds, and the sources of this money, are directly related to the state's permissive campaign finance regulations. The state in 1997 did restrict in-session fundraising activities and increase the penalties for failing to file required reports from \$100 to \$1,000. But more rigorous restrictions were defeated that year and again in succeeding sessions. Democratic Governor Frank O'Bannon had announced campaign finance reform a priority of his 1999 legislative package, but his own party in the state house scuttled his proposals to limit individual and PAC contributions to \$1,000 and restrict transfers between candidates to \$20,000. Candidates who raise the most money in Indiana usually win their races as in other states. However, the increasing costs of these campaigns has negated any pretense that Indiana functions with a citizen legislature. Candidates cannot raise sufficient financing within their districts and, unless they can afford to underwrite their own races, individuals cannot successfully run for legislative office. Those who rely on small contributions and individual giving seldom win in a highly competitive state. They depend increasingly on political party committee support and special interest donations. Indiana's legislative campaign committees as well as leadership committees have become adept at attracting and distributing campaign contributions to candidates. The state's party central committees also provide assistance in efforts to gain or maintain partisan legislative majorities. As Republican control of the state senate is virtually assured, this practice has become particularly critical in state house races in recent years. A change in control of but a few seats can result in which party organizes the lower chamber.

The increasing interest in Indiana's legislative elections by persons and groups outside a member's district and from outside the state itself raises legitimate concerns about for whom the laws may be made. This study did not identify any correlation between campaign contributions and legislative performance, that is, that out-of-district contributions directly affect legislative votes.

However, this article's findings pose questions as to whom these part-time law-makers owe their loyalty—the special interest contributors, legislative leaders and party caucus committee donors, or the constituents who elected them. The answers may give credence to the “pseudocitizen legislator” label.

Note

- 1 That Indiana has progressed this far is largely from the impetus of external forces. In 1996, the Center for Public Integrity, a Washington, D.C.-based public interest research group, and the *Indianapolis Star*, the state's largest newspaper, joined forces to produce a comprehensive examination of the state's legislative campaign finance sources and practices. The study resulted in the publication of a provocatively titled series, “State-house Sellout” (Feb. 11-18, 1996), and the subsequent decision of the Indiana General Assembly to fund the placement of campaign finance reports on-line.

References

- Bibby, John F., and Thomas M. Holbrook. 1996. “Parties and Elections” in *Politics in the American States: A Comparative Analysis*, ed. Virginia Gray and Herbert Jacob. 6th ed. Washington: CQ Press.
- Bibby, John F., and Thomas M. Holbrook. 1999. “Parties and Elections.” In *Politics in the American States: A Comparative Analysis*, ed. Virginia Gray, Russell L. Hanson, and Herbert Jacob. 7th ed. Washington: CQ Press. 66-112.
- Cady, Dick. 1998. “Political ‘Gatekeeper’ Borst Doing Things His Own Way,” *Indianapolis Star*, February, pp.B1, and B3.
- Elazar, Daniel J. 1984. *American Federalism*. NY: Harper and Row.
- Giles, Micheal W., and Anita Pritchard. 1985. “Campaign Expenditures and Legislative Elections in Florida,” *Legislative Studies Quarterly* 10:71-88.
- Gierzynski, Anthony. 1992. *Legislative Party Campaign Committees in the American States*. Lexington, KY.: The University Press of Kentucky.
- Gierzynski, Anthony. 1998. “A Framework for the Study of Campaign Finance.” In *Campaign Finance in State Legislative Elections*, ed. Joel A. Thompson and Gary F. Moncrief. Washington: CQ Press. 18-33.
- Hill, Kim Quaille, and Kenneth R. Mladenka. 1992. *Democratic Governance in American States and Cities*. Pacific Grove, CA.: Brooks/Cole.
- Hyneman, Charles S. 1940. “Who Makes Our Laws?” *Political Science Quarterly* 55:556-81.
- Jacobson, Gary C. 1997. *The Politics of Congressional Elections*, 4th ed. NY: Longman.
- Jewell, Malcolm E., and David M. Olson. 1988. *Political Parties and Elections in American States*, 3rd ed. Chicago: Dorsey Press.
- Jones, Ruth S. 1984. “Financing State Elections.” In *Money and Politics in the United States*, ed. Michael J. Malbin. Chatham, NJ: Chatham House. 172-213.
- Little, Thomas H. 1996. “Electoral Federalism: The RNC and 1994 State Policy Agendas.” Presented at the annual meeting of the Southern Political Science Association, Atlanta.

- McBride, Suzanne, and Janet E. Williams. 1998. "Outsiders Speak Softly and Carry Big Contributions." *Indianapolis Star*, January 20, pp. A1, and A4-5.
- McDowell, James L. 1996. "Campaign Finance Reform in Indiana: An Overview." Presented at the Symposium on Campaign Finance Reform in Indiana, DePauw University, Greencastle, IN.
- Madison, James H. 1986. *The Indiana Way: A State History*. Bloomington, IN.: Indiana University Press.
- Moncrief, Gary F. 1998. "Candidate Spending in State Legislative Races." In *Campaign Finance in State Legislative Elections*, ed. Joel A. Thompson and Gary F. Moncrief. Washington: CQ Press. 37-58.
- Power and Money in Indiana I: 1994. 1995. *Washington: Center for Public Integrity* (www.-publicintegrity.org/indiana_project.html).
- Power and Money in Indiana II: 1995-96. 1997. *Washington: Center for Public Integrity* (www.publicintegrity.org/indiana_project.html).
- Rosenthal, Alan. 1998. *The Decline of Representative Democracy: Process, Participation, and Power in State Legislatures*. Washington: CQ Press.
- Rosenthal, Alan. 1990. *Governors and Legislatures: Contending Powers*. Washington: CQ Press.
- Rosenthal, Alan. 1996. "The Legislature: Unraveling of Institutional Fabric." In *The State of the States*, 3d ed., ed. Carl E. Van Horn. Washington: CQ Press.
- Rosenthal, Cindy Simon. 1995. "New Party or Campaign Bank Account? Explaining the Rise of State Legislative Campaign Committees." *Legislative Studies Quarterly* 20:249-68.
- Shea, Daniel M. 1998. *Transforming Democracy: Legislative Campaign Committees and Political Parties*. Albany, NY: State University of New York Press.
- Shribman, David. 1990. "A Lesson for Voters: Two for the Price of One Is No Bargain," *Wall Street Journal*, 21 Feb.:A1.
- Sorauf, Frank J. 1992. *Inside Campaign Finance: Myths and Realities*. New Haven, CT.: Yale University Press.
- Sorauf, Frank J. 1988. *Money in American Elections*. Glenview, Ill.: Scott, Foresman.
- Thompson, Joel A., and Gary F. Moncrief, eds. 1998. *Campaign Finance in State Legislative Elections*. Washington: CQ Press.
- Weaver, Gregory. 1997. "State Campaign Costs Rise to Alarming Levels," *Indianapolis Star*, March 9, pp. B1, and B5.
- Weaver, Gregory. 1999. "Indiana Unlikely to Buck Campaign Spending Trend," *Indianapolis Star*, February 28, pp. B1, and B5.

THE UNITED NATIONS AND U.S. PARTICIPATION: THE UNESCO CASE

Jeffrey S. Morton

Since its inception, the United Nations has relied upon the United States for political and economic support. Over the course of its existence, that support has waned. Today, the United States is not only the largest debtor member in the UN system, but its refusal to rejoin UNESCO, which it quit in 1984, leaves U.S. membership in the UN system incomplete. This paper focuses on UNESCO and the strategies that it has employed to convince the U.S. and other non-member states to return to the organization. Lessons learned from UNESCO's success and failure in that effort are then applied to the larger United Nations system.

Introduction

The relationship between the United States and the United Nations has evolved over the 55 year existence of the organization. The central force behind the creation of the United Nations and the drafting of its Charter, the United States has become increasingly cautious in its support for the UN and has created a financial crisis through its policy of withheld dues. Undoubtedly, the future of the United Nations—the scope of its agenda, the success of its activities, its status as a positive and constructive force in world affairs—is contingent upon support by the international system's most powerful and influential state. Bringing the United States back on board, fully supporting the United Nations, is a central aim of the organization.

The appropriate strategy to be employed to attain that goal is much less certain than the goal itself. How to deal with the "reluctant sheriff" and encourage it to change its ways, at least regarding its financial and political support of the UN system, is a central question among scholars and UN officials. Each strategy to deal with the United States entails a distinct set of assumptions about the sources of American policy and the stimuli appropriate for a positive U.S. response.

This paper will examine the case of UNESCO in order to evaluate three strategies available to the United Nations in its response to American reluctance to participate. UNESCO is an appropriate case study for several reasons. First, it experienced the most dramatic version of U.S. nonparticipation

Jeffrey S. Morton is an assistant professor of international law and politics at Florida Atlantic University. He is author of *The International Law Commission of the United Nations* (University of South Carolina Press, 2000), and has published articles in the *Journal of Peace Research*, *International Interactions*, *Journal of Global Society* and *International Studies Notes*.

when Washington announced in 1983 its intention to withdraw from UNESCO. The U.S. departure in 1984 resulted in the severest of financial and political crises for the organization. Second, U.S. criticisms of UNESCO (inefficiency, socialist orientation, quality of leadership) and U.S. demands (reform) parallel U.S. criticisms and demands of the United Nations system in general. As such, UNESCO is something of a microcosm of the overall UN system's relationship with the United States.¹ Third, since 1983 UNESCO has adopted differing strategies for dealing with the U.S. absence. Its initial strategy of compromising on American demands, overtly demonstrating its dependence upon U.S. reentry, gave way over time to a more independent stance, where the values and rewards of UNESCO membership were offered to the United States in exchange for reentry.

Since the United States has not returned to the Paris-based organization, no firm conclusions can be reached about which strategy has been, is, or will be most successful. The return of the United Kingdom to UNESCO, which in 1984 left the organization with the United States, does, however, provide some insights into the relative success of the strategies employed.

U.S.-UN Relations: Evolving Reluctance

To state that U.S. reluctance to financially and politically support the United Nations system dates only to the 1980s would be inaccurate. MacBride (1989) notes that since the Kennedy administration the United States has been resentful of the United Nations and its agencies. Threats of withholding payment of its contributions were not infrequent during the 1960s, with rhetoric transforming into policy in the 1970s and 1980s. Preston, Herman and Schiller (1989) link U.S. discontent with the United Nations, in general, to the change in UN membership—and the outlook of members—brought about by the decline of colonialism through the 1960s, and the concomitant loss of Western power and influence in the United Nations. Riggs and Plano (1994) add the political battles between East and West to the battles between North and South as factors contributing to the conditioning of an environment that the United Nations suffered within.

While the end of the Cold War and the unparalleled level of cooperation among the permanent members of the Security Council led to guarded optimism that the United States was prepared to fully support the United Nations and its activities in the post-Cold War order, that optimism waned by 1994. Failures in Bosnia and Somalia resulted in Presidential Decision Directive (PDD) 25 in May 1994, which undercut any momentum towards full U.S. participation in peacekeeping operations. Concurrently, the U.S. military failure in Somalia, along with growing hostilities between U.S. politicians and Secretary General Boutros Boutros-Ghali, dampened optimism that the U.S. would resume full dues payments.

The Policy of Withholding Dues

Mingst and Karns (1995: 148) note that by the mid-1980s the UN budget crisis came to a head. In 1985 the U.S. Congress passed three pieces of legislation designed to cut contributions to the United Nations. The Kassebaum Amendment proposed a reduction in the U.S. contribution to the UN budget from 25% to 20% unless a weighted voting for financial decision making was passed. The Sundquist Amendment denied U.S. contributions to salaries of Soviet bloc UN staff members for ideological reasons. The Gramm-Rudman Act cut funds from federal government programs, including payments to the UN regular budget and 43 other international organizations. Accordingly, these three measures led to a 50% reduction in U.S. contributions to the UN in 1986.

Withdrawal as a Policy

As the Cold War unfolded and U.S. discontent with the United Nations grew, threats of withholding payments turned into threats of withdrawing from the organization. In 1977, such a withdrawal threat was acted upon as the United States withdrew from the International Labor Organization (ILO), an agency that the U.S. had been a member of since 1934. The U.S. dissatisfaction sprang from a number of causes, ranging from claims of selective application of human rights standards by ILO to the alleged "politicization" of the organization on the issue of Israel and the Palestine Liberation Organization to personnel appointments at the assistant director-general level. The Soviet entry into the ILO in 1954 marked a sharp increase in the intensity of U.S. criticism towards the organization. A congressionally imposed ceiling on U.S. contributions resulted, followed by a complete ban on funding in 1970. In 1977 the United States formally withdrew its membership from the ILO.

After a three year absence, a period marked by significant program slashes by the ILO, the United States returned to the International Labor Organization as a full-fledged member. Whether or not the United States had accomplished anything in terms of internal reform at ILO is debatable. What is clear, however, is that by implementing a policy of withdrawal toward the ILO, the United Nations system was put on alert that the United States was willing, if deemed necessary, to walk away from major international institutions unless demanded changes were made. A policy of withdrawal had been adopted.

The UNESCO Case

On December 23, 1983 the United States formally announced its intentions to withdraw from UNESCO in a speech delivered by Secretary of State George Schultz. The secretary of state noted that "trends in the policy, ideologi-

cal emphasis, budget and management of UNESCO were detracting from the organization's effectiveness....[and] led UNESCO away from the original principles of its constitution." George Schultz claimed those trends "served the political purposes of member states, rather than the international vocation of UNESCO."² In accord with UNESCO's founding constitution, a binding treaty which the United States is a party to, the Reagan administration stated that the U.S. would terminate its membership in the organization after the mandatory one-year waiting period had elapsed. Justification for the Draconian measure announced in 1983, according to the U.S. State Department, included:

- (1) general inefficiency in UNESCO's fiscal policies,
- (2) the development of an entrenched anti-Western, anti-U.S. policy stance by the organization, and,
- (3) UNESCO leadership.

In December, 1984, the United States formally withdrew from UNESCO, followed by the United Kingdom and Singapore one year later. Since the United States paid 25% of UNESCO's regular budget and the United Kingdom 5%, the withdrawals resulted in program cuts and a financial crisis in the organization.

The announced American departure resulted in intense efforts by the organization to reform. Five working groups within the Secretariat were established to study reform in the fields of personnel, evaluation, budget, programs and public relations. The Executive Board created a 13-member Temporary Committee on Reform (TC), which was instructed to present recommendations for improving the functioning of the agency. Not satisfied that the Temporary Committee recommendations reflected its demands, the U.S. delegation put forth several draft resolutions before withdrawing from UNESCO calling for major structural reform, as well as changes in financial management and administration.

The U.S. withdrawal threw UNESCO into crisis. The organization was faced with the necessity of completing its 1984-1985 biennium without one quarter of the second year's assessed budget. Cuts in programs and program services, along with requests for economic assistance from the organization's members, were employed.

Literature Review

Various interpretations of the rationale for the U.S. decision to leave UNESCO populate the literature. A review of the literature reveals a wide range of explanations for U.S. policy. Some scholars point to a variety of explanations, including fundamental changes in the international system, the adoption

of a strict unilateral U.S. foreign policy, ideological forces unleashed by the Reagan administration, and policy differences between UNESCO and the United States.

Declining U.S. Position in the World

A fundamental characteristic of the post-World War II era was the decolonization process, which resulted in the independence of scores of former colonies and their entry into the United Nations system. It became evident as early as the 1960's that the voting behavior of Third World states would complicate and even undermine the American leadership position in the United Nations. Not only did the newly independent states increasingly enjoy strength in voting numbers, but their agenda represented a sharp departure from the agenda of the United States. The resulting perceived or real decline in the U.S. position in the world is thus pointed to as a cause of American discontent with various multinational organizations, including UNESCO.

Preston, Herman and Schiller (1989) concur, noting that the U.S. backlash to UNESCO was a natural complement to what became known as the Reagan Doctrine, which they define as "an attempt to reverse any decline in U.S. influence wherever and whenever possible." Changes in the old world order were fundamentally redirecting the image and substance of the very multinational institutions in which the U.S. once felt very comfortable. Finger (1984: 20-21) remarks that with its Third World majority and its uninhibited rhetoric promoting the reregulation of the international order, UNESCO was obviously not the kind of club in which the U.S. could feel comfortable.

Aggressive Unilateralism

Sewell (2000) contends that American policy towards UNESCO during the 1980's was part of an overall strategy of aggressive unilateralism that paid little respect to existing international organizations, international law or the interests of other states in the system. The departure from UNESCO, therefore, was merely one component of a broader foreign policy agenda that entailed the invasion of Grenada, the shelling of Lebanon, the bombing of Libya and the mining of Nicaraguan harbors.

Ideology

The election of Ronald Reagan in 1980 marked the onset of a sustained period of ideologically-driven foreign policy. The president's rhetorical tone, his appointment of advisors, and his policies reflected a "crusading realpolitik" approach that took a decidedly negative view towards international institutions, particularly the United Nations.

A major influence on the Reagan foreign policy was the Heritage Foundation, a conservative think tank established in 1973. Wiarda (1996, 148) notes that "the Heritage Foundation expanded meteorically with the Reagan movement and then presidency." Heritage influenced the president on issues domestic and international, sending some 25 staffers into the Reagan administration. Ray and Schaap (1989) observe that the Heritage Foundation was one of the most significant movers and shakers in the campaign against UNESCO. Through various publications, Heritage assaulted UNESCO's policies, staff and practices. A 1982 publication criticized UNESCO's advocacy of the New International Economic Order as an effort to create a "world government."³ Later that year Heritage assaulted UNESCO's Director-General M'Bow for "leading the charge against western media and cultural projects."⁴ The report inferred that UNESCO's position on communications was closely aligned with the editorial policies of Moscow. Subsequent Heritage attacks further revealed the purely ideological drive behind its criticism of UNESCO, labeling supporters of the organization "Moscow-aligned radicals" and UNESCO's director-general as a former "student radical."⁵ By 1983 the Heritage Foundation was calling for an American withdrawal from UNESCO.

When the United States announced its intention to withdraw from UNESCO later that year, its behavior indicated little interest in securing the type of reform that it demanded in order to remain a member. The timing of the announcement, following the 1983 General Conference and two years before the next, meant that fundamental changes within the organization could not take place before the one-year timetable was exhausted. If the United States had sought genuine change in the organization, the American intentions and related demands would have been issued prior to the 1983 General Conference. By informing UNESCO after the meeting, the appearance of an ideologically-driven campaign to dislodge the U.S. from the organization is reinforced.

Issues

The literature indicates that not all scholars account for the U.S. departure from UNESCO by purely structural or ideological forces. Ray and Schaap (1989, xiv) conclude that it is necessary "...to understand the gulf that separated the realities of U.S. policy from the general, often greatly distorted, perceptions of that policy." They continue by noting that there were material threats to vested American interests in some of the positions advocated by UNESCO. As early as 1963, the United States voiced its consternation at UNESCO on policy issues. Assistant Secretary of State Battle testified to congress that there were "many parts of the UNESCO program with which we are heartily in disagreement." U.S. participation, he continued, was to be reviewed with "great care."⁶ Closer to withdrawal, David Stockman, director of the Office of Management and Budget during the Reagan administration, argued for a U.S. with-

drawal from UNESCO based on policy differences, most notably the organizations "pro-PLO policies and....support for measures limiting the free flow of information."

Three issues in particular—communications, Israel and reform—stand out in this regard. Sweeping world changes were making communications and the flow of information a new and critical area. Among them was the development of satellites and other high technology methods of instantaneous communications. Also significant was the growth in influence—outside the West—of the Non-Aligned Movement, which increasingly sought its own means of disseminating information. UNESCO issued in 1978 the Mass Media Declaration, which called for the "wider and better balanced dissemination of information" (Sussman and Sussman, 1986: 344, 349). That Declaration, on which the United States voted in favor, was later depicted as a threat to freedom of the press and the free flow of information. As a result, UNESCO-supported communications ventures were viewed with apprehension by Washington, which interpreted them as threats to U.S. interests. One such threat is exemplified by the U.S. State Department's objection to UN funding for the Inter Press Service (IPS), a Rome-based international wire service specializing in news from and about the Third World. The State Department's objections reflected a concern over the threat that IPS posed to American commercial interests. Adams and Goldbard (1981) argue that some of President Reagan's hostility towards UNESCO can be traced directly to the long-time opposition of Hollywood trade organizations to any foreign interference with media product importation.

A UNESCO-sponsored conference in 1981 raised an additional communications issue—the licensing of international journalists—that the United States opposed. While the aim of the conference was to protect journalists operating in war zones around the world, the conference was viewed as an attempt to control the free flow of information. The resulting Beard Amendment called for a cut-off of U.S. support for UNESCO "if that organization implements any policy or practice the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or among countries, or to impose mandatory codes of journalistic practice or ethics."⁷

Diallo (1984) raises the issue of UNESCO criticism of Israel as a source of U.S. discontent with the organization and its leadership. When Director-General René Maheu complained in 1970 that Israel was preventing the distribution of school books in the occupied territories, Washington responded critically. The relationship between UNESCO and Israel, and by extension UNESCO and the United States, continued to cool when UNESCO criticized Israel's archaeological policies in Jerusalem and eventually (1974-76) refused to include Israel in any of its regional groupings. A series of "anti-Israeli" UNESCO resolutions passed in 1974, further cooling relations between the organization and Washington.

Clearly, UNESCO was not the only United Nations agency critical of Israeli practices. Nor was it the only UN agency criticized by the U.S. for its treatment of Israel. Riggs and Plano (1994, 213) note that, in addition to UNESCO, the International Labor Organization was singled out by Washington for "using its forum to penalize Israel for actions that had little to do with labor standards and in granting observer status to the Palestine Liberation Organization." In fact, during the 1970s and 1980s virtually every United Nations agency, committee, and body included Israeli (and South African, for that matter) practices on their agendas. As such, while one may conclude that U.S. complaints about UNESCO criticisms of Israel and its practices in the territories, it must be noted that such criticisms were widespread in the United Nations system.

The decision, however, to exclude Israel from a regional grouping differentiated UNESCO from other UN bodies and agencies. The exclusion of Israel struck a responsive and negative chord in the United States, resulting in a Congressional ban on further U.S. funding to UNESCO until the Israeli exclusion was resolved.

The third issue area that created animosity between Washington and UNESCO was that of reform. Two areas in particular—budget and leadership—were emphasized. Since the 1970s the United States complained that budgetary increases at UNESCO were counterproductive until the organization's director-general and staff demonstrated greater spending restraint and the council and general conference held UNESCO's leadership more accountable. The United States further complained that UNESCO spent too much money at its headquarters in Paris, where roughly 75% of the organization's budget was allocated. A general demand for reform of the organization was made by the U.S., one resulting in a more efficient, streamlined, and productive staff. The leadership issue revolved around the organization's director general, Amadou-Mahtar M'Bow, who was under attack virtually from the time he took office in November of 1974. According to Meisler (1995, 233), M'Bow "...caught the imperious disease afflicting many of the all-powerful UN agency directors." He ordered the construction of a lavish penthouse for himself on top of UNESCO's headquarters, courted the loyalty of the organization's Third World members, and dealt harshly with dissent. Critics accused M'Bow of mismanagement and nepotism. The U.S. General Accounting Office's finding of lax supervision, inadequate control of the payroll, and over concentration of power in the hands of M'Bow strengthened the American position.

Responding to U.S. Reluctance to Participate

While the scholarly literature relating to U.S.-UN relations is populated with explanations of U.S. policy towards the United Nations and the impact of U.S. policy on the UN, an equally important area of consideration relates to UN

policy towards the United States. The central question raised is "How can the United Nations encourage more consistent and complete participation by the United States?" To begin to answer this question, a consideration of UNESCO's efforts to secure the return of the United States to the organization is provided. Lessons learned from UNESCO's strategy can then be applied to the United Nations in general in its efforts to achieve greater American participation in the UN system. Three strategy options—adaptive cooperation, coercive confrontation, and enticement—were available to UNESCO in its efforts to secure the return of the United States. Each option is described respectively.

Adaptive Cooperation

The adaptive cooperation strategy is based upon the assumption that negotiable policy differences outlined by the United States are at the core of U.S. policy towards UNESCO. Policy complaints by the U.S. are taken at face value, believed to be genuine. As such, the most logical means of securing a return of the United States to UNESCO is to align, where feasible, UNESCO policy with U.S. policy demands. Adaptive cooperation, as the strategy name implies, requires the organization to change in ways that will be met with approval in Washington.

Immediately after the U.S. announcement of its intent to withdraw, UNESCO adopted the adaptive cooperation strategy. The United States was allowed unprecedented access to UNESCO's chief decision-making body and Americans were consistently hired as short-term advisors to the organization. On the policy front, criticism of Israel was reduced and in 1992 a Conference on Intolerance was viewed by some observers as a UNESCO effort to clearly distance itself from previous criticism of the U.S. ally.

In terms of internal reform, the budget was tightened and an enhanced coordination of UNESCO activities was established. As a direct result of the loss of American dues, UNESCO experienced a 14% decline in the real growth rate of its 1986-87 biennium budget.⁸ The greatest concession to American demands took place at the top of the organization, when M'Bow—the target of consistent attack from Washington—was replaced by Federico Mayor, a Spanish intellectual with impeccable relations with the United States.

On the communications issue, the controversial New World Information Order (NWIO), which was sharply denounced by the United States as a means of restricting free and unfettered reporting, was voted by its congress out of existence at the urging of Director General Mayor. The call for licensing reporters was abandoned, replaced in 1989 by the director general's "New Strategy" for communications, which was anchored by the principle of freedom of the press. The Windhoek Declaration of 3 May 1991 declared that "an independent pluralistic, free press was essential for democracy.

The concessions made by UNESCO following the U.S. withdrawal bore fruit in 1993, when American reentry seemed likely. A General Accounting Office report confirmed a demonstrated commitment by UNESCO to management reform, noting "excellent progress" by the organization in 8 of 12 areas cited by critics.⁹ The report concluded that joining UNESCO would advance U.S. foreign and domestic policy interests. A speech by Federico Mayor the previous year underscored the organization's view that changes that UNESCO had made since 1984 were sufficient to gain American reentry:

"The U.S. withdrew from UNESCO in 1984 because some felt that the organization had departed from its original goals. Those reasons for withdrawal no longer exist, and have not existed now for at least four years."¹⁰

A resolution was then introduced in the House of Representatives that called for the Clinton administration to return the country to full and active membership in UNESCO before 1993 was over. The resolution, sponsored by representative Esteban E. Torres, a former ambassador and U.S. permanent representative to UNESCO during the Carter administration, listed the concessions made by the organization to meet American demands stated at the time of its withdrawal:

- (1) election of new leadership,
- (2) tightened financial controls and strategic planning,
- (3) reduced staff and budget,
- (4) renewed professionalism,
- (5) restored recognition of intellectual property,
- (6) return to the principle of an unfettered, independent international press.

A task force appointed by president Clinton then recommended that the U.S. revive membership, with a targeted reentry date of October 1995. In response to the positive actions taken by the United States, UNESCO allocated \$35 million in its 1994-95 budget "to promote the free flow of information at international and national levels, press freedom and an independent pluralistic media...without any obstacle to freedom of expression."

By the close of 1993 all indications were that the adaptive cooperation strategy had paid off, with an American reentry widely expected. The November 1994 Republican landslide victory in the Congress, however, effectively ended hopes of a change in U.S. policy towards UNESCO. Reeling from his party's defeat in the midterm elections, president Clinton's administration fell silent on the potentially controversial issue of American membership in UNESCO. While successful in bringing the United States to the brink of reentry, the adaptive cooperative strategy ultimately failed as a result of the changing political landscape in the United States. UNESCO officials were left to pick up the pieces of their decade-long attempt to secure American reentry and, ultimately, adopt a different strategy.

Coercive Confrontation

A coercive confrontation strategy operates on a different set of assumptions about the U.S. position on UNESCO. According to this approach, American public concerns over issue differences are not genuine, rather they are mere rhetorical cover for more deeply entrenched resentment towards the organization. As such, it is assumed that concessions by UNESCO would only be met with increasing demands for change. Not only would concessions by UNESCO fail to secure American reentry, but they would undermine the integrity of the organization by dividing its membership on the redirection of its policy stances and activities.

The coercive confrontation strategy entails an overt distancing of the organization from the United States, in order to consolidate the consensus of the existing membership on policy and activities. Access to the organization would be greatly limited, even terminated, and U.S. demands for change would be dismissed. Clearly, the coercive confrontation strategy is the riskiest approach, possibly entailing a long-term discord between Washington and UNESCO regardless of future U.S. leadership. While the coercive confrontation strategy remained a viable recourse to U.S. resistance to rejoin the organization, the risks associated with a hostile approach simply outweighed the likely benefits. An alternative strategy was, thus, employed.

Enticement

An enticement strategy falls between the two extremes represented by cooperation and confrontation. At the heart of this strategy is the assumption that membership in UNESCO offers more to the United States than nonmembership. Based on a rational cost-benefit assessment, the enticement strategy assumes that an objective review of the costs and benefits of U.S. membership will be positive, and thus met with a decision to return to the organization.

What UNESCO has to offer the United States, in particular, and other states, in general, includes:

- (1) UNESCO is the preeminent vehicle for international cooperative work on global scientific problems, a forum for discussion of emerging ideas and forming cooperative research networks;
- (2) UNESCO provides to the U.S. the opportunities to present U.S. technology to other nations, thus promoting sales of U.S. expertise, instruments and tools; and the opportunity to evaluate the level of technology available in other countries;
- (3) UNESCO provides access to important research localities, expertise, facilities and other resources; access to research data generated from

international projects; sharing of costs and expensive instruments needed for large-scale, international scientific efforts, and scientific and technical assistance to LDCs;

- (4) The Education for All program is working to eliminate illiteracy among the nearly one billion people who are illiterate;
- (5) In the cultural area, UNESCO supports translations into English of works that contribute to an understanding of the history, intellectual achievement and social development of other cultures from antiquity to the present;
- (6) UNESCO supports archaeological projects where sites are threatened by destruction or deterioration;
- (7) Trafficking in stolen art is curtailed by the UNESCO work on conventions on stolen cultural property; and
- (8) In communications, UNESCO is an important international forum for discussion of issues such as the freedom of the press where the U.S. can make its views known and mitigate against the development of restrictive covenants by other nations.¹¹

The enticement strategy is a low-risk, long-term approach. A central advantage of this strategy is that it does not require UNESCO to make the type of policy and reform changes that would create tensions within its membership ranks. It pursues its activities void of American pressure to change yet holds out the open invitation to the U.S. to return when its interests dictate. Since pressure is not directed towards the U.S., as is the case with both the adaptive cooperation and coercive confrontation strategies, the desired American return would likely take much longer to come about. As such, an important component of the enticement strategy is the ability of the organization to survive financially and politically until the United States elects to return. On the financial side of the equation, UNESCO countered the loss of American and British contributions, roughly 30% of the organization's budget in 1984, in three ways. First, UNESCO increased dues assessments to its existing member states, particularly Germany, Italy and France. Second, UNESCO reduced its budget through reform measures and program reductions.¹² Finally, UNESCO more successfully secured "extrabudgetary funds," composed of assistance from other United Nations bodies and voluntary contributions by its member states beyond their assessed dues.¹³ Reliance upon extrabudgetary funds has long been a strategy employed by UNESCO, as indicated in Table 1. The data indicate that the long-term growth in extrabudgetary funds received by UNESCO increased in the aftermath of the U.S. and British departures in 1984. UNESCO's success in alleviating the financial crisis resulting from the loss of its two largest members through alternative sources of funding was an essential supporting element of this strategy.

Table 1
UNESCO's Extrabudgetary Funds (in millions U.S. Dollars):
1950 to 1990.

Extrabudgetary Funds Per Decade					
Year	1950	1960	1970	1980	1990
Funds	-0-	4.5	37	90	108.3

Source: UNESCO 1945-1992: A Fact Sheet (ARC.92/WS/1), p. 2.

Further, such a policy serves to separate the link forged between Washington and London when both states quit the organization. UNESCO's adoption of the concessions strategy for the first decade of American and British non-membership allowed the two states to closely align and even coordinate their return policies. The United Kingdom officially stated that its return would be contingent upon the return of the United States, which only placed greater pressure on UNESCO to make the necessary concessions to Washington in order to secure the return of its two largest contributing members. Once the enticement policy was adopted, the prospect of a "separate peace" with London became an option for the organization. When the more conservative British leadership was replaced by a more liberal Tony Blair, the return of the United Kingdom to full UNESCO membership was attained—marking a major victory for the organization. The return of the United Kingdom puts the United States in an increasingly uncomfortable position on the outside of the organization. The adoption of the enticement strategy by UNESCO since 1994 has reduced the feeling of urgency that was all too common before, and the resulting solid financial standing of the organization today allows UNESCO to implement its enticement strategy over the long-term.

Conclusion

The utility of the strategies described above, of course, cannot be definitively stated. Seventeen years after departing from the organization, the United States remains resistant to change its membership status. There are indications, however, that the United States may be gravitating towards reentry. Its full participation in the World Conference on Science, organized by UNESCO, in 1999 was viewed as a positive sign by the Paris-based organization. The ability of UNESCO to clearly state the important role that it can play in the resolution of key regional conflicts further heightens its status in world politics. By considering the strategies employed by the United Nations Education, Scientific, and Cultural Organization aimed at securing full American participation

in that organization, this paper has sought a fuller understanding of U.S.-UNESCO relations. In addition, the subject matter of this paper is applicable to the United Nations system in general. As U.S. unwillingness to fully support the United Nations, either militarily in the peacekeeping realm or financially in terms of dues payments, the UN's approach to dealing with American reluctance has evolved, as has UNESCO's, over time.

The initial strategy employed by the United Nations in dealing with American intransigence fits the adaptive cooperation model. American concerns over inefficiency and demands for reform were acted upon, albeit with skepticism from many corners of the UN system. The work of Javier Perez de Cuellar's under-secretary general, Ronald I. Spiers, on the reform issue reflected an acceptance of the American criticisms and demands for change. A restructuring of the top posts in New York soon followed, including the creation of a powerful new post—under-secretary-general for administration and management—which was filled by American, Joseph E. Connor. UN members, as well, acted in ways consistent with the adaptive cooperation strategy. In response to the budget crisis of the mid-1980s, and American demands for greater control over financial decision making, the Group of 18 developed a compromise that gave the major donors increased power to review programs and establish priorities for use of financial resources. The 21 member Committee for Program and Coordination (CPC) would review budgetary expenditures and send them on to the Advisory Committee on Administration and Budgetary Questions (ACABQ), and finally to the General Assembly as a whole. The key component to budgetary reform was that consensus voting at the CPC gave the United States and other major donors a virtual veto over budgetary questions, without technically altering the one-state, one-vote decision system.¹⁴ Over time the inability of the United Nations to secure full American participation in the UN led to the adoption of a different strategy.

A coercive confrontation strategy was adopted by Secretary General Boutros Boutros-Ghali in the 1990s. Having concluded that meeting American demands for change would only lead to more demands for change, Secretary General Boutros-Ghali confronted the United States rhetorically and through decision making. With unilateral statements, speeches to the U.S. Congress, and appointments of key personnel, Boutros-Ghali distanced the organization from the United States. His statement to Congress that the United States was merely one of 185 members of his "board of directors" and his infamous finger waving exercise on the floor of the Security Council demonstrated his resentment towards Washington's demands and policies. His assignment of Russian Vladimir Petrovsky as under-secretary general to the thirty-eighth floor of the Secretariat, an office traditionally held by an American, was a symbolic rejection of the U.S. refusal to support the organization.

The risks of a coercive confrontation strategy in dealing with the United States became readily apparent when, in 1996, Washington announced its inten-

tion to block Boutros-Ghali's reappointment as secretary general. While the U.S. policy towards the secretary general was influenced greatly by the presidential elections of 1996, the U.S. was also reacting to the more conflictual strategy adopted by Secretary General Boutros-Ghali. Thus Boutros-Ghali's departure marked an end of the coercive confrontation strategy and the adoption of the enticement strategy by the organization.

The election of Kofi Annan in 1997, therefore, marked a change in strategy towards the United States. Not willing to either concede American demands for change across the board or confront the Americans over UN participation, Secretary General Annan adopted the enticement strategy. Through a massive reform and reorganization effort, Annan sought to position the United Nations as a cost-effective opportunity for the United States to attain its goals in the international arena, without succumbing to unreasonable American demands. His success in securing outside funding, most notably the \$1 billion gift by Ted Turner, reflects this strategy's financial stability principle.

While the secretary general's shift in strategy towards dealing with the United States was clearly made by the actions of its new secretary general, member states have been more reluctant to jettison the coercive confrontation strategy. In key decisions, UN members have sought to punish the U.S. for its refusal to pay its outstanding arrears to the organization. The United States, for example, was voted off the influential Advisory Committee on Administration and Budgetary Questions (ACABQ). Further, European Union members cited dues arrears in challenging an anticipated American candidate to succeed retiring American Gustave Speth as head of the United Nations Development Program (UNDP). The dispute over the administrative head of UNDP was diffused when Speth was appointed to a second four-year term in 1997. The point made by the Europeans, however, was well taken as American contributions to UNDP, which had steadily fallen in the mid-1990s, were significantly increased by Washington. Leadership appointments by the secretary general in top management posts, and the extent to which member states challenge American candidates, may well settle the debate over the most appropriate strategy to be employed by the United Nations in its efforts to attain full U.S. support for the organization.

As the United Nations enters the 21st century, securing the full participation by its most powerful and influential member-state is a primary goal of the organization. Without such support, the United Nations will not be able to pursue a full agenda and respond to the varying demands placed upon it by a turbulent international community. While a UN consensus over which strategy will most effectively bring about full American participation is not in place, it is clear that the United Nations has at its disposal a number of competing strategies from which to select.

Notes

An earlier version of this paper was presented at the annual meeting of the International Studies Association-South, Lexington, Kentucky, November 12-14, 1999. The author would like to thank Dr. Thomas Forestenzer, Executive Office of UNESCO, for his assistance with this paper. Interviews with Dr. Forestenzer, which took place at the Paris headquarters of UNESCO in June, 1999, were supported by a research grant provided by the College of Arts and Letters, Florida Atlantic University. Author remains liable for all errors.

- 1 Contending that UNESCO represents a microcosm of the United Nations and its relationship with the United States may be an overstatement, as pointed out by an anonymous reviewer of this article. At the same time, for the reasons explained here, the UNESCO experience in dealing with American demands for reform, along with the departure of the U.S. from the organization, make it a logical case study for broader UN-US relations. Coate's (1988) use of UNESCO as a case study to explore U.S. multilateral participation further substantiates this contention.
- 2 George P. Shultz to Amadou-Mahtar M'Bow, December 28, 1983, MS Copy, UNESCO Liaison Office, NY.
- 3 "For UNESCO, A Failing Grade in Education," *Backgrounder*, Number 221, October 1982.
- 4 "UNESCO, Where Culture Becomes Propaganda," *Backgrounder*, Number 233, December 1982.
- 5 See, "The IPDC: UNESCO vs. The Free Press," *Backgrounder*, Number 253, March 1983.
- 6 Senate Foreign Relations Committee, "Activities and Procedures of UNESCO," pp.1-3, 19-22, 32.
- 7 Beard Amendment, Section 109 of the State Department Authorization Act for fiscal year 1982-83, PL 97-241.
- 8 *UNESCO: Status of Improvements in Management, Personnel, Financial, and Budgeting Practices*, United States General Accounting Office Report to Congressional Requesters, June 1992, GAO/NSIAD-92-172.
- 9 GAO Report, United States General Accounting Office Report to Congressional Requesters, June 1992, GAO/NSIAD-92-172.
- 10 Statement reprinted in Editor and Publisher, vol. 125, no. 51, p. 13, 19 December 1992.
- 11 "How UNESCO Participation Benefits the U.S." Two-page manuscript based on documents submitted to the U.S. State Department by agencies of the U.S. government and by non-governmental organizations, undated, pp. 1-2.
- 12 Between 1984 and 1991, to cite one reform example, UNESCO's staff was reduced from 3,327 to 2,696, a reduction of nearly 20%. See, GAO Report (1992), table 5.1, p. 39.
- 13 Such UN bodies include UNDP (Development Programme), UNEP (Environment Programme), UNFPA (Population Activities), UNFSSD (Science and Technology Development), UNFDAC (Drug Abuse Control), WFP (World Food Programme), the World Bank and regional development banks.
- 14 Karen A Mingst and Margaret P. Karns, *The United Nations in the Post-Cold War Era* Boulder, CO: Westview Press, 1995, p.149.

References

- Abi-Saab, Georges. 1981. *The Concept of International Organization*. Paris, France: UNESCO Press.
- Adams, Don, and Arlene Goldbard. 1981. "Gentlemen's Agreement: The U.S. and World Cultural Policy." *Cultural Democracy*, no. 17.
- Archer, Clive. 1992. *International Organizations*, 2nd ed. London: Routledge Press.
- Claude, Inis L., Jr. 1984. *Swords into Plowshares*, 4th ed. NY: McGraw-Hill, Inc.
- Coate, Roger A. 1987. "Changing Patterns of Conflict: The US and UNESCO." Presented at the United States Participation on International Organization Conferences, Wingspread Racine, WI, January 28-30.
- Coate, Roger A. 1988. *Unilateralism, Ideology, and U.S. Foreign Policy: The United States In and Out of UNESCO*. Boulder, CO.: Lynne Rienner Publishers.
- Coate, Roger A., ed. 1994. *U.S. Policy and the Future of the United Nations*. NY: The Twentieth Century Fund Press.
- Diallo, Siradiou. 1984. "L'acharnement de Washington." *Jeune Afrique*, December 26.
- Diehl, Paul F. 1989. *The Politics of International Organizations: Patterns and Insights*. Chicago: The Dorsey Press.
- Durch, William J., ed. 1996. *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s*. NY: St. Martin's Press.
- Finger, Seymour Maxwell. 1984. "Reform or Withdrawal." *Foreign Service Journal* (June): 18-23.
- Finkelstein, Lawrence S. 1984. "The Political Role of the Director-General of UNESCO." Presented at the annual meeting of the International Studies Association-West, Denver, CO, October 25.
- Garcia, Ruperto. 1984. "A Trial Balloon at UNESCO." *Texas Observer*, February 10.
- Gilliam, Angela. 1985. "Showdown at UNESCO: The Reagan Administration Confronts the Third World." *Freedomways*, Second Quarter:90-94.
- Hoggart, Richard. 1978. *An Idea and Its Servants: UNESCO from Within*. NY: Oxford University Press.
- Kratochwil, Friedrich, and Edward D. Mansfield, eds. 1994. *International Organization: A Reader*. NY: Harper Collins.
- Laves, Walter. 1953. *UNESCO and Economic Development*. USNC, June 10.
- MacBride, Sean. 1984. *Many Voices, One World: Toward a New More Just and Efficient World Information and Communication Order. Report by the International Commission for the Study of Communication Problems*, abridged ed. NY: UNESCO Press.
- MacBride, Sean. 1989. *Preface to Preston, Herman and Schiller, Hope and Folly: the United States and UNESCO, 1945-1985*. Minneapolis: University of Minnesota Press.
- Meisler, Stanley. 1995. *United Nations: The First Fifty Years*. NY: The Atlantic Monthly Press.
- Mingst, Karen A., and Margaret P. Karns. 1995. *The United Nations in the Post-Cold War Era*. Boulder, CO: Westview Press.
- Muldoon, James P. Jr., JoAnn F. Aviel, Richard Reitano, and Earl Sullivan, eds. 1999. *Multilateral Diplomacy and the United Nations Today*. Boulder, CO: Westview Press.

- Nordenstreng, Kaarle, and Lauri Hannikainen. 1984. *The Mass Media Declaration of UNESCO*. Norwood, N.J.: Ablex Publishers.
- Preston, William, Jr., Edward S. Herman, and Herbert I. Schiller, eds. 1989. *Hope and Folly: the United States and UNESCO, 1945-1985*. Minneapolis: University of Minnesota Press.
- Ray, Ellen, and William Schaap. 1989. "Introduction." In *Hope and Folly: the United States and UNESCO, 1945-1985*, ed. William Preston, Jr., Edward S. Herman, and Herbert I. Schiller. Minneapolis: University of Minnesota Press.
- Riggs, Robert E., and Jack C. Plano. 1994. *The United Nations: International Organization and World Politics*, 2nd ed. Belmont, CA: Wadsworth Press.
- Roach, Colleen. 1986. "Context and Contradictions of the United States Position on the New World Information and Communication Order." Presented at the Fifteenth International Association for Mass Communication Research, General Assembly and Conference, New Delhi, India, August 25-29.
- Roberts, Adam, and Benedict Kingsbury. 1994. *United Nations, Divided World*. Oxford: Oxford University Press.
- Sathyamurthy, T.V. 1964. *The Politics of International Cooperation: Contrasting Conceptions of UNESCO*. Geneva: Librairie Droz.
- Sewell, James P. 1975. *UNESCO and World Politics: Engaging in International Relations*. Princeton: Princeton University Press.
- Sewell, James P., ed. 2000. *Multilateralism in Multinational Perspectives: Viewpoints from Different Languages and Literatures*. Tokyo, Japan: United Nations University Press.
- Shuster, George N. 1963. *UNESCO: Assessment and Promise*. NY: Harper & Row Publishers.
- Simai, Mihaly. 1994. *The Future of Global Governance: Managing Risk and Change in the International System*. Washington: United States Institute of Peace.
- Sussman, Leonard R., and David W. Sussman. 1986. "Mass News Media and International Law." *International Political Science Review* 7: 3 (July).
- United States General Accounting Office. 1992. *UNESCO: Status of Improvements in Management, Personnel, Financial, and Budgeting Practices, GAO/NSIAD-92-172*.
- U.S. Congress, House Committee on Foreign Affairs, 99th Congress, 1st Session. 1985. *Assessment of U.S.-UNESCO Relations, 1984: Report of a Staff Study Mission to Paris-UNESCO*. Washington: Government Printing Office.
- Weiss, Thomas G., David P. Forsythe, and Roger A. Coate. *The United Nations and Changing World Politics*, second edition. Boulder, CO: Westview Press.
- Wiarda, Howard J. 1996. *American Foreign Policy: Actors and Processes*. NY: Harper Collins.
- Yoder, Amos. 1997. *The Evolution of the United Nations System*, 3rd ed. NY: Taylor & Francis.
- Young, Oran R., ed. 1997. *Global Governance*. Cambridge, MA: The MIT Press.

THE GUARDIAN STATE AGAINST CIVIL SOCIETY: THE MILITARY AND DEMOCRACY IN TURKEY

Thomas Jay Nisley

This paper examines democracy and civil-military relations in Turkey. A discussion on the military's role in politics is followed by an examination of military interventions of 1960, 1971, and 1980. This paper argues that with each intervention the military's autonomy has grown stronger, and it has continued to strengthen its position vis-à-vis other state institutions and the civil society. The recent (1997) "soft coup" against the Islamic Welfare Party (WP) in Turkey will support the argument of this paper. This case shows a legitimate political party being forced from power and legally barred from political activity because it represented an ideological viewpoint counter to the military's.

Introduction

The military has intervened in Turkish politics to topple a sitting government four times since the founding of the Turkish Republic in 1923. With each intervention the military as an autonomous state institution has grown stronger. The most recent intervention, the so called "soft coup" of 1997 against the Islamic Welfare Party (WP), demonstrates the power of the military to exercise ultimate authority without having to resort to overt force.

This study first addresses democracy and democratic consolidation and the need for a civil society and argues that Turkey has not achieved the standard of democracy, and given the current civil-military relations it is not likely to reach consolidation. Second, theoretical perspectives on civil-military relations are discussed as well as an explanation of how Turkey does not fit the standard models. Next, a brief historical background on the development of the Kemalist state of Turkey is presented. The role of the military in politics is discussed and a brief examination of the military interventions of 1960, 1971, and 1980 is covered. With each subsequent intervention the military as an autonomous state institution has only grown stronger, and it has continued to strengthen its position vis-à-vis other state institutions and the civil society. As a case supporting this argument, the recent "soft coup" against the Islamic Welfare Party (WP) in Turkey will be examined. Here we find a legitimate political party being forced

Thomas Jay Nisley is a Ph.D. candidate in political science at the University of Florida, Gainesville, Florida. He teaches introductory classes in international relations at the University of Florida. His area of interest is the democratic focus of foreign policy.

from power and legally barred from political activity because it represented an ideological viewpoint counter to the military's image of the Republic of Turkey. The causes of military coups will not be examined, although economic instability appears to proceed as a condition of each coup. What is important is to understand how the military looms as the ultimate arbitrator of ideas in the Republic. Although it has not historically sought a continuous rule, returning power to civilian authority after each coup, the military has remained the ultimate authority in Turkey. Turkish democracy is a government for the people and by the people, but only if the military agrees.

Democracy and Democratic Consolidation

Democracy represents a method for the allocation of power and resources throughout society by procedures that respect the immutability of basic human rights. As Robert Dahl has shown in his seminal text *Polyarchy*, a responsive democracy exists if at least eight institutional guarantees are present:

- (1) Freedom to form and join organizations;
- (2) Freedom of expression;
- (3) The right to vote;
- (4) Eligibility for public office;
- (5) The right of political leaders to compete for support and votes;
- (6) Available alternative sources of information;
- (7) Free and Fair elections; and
- (8) Institutions for making government policies that depend on votes and other expressions of preference (Dahl 1971, 3).

We find encompassed in these guarantees the right and necessity of civil society for a functioning democracy. Civil society subsumes all organized activity autonomous from state institutions. Freedom of organization allows for the development of civic groups. Freedom of expression and the right to vote allows for the transmission of civic interests and ideas to the wider society. By allowing all to be eligible for public office, and mandating the need to gather support and votes, individuals and groups are compelled in a competition of ideas facilitated through the availability of alternative information. Finally through free and fair elections, ideas and agendas are given the opportunity to be implemented into policy through state or government institutions. The continuation of government policies rests on the continued preference of the society as expressed through the electoral process. These are the rules of the game in a democratic society. Democracy is consolidated when democratic practices are accepted as the only means of governance. As Przeworski states, democratic consolidation occurs "when a particular system becomes the only game in town, when no one can imagine acting outside the democratic institutions, when all the

losers want to do is to try again within the same institutions under which they have just lost" (Przeworski 1991, 26).

The Republic of Turkey is a state with an institution constructed to counter autonomous development within the civil society. The military in Turkey represents the paramount state institution designed to control and limit the civil society. Although Turkey exhibits many characteristics of democracy as defined above, it should not be considered democratic as long as its institutional arrangements counter responsive democracy. The Turkish military allows elections and the competition for political support, however, any group that presents an alternative to the founding ideology of the Turkish Republic, is considered a threat and forced out of the political arena. In an oxymoronic manner we may best describe Turkey as a "military democracy." With every intervention of the military into politics, the establishment of a fully democratic republic in Turkey grows further from reality.

Some scholar's have declared Turkey as an exemplar of the process of democratic consolidation. The widely acclaimed World Bank publication *Voting for Reform*, touts macroeconomic adjustment and economic growth as ends to achieve. Democracy and political liberalization are instruments to accomplish the end of economic growth and stability. In a chapter on Turkey in *Voting for Reform*, Önis and Webb present Turkey as a successful model in the World Bank paradigm. Turkey represents economic reform through the control of politics. The authors naively proclaim that "Turkey's transition to democracy was controlled from above, as the military and the succeeding governments gradually broadened the scope for popular participation in politics" (Önis and Webb 1994, 128).

Democratic transitions controlled from above are not fully transitions until the forces that moderated the transition cease to exist as dominant actors. Democratic transitions can be controlled, however, the very nature of rule by an exogenous group to the political process is antithetical to democracy and political liberalization. In Turkey, the military embodies the group that controls the society and enforces its conception of the proper course of history for Turkey. The military bans and suppresses political parties or groups that advance any conception of the Turkish state that counters that of the military. The Turkish Armed Forces continue to control democracy from above.

Since the paternalistic power of the military remains embodied in the state, Turkey will never achieve a consolidated democratic transition. Although lauded as contributing to economic success, Turkey's "military democracy" is not impressive as an engine of growth, and less impressive in the sphere of social justice and respect for human rights. Turkey's real growth rate has been unstable with periods of high growth followed by periods of low or negative growth. Inflation has remained in double digits for the last 20 years. In the last 10 years, the inflation rate has yet to drop below 60%, making life difficult for

those in the working and middle classes who cannot easily find means to hedge against inflation.

Turkey's poor record on human rights exceeds the dismal economic conditions. The 13 million ethnic Kurds in Turkey are denied their ethnic identity and language.¹ For more than a decade the military has waged a war against separatist Kurds in the Kurdistan Workers Party (PKK). The military's counter-insurgency operations have taken on the characteristics of a "dirty war" with the operation of state-sponsored death squads. In the last 10 years more than 3,500 unsolved killings have been committed in the southeastern part of the country (Kinzer 1996, 1). The effort against the Kurds has allowed the government to operate an antiterrorist law broad enough to encompass crimes of opinion. It is reported that Turkey holds one of the highest numbers of writers, journalists, and intellectuals behind bars (Wilde and Swanson 1998, 14).

Civil-Military Relations

For governance, the subordination of the military to political authority remains an issue of concern. It is of special concern for democratic political regimes. Civilian control of the military is essential for a democracy to maintain its characteristics. "The military is, by necessity, among the least democratic institutions in human experience; martial customs and procedures clash by nature with individual freedom and civil liberty, the highest values in democratic societies" (Kohn 1997, 141). The closer the involvement of military forces in the governing process, the less likely that a state will maintain free institutions. The standard model of civil-military relations coming out of the Anglo-American tradition is that of separation with civilian supremacy. The maximization of civilian supremacy is carried out through the professionalization of the armed forces. This creates a sphere of autonomy in which civilian groups would not seek to maximize their power by involving the military in political activity (see Huntington 1957). The military places its interests on external threats in which a degree of autonomy exists in military matters.²

The antithesis of the civilian separation model is the praetorian model. In the praetorian model the military actively seeks to undermine civilian authority and destroy the civilian-military boundaries. In its extreme form we find the development of military government. Praetorian societies remain locked in a vicious cycle. The praetorian society suppresses the civil society and obstructs the development of political institutions for the civil society's expression. The lack of effective political institutions obstructs the development of the civil society. "As a result, strong tendencies exist in a praetorian society encouraging it to remain in that condition" (Huntington 1968, 237).

The concordance model breaches the divide between the separation and praetorian models (Schiff 1995). The concordance model regards the military,

the political leadership and the citizenry as partners. Israel provides the exemplar of the concordance model. Israel has a powerful and active military, yet has never experienced domestic military intervention (Schiff 1995, 17). Schiff suggests the lack of a clear distinction between civilian and military spheres creates the sense of partnership. All Israelis (with some exceptions) are required to spend a significant part of their lives in the Israeli Defense Forces (IDF). Because of this universal military service, many political leaders are former military leaders.³ The concordance model allows for democratic governance without a clearly demarcated boundary between the civilian and military spheres.

The Turkish armed forces do not fit into any of these models. The multiple military interventions rule out the separation model. The internal insurgency by the PPK exacerbates this tendency, yet military interventions predate the Kurdish insurrection. Nevertheless, we cannot classify the military as praetorian since it has not tried to usurp civilian authority or destroy the civil-military boundaries creating a military government (Sakallioglu 1997, 153). The concordance model also does not apply. The military views itself as above the political fray and as an apolitical autonomous organization entrusted with the guardianship of the national interest.

The military has never discredited itself as an institution. By returning rule to civilian authorities after each intervention the armed forces have never saddled themselves with the burden of governance and thus have never been blamed for malfeasance of political rule. As a fighting force, they have yet to suffer a major military defeat since the founding of the Turkish Republic. The Turkish armed forces have fared well in their skirmishes with Greek forces and in the internal conflict against the PPK.

Civil-military relations in Turkey fit a pattern of guardianship. Recruitment within the Turkish armed forces is internally generated coming from the sons of military personnel and civil servants, which has helped to perpetuate the guardianship commitment (Sakallioglu 1997, 154-55). Much like the priesthood charged with maintaining the religious order, the military takes the responsibility to maintain the ideology of Kemalism. However, this guardianship, like a praetorian society, over time has acted in retarding political development of Turkish society. In essence, all fundamental political decisions are decided outside the political process "the role of politicians is limited to the distribution of material benefits which leads to populist appeals at election time" (Çandar 1999, 138). The responsibility for failure in the political system rests with the civilian political leaders.

Development of the Kemalist State

The Republic of Turkey arose from the ashes of the collapsed structure of the Ottoman Empire following the carnage of the First World War. Mustafa

Kemal, a military officer and hero of the stand against the Allies at Gallipoli, emerged as the leader in the Turkish War of Independence (1919-23). Mustafa Kemal (later named Atatürk or father Turk) gathered the Ottoman Empire's Turkish core, Anatolia and a small part of Thrace, to form the first Turkish Republic. Kemal Atatürk emerged as the founder and first ruler of modern Turkey; moreover, his legacy has served as a source of inspiration and ideological guidance for the Republic. "No other non-socialist leader in the world has commanded such sustained respect and affection for so long after their death as has Mustafa Kemal Atatürk from the Turkish people. The designation 'the Turkish Republic' is almost identical with the personality and legacy of this formidable soldier-turned-statesman" (Ali Birand 1987, 8). Kemalism became the orthodox ideology of the Republic of Turkey, and the military, where Kemal emerged, became the ultimate guardian of the ideology.

Kemal Atatürk set out to modernize Turkey and reorient the nation toward the West. The Kemalist movement (which became the Republican Peoples Party, RPP) developed fundamental tenets that became the heart of Kemalism and the official ideology. First and foremost, Kemalism established a strict separation between the political elite and the armed forces. Although most of the early leaders of the Republic came from the ranks of the military, they clearly wanted to separate the two spheres. It is from this tradition that we find the military's unwillingness to establish any permanent military regimes. The Constitution of 1923 subsumed the military under civilian authority. Kemal himself was clear in his thinking that the military should not be involved in day to day political activities, instead, military personnel must dedicate themselves to a higher and separate duty. During a speech in 1927, Kemal addressed the military stating:

Commanders, while thinking of and carrying out the duties and requirements of the army must take care not to let political consideration influence their judgment. They must not forget that there are other officials whose duty it is to think of the political aspects. A soldier's duty cannot be performed with talk and politicking (quoted in Nye 1974, 36).

By the mid 1930s the RPP had established the six tenants of Kemalism (often called the six arrows) considered fundamental and unchanging principles and subsequently incorporated into the constitution of 1937. The first principle establishes Turkey as a republic. According to the principle, a republican form of government represents and realizes the idea of national sovereignty. The second principle establishes the nationalist identity of the Republic as Turkish. Principle three declares that the will and sovereignty of the state flows from the people. Moreover, it considers the Turkish people not as members of classes or factions, but a single community. The fourth principle declares that the state has an interest in economic development. It accepts the idea of private prop-

erty and private work, but squarely positions the interest of the state in economic matters. The state not only encourages the direction of private enterprise, but also acts as a builder and regulator of economic concerns. Fifth, the state regards the success of the nation in the ability to separate ideas of religion from politics. Religion is a matter of conscience, not an affair of the world and the state. Finally, Kemalism is dedicated to reformist principles and progressive and evolutionary characteristics in the administration of the state (Ahmad, 1977, 4-5).

Although Kemal Atatürk was not ill disposed toward liberal democracy, it was not until 1946 that modern Turkey tested democracy and allowed political parties to form and compete for power. The first transfer of power occurred in 1950 when the Democrat Party (DP) won 85% of the seats in the National Assembly and took power from the RPP, which had been in power since 1923 (Dodd 1990, 8). The development of democracy in Turkey took place against the backdrop of Kemalism and the presence of the institution that considered itself the defender of the traditions of Kemal Atatürk, the Turkish Armed Forces. The military in Turkey perceives itself as not only responsible for defending the country's border against external enemies, but also for safeguarding the Republic against internal enemies. Internally the military protects "the modernistic and secular features of the Turkish republic" (Heper and Guney 1996, 632).

The Military and Interventions in the Turkish Republic

The tenure of Turkish democracy has witnessed recurring periods of military intervention. The military has shown no lack of will or resolve to step into the breach of power when it perceives a threat to the Republic and the foundations of Kemalism. In 1960, the military launched its first takeover of a civilian government.

The leaders of the DP operated on the belief that free competition in the economy and polity would result in consolidating democracy. The DP sought to loosen the bureaucratic constraints on the economy and statist control. The DP's liberal economic measures ran afoul of the bureaucracy, and in an attempt to gather support, the party's political leaders appealed populist sentiments. The DP lifted some institutional restraints on religion to appeal to the traditional religious sentiments of the peasantry. Some measures included a lifting of the ban on the recital of the *ezan* (the public call to prayer); permitting the broadcast of readings from the Koran over state radio; and an expansion in the scope of religious education (Saribay 1991, 126).⁴

These measures sparked vehement protest from members of the RPP and the secularists in the bureaucracy. In response to increasing protests, the Menderes' DP government began introducing measures to limit rights of their opponents. The deteriorating economic conditions at the time only exacerbated the situation. "It was not long before they [DP] restricted freedom of the press,

made it easier to retire civil servants, prevented coalitions of political parties in opposition, and banned public meetings" (Dodd 1990, 10). In May 1960, the Menderes government tried to use the military to quash the rising civil disturbance violently, however, General Cemal Gursel led a coup d'etat to remove the government. In a May 27 radio broadcast Gursel announced that the government had been overthrown to restore a just democratic order.

Many in the DP leadership were tried and imprisoned, while Menderes was executed (Lombardi 1997, 204). The military, aided by the RPP, wrote a new constitution and outlawed the DP and returned power to the civilian control with the elections of 1961. Ironically, the RPP which had expected to win a majority of the votes lost an absolute majority to two other parties. The Justice Party (JP) and the New Turkey Party (NTP), both successors to the DP, together won 238 seats in the 450 member Assembly (Karpas 1988, 143). The RPP formed the government after the 1961 elections, but the JP eventually went on form the government in 1965 and again in 1969.

In March 1971 the military again inserted itself into the political process. Long term stability did not arise after the 1960 intervention. Although the government had pushed economic policies that had produced 7% growth rates, chronic inflation beset the economy. Trade unions and leftist groups protested the government's policies, sometimes violently. By 1971, Turkey had witnessed three years of constant protest and civil unrest. The military issued an ultimatum to Suleyman Demirel's JP government demanding strong leadership to deal with the "anarchy" in the country. Demirel resigned, and a coalition government formed and ruled at the bequest of the military. Although not a full military intervention, the armed forces presented guidelines for the civilian politicians. First, leftist parties and trade unions, rightist parties, and those who advocated policies opposed to the "spirit" of Kemalism were outlawed. Following a harsh crackdown order returned. More importantly for civilian/military relations, the status and legal powers of the armed forces were increased constitutionally following the 1971 intervention. Constitutional amendments provided an adjustment in the powers of the ministry of defense. The amendments specified that the military's National Security Council could present to the cabinet not only its views on security, but its recommendations on domestic policy as well. Constitutional changes also increased the possibility that civilians could be tried in military courts, and removed the review of military personnel from civilian authority (Harris 1988, 188).

The stability imposed after the 1971 intervention did not last either. By the late 1970s, Turkish society was again ideological polarized with acts of terror being committed on either side of the ideological spectrum. In mid 1979, an average of 20 Turks lost their lives in political violence each day (Ali Birand 1987, 48). Acts of violence spread across the country and in particular in the southeast where the Kurdish separatist movement gained in activity.

Topping off the civil and political unrest no political party had gained a majority of electoral votes and a succession of weak coalition governments had troubled Turkish government. Unnerving to the secularist institution of the Turkish Armed Forces, the National Salvation Party (NSP), an Islamic party lead by Necmettin Erbakan, found itself in a swing position in the government with an ability to influence the direction of policy. George Harris writes that:

The National Salvation Party's success in shaping government policy toward education and even foreign policy was unacceptable to many generals. This unhappiness was sharply reinforced by the apparent insult to the armed forces from the failure of the National Salvation Party's leaders to come to congratulate the armed services commanders on the August 30 victory day celebration . . . (Harris 1988, 192).

The insulting actions of the NSP may have influenced the Generals to act on September 12, 1980, but as Mehmet Ali Birand relates in *The General's Coup*, the military had in fact been planning the intervention for some time dating back to 1979. The military had coordinated its takeover, code named "Operation Flag," with all of its field commanders. The coup of 1980 brought a complete military takeover. All the political parties were outlawed and many political leaders, perceived by the military as part of the problem, were banned from politics.

Military rule resulted in restored order and brought about a new constitution in 1982. The new constitution sought to rectify the problems of the past. It established a 10% threshold for a party to gain representation in the National Assembly. It prohibited the formation of class-based parties in an attempt to moderate the left and right wing parties. Parties were forbidden to cooperate with associations, unions, or other bodies. (Dodd 1988, 20). The 1982 Constitution also strengthens the powers of the presidency. Although essentially a parliamentary system, the president is elected for a term of seven years from the Turkish Grand National Assembly, and is not eligible for a second term (Özbudun 1988, 37-38). The idea of the Turkish president is to have an individual who can preside "above politics" and represent the ideas of Kemalism. The president cannot act alone in executive matters since the prime minister must countersign all presidential decrees. The president also represents the office of commander in chief of the Turkish Armed Forces to the National Assembly. Therefore, it is not surprising that the first president after civilian rule was restored in 1983 was the former general and coup leader Kenan Evren. In the elections of 1983, the military only permitted three parties to participate. Turgut Özal and the Motherland Party (MP) emerged victorious despite the fact that the military had not endorsed the Motherland Party.

The Turkish Armed Forces intervene in politics to save democracy from itself. They have positioned themselves as guardians of the state and represent

an institution autonomous of the civilian state. No attempt has been made to institute long-term direct rule or to perpetuate military rule after a coup. The pattern followed in the interventions is for the troops to return as quickly as possible to the barracks. The military has also allowed civilian leaders to exercise authority over them. For example, in 1985 Turgut Özal rejected the military's choice for chief of staff, which the military accepted. Nevertheless, the Turkish Armed Forces remain the authority in security issues, with a definition of security that includes both external and internal threats. The Kurdish insurgency has only aided in the military's independence and its perceived position as the defender of the national integrity. The most poignant example of its independence and autonomy is the defense budget which has never been subject to a parliamentary debate. Not even the press discusses military expenditures (Sakallioglu 1997, 160). The purview of the Turkish military is not to be questioned.

The military's power is stronger now than ever, and after the 1980 coup the military's veto power in the political system is to such an extent that overt military interventions into politics are redundant. This is clear when we examine the recent "soft coup" against the Islamic Welfare Party (WP). The reforms of the 1982 constitution have not led to strong and effective leadership in the parliament. The 1980s did witness stability under the leadership of Turgut Özal. His Motherland party won elections in 1983 and 1988, and in 1989 Özal replaced Evren as president. However, since the death of Özal in 1993 responsible government has again fallen to the wayside. Corruption has emerged rampant within the bureaucracy and government. Weak coalition governments have also been the standard, and into this nexus emerged the Islamic Welfare Party of Necmettin Erbakan.

The Welfare Party, the Military and the "Soft Coup"

On June 19, 1997, the military forced prime minister Necmettin Erbakan of the WP to resign from a coalition government, after less than a year in power. Erbakan had always made the military nervous, since from the military's perspective any nonsecular party represents a threat to the secular state. The "soft coup" epitomizes the increased power role for the military. The armed forces acted against the Erbakan government under the pretense that government policy was leaning toward religion. Although, the Turkish economy was not ideal with inflation around 80%, some sectors of the economy had experienced growth. Furthermore, the military acted without any widespread civil unrest. The "soft coup" was in essence a preemptive coup with the secular supporters claiming the military had played the role of a "democratic pressure group" (Kinzer 1997c, 1). The military's action has damaged the possibility of democratic consolidation in Turkey. The military as antidemocratic guardians of the state retard political development within the society. Furthermore, the military's actions only hinder Turkey's chances of gaining entry into the Euro-

pean Union (EU). One European diplomat was reported as saying that "we can accept a Moslem state [in the EU] but not a Kemalist one" (Barham 1997, 1).

In the parliamentary election held on December 24, 1995, the Welfare Party won both the largest number of votes and a plurality of seats (158) in the Assembly. The WP received 21.4% of the popular vote while the two principle secular parties, the Motherland Party (MP) and the True Path Party (TPP) received 19.6% and 19.2% respectively. Constitutionally, the WP should have been given the first opportunity to form a government, however, the military pressured the MP and TPP into forming a government blocking the WP. Both parties represent the center right, with the MP drawing an urban based middle class constituency and the TPP finding support from small businesses, farmers, artisans, and peasants. Ideologically the coalition should have been strong, but personal animosities among the leaders of the parties divided the coalition. The prime minister, Metsut Yilmaz of the MP launched a series of corruption investigations against Tansu Çiller, former prime minister and leader of the TPP. When the WP put forth a motion of censure against the government after a constitutional court had found that the MP had taken its mandate illegally, Çiller and the TPP pulled out of the coalition bringing down the government. (Bohlen 1996, 7).

On July 8, 1996, the Turkish National Assembly approved a coalition government between Erbakan's Welfare Party and Çiller's TPP. The coalition, although ideologically disparate, was aided by the fact that Çiller gathered immunity from prosecution while a member of government. The agreement reached between the parties allowed for Çiller to take over as prime minister after a year. Erbakan who had campaigned on a platform calling for a reorientation of Turkey toward the Islamic world and greater influence of Islam into political life, greatly moderated his position once gaining power. Erbakan declared that he would govern under the principles of secularism and announced that full membership in the EU would be one of his party's goals.

The Welfare Party has its origins in the National Salvation Party, whose actions helped spark the coup of 1980. However, the WP had moderated its views on Islamic government and instead focused on values in government and an anticorruption platform. Abdullah Gul, the deputy leader of the WP, describes Islam as a touchstone for the party and a set of guiding principles. Gul insisted that Iran and the Sudan do not offer models for Turkey. Gul has stated that "[g]overnment should never make people more Islamic. It should offer them freedom of choice" (Bronner 1996, A1).

The 1995 electoral success of WP is found not only in its appeal to freedom of religious expression, but also in the anticorruption position of the party. Furthermore, the WP won several mayoral positions in the 1994 municipal elections, and overall those mayors performed better than expected ending widespread municipal corruption and improving public services. (see Yavuz 1997). In Istanbul, a network of WP party members patrolled the streets and discour-

aged police and officials from the practice of seeking bribes (Bronner 1996, A1).

Support for the WP comes from four segments of Turkish society: Islamic intellectuals who demanded free expression of religion in the public realm, Sunni Kurds who seek autonomy or a reorganization of the Turkish state allowing their recognition as a separate ethnic group, poor and squatter town dwellers, who demand social justice, and members of the small business class who want less state intervention and the eradication of state subsidies for the big corporations (Yavuz 1997, 79). The WP represents the mobilization of marginal social groups seeking to penetrate the state. Unfortunately, for the WP they represent all the interests that run counter to the Kemalist state supported by the military.

Erbakan's coalition government did moderate extreme policy positions that the party expressed in the campaign; however, once in power the WP made policies friendly toward Islam. For example, they pushed legislation to lift bans on wearing Islamic head scarfs in state institutions and to allow state employees time off for prayers. None of these measures sat well with the strict secularists who viewed such acts as a prelude to the "forced wearing of the chador" (Zaman 1997, 18). In foreign policy, the Erbakan government signed a multibillion dollar deal to buy Iranian natural gas, a further provocative action. On February 5, during a visit of the Iranian ambassador to the town of Sincan, located west of Ankara, the WP mayor of Sincan called for total Islamic rule in Turkey. Although the rally was full of harsh rhetoric, it was peaceful. The military rolled out armored personal carriers, trucks, and jeeps through the streets of Sincan, ostensibly as part of a routine exercise, but clearly intended to send a message of the military's power (Zaman 1997, 18).

The front line of confrontation between the military and the Erbakan government revolved around education. Compulsory education in Turkey is five years, however, a network of state funded religious secondary schools called Imam Hatip exist. The state controls the books, syllabus, and teachers in these schools. Besides conventional academic training, these schools included additional Koran courses and Arabic (it must be noted that even in the primary schools students receive obligatory religious training). There are only about 600 Imam Hatip schools with 500,000 students in Turkey. The Erbakan government wanted to increase funding for the Imam Hatip schools to expand educational opportunities for the poor. The military on the other hand wanted to expand the primary education from five to eight years and close most of the religious schools, leaving only enough to train students planning a career as clerics. The conventional primary schools are reported to be in dismal condition, with overcrowded classrooms and a lack of basic school supplies. Turkey spends more on defense than on education, with the 1997 budget allocating \$6.26 billion or 11% of government spending to defense while only allocating \$4.76 billion to education (*Financial Times* 1997, 2).

The military was never happy with the prospect of a WP government. When the WP did form a coalition, the military immediately began to grumble. The 'soft coup' which took place began months before Erbakan resigned from office. On February 28, 1997, during a meeting of the joint military/political National Security Council, the generals presented Erbakan with a 20-point agenda for the suppression of "Islamic activism." The plan included a ban on religious sects, a closing of religious schools, an end to recruiting Islamists for governmental posts, and the prohibition of members of the WP from buying pump action shotguns (Kohen 1997, 7). Initially Erbakan agreed to the general's demands, but two days later defiantly stated that the military could not issue orders and the agenda would have to be put before the parliament. Meanwhile military leaders such as General Cevic Bir began speaking openly about the Islamic threat to Turkey. During a visit to Washington, D.C., Bir publicly condemned the rise of religious power in Turkey and accused Iran of trying to destroy the secular state of Turkey (Kinzer 1997a, 4).

Tensions between Erbakan and the military increased in April when Erbakan and many of his ministers chartered a flight to Mecca for the annual pilgrimage. Leading generals responded to the prime minister's action with scorn and anger. General Osman Ozbek called the prime minister a "pimp" for enjoying the hospitality of King Faud of Saudi Arabia. Ozbek went on to state that he was ready to fight the Islamists as he had fought against Kurdish rebels (Nuttall 1997, 17). The coming "soft coup" gathered momentum in late May as the military leadership dismissed many pro-Islamic army officers and pressed Erbakan into approving the dismissals. In June, the military officials conducted several unusual public briefings where they outlined their case against the civilian government.

During the briefings General Fevzi Turkeri, chief of military intelligence, announced that political Islam in Turkey was working closely with Iran and other Islamic countries. Although the military did not explicitly call for the resignation of Erbakan they accused the prime minister of breaking his promise to close Islamic schools and organizations. Shortly after the military briefings, the True Path Party, the junior member of the coalition demanded that their party's leader be made prime minister unconditionally (Kinzer 1997b, 1).

Finally in the face of such powerful opposition, the 70-year-old prime minister, Necmettin Erbakan resigned. Erbakan declared that "I resigned because I am a true patriot." In reality Erbakan had no choice, clearly the military would have forcefully removed him if he had not stepped down voluntarily. Erbakan hoped that his resignation might have saved his party, but to no avail. Shortly before Erbakan's resignation a government prosecutor filed a suit seeking to ban the WP as subversive. In January of 1998, a constitutional court found that the WP harbored a subversive agenda and banned the party from existence. Seven members of the party, including Erbakan were barred from participating in politics for five years. All other party members were to serve

out their terms without contact or affiliation to any vestiges of the WP (Zaman 1998, 19).

Conclusion

The future prospect for Turkish democracy appears dim. The EU has again rejected Turkey for membership. Economic development remains lack-luster and prospects for growth dismal without the connection to the EU. After Erbakan's resignation, Mesut Yilmaz of the MP formed a coalition government with two minor parties. Scandals of corruption still abound in the government with connections linking the police, parliament members and organized crime. Yilmaz's caretaker government was forced to resign in late 1998 amid charges of corruption. The Virtue Party, the successor to the banned Welfare party, controlled the largest bloc in the parliament and should have been asked to form the next government. However, the military dominated National Security Council issued a statement that the next government should be one that fights religious fundamentalism, Kurdish nationalism, and criminal gangs. Consequently, the President asked Bulent Ecevit of the Democrat Party to form a government coalition (Kinzer 1998, 9). Elections held in April of 1999 have produced a strange governing coalition among Ecevit's leftist party, the far right National Action Party and Yilmaz's Motherland Party. The Islamic-oriented Virtue Party, which was once the largest party in the parliament, slumped to third place gathering only 16% of the vote (Kinzer 1999, 10).

The military has recently announced victory over the Kurdish insurgency and the PPK, but it has come at a high cost of life and with much trampling of human rights. The capture of the PPK leader Abdullah Ocalan has bolstered the military's claim of victory and societal prestige. The Turkish Armed Forces remain as an autonomous institution within the state of Turkey. Civilians control the day to day affairs of governance in the state, yet the military looms as the ultimate arbitrator of power. After the successful "soft coup" the military's strength has only increased. The military commanders showed their independence during Erbakan's tenure as prime minister. The military unilaterally reached accords with Israel on military cooperation and began an offensive against Kurdish guerrilla havens in Iraq all without notifying the government (Kinzer 1997c, 1).

As we have seen, this process of military institutional autonomy has been long in developing. Kemal Atatürk established a separation between the military and political affairs, yet bestowed upon the military the mantle of responsibility to uphold the security of the state. In the three military coups (1960, 1971, and 1980) the military did respond to civil upheaval and violence in an attempt to restore order. Despite military interventions the conditions that sparked the unrest have never been resolved, resulting in a continuing cycle of coups. The military appears determined now to prevent any major civil disturbances from

happening. The suppression of the Islamic-oriented parties may in fact lead to what the generals had most feared, and that is a radicalized version of Islam flowing from the marginal groups. By suppressing political movements of the civil society and not allowing a responsive democracy to function the Turkish armed forces are making the conditions worse over time for Turkey.

Notes

- 1 I would like to thank an anonymous reviewer who pointed out that, while prime minister, Turgut Ozal proclaimed the Kurds to be "Mountain Turks," and not a separate ethnic group. This official designation was abandoned in the early 1990s. Nevertheless, Necmettin Erbakan has been sentenced to a year in prison for a speech he gave six years ago in the largely Kurdish province of Bingol. In the speech he criticized the political system of Kemal Ataturk and suggested that Kurdish school children had the right to call themselves Kurds. The special state security court that found him guilty of "inciting enmity and hatred among the public, based on religious and ethnic discrimination" (*Economist* 2000, 54).
- 2 In contrast to this position Alfred Stepan has argued that the military's professionalization in developing countries has created conditions that give it a political role, particular in case of internal insurgencies (Stepan, 1973).
- 3 Another symbol of the permeable boundaries between civilian and soldier can be found in the unkempt and informal appearance of the IDF military uniform. "This informality, symbolized by the uniform, enables the citizen-soldier to make a rapid transition to full-time soldier..." (Schiff 1995, 18).
- 4 An anonymous reviewer informs me that the *ezan* was never banned, only its recital in Arabic. Just as the Quran translated into another language than Arabic is no longer the Quran, for a pious Muslim the *ezan* needs to be made in Arabic for it was the language of the Prophet Mohamad.

References

- Ahmad, Ferzoz. 1977. *The Turkish Experiment in Democracy: 1950-1975*. Boulder, CO: Westview Press.
- Ali Birand, Mehmet. 1987. *The Generals' Coup in Turkey: An Inside Story of 12 September 1980*. NY: Brassey's.
- "Army's Boot." 2000. *Economist*, March 18, p. 54.
- Barham, John. 1997. "Living in the Long Shadow of Atatürk: The Government Is on Notice from the Army That There Is No Room for the Premier's Brand of Islamist Politics." *Financial Times*, May 26, p. 1.
- Bohlen, Celestine. 1996. "Bitter Infighting Brings Down Turkey's Coalition Government." *New York Times*, June 7, p. 7.
- Bronner, Ethan. 1996. "Latter-day Young Turks Talk of 'Class Revolution.'" *Boston Globe*, August 14, p. A1.
- Çandar, Cengiz. 1999. "Redefining Turkey's Political Center." *Journal of Democracy* 10 (October):129-41.
- Dahl, Robert A. 1971. *Polyarchy: Participation and Opposition*. New Haven, CT: Yale University Press.

- Dodd, C.H. 1988. "Political Modernization, the State, and Democracy: Approaches to the Study of Politics in Turkey." In *State, Democracy and the Military: Turkey in the 1980s*, ed. M. Heper and A. Evin. NY: Walter de Gruyter. 11-22.
- Dodd, C.H. 1990. *The Crisis of Turkish Democracy*. Huntingdon: Eothen Press.
- Harris, George. 1988. "The Role of the Military in Turkey: Guardians or Decision-Makers?" In *State, Democracy and the Military: Turkey in the 1980s*, ed. M. Heper and A. Evin. NY: Walter de Gruyter. 177-200.
- Heper, Metin and Aylin Güney. 1996. "The Military and Democracy in the Third Turkish Republic." *Armed Forces & Society* 22 (Summer): 619-40.
- Huntington, Samuel P. 1957. *The Soldier and the State*. Cambridge: Harvard University Press.
- Huntington, Samuel P. 1968. *Political Order in Changing Societies*. New Haven, CT: Yale University Press.
- Karpat, Kemal H. 1988. "Military Intervention: Army-Civilian Relations in Turkey Before and After 1980." In *State, Democracy and the Military: Turkey in the 1980s*, ed. M. Heper and A. Evin. NY: Walter de Gruyter. 137-58.
- Kinzer, Stephen. 1996. "Scandal Links Turkish Aids to Deaths, Drugs and Terror." *New York Times*, December 10, p.1.
- Kinzer, Stephen. 1997a. "To General in Turkey, East Is East, West Is Best." *New York Times*, March 16, p. 4.
- Kinzer, Stephen. 1997b. "Turkish Generals Raise Pressure on Premier." *New York Times*, June 13, p. 6.
- Kinzer, Stephen. 1997c. "Pro-Islamic Premier Steps Down in Turkey under Army Pressure." *New York Times*, June 19, p.1.
- Kinzer, Stephen. 1998. "Leftist Chosen to Assemble Government in Turkey." *New York Times*, December 3, p. 9.
- Kinzer, Stephen. 1999. "Results in Turkish Election Reflect Kurdish War's Fault Line." *New York Times*, April 20, p.10.
- Kohen, Sami. 1997. "Turkey's Military Tries Political Moves To Squelch Premier's Islamic Ambition." *Christian Science Monitor*, March 7, p. 7.
- Kohn, Richard H. 1997. "How Democracies Control the Military." *Journal of Democracy* 8 (October): 140-53.
- Lombardi, Ben. 1997. "Turkey: The Return of the Reluctant Generals?" *Political Science Quarterly*. 112 (2): 191-215.
- Nuttall, Chris. 1997. "Military Rattles Turkey's Islamists." *Guardian*, April 28, p.17.
- Nye, Roger, P. 1974. "The Military in Turkish Politics, 1960-1973." Ph.D. diss. Washington University.
- Önis, Ziya and Steven B. Webb. 1994. "Turkey: Democratization and Adjustment from Above." In *Voting for Reform*, ed. Stephan Haggard and Steven Webb. NY: Oxford University Press. 128-82.
- Özbudun, Ergun. 1988. "The Status of the President of the Republic Under the Constitution of 1982." In *State, Democracy and the Military: Turkey in the 1980s*, ed. M. Heper and A. Evin. NY: Walter de Gruyter. 37-62.
- Przeworski, Adam. 1991. *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*. NY: Cambridge University Press. "Politics Puts Schools in Turkish Frontline." 1997. *Financial Times*. June 16, p. 2.
- Sakallioğlu, Ümit Cizre. 1997. "The Anatomy of the Turkish Military's Political Autonomy." *Comparative Politics* 29 (June): 151-166.

- Saribay, Ali Yasar. 1991. "The Democratic Party, 1946-1960." In *Political Parties and Democracy in Turkey*, ed. M. Heper and J. Landau. NY: I.B. Tauris. 119-33.
- Schiff, Rebecca L. 1995. "Civil-Military Relations Reconsidered: A Theory of Concordance." *Armed Forces & Society* 22 (Fall): 7-24.
- Stepan, Alfred. 1973. "The New Professionalism of Internal Warfare and Military Role Expansion." In *Authoritarian Brazil: Origins, Policies and Future*. ed. Alfred Stepan. New Haven, CT: Yale University Press.
- Wilde, James and David Swanson. 1998. "Turkey on the Brink; Rebuffed by the E.U., Europe's Bridge to Asia Faces the Future and a Challenge by Radical Islam." *Time International*, January 12, 14-15.
- Yavuz, M. Hakan. 1997. "Political Islam and the Welfare (Refah) Party in Turkey." *Comparative Politics* 29 (October): 63-83.
- Zaman, Amerin. 1997. "Tanks Roll Out after Call for Islamic Rule." *Daily Telegraph*, February 6, p.18.
- Zaman, Amerin. 1998. "Democracy in Peril as Turks Ban Islamic Party." *Daily Telegraph*, January 17, p.19.

BRIEF HISTORY OF THE ELECTORAL COLLEGE

Lou Frey, Jr.

This is a series of articles about the electoral college resulting from an interview with Dr. Emmett Buell, Jr., political science professor at Dennison University and director of the Richard G. Lugar Program of Politics and Public Service. Dr. Buell is one of the preeminent political scientists in America.

Introduction

To understand the electoral college and how it functions today, we first have to look at how it became part of our Constitution. The delegates to the Philadelphia Convention did not like the original proposal in the Virginia Plan, which became the blueprint for the Constitution. A proposal that the National Legislature choose the president was resisted for a variety of reasons from many quarters. In large part, it was resisted because if the president was chosen by the Congress, then the president's independence could be threatened. If the president were to seek another term, he would have to go back to Congress for reelection and that would compromise his independence even more. Although that was the original proposal, many founders were not particularly happy with it and they also had difficulty with the alternatives. For example, it was suggested by James Wilson that the people be allowed to elect the president directly. This proposal failed for two reasons. First, there was some objection by certain delegates, George Mason in particular, who basically challenged the competence of the people to choose the president. He indicated that people have no more ability to elect a president than the blind man to choose among colored fabrics. That is often touted as the principal reason, but in fact, it really wasn't.

The real reason was that if the people were to elect the president, the electors would be free white males. Furthermore, given the restrictions that some states might put in suffrage or access to the ballot even among that select group of free white males, the number of persons actually eligible to vote for the president would be quite small in the southern states. The concern in the South was that if the electors were reduced to white males, the South would lose a great deal of its power in choosing the president because slaves would not be permitted to vote. This was the chief reason why southerners opposed direct popular election. Because of this, a compromise was suggested by James Wil-

Lou Frey, Jr. is a former member of congress (FL 1969-1979), he is currently an associate with the law firm, Lowndes, Drosdick, Doster, Kantor and Reed, P.A in Orlando, FL.

son that electors choose the president. This idea was accepted initially and actually passed in the Convention, but was subsequently rejected because under the original version all the electors were to assemble in the nation's capital to cast their ballots. This method was considered flawed because some of the electors from a more distant state, due to the primitive roads, might not be notified in time and might not have the ability to travel to the national capital in order to cast that particular state's ballot. It was also feared that if the electors assembled for any length of time, they might plot amongst themselves and come up with another candidate. So that proposal failed and the Convention went back to choice by national legislature. No one was happy with that and, at the very end of the Convention, they threw up their hands and appointed a special committee to try to create a solution to the problem.

II

As noted in the first section, a special committee was appointed at the end of the Constitutional Convention to solve the problem of presidential elections, which had the potential of keeping the Constitution from being ratified. What the Committee came up with was the present electoral college. This was regarded as an act of genius at the time, at least by defenders such as Alexander Hamilton, who extolled it, because it effectively took the Connecticut Compromise, which would allow the states to have two senators regardless of population size, and the States also to have members of the House of Representatives based on proportion to their population. It took that compromise and simply transferred it to the electors. Each state would get as many electors as it had senators and members of the House of Representatives. This preserved the voting power of the South, giving it a real say in the choice of the president it would not have received otherwise, because it carried over the famous "three-fifths compromise" which counted slaves as three-fifths of a person. It also satisfied those people who did not want the Congress to choose the president, and it was close enough to getting a sense of the people without having them speak directly that people who had mixed opinions on direct elections were also more or less mollified. They did make one change in the event that no candidate received a majority of the electoral votes, that each elector was to cast two ballots. One could not vote for candidates of the same state as the person casting the ballot. If no candidate received the majority of the electoral votes, the Senate under the plan that the committee brought back would make the choice. This was changed by the Convention to the House, but the House would use a special voting procedure in which each delegation regardless of size would have only one vote to cast and it would be the majority of the states represented by the delegations in the House that would choose.

The committee also solved the problems of delegates being unable to get to the national capital and also all the delegates being together too long

resulting in the picking of a different candidate. What they devised was an ingenious decision to have them go to their respective state capitals and cast their electoral votes there. The electors in the state capitals would not be in a position to cabal with those in other state capitals, given the primitive state of communications when they all met to cast their ballots. The ballots would then be transferred to the national capital and they would be counted in joint session of Congress presided over by the president of the Senate or the vice president of the United States. They provided that a majority of the electoral votes would be necessary or a majority of the electors appointed would be necessary to make the choice. Even today, the electoral college submits its votes; they are transmitted to the national capital, and the vice president of the United States or the president of the Senate presides over the counting of electoral votes in a joint session of Congress.

III

In the election of 1876, there were dual sets of electors from Florida, South Carolina and Louisiana. There were a number of law suits in those states alleging voter fraud and misconduct. To begin with, Rutherford B. Hayes, Republican candidate and governor of Ohio, assumed, according to his most recent biographer, that the president of the United States Senate would more or less count him in by rejecting the Democratic electors and accepting the Republican electors from the disputed states. That would mean Hayes would get one more electoral vote (185) than Tilden, his opponent, and that would be the requisite majority to become president. However, the vice president of the United States under President Grant had died, so the Senate had appointed another Republican the president of the Senate for the rest of the vice president's term. That particular senator was unwilling to take it upon himself to count Hayes in and reject the Democratic slates of electors.

What happened next was that Congress developed a compromise which created a special commission consisting of five members of the House, five members of the Senate and five justices of the Supreme Court to pass on the legality of the slates of electors. It was supposedly an evenly balanced commission with seven Republicans, seven Democrats and one Independent. The Independent justice resigned to take an open state senate seat in Illinois and was replaced by Justice Bradley of the Supreme Court who was a Republican. He voted with the seven other Republicans and by an eight to seven vote the Republican slates for the disputed states were accepted. And Hayes did, in fact, end up with 185 ballots to Tilden's 184. After the commission ruled, Congress had to act to accept the decision. A major deal was put together that made it possible for the Democrats to go along with Hayes' election. The understanding was that if Hayes were chosen and the Democrats went along

with it and accepted the commission's recommendations, Hayes would agree in effect to end reconstruction in the South. That is to say, he agreed to withdraw the Union troops (approximately 6,000, including 3,000 in Texas) and allow the elected Democratic administrations of the southern states to assume control of the state governments and end reconstruction. Hayes agreed to the deal through his surrogates and so the commission's decision was ratified by the Congress and allowed to stand. As an interesting side note, on the monument marking Mr. Tilden's grave is carved in stone the saying, "I still trust the people."

Of course, this was not the first time that we had a crisis involving the electoral college. There were several previous problems – one in 1800 and one in 1824.

IV

The original Constitution (art. 1., sec. 1) provided that each elector would cast two ballots for president. One of those ballots could not be for a candidate from the same state as the elector himself. If one of the candidates received the majority of the electoral votes, then he would become the president. The runner-up would become vice president. So, it was a real compensation prize to be the runner-up. For example, in the first contested election of 1796, the race was between John Adams and Thomas Jefferson. Adams won the electoral vote and, therefore, by losing Jefferson ended up as Adams' vice president. In 1800, the Jeffersonians put together a ticket – it was going to be Thomas Jefferson for president and Aaron Burr for vice president. At that time, the Jeffersonians controlled most of the state legislatures. The state legislatures appointed Jeffersonian electors and the Jeffersonian electors, with the ability to cast two ballots, cast one for Jefferson and the other one for Burr. Thus, Jefferson and Burr ended up with a majority of votes each, but they were tied. Burr, however, was not happy with second place, so he kept quiet. The worst of all nightmares occurred because the decision fell to the lame duck Congress composed of Adams' Federalists who were in the position to choose the next president from the top five electoral vote getters.

Eventually, after 26 ballots, they settled on Jefferson, but it was an extraordinarily tense time bringing the country to the brink of a constitutional crisis. At one point, the Federalists did flirt around with the idea of picking one of the others in the top five ruling out Jefferson and Burr. Eventually, Alexander Hamilton, an arch-Federalist, threw his support to the idea of letting Jefferson become the president. He persuaded a couple of the Federalists in those delegations to blank their ballots, to allow the delegations to be carried for Jefferson and that happened. This was the first time that the House had to make the choice and it was an awful precedent that no one wanted to do again. Because of this, the Twelfth Amendment was proposed by the Congress on December 9, 1803, and ratified by the thirteenth of 17 States on June 15, 1804 (ratification by

three-fourths of the states required). The vote of the House under the Twelfth Amendment selects the president from the top three electoral vote getters. Also, under the Twelfth Amendment, each elector casts two votes, and cannot vote for a candidate from the same state as the elector. The first ballot is for president and the second ballot is for vice president. This amended procedure insured separate ballots for president and vice president, and prevented the problem that occurred in the election of 1800.

V

After the 1800 election and the changes made by the Twelfth Amendment to the Constitution in 1804, the electoral college continued to function well until the 1824 election when there were four principal candidates: John Quincy Adams, Andrew Jackson, Henry Clay, and William Crawford, secretary of the treasury. Andrew Jackson was ahead in the popular vote and also in the electoral vote, but did not have a sufficient majority of electoral votes to win. In those days, the state legislatures chose the electors. The vote for president went to the House of Representatives for the second time in the history of our young nation. The House was called upon to make the choice because the electoral college had not produced a winner. Because of the changes made by the Twelfth Amendment, the choice of the House was among the top three electoral vote getters, not the top five electoral vote getters as in the original Constitution. Henry Clay had finished fourth and was ruled out of contention.

The choice was Adams, Jackson or Crawford. To complicate matters even more, Secretary Crawford had suffered a terrible stroke that had left him debilitated and unable to serve. Henry Clay lent his considerable influence in the House of Representatives to persuade the New York delegation to vote for John Quincy Adams. On the very first ballot, the one and only ballot, Adams won over Jackson. Jackson decried this result. He said it was a corrupt bargain and that Henry Clay had made this deal in order to further his own campaign and his own career. And, in fact, Clay did end up as secretary of state in the Adams' administration. What happened was that Andrew Jackson's campaign for president in 1828 began immediately after the House vote in March of 1825. In 1828, Andrew Jackson handily defeated John Quincy Adams and won a clear electoral majority as well as the popular vote.

In modern history, the problems of the electoral college were discussed in 1948 when we had a multitude of candidates, including Strom Thurmond running as a Dixiecrat. Most people believed he would carry some states, but he didn't and there was no problem. President Harry Truman won with a majority of the electoral votes. Again, in 1968, there was some concern when George Wallace was running strong as a third party candidate in the Nixon/Humphrey race. However, Wallace faded at the end and Nixon won the majority of electoral votes. Each time there was a close race, there was great worry about the

electoral college. But when it worked, all the discussion stopped until the next close race.

VI

There have been nine very close presidential races since the Civil War. The first one that received a lot of recent attention because of Florida's involvement was in 1876 when Tilden won the majority of the popular vote, but Hayes was elected president by the electoral college. The 1880 election between Garfield and Hancock was close in the popular vote, although Garfield won the electoral vote easily. In the election of 1884, Grover Cleveland defeated the former Speaker of the House, James G. Blaine, in another extremely close election. Again, there was no misfire and the electoral college worked fine. In the election of 1888, Harrison received a smaller percentage of the popular vote, but defeated the incumbent President Cleveland in the electoral college. Then, of course, there was the election of 1916 where Woodrow Wilson went to bed thinking he had been defeated, but he carried California and was reelected. In 1960, many people felt that if all the votes had been properly counted Nixon would have won the popular vote. But, Kennedy won the popular vote and handily won the electoral vote. 1968 was very close in the popular vote, but again, no contest in the electoral college between Nixon, Humphrey and Wallace. Then again in 1976, the race between Carter and Ford was very close, but Carter won by a large majority in the electoral college. That brings us to the 2000 election where Gore won the popular vote, but Bush prevailed by a narrow margin in the electoral college.

The 2000 race places fourth out of nine in the terms of the narrowness of the difference in the popular vote received by each candidate. Gore received about 0.3% more votes than Bush in the popular vote. This was a greater margin than in 1880 where the difference was 0.2%. In 1960, there was less than 0.1% difference and in 1884, there was a 0.26% difference. In terms of the number of electoral votes that would need to be changed in order to produce a different winner, the 2000 race ranks second only to 1876 where the final vote was 185 to 184, a difference of 1 vote. In this case, a shift of 3 votes would have made Gore the president, not Bush. So, from every standpoint, 2000 was an extraordinarily close election. Whenever you have such a close election, people are naturally going to look very carefully at the electoral college and whether we should go to the direct election of the president.

Conclusion

One of the reasons the electoral college works is the adoption by the states of the unit rule. What that means in 48 of the 50 states is that whoever wins the plurality of the popular vote receives all the electoral votes of that

particular state. In Florida, for example, we have 25 electoral votes. If Bush had won Florida by 1 vote (he didn't, but it wasn't by much more) and if that 1 vote margin were certified, Bush would have received all 25 of the electoral votes. The votes are not divided up proportionately or by congressional district. It is a winner take all system. However, two states (Maine and Nebraska) do not follow unit rule. They use the District System where the votes are allocated by congressional district with the last two electoral votes (the two for the senators) going to the candidate who gets the most votes statewide.

The unit rule, combined with the electoral college, has turned close races in the popular vote into large majorities in the electoral vote. It has given presidents national mandates when they didn't have a mandate as a result of the popular vote. It has validated close elections. For instance, Bill Clinton received little more than 43% of the popular vote in 1992, but won by a large amount in the electoral college (370 to 168) giving him momentum, going into office.

The question after this race is whether the electoral college is a thing of the past. We are a republic and each of the states is important. We do not have a unicameral legislature based purely on population. The United States Senate is organized so that each state gets two votes regardless of size or population. The votes of the senators from Wyoming (2) are equal to the senators' votes from California (2). California's votes in the electoral college (54) are more important than Wyoming's votes (3). However, in a close race, it is still necessary to get Wyoming's 3 votes – ask Al Gore. It gives every state a chance to be part of the process. As Bob Dole said, "If you did away with the Electoral College, the only time you would see the middle part of the Country is when you flew over it going from campaigning in New York City to campaigning in California."

There are practical reasons the electoral college won't be changed. The Senate and the House must first pass a constitutional amendment by a two-thirds vote. It takes 60 votes in the Senate to cut off debate. I don't believe there are sufficient votes in the Senate to cut off debate if there were a concerted effort to filibuster by senators from smaller states. If the amendment is passed, it goes to the states for ratification. It requires three-quarters of the states to ratify a constitutional amendment. When you look at the number of small states population-wise in the country, it is hard to believe that ratification of such an amendment is possible. If the debate regarding the electoral college follows its normal path after a close election, there will be much sound and fury early in the 2001 legislative session, but then it will die out.

In conclusion, I have tried to outline a brief history of the electoral college. My personal bias is not to amend the Constitution unless there is an overwhelming need to do so. I feel that the electoral college has worked even in the close elections and continues to be relevant. However, I respect the opinion of those who differ and hope that these brief historical vignettes have effectively profiled this section of our Constitution.

**Calderón Makes Her Mark in History:
An Essay on Puerto Rico's First Woman Governor**

María Cristina Santana

Calderón has the image of a prudent, moderate woman, always in control.
Rep. Albita Rivera, House of Representatives, Puerto Rico

The people of Puerto Rico wish for a government free of corruption and extravagant spending. The newly elected, first woman governor promised just that during her campaign. Sila María Calderón, a successful businesswoman-turned-politician, mesmerized many over the last four years as the Mayor of San Juan, a good stepping-stone toward the governor's position. Calderón is not new to political power, and has worked as chief of staff, secretary of the interior, and secretary of state under the administration of the island's former governor, Hernández Colón. She sees the current relationship of commonwealth with the United States as the best choice for Puerto Rico, true to the line of the Popular Democratic Party (PDP).

Her election came as no surprise. Puerto Rico has been operating under a discredited, bipartisan system for a very long time (Berríos 2000). The two dominant political parties in Puerto Rico have changed leaders over the years, but their make-up, personalities, goals, and objectives have remained surprisingly consistent (Martin 2001). If the incumbent party is somehow reelected after one term, the opposition is highly likely to win the next time around. Pedro Roselló, of the New Progressive Party (NPP), finished two terms without seeking reelection. His last minute withdrawal as candidate for governor left his party in an odd position; without a charismatic, well-known face to run for the governor's office in November 2000. Indeed the reputation of weakness and bad government that followed Roselló gave Calderón the edge necessary to be elected.

A backlash against corruption is a chronic electoral trend in Puerto Rico's political history, exemplified by the election, which terminated the administration of Carlos Romero Barceló. Ex-governor Barceló left office in 1984 after two consecutive terms amid, among other scandals, a criminal investigation that concluded this month with the conviction of four police officers. The opposing party's candidate, Rafael Hernández Colón, won the election essentially because he was the candidate for the opposition party, despite the fact that his leadership was weak and his campaigning was not particularly brilliant. If we were to compare Hernández Colón's campaign to Calderón's, hers was much more timely and efficient. Her promise to "clean house" attracted thousands of

Puerto Rican voters, who were dissatisfied with the Roselló administration and its wasteful spending.

In March 2001, Calderón started independent audits of 12 government agencies not regularly monitored by the government. Pedro Roselló's last budget had a deficit of \$700 million, the highest ever for Puerto Rico, and this shortfall resulted in an overall debt of \$1.6 billion. Melba Acosta, director of the Office of Management and Budget, indicated that the Roselló administration had not even spent all of the money it had budgeted (Donaldson 2001a). These deficits, combined with the expected first recession in ten years on the mainland, are two major obstacles with which Calderón's administration must contend (Ferré 2001). Overall, Calderón is in for a tough time. Her private meeting with President George W. Bush during the National Governors' Association conference this past February was uneventful, and Calderón returned to Puerto Rico with nothing to report (Fernández 2001).

An ideal outcome for Governor Calderón would have been a presidential promise to halt all live-ammunition exercises on Vieques Island and to surrender the island to Puerto Rican control. However, the bombing range in Vieques occupies more than 14,000 acres and is the only Atlantic bombing range the U. S. military has ever had (Santana 2000). Vieques' fragile environment and the health of its residents remain concerns for thousands of Puerto Ricans. An accidental shooting of a civilian in Vieques brought about a series of events that have kept Puerto Rico in the mainland news coverage for the past year and a half. Among the actions protesting the North American presence were a hunger strike and the mock arrests of U.S. senators. The United States halted live-ammunition exercises during a strike by demonstrators within the naval grounds, but did not commit to any long-term solution. Unfortunately, the current state of affairs in Vieques remains as unclear as the political future of Puerto Rico itself. Puerto Rico continues to be one of the oldest colonies in the Western Hemisphere and an anomaly – a potential nation in a junior partnership with a larger, actual one, the United States of America (Brookhiser 2000)

Industry is attracted to Puerto Rico by the high profit rates. Nevertheless, the extraordinary volume of capital leaving the island is documented in the exceptional gap between the gross domestic product or GDP, the value of Puerto Rico's production, and the gross national product or GNP, the payment of workers and entrepreneurs who reside in Puerto Rico (Catalá Oliveras 2000). During the fiscal year of 1999, the GDP totaled \$59.9 billion, while the GDP represented \$38.2 billion; the difference of \$21.7 billion is explained by the "escape" or exit of profits from the island. Thus it is important to note that more than 70% of foreign investment income leaves Puerto Rico.

Calderón's attempt to unify Puerto Rico might just work. Education and the Puerto Rican family have been the center of political campaigns in the past. What makes her attempt different? Sila María Calderón is putting her rhetoric into concrete actions and that is something to admire. Her first initiative is to

invest in people rather than in programs. Calderón wants to help the thousands of single mothers attempting to raise their families under difficult conditions. As a working mother herself, she was especially indignant over how women must cope with less pay and opportunities while supporting their children. Moreover, Calderón has already acted upon one of her campaign promises. She wants to help the Puerto Rican family overcome the terrible impediments of neglect and abuse. Approximately 1,200 social workers have volunteered free time to alleviate the heavy caseloads dealing with child abuse and neglect in the Department of the Family. The new governor also wants to save public schools by increasing teachers' salaries and refurbishing school facilities (Ferré 2001).

Governor Calderón has also pledged to decentralize the government by shifting the weight of responsibilities to the municipalities. She has argued that municipalities will be more flexible and more accountable as a result. Over the next four years, she intends to shift the control over public housing projects, health clinics, parks, and sports facilities from faceless central bureaucracies to the local mayors (Donaldson 2001b). The municipalities, however, are hurting for cash and are facing multi-million dollar deficits. For that reason, the Mayor's Association, which supports the decentralization, is requesting these changes to be voluntary and not imposed by the central government. Regardless of decentralization efforts, the massive Puerto Rican government has innumerable problems and the first 100 days of the Calderón administration have barely touched upon them. Her job is to create an environment of work ethics and progressive capital investment that could take Puerto Rico out of debt. Puerto Rico's political status, which was an issue under the former administration, seems extraneous in light of the critical current circumstances.

Calderón's time has come. All eyes are on her. Many are curious since she is the first woman governor. Nevertheless, her ability to guide others and implement projects with vision is not a reflection of her gender but of her talent as a leader and politician. Although she has been the governor for less than 100 days, the new issues already seem old. Perhaps she can demonstrate how four years can be dedicated to build and change local government instead of tending to the unfinished business of the previous administration.

References

- Berríos Martínez, R. 2000. "Do We Deserve Our Government?" Accessed online *Independencia.net*, May 1.
- Brookhiser, R. 2000. "Unmanifest Destiny: What to Do with Puerto Rico." *National Review*, June 19, p. 45.
- Catalá Oliveras, F. 2000. "Producción, Dependencia, Crimen y Miedo." *El Nuevo Día*, October 7, p. 8.
- Donaldson, Leslie. 2001a. "Acosta: \$700 Million Budget Discrepancy 'Is Really Weird.'" *San Juan Star*, March 18, p. 4.

- Donaldson, Leslie. 2001b. "Calderón Aims to Decentralize Government." *San Juan Star*, March 18, p. 6.
- Ferré, A. L. 2001. "Lo mejor dentro de una mala situación." *El Nuevo Día*, March 16, p. 18.
- Fernández, I. 2001. "Esa es Sila María Calderón." *El Nuevo Día*, March 19, p. 22.
- Martin, D. 2001. "Puerto Rico: The Imminent Dangers of Statehood." Ask Jeeves, *ask.com*
- Román, I. (2001). "Calderón Tries to Run Puerto Rico with Tough Love," *Orlando Sentinel*, March 25, p. A22.
- Santana, M. C. (2000) *Puerto Rican Newspaper Coverage of the Puerto Rican Independence Party*. NY: Garland.

Web Sites of Interest in Spanish and English:

Univisión.com

Terra.com

Fortaleza.govpr.com

Pip.org.pt

Independencia.net

Endi.zonai.com

Puerto Rican Newspaper Coverage of the Puerto Rican Independence Party: A Content Analysis of Three Elections

María Cristina Santana

New York: Garland Publishing, 2000: 179 pp.

Reviewed by Waltraud Q. Morales

The political status of Puerto Rico and the island's ongoing struggle to define and assert its identity have been detailed in the island's recent electoral history, and especially the role of the Puerto Rican Independence Party. The volume by María Cristina Santana, an associate professor of communications at the University of Central Florida and a Cuban-American journalist raised in Puerto Rico, successfully contributes to Garland's series on "Latino Communities, Emerging Voices." The series, edited by Antoinette Sedillo Lopez of the University of New Mexico, investigates the "political, social, cultural and legal issues" of Latinos. This intriguing study by M.C. Santana is both essentially academic and personal—and indeed, as the saying goes, the personal is political. Thus, Professor Santana launches her work with these confiding words: "A friend once told me that before one dies one should do three things: have a child, plant a tree and write a book. I accomplished all three in one year. For that reason, I am exhausted" (p. xi). The reader should not be surprised if the most exhausting of all of these labors were revealed to be the research and writing of this fascinating book.

The research design centers on an extensive content analysis of major Puerto Rican newspapers and their coverage of the 1988, 1992 and 1996 local elections, with particular emphasis on the coverage of the Puerto Rican Independence Party, or PIP (Partido Independentista Puertorriqueño), and the status question. Ultimately, this careful scrutiny of the print media leads Santana to the intriguing conclusion that "If in reality there is a perfect correlation between press and society, the press of Puerto Rico reflects the current political limbo and the Puerto Rican state of mind" (p. 127). However, even in the absence of a "perfect correlation," the content analysis demonstrates most effectively the vacillations regarding the political status of the island and the sharply divided and ambivalent voices of Puerto Rico's media and electorate. Professor Santana's scrutiny of the print media clearly demonstrates the absence of a political and cultural consensus. In her view, "The people of Puerto Rico seem to be as confused and noncommittal as the local political coverage. Both must take a stand" (p. 127). However, neither have to date, and perhaps it is not really necessary that they do until the time is right. Or, perhaps, the voters have taken a stand already simply by not taking one.

The most recent plebiscite and the 2000 elections for governor suggest that Puerto Rican voters continue to support in solid numbers the island's current commonwealth status. Indeed, Sila María Calderón, has become Puerto Rico's first woman governor, representing the Popular Democratic Party (the pro-commonwealth party). Nevertheless, the 2000 election, not unlike the previous ones that Professor Santana has scrutinized, has left an ambivalent legacy. The mood of the electorate indicated the desire for change, progress, and public accountability, but not risk. In the 2000 electoral context, Puerto Rican identity, culture, and nationalism remained central concerns—and only commonwealth status appeared able to square the circle.

Professor Santana's analysis of previous elections reflects a similar mood among the islanders. She begins her investigation discussing Puerto Rican nationalism, which she views in terms of "a nation within a nation," or an ethno-nation wherein Puerto Ricans have ties to two cultures and two histories—that of the island itself, and that of the United States (pp. 4-5, and 18-19). Nevertheless, symbolic of commonwealth status itself, this nationalism also means that the island's people are not full citizens or participants in either country. Thus, since the 1917 Jones Act, Puerto Ricans are automatically U.S. citizens at birth, but are not permitted to vote for the U.S. president or for their own representatives in the U.S. Congress. Fittingly in this respect, Tony Suarez, a former Puerto Rican congressman in the Florida's House of Representatives, used the term, *AmeRican*. The critical concern for Puerto Rico's people, Professor Santana observes, is less assimilation than that of acculturation. In the wake of criticism of the term "Hispanic" as a racial category in the recent U.S. census, she notes that "Hispanic" is a "term that divides and categorizes members of the same group," leaving Puerto Ricans (as well as other Latin communities) without a culture and real nationality. In short, this chapter provides not only a succinct summary of the island's history, politics, and economy, but also a sensitive understanding of the Puerto Rican sense of nationhood, attachment to island culture, and protracted struggle over identity.

In the final analysis, cultural nostalgia and unformed nationalistic idealism may have also impeded Puerto Rican political development. In her assessment of the island's complex politics and maneuverings of its political parties and leaders, Professor Santana believes that "Large-scale changes in the political situation of Puerto Rico are not possible while there is no ideal vision for the future of Puerto Rico" (p. 21). There is simply no Puerto Rican political consensus on status, as her cryptic words imply: "One could say that a majority of Puerto Ricans are against statehood; a majority of Puerto Ricans are against commonwealth; and a majority of Puerto Ricans are against independence" (p. 21.) To help the reader fully understand what is meant, Professor Santana reviews the roles and programs of the three main political parties on the island: the New Progressive Party (*Partido Nuevo Progresista*, PNP,) that favors annexation to the United States; the Puerto Rican Popular Democratic Party (*Partido Popular Democrático*, PPD) that supports the commonwealth status;

and the Puerto Rican Independence Party (PIP) that, as its name implies, stands for full and sovereign independence of the island.

The methodology of investigation used in the book is a sophisticated content analysis termed, Evaluative Assertion Analysis (EAA), which is widely used in studies of mass communication to determine bias in editorials speeches, and newspaper stories. News articles are broken down into assertion statements or thesis statements and the direction and intensity of the evaluative assertion is measured by giving value to the different parts of the sentence. Further, Santana selected a research sample subjected to a coding scheme that categorized all the possible political issues in four major newspapers widely circulating on the island: *El Nuevo Día*, *The San Juan Star* (the only English-language newspaper), *Claridad*, and *El Vocero*. The research sample covered two weeks before election day and two weeks after for the 1988, 1992 and 1996 local elections. The method resulted in the coding of 2,497 articles, of which 2,039 were analyzed.

More importantly for political scientists, the results provide detailed information, albeit indirect, of how the political parties conducted their campaigns, how these were received by the press and the voters, and how the major local newspapers generally under-reported the Puerto Rican Independence Party. In all three elections the commonwealth and pro-statehood parties were covered about equally, while coverage of Independence Party issues varied from less than one-third to one-half of the coverage of any of the other two parties in any given election studied. Additionally, overall coverage of the Independence Party and the independence status option were also more negative in tone and evaluations. Notably, Puerto Rican election coverage was highly "personalistic" and tended to focus on the variable of political figures more than on campaign platforms and issues.

In her conclusion, Professor Santana admits surprise that the Puerto Rican press did reflect reporting bias in its election coverage: "The right-wing newspapers demonstrated a conservative and anti-independence mentality, while the leftist and the sensationalist press showed an editorial direction in favor of independence" (p. 117). Another finding of the study is the absence of a unified, objective "Puerto Rican press." Each newspaper had its own voice, style, and political agenda. There was no Puerto Rican newspaper that might be considered an elite press and representative of the entire island as the New York Times might be for the whole United States. Market competition, limited readership, and the intimacy and politicization of the island make for a special situation. Santana is also critical of the superficial and limited reporting of the print media. Puerto Rican newspapers lacked sufficient investigative and critical instincts, and did little long-term development of the news, often failing to provide a broader and more comprehensive context. "Most of the time, political figures were the core of the news," she writes (p. 120). And these were covered in a sensationalist and trivial manner.

On the issue of nationalism and independence, Professor Santana argues that the island "continues to be one of the oldest colonies in the Western Hemisphere" (p. 122). Nevertheless, the nationalist movement has failed to make Puerto Rican independence a political and social priority. Politically, independentistas are not taken seriously enough, and are supported by the voters primarily as watchdogs of the government and of political corruption. Newspapers have generally reflected and promoted this circumscribed perspective of independence and cater to an amorphous type of nationalism, which does not necessarily connect with independence as the preferred solution to the Puerto Rican status question. In the final analysis, Professor Santana firmly believes that "the moment for action has come" (p. 127). Puerto Ricans must decide their future, and the press, as an instrument of the people rather than the politicians, must act as a vehicle for this historic dialogue and analysis.



LONGMAN:

NEW from the Premier
Publisher in Political Science...

Longman Participate.com at www.longmanparticipate.com. The most comprehensive, interactive & media-rich website for American government available. Log-on to see a demo of this exciting new site!

INTRODUCTION TO AMERICAN GOVERNMENT

- Edwards/Wattenberg/Lineberry, *Government in America*, Election Updates
- Fiorina/Peterson *The New American Democracy*, 2/e
- Greenberg/Page, *The Struggle for Democracy*, 5/e
- O'Connor/Sabato, *American Government: Continuity and Change*, 2000 Election Updates
- O'Connor, *American Government: Readings and Cases*, 2/e
- Kidd, *American Government: Readings from Across Society*

INTRODUCTION TO POLITICAL SCIENCE

Danziger, *Understanding the Political World: A Comparative Introduction to Political Science*, 5/e

STATE AND LOCAL GOVERNMENT

- Harrigan/Nice, *Politics & Policy in States & Communities*, 7/e
- Haag/Peebles/Keith, *Texas Politics & Government*, 2/e
- Hyink/Provost, *Politics & Government in California*, 15/e

THE PRESIDENCY THE COURTS JUDICIAL PROCESS

Porto, *May It Please the Court: Judicial Processes & Politics in America*

VOTING & ELECTIONS

- Jackson/Crotty, *The Politics of Presidential Selection*, 2/e
- Jacobson, *The Politics of Congressional Elections*, 5/e

POLITICAL PARTIES

Beck/Hershey, *Party Politics in America*, 9/e

PUBLIC OPINION

Erikson/Iedlin, *American Public Opinion: Its Origins, Contents, and Impact*

MEDIA & POLITICS

Bennett, *News: The Politics of Illusion*, 4/e

ENVIRONMENTAL POLICY

Kraft, *Environmental Policy and Politics*, 2/e

INTRODUCTION TO PUBLIC ADMINISTRATION

Ott/Russell, *Introduction to Public Administration: A Reader*

PUBLIC BUDGETING

Wildavsky/Caiden, *New Politics of the Budgetary Process*, 4/e

INTRODUCTION TO INTERNATIONAL RELATIONS

Goldstein, *International Relations*, 4/e

INTRODUCTION TO COMPARATIVE POLITICS

Almond et al. *Comparative Politics: A Theoretical Framework*, 3/e

INTERNATIONAL RELATIONS THEORY

- Keohane/Nye, *Power and Interdependence*, 3/e
- Dougherty/Pfaltzgraff, *Contending Theories of International Relations*, 5/e

ASIAN POLITICS

Simons, *The Asian Pacific*, 2/e

BRITISH POLITICS

Norton, *The British Polity*, 4e

GERMAN POLITICS

Conradt, *The German Polity*, 7/e

INTRODUCTION TO POLITICAL SCIENCE

Danziger, *Understanding the Political World: A Comparative Introduction to Political Science*, 5/e

To order an exam copy:

- *Web: www.ablongman.com
- *E-mail: exam.copies@ablongman.com
- *Fax: 781-455-7024
- *Phone: 800-852-8024
- Contact your local Allyn&Bacon/Longman publisher's representative.



The University of Florida offers challenging and innovative Ph.D. and M.A. programs which provide excellent paths to academic careers and service in the public and non-governmental sectors. We seek students with a clear sense of intellectual purpose whose academic profiles and promise are outstanding.

The Department has attained national and international visibility for its faculty, scholarship, and sophisticated but flexible academic programs. The faculty are characterized by intellectual and methodological pluralism, and by an appreciation for the contributions of different approaches to political inquiry. This open and supportive environment is geared to help students discover their own scholarly interests and talents, theoretical perspectives and methodological approaches. We especially welcome applications from students whose intellectual interests traverse our traditional fields, including those with interests in Religion and Politics, State Political Institutions and Policy, Environmental Politics, International Development, and Minority and Ethnic Politics.

The University is home to two internationally recognized Title VI Area Studies Centers: the Center for Latin American Studies and the Center for African Studies. Students in some tracks may participate in our exchange programs with Aarhus University in Denmark and Utrecht University in the Netherlands.

Our website has updated and more detailed information about the department and all of our graduate programs.

<http://www.clas.ufl.edu/polisci/>

It provides essential, current information, and allows prospective students to apply online or download application forms. It also provides links to other information about the Graduate School, housing, computing and other resources at the University of Florida.

Department of Political Science
University of Florida
P.O. Box 117325
Gainesville, FL 32611-7325 USA

The Ph.D. program prepares students for teaching and research in either an academic or government environment and opens doors to other career opportunities in both the private and public sectors. Seminars, independent work with faculty, and professional development experiences, including graduate paper readings, placement workshops, and a distinguished lecturer series contribute to the vitality of the program. As resources permit, the Department provides students with travel expenses to scholarly meetings and professional (methodological) training support. Fields of study open to Ph.D. students include

- **Comparative Politics**
- **American Politics**
- **International Relations**
- **Public Policy and Administration**
- **Political Theory**
- **Political Behavior and Methodology**

The M.A. in Political Science and the M.A. in International Relations programs provide flexible curricula for students who want to pursue goals of an advanced general education, to gain skills and knowledge suitable for various types of public or private employment, or to prepare for further work at the doctoral level. In conjunction with the M.A. in Political Science, the Department also offers optional Certificate Programs in:

- **Political Campaigning**
- **Public Affairs**
- **International Development Policy and administration**

In cooperation with U.F.'s Levin College of Law, the department offers a Joint Degree program leading to the J.D. and the M.A. in Political Science (with or without a certificate) or the M.A. in International Relations.

Graduate Secretary: Ms. Debbie Wallen
phone (352) 392-0262 ext 270
email: dwallen@polisci.ufl.edu
<http://www.clas.ufl.edu/polisci/>



McGraw-Hill 2001 & 2002 New Titles in Political Science

2001 TITLES

- Robert DiClerico: Points of View, 8/e**
ISBN: 007-232268-3
- Michael Gallagher: Representative Government in Modern Europe, 3/e**
ISBN: 007-232267-5
- Charles Kegley: The Global Agenda, 6/e**
ISBN: 007-232269-1
- Thomas E. Patterson: The American Democracy with Study Guide, CD-ROM, 5/e**
ISBN: 007-243390-6
- John T. Rourke: International Politics on the World Stage, 8/e**
ISBN: 0-07-246104-7
- David Saffell: State and Local Government, 7/e**
ISBN: 007-232251-9
- W. Phillips Shively: Power and Choice With Power Web, 7/e**
ISBN: 007-243391-4
- Michael Sodaro: Comparative Government: An Introduction to Political Science and Politics Around the World, 1/e**
ISBN: 0-697-30809-X
- Peter Woll: American Government, 1/e**
ISBN: 0-07-039212-9

2002 EARLY RELEASE TITLES DUE THIS SUMMER

- Walter Murphy: Courts, Judges, and Politics, 5/e**
ISBN: 0-07-044167-7
- Thomas Patterson: We The People: A Concise Introduction to American Government, 4/e**
ISBN: 0-07-240188-5
- David Rosenbloom: Public Administration: Understanding Management, Politics & Law in the Public Sector, 5/e**
ISBN: 0-07-240192-3

McGraw-Hill Comparative Societies Series

A series of short books, devoted to different countries, that offer much-needed cross-cultural and global material to instructors. Used alongside an introductory text or alone, these books bring a rich global perspective into the undergraduate classroom. Available countries include: Modern Switzerland, Modern Iran, Modern China, Modern Germany, Modern Thailand, Modern India, Modern Mexico, Modern Japan, Modern Russia, Modern Brazil, and Modern South Africa.

American Government Website

This website supports all of our American Government, State and Local Government, Public Administration, and Public Policy texts. <http://www.mhhe.com/americangov>

**Prentice
Hall**

FOR FALL 2001 CLASSES

APPROACHING DEMOCRACY,
Third Edition
Larry Berman and Bruce Murphy
© 2001 (0-13-087111-7)

POLITICS IN AMERICA, Fourth Edition
Thomas R. Dye
© 2001 (0-13-027109-8)

POLITICS IN AMERICA,
Texas Edition, Fourth Edition
Thomas R. Dye/L. Tucker Gibson/
Clay Robison
© 2001 (0-13-027100-4)

AMERICAN GOVERNMENT, Ninth Edition
Walter E. Volkmer
© 2001 (0-13-088241-0)

**NEW AND NOTEWORTHY...
ANNOUNCING A NEW SERIES FROM PRENTICE HALL!**

REAL POLITICS IN AMERICA

SERIES EDITOR, Paul S. Herrnson, *University of Maryland*

The goal of this series is to convey the best contemporary political science research in ways that will engage students and the general public alike who want to know about real politics in America.

AVAILABLE NOW!

PATRICK KENNEDY:

The Rise to Power

Darrell M. West

2001 (0-13-017694-X)

"A fascinating account of the early political life of Congressman Patrick Kennedy—thoroughly researched and carefully written."

—Richard F. Fenno, Jr.,
Kanan Professor of
Political Science,
University of Rochester

**WHO RUNS FOR THE
LEGISLATURE?**

Gary Moncrief, Peverill Squire,
and Malcolm E. Jewell

© 2001 (0-13-026608-6)

"Moncrief, Squire and Jewell bring a breadth of knowledge and experience to the analysis of candidates in state legislative elections."

—Linda Fowler,
Dartmouth College

**STEALING THE INITIATIVE: How State
Government Responds to Direct Democracy**

Elisabeth Gerber, Matthew D. McCubbins, ©

Arthur Lupia, and D. roderick Kiewiet

© 2001 (0-13-028407-6)

Based on original research from the Policy Institute of California, this volume examines what happens after an initiative passes through a series of case studies.

AVAILABLE THIS FALL!

PLAYING HARDBALL:

Campaigning for the U.S. Congress

Paul S. Herrnson

© 2001 (0-13-027133-0)

This series of original essays examines the issues of Congressional elections.

For information on the **Real Politics in America** series please e-mail us at:
political-science@prenhall.com

Political Chronicle

INFORMATION FOR CONTRIBUTORS

The *Political Chronicle* is a biannual journal in political science research. The editors invite submissions in the fields of political and social sciences, history, public policy and international affairs.

CORRESPONDENCE

Articles for submission should be sent to Professor Waltraud Q. Morales, Editor, *Political Chronicle*, Department of Political Science, University of Central Florida, P.O. Box 161356, Orlando, FL 32816-1356; (407) 823-2040 or 823-2608; fax (407) 823-0051; morales@pegasus.cc.ucf.edu. For general information contact Megan A. Duncanson, editorial assistant; (407) 823-6378; chronicl@mail.ucf.edu. Information regarding subscriptions should be addressed to Professor Houman A. Sadri, Managing Editor, Department of Political Science, University of Central Florida; (407) 823-6023; hsadri@pegasus.cc.ucf.edu. The annual subscription fee is \$20.00. For on-line information visit: <http://pegasus.cc.ucf.edu/~politics>.

MANUSCRIPT REQUIREMENTS

The *Political Chronicle* is a peer reviewed publication with manuscripts anonymously reviewed by at least two external referees. The editors regard submission of a manuscript to the *Political Chronicle* as an implied commitment to publish in the journal. Authors submitting manuscripts should not simultaneously submit them to another publication, nor should manuscripts have been published elsewhere in substantially similar form or with substantially similar content. The editors prefer articles of 15–25 double-spaced pages, (approximately 250 words per page). Longer articles will be evaluated in terms of whether their scholarship and importance warrant the additional space required for publication. Book review essays may be considered if they are under 10 double-spaced pages.

Manuscripts should conform to the APSA style sheet, and be typewritten or word-processed in English on one side of white paper (8 1/2" x 11") using generous margins on all sides. Contributors should submit four copies. Manuscript submissions cannot be returned. All text, including notes and block quotations, should be double-spaced. The manuscript should be reasonably subdivided into sections, and all pages numbered. Bibliographical references should follow the specific guidelines in the APSA style sheet and the Chicago Manual of Style. Authors are responsible for the accuracy of all quotations and for supplying complete references. Manuscripts should be accompanied by a brief biography and an abstract of no more than 200 words. All manuscripts accepted are subject to editorial modification. To facilitate the anonymous review, please provide author's name, phone number, e-mail address and institutional affiliation on a separate cover page. Provide only the title as identification on the manuscript and abstract.

The editors attempt to inform authors of their decision within three months of receiving a submission. Authors of accepted submissions will be asked to provide a final version on a 3.5 disk (IBM formatted-WordPerfect or higher and Microsoft95 or higher preferred) together with the hard copy typescript. Only manuscripts conforming to the APSA style sheet will be published. Tables or graphs should be in a separate file on the disk. Contributors will receive three complimentary copies of the issue.

University of Central Florida

Waltraud Q. Morales, Editor

Houman A. Sadri, Managing Editor

Megan A. Duncanson, Editorial Assistant

Editorial Board

J. Edwin Benton
University of South Florida

Gary L. Maris
Stetson University

John J. Bertalan
Hillsborough Community College

Donald Menzel
University of South Florida

Richard Chikerian
Florida State University

Michael Milakovich
University of Miami

Alfred Cuzan
University of West Florida

Hudson Reynolds
Saint Leo College

Lance De Haven-Smith
Florida Atlantic University

George Serra
University of Miami

Aubrey Jewett
University of Central Florida

John Spanier
University of Florida

Laura Greyson
Rollins College

Jack Vincent
Florida Atlantic University

Robert Huckshorn
Florida Atlantic University

Mary L. Volcansek
Florida International University

Florida Political Science Association

President: Terri S. Fine
University of Central Florida

Second Vice President: Matthew Corrigan
University of North Florida

First Vice President: Jonathan West
University of Miami

Secretary/Treasurer: Gary L. Maris
Stetson University

Executive Council

Robert Barylski, University of South Florida
Rhodell Fields, St. Pete Community College
Barbara Giles, Florida Southern University
Michael Lenaghan, Miami-Dade Community College
Marsha Matson, University of Miami
Anita Prichard, Florida Atlantic University

Ex-Officio

Richard Feiock, Florida State University, *FPSA Webmaster*
Terri S. Fine, University of Central Florida, Editor, *FPSA Newsletter*
Waltraud Q. Morales, University of Central Florida, Editor, *Political Chronicle*
Terri S. Fine, University of Central Florida, *Past President*

Political Chronicle

University of Central Florida
Department of Political Science
P.O. Box 161356
Orlando, FL 32816-1356

ADDRESS SERVICE REQUESTED

NON-PROFIT ORG.
U.S. POSTAGE
PAID
PERMIT # 3575
ORLANDO, FL

ISSN 1042-3885